Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks
EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The aim of this Commission proposal is to align Regulation (EC) No 110/2008 with the Treaty on the Functioning of the European Union (TFEU). It mainly divides the provisions adopted by the Commission under that Regulation into delegated acts and implementing acts.

The existing EU legal framework for spirit drinks enables the free circulation of goods in the single market by setting up product definitions, labelling rules and provisions related to the protection of geographical indications for spirit drinks. Therefore, it should not be changed.

For this reason, besides alignment with the TFEU, the proposal introduces only a few minor technical amendments, in order to address shortcomings in the implementation of Regulation (EC) No 110/2008 and to make the legislation consistent with new EU legal instruments. Structure and wording changes have been made with the exclusive aim of simplifying the regulations and improving readability, in line with the Commission’s ‘better regulation’ agenda.

These wording and structure changes, and the few technical adaptations, do not affect the substance of the law, which remains the same as in Regulation (EC) No 110/2008. For this reason, no impact assessment was considered necessary.

The associations of spirit drinks producers have been consulted. Their main concerns have been taken into account.

This initiative is not included in the regulatory fitness and performance programme (REFIT) agenda. However, the proposal has been drafted taking into account the Member States’ and stakeholders’ expectations of regulatory simplification and keeping in mind the guiding principles of better regulation.

Given the importance and complexity of the spirit drinks sector, it is appropriate to keep the spirit drinks Regulation for specific measures on the description and presentation of spirit drinks which go beyond the general rules provided in Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, while remaining consistent with those general rules. The spirit drinks Regulation should continue to focus on definitions of spirit drinks, classified into categories and to contribute to the highest level of consumer protection and the prevention of deceptive practices.

It should also be noted that Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs has updated and harmonised the rules on the protection of protected designations of origin (PDOs), protected geographical indications (PGIs) and traditional specialities guaranteed (TSGs). Procedures for the management of PDOs, PGIs, and TSGs (application, amendment, registration, opposition, cancellation) have been completely revised and streamlined. In order to make the procedures for the management of geographical indications in the spirit drinks sector more homogenous with those in place for foodstuffs, the draft proposal replacing Regulation (EC) No 110/2008 includes the modification of Chapter III on geographical indications.

The proposal keeps unchanged the specificity of the geographical indications scheme for spirit drinks.

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1 OJ L 304, 22.11.2011, p. 18.
As regards procedures, the proposal also includes provisions concerning joint applications and oppositions mirroring those set out in Commission Regulation (EU) No 664/2014\(^3\) and in Commission Regulation (EU) No 668/2014\(^4\). The inclusion of these provisions makes the proposal consistent and complete. Should Regulation (EU) No 1151/2012 be revised, the same approach would be followed.

Finally, some of the elements currently included in the Commission Regulation (EU) No 716/2013\(^5\) that concern definitions and rules related to compound terms and allusions, are considered essential and have therefore been introduced in the proposal as part of the basic act.

2. **LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

The proposal is based on Articles 43(2) and Article 114(1) of the TFEU, unlike Regulation (EC) No 110/2008 that is only based on Article 95 of the Treaty establishing the European Community (TEC) (currently Article 114 of the TFEU). The addition of Article 43(2) of the TFEU reflects the fact that the ethyl alcohol used for the production of spirits drinks and other alcoholic beverages must be of agricultural origin, which ensures an outlet for basic agricultural products. This strong link to the agricultural sector is emphasised in the new regulatory framework.

This proposal aligns EU legislation on spirit drinks with the TFEU. In addition, it contains minor technical adjustments of such legislation and it replaces the existing procedures for the management of geographical indications in the spirit drinks sector, with new procedures modelled on the more exhaustive and well tested procedures for agricultural products and foodstuffs.

The objectives of such a proposal cannot be achieved by actions carried out by Member States on their own.

However, Member States, in accordance with Article 291 of the TFEU, are responsible for implementing the scheme defined by the legislator. It is necessary to ensure that the rules on spirit drinks are applied uniformly in all Member States in order to:

- prevent deceptive practices;
- ensure protection of consumers; and
- avoid unfair competition.

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The legislator therefore grants the Commission the power to implement measures, in accordance with Article 291(2) of the TFEU, specifically on:

- the uniform application of the rules on spirit drinks;
- procedural rules concerning protection of geographical indications;
- checks and verifications to be carried out by Member States; and
- the necessary exchange of information between the Commission and the Member States for the implementation of this Regulation.

This proposal targets the objectives set in the most efficient and satisfactory way while leaving as much scope for national decision as possible.

3. EVALUATION, CONSULTATION AND IMPACT ASSESSMENT

A consensus exists among the producers of spirit drinks to keep the existing legal framework on spirits.

For this reason, the proposal only lays down the Commission empowerments to adopt delegated and implementing acts, besides introducing few technical adjustments and some structure and wording changes that simplify and clarify the drafting of those provisions without changing its substance. The representatives of the spirits sector have been consulted in the context of the Civil Dialogue Group meetings, during which the Commission has gathered information, opinions and recommendations from the spirit drinks experts.

As regards the section on geographical indications, it only brings the registration procedures more in line with the ones applicable to other foodstuffs but does not affect the specificity of the geographical indications regime for spirit drinks.

Therefore, the purpose and scope of the existing regulation will remain unchanged.

For these reasons, an impact assessment to accompany this proposal has not been considered necessary.

4. BUDGETARY IMPLICATIONS

This proposal has no financial implications for the EU budget.
Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 43(2) and 114(1) thereof,

Having regard to the proposal from the European Commission,\(^6\)

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,\(^7\)

Acting in accordance with the ordinary legislative procedure,\(^8\)

Whereas:

(1) Regulation (EC) No 110/2008 of the European Parliament and of the Council\(^9\) has proved successful in regulating the spirit drinks sector. However, in the light of recent experience and technological innovation it is necessary to update the rules on the definition, presentation and labelling of spirit drinks and to review the ways geographical indications for spirit drinks are registered.

(2) In order to align the powers conferred upon the Commission pursuant to Regulation (EC) No 110/2008 to Articles 290 and 291 of the Treaty on the Functioning of the European Union (‘the Treaty’), further amendments to that Regulation are needed.

(3) The measures applicable to spirit drinks should contribute to attaining a high level of consumer protection, preventing deceptive practices and attaining market transparency and fair competition. They should safeguard the reputation which the Union’s spirit drinks have achieved in the Union and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account in respect of spirit drinks, where such innovation serves to improve quality, without affecting the traditional character of the spirit drinks concerned. The production of spirit drinks is strongly linked to the agricultural sector. Besides representing a major outlet for the agriculture of the Union, this link is determinant for the quality and reputation of the spirit drinks produced in the Union. This strong link to the agricultural sector should therefore be emphasised by the regulatory framework.

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\(^6\) OJ C [...] [...], p. [...].

\(^7\) OJ C , p.

\(^8\) OJ C [...] [...], p. [...].

To ensure a more uniform approach in the legislation on spirit drinks, this Regulation should set out clear criteria for the definition, presentation and labelling of spirit drinks as well as for the protection of geographical indications. It should also set out rules on the use of ethyl alcohol or distillates of agricultural origin in the production of alcoholic beverages and on the use of the sales denominations of spirit drinks in the presentation and labelling of foodstuffs.

In the interests of consumers, this Regulation should apply to all spirit drinks placed on the Union market, whether produced in the Member States or in third countries. In order to maintain and improve the reputation of the spirit drinks produced in the Union on the world market, this Regulation should also apply to spirit drinks produced in the Union for export.

In order to meet consumer expectations and to conform to traditional practices, ethyl alcohol used for the production of spirit drinks and other alcoholic beverages should be exclusively of agricultural origin. This should also ensure an outlet for basic agricultural products.

This Regulation should continue to focus on definitions of spirit drinks classified into categories by taking into account the traditional quality practices. This Regulation should also lay down specific rules for certain spirit drinks that are not included in the list of categories.

It should be clarified that a new category may only be added if a spirit drink has a significant market share in at least one Member State. Moreover, the name chosen for the new category shall either be a widely used name or, where this is not possible, be of a descriptive nature, in particular, by referring to the raw material used for the production of the spirit drink.

Regulation (EC) No 1334/2008 of the European Parliament and the Council also applies to spirit drinks. However, it is necessary to lay down additional rules concerning flavourings which will only apply to spirit drinks.

Given the importance and complexity of the spirit drinks sector, it is appropriate to lay down specific rules on the presentation and labelling of spirit drinks, in particular for the use of sales denominations, geographical indications, compound terms and allusions.

Regulation (EU) No 1169/2011 of the European Parliament and of the Council should apply to the presentation and labelling of spirit drinks, save as otherwise provided for in this Regulation.

In order to ensure the uniform use of compound terms and allusions in Member States, it is necessary to lay down provisions concerning their use for the purpose of presentation of spirit drinks and other foodstuffs.

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In order to provide consumers with the adequate information, provisions on the presentation and labelling of spirit drinks which qualify for mixtures of spirit drinks should be laid down.

While it is important to ensure that in general the maturation period or age specifies only the youngest alcoholic component, it should be possible to provide, by means of delegated acts, for a derogation, to take account of traditional ageing processes in the Member States.

In some cases, food business operators may be required or may want to indicate the origin of spirit drinks to draw consumers’ attention to the qualities of their product. Such origin indications should comply with harmonised criteria. Therefore, specific provisions on the indication of the country of origin or place of provenance in the presentation and labelling of spirit drinks should be laid down.

The use of lead-based capsules to cover the closing devices of containers holding spirit drinks should be banned, in order to avoid any risk of contamination, in particular by accidental contact with such capsules, and of environmental pollution from waste containing lead from such capsules.

Concerning the protection of geographical indications, it is important to have due regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights (‘TRIPS Agreement’), and in particular Articles 22 and 23 thereof, and to the General Agreement on Tariffs and Trade (‘GATT Agreement’) which were approved by Council Decision 94/800/EC.12

Regulation (EU) No 1151/2012 of the European Parliament and of the Council13 does not apply to spirit drinks. Rules on protection of geographical indications of spirit drinks should therefore be laid down. Geographical indications identifying spirit drinks as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the spirit drink are essentially attributable to its geographical origin should be registered by the Commission.

Procedures for the registration, modification and possible cancellation of Union or third country geographical indications in accordance with the TRIPS Agreement should be laid down whilst automatically recognising the status of existing protected geographical indications of the Union. In view of making procedural rules on geographical indications consistent through all the sectors concerned, such procedures for spirit drinks should be modelled on the more exhaustive and well tested procedures for agricultural products and foodstuffs laid down in Regulation (EU) No 1151/2012 while taking into account specificities of spirit drinks. In order to simplify the registration procedures and to ensure that information for food business operators and consumers is electronically available an electronic register of geographical indications should be established.

Member State authorities should be responsible for ensuring compliance with this Regulation, and the Commission should be able to monitor and verify such

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compliance. Therefore the Commission and the Member States should be required to share relevant information with each other.

(21) In applying a quality policy and in order to allow for a high level of quality of spirit drinks and diversity in the spirit drinks sector, Member States should be allowed to adopt rules on the definition, presentation and labelling of spirit drinks produced in their territory that are stricter than those laid down in this Regulation.

(22) In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, the traditional ageing processes and, in exceptional cases, the law of the importing third countries, and in order to ensure the protection of geographical indications, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the amendment of or derogations from the technical definitions and requirements of the categories of spirit drinks and the specific rules concerning some of them referred to under Chapter I of this Regulation, the labelling and presentation referred to under Chapter II of this Regulation, the geographical indications referred to under Chapter III of this Regulation and the checks and exchange of information referred under Chapter IV of this Regulation.

(23) In order to react rapidly to economic and technological developments regarding spirit drinks covered by this Regulation for which no category and technical specifications exist so as to protect consumers and the economic interests of producers and unify the given production and quality requirements for those spirit drinks, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission as regard the addition, subject to certain conditions, of new categories of spirit drinks to those listed respectively in Part I and II of Annex II to this Regulation and the technical specifications thereof.

(24) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States’ experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(25) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission.

(26) The implementing powers relating to the labelling and presentation referred to under Chapter II of this Regulation, the geographical indications referred to under Chapter III of this Regulation and the checks and exchange of information referred to under Chapter IV of this Regulation should be exercised in accordance with the provisions of Regulation (EU) No 182/2011 of the European Parliament and the Council.

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The transition from the rules provided for in Regulation (EC) No 110/2008 to those laid down in this Regulation could give rise to difficulties which are not dealt with in this Regulation. To take the necessary measures in that respect, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission.

In order to protect the legitimate interests of producers or stakeholders concerned to benefit from the publicity given to single documents under the new legal framework, it should be made possible that single documents concerning geographical indications registered in accordance with Regulation (EC) No 110/2008 are published upon request of the Member States concerned.

To facilitate a smooth transition from the rules provided for in Regulation (EC) No 110/2008 to the rules laid down in this Regulation, this Regulation should start to apply two years after its entry into force. The marketing of existing stocks should be allowed after the date of application of this Regulation, until those stocks are exhausted.

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SCOPE, DEFINITIONS, AGRICULTURAL ORIGIN OF ETHYL ALCOHOL AND DISTILLATES AND CLASSIFICATION OF SPIRIT DRINKS

Article 1

Subject matter and scope

1. This Regulation lays down rules on the definition, presentation and labelling of spirit drinks, as well as on the protection of geographical indications for spirit drinks. This Regulation shall also apply to the use of ethyl alcohol or distillates of agricultural origin in the production of alcoholic beverages and to the use of spirit drinks’ names in the presentation and labelling of other foodstuffs.

2. This Regulation shall apply to the products referred to in paragraph 1 placed on the Union market whether produced in the Union or in third countries, as well as to those produced in the Union for export.

Article 2

Definitions

1. For the purpose of this Regulation, the following definitions shall apply:

(1) ‘spirit drink’ means an alcoholic beverage which complies with the following requirements:

   (a) it is intended for human consumption;
   (b) it possesses particular organoleptic qualities;
   (c) it has a minimum alcoholic strength of 15 % vol., except for spirit drinks listed in category 42 of Part I of Annex II;
   (d) it has been produced:
      (i) either directly by using any of the following methods:
– distillation, with or without added flavourings, of naturally fermented products,
– the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks or a mixture thereof within the meaning of this Regulation,
– the addition to ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks of any of the following:
  – flavourings,
  – colours,
  – sugars or other sweetening products,
  – other agricultural products,
  – foodstuffs; or

(ii) by adding to a spirit drink any of the following:
  – other spirit drinks,
  – ethyl alcohol of agricultural origin,
  – distillates of agricultural origin,
  – other foodstuffs;

(e) it does not fall within CN codes 2203, 2204, 2205, 2206 and 2207;

(2) ‘sales denomination’ means the name under which a spirit drink is sold;

(3) ‘mixture’ means a spirit drink listed in Part I of Annex II or corresponding to a geographical indication mixed with any of the following:
  (a) other spirit drinks which do not belong to the same category listed in Part I of Annex II;
  (b) distillates of agricultural origin;

(4) ‘compound term’ means the combination of the terms of a sales denomination of a spirit drink provided for in Part I of Annex II or the terms of a geographical indication, describing a spirit drink, from which all the alcohol of the final product originates, with any of the following:
  (a) the name of one or more foodstuffs other than those used for the production of that spirit drink in accordance with Annex II, or adjectives deriving from those names;
  (b) the term ‘liqueur’;

(5) ‘allusion’ means the direct or indirect reference to one or more spirit drinks listed in Part I of Annex II or geographical indications, other than the reference in a compound term or list of ingredients referred to in Article 8(6);

(6) ‘geographical indication’ means an indication which identifies a spirit drink as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of that spirit drink is essentially attributable to its geographical origin;
(7) ‘product specification’ means a file attached to the application for the protection of a geographical indication setting out the specifications which the spirit drink must comply with;

(8) ‘presentation’ means the terms used on the labelling and on the packaging, including in advertising and sales promotion, in images or such like, as well as on the container, including the bottle and the closure;

(9) ‘labelling’ means any word, particulars, trademarks, brand name, pictorial matter or symbol relating to a spirit drink and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such spirit drink;

(10) ‘label’ means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to the packaging or container of food;

(11) ‘name that has become generic’ means the name of a spirit drink which, although it relates to the place or the region where this product was originally produced or marketed, has become the common name of a spirit drink in the Union.

2. The technical definitions laid down in Annex I shall also apply.

Article 3

Origin of ethyl alcohol and distillates used in alcoholic beverages

1. The alcohol used in the production of alcoholic beverages and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of alcoholic beverages shall be ethyl alcohol of agricultural origin.

2. Distillates used in the production of alcoholic beverages and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of alcoholic beverages shall exclusively be of agricultural origin.

Article 4

Classification of spirit drinks

1. Without prejudice to the specific rules laid down for each of the categories of spirit drinks 1 to 14 of Part I of Annex II, the spirit drinks of those categories shall:
   (a) be produced by the alcoholic fermentation and distillation exclusively obtained from the raw material provided for under the relevant category;
   (b) have no addition of alcohol as defined in point (4) of Annex I, whether diluted or not;
   (c) not contain flavourings, as defined in point (8) of Annex I;
   (d) only contain caramel as a means to adapt colour;
   (e) solely be sweetened in accordance with point (3) of Annex I and in order to round off the final taste of the product.

2. Without prejudice to the specific rules laid down for each of the categories of spirit drinks 15 to 47 of Part I of Annex II, the spirit drinks of those categories may:
   (a) be obtained from any agricultural raw material listed in Annex I to the Treaty;
(b) have addition of alcohol as defined in point (4) of Annex I;
(c) contain flavourings as defined in point (8) of Annex I;
(d) contain colouring as defined in point (14) of Annex I;
(e) be sweetened to correspond to particular product characteristics and in accordance with point (3) of Annex I and taking into account the relevant legislation of the Member States.

3. Without prejudice to the specific rules laid down in Part II of Annex II, other spirit drinks which do not comply with the specific rules laid down for each of the categories listed in Part I of Annex II may:
(a) be obtained from any agricultural raw material listed in Annex I to the Treaty or from foodstuff suitable for human consumption or both;
(b) have addition of alcohol as defined in point (4) of Annex I;
(c) contain flavourings as defined in point (8) of Annex I;
(d) contain colurings as defined in point (13) of Annex I;
(e) be sweetened to correspond to particular product characteristics and in accordance with point (3) of Annex I.

Article 5
Delegated powers

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:
(a) the amendment of the technical definitions provided for in Annex I;
(b) the amendment of the requirements of the categories of spirit drinks provided for in Part I of Annex II and the specific rules concerning certain spirit drinks listed in Part II of Annex II.

The delegated acts referred to in points (a) and (b) of the first subparagraph shall be limited to meeting demonstrated needs resulting from evolving consumer demands, technological progress, developments in relevant international standards or needs for product innovation.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the addition of new categories of spirit drinks in Annex II.

A new category may be added under the following conditions:
(a) the marketing of a spirit drink under a particular name and in accordance with uniform technical specifications is economically and technically necessary to protect the interests of consumers and producers;
(b) a spirit drink has a significant market share in at least one Member State;
(c) the name chosen for the new category shall either be a widely used name or where this is not possible be of a descriptive nature, in particular, by referring to the raw material used for the production of the spirit drink;
(d) the technical specifications for the new category shall be laid down and based on an evaluation of existing quality and production parameters used on the Union market. When laying down the technical specifications, the applicable
Union consumer protection legislation shall be respected and account shall be taken of any relevant international standards. They shall ensure fair competition amongst union producers as well as the high reputation of Union spirit drinks.

3. The Commission shall, in exceptional cases where the law of the importing third country so requires, also be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from the requirements under the technical definitions provided for in Annex I, the requirements under the categories of spirit drinks provided for in Part I of Annex II and the specific rules concerning certain spirit drinks listed in Part II of Annex II.

CHAPTER II

PRESENTATION AND LABELLING OF SPIRIT DRINKS AND USE OF THE NAMES OF SPIRIT DRINKS IN THE PRESENTATION AND LABELLING OF OTHER FOODSTUFFS

Article 6

Labelling

Products referred to in Article 1(1) placed on the Union market must comply with the labelling requirements set out in Regulation (EU) No 1169/2011, unless otherwise provided in this Regulation.

Article 7

Sales denomination

Spirit drinks shall bear sales denominations in their presentation and labelling.

Article 8

General rules concerning sales denominations

1. The sales denominations of spirit drinks which meet the requirements laid down for the categories of spirit drinks listed in Part I of Annex II shall be the names of the relevant categories, unless other sales denominations are provided for under those categories.

2. The sales denomination of a spirit drink not complying with the requirements laid down for the categories of spirit drinks listed in Part I of Annex II shall be ‘spirit drink’.

3. Where a spirit drink meets the requirements of more than one of the categories of spirit drinks 15 to 47 of Part I of Annex II, it may be sold under one or more of the relevant sales denominations provided for under those categories.

4. Sales denominations shall not be replaced or altered. They may only be either:

   (a) supplemented or replaced by a geographical indication referred to in Chapter III, or supplemented in accordance with national provisions by another geographical indication, provided that this does not mislead the consumer; or
(b) replaced by a compound term that includes the term ‘liqueur’ provided that the final product complies with the requirements set out in category 32 of Part I of Annex II.

If a sales denomination is supplemented or replaced in accordance with point (a) of the first subparagraph, the geographical indication referred to in that point may only be supplemented either:

(a) by terms already in use on 20 February 2008 for existing geographical indications within the meaning of Article 34(1); or

(b) by terms indicated in the relevant product specification.

5. Without prejudice to paragraph 6 and Articles 9 and 10, the sales denominations referred to in paragraph 1 or geographical indications shall not be used in the presentation or labelling of beverages not meeting the requirements of the relevant categories listed in Part I of Annex II or relating to the relevant geographical indications, including by associating words or phrases such as ‘like’, ‘type’, ‘style’, ‘made’, ‘flavour’ or any other similar terms with those sales denominations or geographical indications.

The sales denominations referred to in paragraph 1 supplemented by the term ‘flavour’ or any other similar terms may only be used to refer to flavourings that imitate a spirit drink or their use in the production of a foodstuff other than a beverage. Geographical indications shall not be used to describe flavourings.

6. The sales denominations referred to in paragraph 1 may be included in a list of ingredients for foodstuffs provided that the list is in accordance with Articles 18 to 21 of Regulation (EU) No 1169/2011.

Article 9

Compound terms and allusions

1. In the presentation and labelling of a foodstuff, the use of a sales denomination provided for under the categories of spirit drinks listed in Part I of Annex II or of a geographical indication in a compound term or the allusion to any of them shall be authorised under the following conditions:

(a) the alcohol used in the production of the foodstuffs originates exclusively from the spirit drinks referred to in the compound term or in the allusion(s), except for ethyl alcohol that may be present in flavourings used for the production of that foodstuff; and

(b) the spirit drinks used in the production of the foodstuff have not been diluted merely with water so that the alcoholic strength is reduced to below the minimum strength provided for under the relevant category of spirit drinks listed in Part I of Annex II.

2. The term ‘spirit drink’ shall not be part of a compound term describing an alcoholic beverage.

3. A compound term describing an alcoholic beverage shall not consist of a combination of the term ‘liqueur’ with the sales denominations provided for under one of the categories 33 to 41 of Part I of Annex II.

4. The compound term describing an alcoholic beverage shall appear in uniform characters of the same font, size and colour. It shall not be interrupted by any textual
or pictorial element which does not form part of it and shall not appear in a larger font size than that of the sales denomination.

5. The allusion to any spirit drink category or geographical indication, for the presentation of a foodstuff, shall not be in the same line as the sales denomination. Without prejudice to the second subparagraph of Article 10(3), for the presentation of alcoholic beverages, the allusion shall appear in a font size smaller than those used for the sales denomination and compound term.

**Article 10**

**Presentation and labelling of mixtures**

1. A mixture shall bear the sales denomination ‘spirit drink’.

A mixture may show, in its presentation or labelling, the names listed in Part I of Annex II or geographical indications corresponding to the spirit drinks that were used in the mixture under the following conditions:

(a) those names or geographical indications appear exclusively in a list of all the alcoholic ingredients contained in the mixture, preceded by the term ‘mixed spirit drink’; and

(b) the term ‘mixed spirit drink’ appears in the same visual field as the sales denomination, in uniform characters of the same font and colour as those used for the sales denomination and in characters which are no larger than half the size of those used for the sales denomination.

2. By way of derogation from paragraph 1, if a mixture meets the requirements of one of the categories of Annex II, the mixture shall bear the sales denomination provided for under the relevant category.

In the case referred to in the first subparagraph, the presentation or labelling of the mixture may show the names listed in Part I of Annex II or geographical indications corresponding to the spirits drinks that were mixed, provided that these names appear:

(a) exclusively in a list of all the alcoholic ingredients contained in the mixture; and

(b) in the same visual field as the sales denomination at least once.

3. The list of alcoholic ingredients referred to in paragraphs 1 and 2 shall indicate, at least once, the percentage by volume of pure alcohol that each alcoholic ingredient represents in the total pure alcohol content by volume of the mixture. The alcoholic ingredients shall be listed in descending order of that percentage.

The list of alcoholic ingredients shall appear in uniform characters of the same font and colour as those used for the sales denomination and in characters which are no larger than half the size of the characters used for the sales denomination.

**Article 11**

**Additional rules on labelling and presentation**

1. Where the presentation or labelling of a spirit drink indicates the raw material used to produce the ethyl alcohol, each type of ethyl alcohol of agricultural origin shall be mentioned in descending order of quantity used.
2. The presentation or labelling of a spirit drink may be supplemented by the term ‘blend’, ‘blending’ or ‘blended’ only where the spirit drink has undergone blending, as defined in point (6) of Annex I.

3. A maturation period or age may only be specified in the presentation or labelling of a spirit drink where it refers to the youngest alcoholic component and provided that the spirit drink was aged under supervision of the tax authorities of a Member State or a supervision affording equivalent guarantees.

Article 12
Indication of origin

1. Where the origin of a spirit drink is indicated, it shall correspond to the country or territory of origin in accordance with Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council\(^\text{16}\).

2. The indication of the country or territory of origin of the ingredients shall not be required for spirit drinks.

Article 13
Language used for the names of spirit drinks

The terms in italics in Annex II and the geographical indications shall neither be translated on the label nor in the presentation of the spirit drink.

Article 14
Use of a Union symbol for protected geographical indications

The Union symbol for the protected geographical indication may be used for the labelling and presentation of spirit drinks.

Article 15
Prohibition of lead-based capsules or foil

Spirit drinks shall not be held with a view to sale or be placed on the market in containers fitted with closing devices covered by lead-based capsules or foil.

Article 16
Delegated powers

1. In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:

   (a) amendments to the rules on indications on the label of spirits drinks concerning compound terms or allusions;

   (b) amendments to the rules on the presentation and labelling of mixtures; and

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(c) updating and completing Union reference methods for the analysis of spirit drinks.

2. In order to take into account traditional ageing processes in the Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from Article 11(3) concerning the specification of a maturation period or age in the presentation or labelling of a spirit drink.

3. In exceptional cases where the law of the importing third country so requires, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from the provisions on presentation and labelling contained in this Chapter.

**Article 17**

**Implementing powers**

The Commission may, by means of implementing acts, adopt:

(a) rules on the modalities for the use of the Union symbol referred to in Article 14 in the presentation and labelling of spirit drinks;

(b) rules on the modalities for indicating, when used, the country or territory of origin on the label of spirit drinks.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).

**CHAPTER III**

**GEOGRAPHICAL INDICATIONS**

**Article 18**

**Protection of geographical indications**

1. Protected geographical indications may be used by any operator marketing a spirit drink produced in conformity with the corresponding product specification.

2. Protected geographical indications and the spirit drinks using those protected names in conformity with the product specification shall be protected against:

(a) any direct or indirect commercial use of a protected name:
   (i) by comparable products not complying with the product specification of the protected name; or
   (ii) in so far as such use exploits the reputation of a geographical indication;

(b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar;

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
(d) any other practice liable to mislead the consumer as to the true origin of the product.

3. Protected geographical indications shall not become generic in the Union within the meaning of Article 32(1).

4. Member States shall take the steps necessary to stop the unlawful use of protected geographical indications as referred to in paragraph 2.

**Article 19**

**Product specification**

A geographical indication shall comply with a product specification which shall include at least:

(a) the name to be protected as a geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area;

(b) the category of the spirit drink;

(c) a description of the spirit drink, including the raw materials, if appropriate, as well as the principal physical, chemical or organoleptic characteristics of the product and the specific characteristics of the product compared to spirit drinks of the same category;

(d) the definition of the geographical area delimited with regard to the link referred to in point (f);

(e) a description of the method of obtaining the spirit drink and, where appropriate, the authentic and unvarying local methods as well as information on packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;

(f) details establishing the link between a given quality, reputation or other characteristic of the spirit drink and the geographical area referred to in point (d);

(g) the names and addresses of the authorities or, if available, the names and addresses of the bodies verifying compliance with the provisions of the product specification pursuant to Article 35 and their specific tasks;

(h) any specific labelling rule for the spirit drink in question.

**Article 20**

**Content of application for registration**

1. An application for registration of a geographical indication pursuant to Article 21(2) or (5) shall include at least:
(a) the names and addresses of the applicant group and of the authorities or, if available, the bodies verifying compliance with the provisions of the product specification;
(b) the product specification provided for in Article 19;
(c) a single document setting out the following:
   (i) the main points of the product specification: the name, a description of the spirit drink, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;
   (ii) a description of the link between the spirit drink and the geographical area as referred to in point (6) of Article 2(1) including, where appropriate, the specific elements of the product description or production method justifying the link.

An application as referred to in Article 21(5) shall also include proof that the name of the product is protected in its country of origin.

2. An application dossier as referred to in Article 21(4) shall include:
   (a) the name and address of the applicant group;
   (b) the single document referred to in point (c) of paragraph 1 of this Article;
   (c) a declaration by the Member State that it considers that the application lodged by the applicant group and qualifying for the favourable decision meets the conditions of this Regulation and the provisions adopted pursuant thereto;
   (d) the publication reference of the product specification.

Article 21
Application for registration of names

1. Applications for registration of names as geographical indications under the scheme provided for by this Regulation may only be submitted by groups who work with the spirit drink name to be registered.

In the case of a geographical indication name that designates a cross-border geographical area, several groups from different Member States or third countries may lodge a joint application for registration.

A joint application shall be submitted to the Commission by a Member State concerned, or by an applicant group in a third country concerned, directly or through the authorities of that third country. It shall include the declaration referred to in point (c) of Article 20(2) from all the Member States concerned. The requirements laid down in Article 20 shall be fulfilled in all Member States and third countries concerned.

In case of joint applications, the related national opposition procedures shall be carried out in all the Member States concerned.

2. Where the application relates to a geographical area in a Member State the application shall be addressed to the authorities of that Member State.

The Member State shall scrutinise the application by appropriate means in order to check that it is justified and meets the conditions of this Chapter.
3. As part of the scrutiny referred to in the second subparagraph of paragraph 2, the Member State shall initiate a national opposition procedure that ensures adequate publication of the application and that provides for a reasonable period within which any natural or legal person having a legitimate interest and established or resident on its territory may lodge an opposition to the application.

The Member State shall examine the admissibility of oppositions received in the light of the criteria referred to in Article 25.

4. If, after assessment of any opposition received, the Member State considers that the requirements of this Chapter are met, it may take a favourable decision and lodge an application dossier with the Commission. It shall in such case inform the Commission of admissible oppositions received from a natural or legal person that have legally marketed the products in question, using the names concerned continuously for at least five years preceding the date of the publication referred to in paragraph 3. Member States shall also keep the Commission informed of the national judicial proceedings possibly affecting the registration procedure.

The Member State shall ensure that its favourable decision is made public and that any natural or legal person having a legitimate interest has an opportunity to appeal.

The Member State shall ensure that the version of the product specification on which its favourable decision is based, is published, and shall provide electronic access to the product specification.

The Member State shall also ensure adequate publication of the version of the product specification on which the Commission takes its decision pursuant to Article 23(2).

5. Where the application relates to a geographical area in a third country the application shall be lodged with the Commission, either directly or via the authorities of the third country concerned.

6. The documents referred to in this Article which are sent to the Commission shall be in one of the official languages of the Union.

Article 22

Transitional national protection

1. A Member State may, on a transitional basis only, grant protection to a name under this Regulation at national level, with effect from the date on which an application is lodged with the Commission.

2. Such national protection shall cease on the date on which either a decision on registration under this Regulation is taken or the application is withdrawn.

3. Where a name is not registered under this Chapter, the consequences of such national protection shall be the sole responsibility of the Member State concerned.

4. The measures taken by Member States under paragraph 1 shall produce effects at national level only, and they shall have no effect on intra-Union or international trade.

Article 23

Scrutiny by the Commission and publication for opposition
1. The Commission shall scrutinise by appropriate means any application that it receives pursuant to Article 21, in order to check that it is justified and that it meets the conditions of this Chapter. This scrutiny should not exceed a period of 12 months. Where this period is exceeded, the Commission shall indicate in writing to the applicant the reasons for the delay.

The Commission shall, at least each month, make public the list of names for which registration applications have been submitted to it, as well as their date of submission.

2. Where, based on the scrutiny carried out pursuant to the first subparagraph of paragraph 1, the Commission considers that the conditions laid down in this Chapter are fulfilled, it shall publish in the Official Journal of the European Union the single document referred to in point (c) of Article 20(1) and the reference to the publication of the product specification.

### Article 24

**Opposition procedure**

1. Within three months from the date of publication in the Official Journal of the European Union, the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest and established in a third country may lodge a notice of opposition with the Commission.

Any natural or legal person having a legitimate interest, established or resident in a Member State other than that from which the application was submitted, may lodge a notice of opposition with the Member State in which it is established within a time limit permitting an opposition to be lodged pursuant to the first subparagraph.

A notice of opposition shall contain a declaration that the application might infringe the conditions laid down in this Chapter.

A notice of opposition that does not contain this declaration is void.

The Commission shall forward the notice of opposition to the authority or body that lodged the application without delay.

2. If a notice of opposition is lodged with the Commission and is followed within two months by a reasoned statement of opposition, the Commission shall check the admissibility of this reasoned statement of opposition.

3. Within two months after the receipt of an admissible reasoned statement of opposition, the Commission shall invite the authority or person that lodged the opposition and the authority or body that lodged the application to engage in appropriate consultations for a period that shall not exceed three months. This deadline shall start on the date when the invitation to the interested parties is delivered by electronic means.

The authority or person that lodged the opposition and the authority or body that lodged the application shall start such appropriate consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with the conditions of this Chapter. If no agreement is reached, this information shall also be provided to the Commission.

When the interested parties reach an agreement, the authorities of the Member State or of the third country from which the application was lodged shall notify the
Commission of all the factors which enabled that agreement to be reached, including the opinions of the applicant and of the authorities of a Member State or of a third country or other natural and legal persons having lodged an opposition.

Whether an agreement has been reached or not, the notification to the Commission shall be made within one month from the end of the consultations.

At any time during these three months, the Commission may, at the request of the applicant extend the deadline for the consultations by a maximum of three months.

4. Where, following the appropriate consultations referred to in paragraph 3, the details published in accordance with Article 23(2) have been substantially amended, the Commission shall repeat the scrutiny referred to in Article 23.

5. The notice of opposition, the reasoned statement of opposition and the related documents which are sent to the Commission in accordance with paragraphs 1 to 4 shall be in one of the official languages of the Union.

Article 25

Grounds for opposition

1. A reasoned statement of opposition as referred to in Article 24(2) shall be admissible only if it is received by the Commission within the time limit set out in that provision and if it shows that:

   (a) the conditions referred to in point (6) of Article 2(1) and Article 19 are not complied with;

   (b) the registration of the name proposed would be contrary to Article 31 or 32; or

   (c) the registration of the name proposed would jeopardise the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 23(2).

2. The grounds for opposition shall be assessed in relation to the territory of the Union.

Article 26

Transitional periods for use of geographical indications

1. Without prejudice to Article 18, the Commission may adopt implementing acts granting a transitional period of up to five years to enable spirit drinks originating in a Member State or a third country the name of which contravenes Article 18(2) to continue to use the designation under which it was marketed on condition that an admissible statement of opposition under Article 21(3) or Article 24 shows that the registration of the name would jeopardise the existence of:

   (a) an entirely identical name or of a compound name, one term of which is identical to the name to be registered; or

   (b) other names similar to the name to be registered which refer to spirit drinks which have been legally on the market for at least five years preceding the date of the publication provided for in Article 23(2).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).
2. Without prejudice to Article 33, the Commission may adopt implementing acts extending the transitional period mentioned in paragraph 1 of this Article or allowing continued use in duly justified cases where it is shown that:

(a) the designation referred to in paragraph 1 has been in legal use consistently and fairly for at least 25 years before the application for protection was submitted to the Commission;

(b) the purpose of using the designation referred to in paragraph 1 has not, at any time, been to profit from the reputation of the registered name and it is shown that the consumer has not been nor could have been misled as to the true origin of the product.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).

3. When using a designation referred to in paragraphs 1 and 2, the indication of country of origin shall clearly and visibly appear on the labelling.

**Article 27**

**Decision on registration**

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to the first subparagraph of Article 23(1), the Commission considers that the conditions for registration are not fulfilled, it shall adopt implementing acts rejecting the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).

2. If the Commission receives no notice of opposition or no admissible reasoned statement of opposition under Article 24, it shall adopt implementing acts, without applying the procedure referred to in Article 44(2), registering the name.

3. If the Commission receives an admissible reasoned statement of opposition, it shall, following the appropriate consultations referred to in Article 24(3), and taking into account the results thereof, either:

(a) if an agreement has been reached, register the name by means of implementing acts adopted without applying the procedure referred to in Article 44(2), and, if necessary, amend the information published pursuant to Article 23(2) provided such amendments are not substantial; or

(b) if an agreement has not been reached, adopt implementing acts deciding on the registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).


The act of registration shall grant the protection referred to in Article 18 to the geographical indication.

**Article 28**

**Amendment to a product specification**

1. A group having a legitimate interest may apply for approval of an amendment to a product specification.
Applications shall describe and give reasons for the amendments requested.

2. Amendments shall be approved by the Member State in whose territory the geographical area of the product concerned is located.

However, where the amendment applications involve one or more amendments to the product specification that relate to the essential characteristics of the product, alter the link referred to in point (f) of Article 19, include a change to the name, or to any part of the name of the spirit drink, affect the defined geographical area or represent an increase in restrictions on trade in the product or its raw materials, the Member State shall submit the amendment application to the Commission for approval and the application shall follow the procedure laid down in Articles 21 to 27.

3. The scrutiny of the application shall focus on the proposed amendment.

*Article 29*

**Cancellation**

The Commission may, on its own initiative or at the request of any natural or legal person having a legitimate interest, adopt implementing acts to cancel the registration of a geographical indication in the following cases:

(a) where compliance with the conditions of the product specification is not ensured;

(b) where no product is placed on the market under the geographical indication for at least seven years.

The Commission may, at the request of the producers of the product marketed under the registered name, cancel the corresponding registration. Articles 21, 23, 24 and 27 shall apply to the cancellation procedure.

The implementing acts referred to in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 44(2).

*Article 30*

**Register of geographical indications of spirit drinks**

The Commission shall adopt implementing acts, without applying the procedure referred to in Article 44(2), establishing and maintaining a publicly accessible updated electronic register of geographical indications of spirit drinks recognised under this scheme ("the Register").

The Commission may adopt implementing acts laying down detailed rules on the form and content of the Register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).

Geographical indications of spirit drinks produced in third countries that are protected in the Union pursuant to an international agreement to which the Union is a contracting party may be entered in the Register as geographical indications.

*Article 31*

**Homonymous geographical indications**
1. If a name for which an application is submitted is a whole or partial homonym of a name already registered under this Regulation, the name shall be registered with due regard to local and traditional usage and any risk of confusion.

2. A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of those products is concerned.

3. The use of a registered homonymous geographical indication shall be subject to there being a sufficient distinction in practice between the homonym registered subsequently and the name already in the Register, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.

Article 32
Specific grounds for refusal of protection

1. A name that has become generic shall not be protected as a geographical indication.

To establish whether or not a name has become generic, account shall be taken of all relevant factors, in particular:

(a) the existing situation in the Union, notably in areas of consumption;
(b) the relevant Union or national legislation.

2. A name shall not be protected as a geographical indication where, in the light of a trade mark’s reputation and renown, protection could mislead the consumer as to the true identity of the spirit drink.

3. A name shall not be protected as a geographical indication if the production or preparation steps which are compulsory for the relevant category of spirit drink, do not take place in the relevant geographical area.

Article 33
Relation between trademarks and geographical indications

1. The registration of a trademark which contains or consists of a geographical indication listed in the Register shall be refused or invalidated if its use would lead to any of the situations referred to in Article 18(2).

2. A trademark the use of which corresponds to one of the situations referred to in Article 18(2) which has been applied for, registered, or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Union, before either the date of protection of the geographical indication in the country of origin or before 1 January 1996, may continue to be used notwithstanding the registration of a geographical indication, provided that no grounds for its invalidity or revocation exist under Directive 2008/95/EC of the European Parliament and of the Council or Council Regulation (EC) No 207/2009.


Article 34

Implementing powers with respect to existing protected geographical indications

1. Without prejudice to paragraph 2, geographical indications of spirit drinks protected under Regulation (EC) No 110/2008, shall automatically be protected as geographical indications under this Regulation. The Commission shall list them in the Register.

2. For a period of up to two years following the entry into force of this Regulation, the Commission, by means of implementing acts, may, on its own initiative, cancel the protection of geographical indications referred to in Article 20 of Regulation (EU) No 110/2008 if they do not comply with point (6) of Article 2(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).

Article 35

Verification of compliance with the product specification

1. In respect of the geographical indications within the Union, verification of compliance with the product specification, before placing the product on the market, shall be ensured by at least one:

   (a) competent authority referred to in Article 40(1); or
   (b) control body within the meaning of point 5 of the second subparagraph of Article 2 of Regulation (EC) No 882/2004 of the European Parliament and of the Council, operating as a product certification body.

Notwithstanding the national legislation of Member States, the costs of such verification of compliance with the product specification shall be borne by the food business operators which are subject to those controls.

2. In respect of the geographical indications within a third country, verification of compliance with the product specification, before placing the product on the market, shall be ensured by at least one:

   (a) public competent authority designated by the third country; or
   (b) product certification body.

3. Member States shall make public the names and addresses of the authorities and bodies referred to in paragraph 1, and update that information periodically.

   The Commission shall make public the name and address of the authorities and bodies referred to in paragraph 2 and update that information periodically.

4. The product certification bodies referred to in point (b) of paragraph 1 and in point (b) of paragraph 2 shall comply with and be accredited in accordance with European standard ISO/IEC 17065:2012.

5. The competent authorities or bodies referred to in paragraphs 1 and 2 verifying compliance of the protected geographical indication with the product specification

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shall be objective and impartial. They shall have at their disposal the qualified staff and resources necessary to carry out their tasks.

**Article 36**

**Surveillance of the use of the name in the market place**

1. Member States shall carry out checks, based on a risk analysis, as regards the use of the registered names of geographical indications in the market place and shall take all necessary measures in the event of breaches of the requirements of this Chapter.

2. Member States shall inform the Commission of the names and addresses of the competent authorities responsible for controls of the use of the name in the market place designated in accordance with Article 40. The Commission shall make public the names and addresses of those authorities.

**Article 37**

**Procedure and requirements, planning and reporting of control activities**

1. Procedures and requirements laid down in Regulation (EC) No 882/2004 shall apply *mutatis mutandis* to the checks provided for in Articles 35 and 36 of this Regulation.

2. Member States shall ensure that activities for the control of obligations under this Chapter are specifically included in a separate section within the multi-annual national control plans in accordance with Articles 41 to 43 of Regulation (EC) No 882/2004.

3. The annual reports referred to in Article 44(1) of Regulation (EC) No 882/2004 shall include in a separate section the information referred to in that provision concerning the control of the obligations established by this Regulation.

**Article 38**

**Delegated powers**

1. In order to take account of the specificities of the production in the demarcated geographical area, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:

   (a) the additional criteria for the demarcation of the geographical area; and

   (b) the restrictions and derogations related to the production in the demarcated geographical area.

2. In order to ensure product quality and traceability, the Commission may, by means of delegated acts adopted in accordance with Article 43, provide for the conditions under which the product specification may include information concerning packaging as referred to in point (e) of Article 19 or any specific labelling rule as referred to in point (h) of Article 19.

3. In order to ensure the rights or legitimate interests of producers or food business operators, the Commission may, by means of delegated acts adopted in accordance with Article 43, set out:

   (a) in which cases a single producer may apply for the protection of a geographical indication;
(b) the conditions to be followed in respect of an application for the protection of a geographical indication, preliminary national procedures, scrutiny by the Commission, the opposition procedure and the cancellation of geographical indications, including in cases where the geographical area covers more than one country.

4. In order to ensure that product specifications provide relevant and succinct information, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, laying down rules which limit the information contained in the product specification, where such a limitation is necessary to avoid excessively voluminous applications for registration.

5. In order to facilitate the administrative process of an amendment application, including where the amendment consists in a temporary change of the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, to establish conditions and requirements for the procedure concerning the amendments to be approved both by the Member States and by the Commission.

6. In order to prevent the unlawful use of geographical indications, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the appropriate actions to be implemented by the Member States in this respect.

7. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the necessary measures regarding the notification of food business operators to the competent authorities.

Article 39

Implementing powers

The Commission may adopt implementing acts laying down detailed rules concerning:

(a) the form of the specification and measures on the information to be provided in the product specification with regard to the link between the geographical area and the final product;

(b) procedures, form and presentation of applications, including for applications concerning more than one national territory;

(c) procedures, form and presentation of the oppositions;

(d) form and presentation of an amendment application;

(e) procedures and form of the cancellation process, as well as on the presentation of the requests of cancellation;

(f) the checks and verifications to be carried out by the Member States, including testing.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).
CHAPTER IV
CHECKS, EXCHANGE OF INFORMATION, MEMBER STATES’ LEGISLATION

Article 40
Checks on spirit drinks
1. Member States shall be responsible for checks on spirit drinks. They shall take the measures necessary to ensure compliance with this Regulation and designate the competent authorities responsible on compliance with this Regulation.
2. The Commission shall ensure the uniform application of this Regulation and, where necessary, shall, by means of implementing acts adopt the rules concerning administrative and physical checks to be conducted by the Member States with regard to the respect of the obligations resulting from the application of this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).

Article 41
Exchange of information
1. Member States and the Commission shall communicate to each other the information necessary for the application of this Regulation.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the nature and type of information to be exchanged.
3. The Commission shall be empowered to adopt implementing acts concerning the methods for exchanging information.
   Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).

Article 42
Member States’ legislation
1. In applying a quality policy for spirit drinks produced in their own territory and in particular for geographical indications listed in the Register or for the protection of new geographical indications, Member States may lay down rules on production, presentation and labelling stricter than those set out in Annex II in so far as they are compatible with Union law.
2. Member States shall not prohibit or restrict the import, sale or consumption of spirit drinks which comply with this Regulation.

CHAPTER V
DELEGATION OF POWER, IMPLEMENTING PROVISIONS, REPEAL AND AMENDMENT, TRANSITIONAL AND FINAL PROVISIONS
SECTION 1

DELEGATION OF POWER AND IMPLEMENTING PROVISIONS

Article 43

Exercise of the delegation

1. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 5, 16, 38, 41 and 46(2) shall be conferred on the Commission for an indeterminate period of time from the entry into force of this Regulation.

3. The delegation of power referred to in Articles 5, 16, 38, 41 and 46(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 5, 16, 38, 41 and 46(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 44

Committee procedure

1. The Commission shall be assisted by the Committee for Spirit Drinks established by Council Regulation (EEC) No 1576/89. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

SECTION 2

REPEAL, TRANSITIONAL AND FINAL PROVISIONS

Article 45

Repeal

Regulation (EC) No 110/2008 is repealed.

References to Regulation (EC) No 110/2008 shall be construed as references to this Regulation.

Article 46

Transitional measures

1. Spirit drinks which meet the requirements of Regulation (EC) No 110/2008 and were produced before the date of application of this Regulation may continue to be placed on the market until stocks are exhausted.

2. In order to facilitate the transition from the rules provided for in Regulation (EC) No 110/2008 to those established by this Regulation, the Commission, where appropriate, may, by means of delegated acts, adopt measures to amend or derogate from this Regulation, by 3 years after the date of application.

3. Articles 19 to 23, 28 and 29 shall apply to applications for protection, applications for amendment and cancellations submitted after the date of application of this Regulation.

The relevant provisions of Regulation (EC) No 110/2008 shall continue to apply in respect of the applications for protection and for amendment of product specification and to the requests for cancellation which are pending at the date of entry into force of this Regulation.

The provisions on the opposition procedure referred to in Articles 24 to 26 shall apply to the procedures for application for protection, for application for amendment and for request of cancellation for which the single document, the amendment application or the request of cancellation have not been published at the date of entry into force of this Regulation. The relevant provisions of Regulation (EC) No 110/2008 shall continue to apply to the procedures for application for protection, for application for amendment and for request of cancellation for which the single document, the amendment application or the request of cancellation have been published at the date of entry into force of this Regulation.

4. In respect of geographical indications registered in accordance with Regulation (EC) No 110/2008 the Commission shall, at the request of a Member State, publish a single document submitted by that Member State in the Official Journal of the European Union. That publication shall be accompanied by the publication reference of the product specification and shall not be followed by an opposition procedure.

Article 47

Entry into force and application

This Regulation shall enter into force on the seventh day following that of its publication in the Official Journal of the European Union.

It shall apply from […].

This Regulation shall be binding in its entirety and directly applicable in all Member States.
Done at Brussels,

For the European Parliament
The President

For the Council
The President
ANNEXES

to the

Proposal for a Regulation of the European Parliament and of the Council

on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks
ANNEX I
TECHNICAL DEFINITIONS

The technical definitions, as referred to in Article 2(2), are the following:

(1) ‘Ethyl alcohol of agricultural origin’ means an alcoholic liquid which possesses the following properties:

(a) organoleptic characteristics: no detectable taste other than that of the raw materials used in its production;
(b) minimum alcoholic strength by volume: 96.0 %;
(c) maximum level of residues:
   (i) total acidity, expressed in grams of acetic acid per hectolitre of 100 % vol. alcohol: 1.5;
   (ii) esters expressed in grams of ethyl acetate per hectolitre of 100 % vol. alcohol: 1.3;
   (iii) aldehydes expressed in grams of acetaldehyde per hectolitre of 100 % vol. alcohol: 0.5;
   (iv) higher alcohols expressed in grams of methyl2 propanol1 per hectolitre of 100 % vol. alcohol: 0.5;
   (v) methanol expressed in grams per hectolitre of 100 % vol. alcohol: 30;
   (vi) dry extract expressed in grams per hectolitre of 100 % vol. alcohol: 1.5;
   (vii) volatile bases containing nitrogen expressed in grams of nitrogen per hectolitre of 100 % vol. alcohol: 0.1;
   (viii) furfural: not detectable.

(2) ‘Distillate of agricultural origin’ means an alcoholic liquid which is obtained by the distillation, after alcoholic fermentation, of agricultural products listed in Annex I to the Treaty which does not have the properties of ethyl alcohol or of a spirit drink but still retains the aroma and taste of the raw materials used.

Where reference is made to the raw materials used, the distillate must be obtained exclusively from that raw materials.

(3) ‘Sweetening’ means using one or more of the following products in the preparation of spirit drinks:

(a) semi-white sugar, white sugar, extra-white sugar, dextrose, fructose, glucose syrup, sugar solution, invert sugar solution, invert sugar syrup, as defined in Council Directive 2001/111/EC1;
(b) rectified concentrated grape must, concentrated grape must, fresh grape must;
(c) burned sugar, which is the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;
(d) honey as defined in Council Directive 2001/110/EC2;
(e) carob syrup;

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(f) any other natural carbohydrate substances having a similar effect to the products referred to in points (a) to (e).

(4) ‘Addition of alcohol’ means the addition of ethyl alcohol of agricultural origin or distillates of agricultural origin or both to a spirit drink.

(5) ‘Addition of water’ means addition of water which may be distilled, demineralised, permuted or softened in the preparation of spirit drinks. This addition is authorised provided that the quality of the water is in conformity with Council Directive 98/83/EC\(^3\) and Directive 2009/54/EC of the European Parliament and of the Council\(^4\) and that the alcoholic strength of the spirit drink, after the addition, still complies with the minimum alcoholic strength by volume provided for under the relevant category of spirit drink.

(6) ‘Blending’ means combining two or more spirit drinks of the same category, distinguished only by minor differences in composition due to one or more of the following factors:
   (a) the method of preparation;
   (b) the stills employed;
   (c) the period of maturation or ageing;
   (d) the geographical area of production.
   The spirit drink so produced shall be of the same category of spirit drink as the original spirit drinks before blending.

(7) ‘Maturation or ageing’ means the process of developing certain reactions naturally, in appropriate containers, with the purpose of giving the spirit drink in question organoleptic qualities previously absent.

(8) ‘Flavourings’ mean ‘flavourings’ as defined in point (a) of Article 3(2) of Regulation (EC) No 1334/2008.

(9) ‘Flavouring substance’ means ‘flavouring substance’ as defined in point (b) of Article 3(2) of Regulation (EC) No 1334/2008.

(10) ‘Natural flavouring substance’ means ‘natural flavouring substance’ as defined in point (c) of Article 3(2) of Regulation (EC) No 1334/2008.

(11) ‘Flavouring preparation’ means ‘flavouring preparation’ as defined in point (d) of Article 3(2) of Regulation (EC) No 1334/2008.

(12) 'Other flavouring' means 'other flavouring' as defined in point (h) of the Article 3(2) of Regulation (EC) No 1334/2008.


(14) ‘Colouring’ means using in the preparation of a spirit drink one or more colours, as defined in point 2 of Annex I to Regulation (EC) No 1333/2008.

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(15) ‘Alcoholic strength by volume’ means the ratio of the volume of pure alcohol present in the product in question at 20 C° to the total volume of that product at the same temperature.

(16) ‘Volatile substances content’ means the quantity of volatile substances other than ethyl alcohol and methanol contained in a spirit drink obtained exclusively by distillation, as a result solely of the distillation or re-distillation of the raw materials used.

(17) ‘Packaging’ means the protective wrappings, cartons, cases, containers and bottles used in the transport or sale of spirit drinks.
PART I
Categories of spirit drinks

1. Rum

(a) Rum is one of the following:

(i) a spirit drink produced exclusively by alcoholic fermentation and distillation, either from molasses or syrup produced in the manufacture of cane sugar or from sugar-cane juice itself and distilled at less than 96 % vol. so that the distillate has the discernible specific organoleptic characteristics of rum;

(ii) a spirit drink produced exclusively by alcoholic fermentation and distillation of sugar-cane juice which has the aromatic characteristics specific to rum and a volatile substances content equal to or exceeding 225 grams per hectolitre of 100 % vol. alcohol. This spirit drink may be placed on the market with the word ‘agricultural’ qualifying the sales denomination ‘rum’ accompanied by any registered geographical indications of the French Overseas Departments and the Autonomous Region of Madeira.

(b) The minimum alcoholic strength by volume of rum shall be 37.5 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) Rum shall not be flavoured.

(e) Rum may only contain added caramel as a means to adapt colour.

(f) The word ‘traditionnel’ may supplement any registered geographical indications for this category where the rum is produced by distillation at less than 90 % vol., after alcoholic fermentation of alcohol-producing materials originating exclusively in the place of production considered. This rum must have a volatile substances content equal to or exceeding 225 grams per hectolitre of 100 % vol. alcohol and must not be sweetened. The use of the word ‘traditionnel’ does not prevent the use of the terms ‘from sugar production’ or ‘agricultural’ which may be added to the sales denomination ‘rum’ accompanying the geographical indications referred to in point (a)(ii).

This provision shall not affect the use of the word ‘traditionnel’ for all products not covered by this category, according to their own specific criteria.

2. Whisky or Whiskey

(a) Whisky or whiskey is a spirit drink produced exclusively by carrying out all of the following production operations:

(i) distillation of a mash made from malted cereals with or without whole grains of other cereals, which has been:

- saccharified by the diastase of the malt contained therein, with or without other natural enzymes,
- fermented by the action of yeast;
(ii) one or more distillations at less than 94.8 % vol., so that the distillate has
an aroma and taste derived from the raw materials used;

(iii) maturation of the final distillate for at least three years in wooden casks
not exceeding 700 litres capacity.

The final distillate, to which only water and plain caramel (for colouring)
may be added, shall retain its colour, aroma and taste derived from the
production process referred to in points (i), (ii) and (iii).

(b) The minimum alcoholic strength by volume of whisky or whiskey shall be
40 %.

(c) No addition of alcohol as defined in point (54) of Annex I, diluted or not, shall
take place.

(d) Whisky or whiskey shall not be sweetened or flavoured, nor contain any
additives other than plain caramel used for colouring.

3. Grain spirit

(a) Grain spirit is a spirit drink produced exclusively by the distillation of a
fermented mash of whole grain cereals and having organoleptic characteristics
derived from the raw materials used.

(b) With the exception of ‘Korn’, the minimum alcoholic strength by volume of
grain spirit shall be 37 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall
take place.

(d) Grain spirit shall not be flavoured.

(e) Grain spirit may only contain added caramel as a means of adapting colour.

(f) A grain spirit may bear the sales denomination ‘grain brandy’ if it has been
obtained by distillation at less than 95 % vol. from a fermented mash of whole
grain cereals, presenting organoleptic features deriving from the raw materials
used.

4. Wine spirit

(a) Wine spirit is a spirit drink which meets the following conditions:

(i) it is produced exclusively by the distillation at less than 86 % vol. of
wine or wine fortified for distillation or by the re-distillation of a wine
distillate at less than 86 % vol.;

(ii) it contains a quantity of volatile substances equal to or exceeding
125 grams per hectolitre of 100 % vol. alcohol;

(iii) it has a maximum methanol content of 200 grams per hectolitre of 100 %
vol. alcohol;

(b) The minimum alcoholic strength by volume of wine spirit shall be 37.5 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall
take place.

(d) Wine spirit shall not be flavoured. This shall not exclude traditional production
methods.
(e) Wine spirit may only contain added caramel as a means to adapt colour.

(f) Where wine spirit has been matured, it may continue to be placed on the market as 'wine spirit' provided it has been matured for as long as, or longer than, the maturation period foreseen for the spirit drink defined under category 5.

5. Brandy or Weinbrand

(a) *Brandy* or *Weinbrand* is a spirit drink which meets the following conditions:

(i) it is produced from wine spirit, whether or not wine distillate has been added, distilled at less than 94.8 % vol., provided that winedistillate does not exceed a maximum of 50 % of the alcoholic content of the finished product;

(ii) it is matured for at least one year in oak receptacles or for at least six months in oak casks with a capacity of less than 1 000 litres each;

(iii) it contains a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100 % vol. alcohol, and derived exclusively from the distillation or re-distillation of the raw materials used;

(iv) it has a maximum methanol content of 200 grams per hectolitre of 100 % vol. alcohol;

(b) The minimum alcoholic strength by volume of *brandy* or *Weinbrand* shall be 36 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) *Brandy* or *Weinbrand* shall not be flavoured. This shall not exclude traditional production methods.

(e) *Brandy* or *Weinbrand* may only contain added caramel as a means of adapting colour.

6. Grape marc spirit or grape marc

(a) Grape marc spirit or grape marc is a spirit drink which meets the following conditions:

(i) it is produced exclusively from grape marc fermented and distilled either directly by water vapour or after water has been added;

(ii) a quantity of lees may be added to the grape marc that does not exceed 25 kg of lees per 100 kg of grape marc used;

(iii) the quantity of alcohol derived from the lees shall not exceed 35 % of the total quantity of alcohol in the finished product;

(iv) the distillation shall be carried out in the presence of the marc itself at less than 86 % vol.;

(v) re-distillation at the same alcoholic strength is authorised;

(vi) it contains a quantity of volatile substances equal to or exceeding 140 grams per hectolitre of 100 % vol. alcohol and has a maximum methanol content of 1 000 grams per hectolitre of 100 % vol. alcohol.
(b) The minimum alcoholic strength by volume of grape marc spirit or grape marc shall be 37.5 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) Grape marc spirit or grape marc shall not be flavoured. This shall not exclude traditional production methods.

(e) Grape marc spirit or grape marc may only contain added caramel as a means of adapting colour.

7. Fruit marc spirit

(a) Fruit marc spirit is a spirit drink which meets the following conditions:

(i) it is obtained exclusively by fermentation and distillation at less than 86 % vol. of fruit marc except grape marc;

(ii) it contains a minimum quantity of volatile substances of 200 grams per hectolitre of 100 % vol. alcohol;

(iii) the maximum methanol content shall be 1 500 grams per hectolitre of 100 % vol. alcohol;

(iv) the maximum hydrocyanic acid content shall be 7 grams per hectolitre of 100 % vol. alcohol in the case of stone-fruit marc spirit;

(v) re-distillation at the same alcoholic strength according to point (i) is authorised.

(b) The minimum alcoholic strength by volume of fruit marc spirit shall be 37.5 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) Fruit marc spirit shall not be flavoured.

(e) Fruit marc spirit may only contain added caramel as a means to adapt colour.

(f) The sales denomination shall consist of the name of the fruit followed by ‘marc spirit’. If marcs of several different fruits are used, the sales denomination shall be ‘fruit marc spirit’.

8. Raisin spirit or raisin brandy

(a) Raisin spirit or raisin brandy is a spirit drink produced exclusively by the distillation of the product obtained by the alcoholic fermentation of extract of dried grapes of the ‘Corinth Black’ or Moscatel of the Alexandria varieties, distilled at less than 94.5 % vol., so that the distillate has an aroma and taste derived from the raw materials used.

(b) The minimum alcoholic strength by volume of raisin spirit or raisin brandy shall be 37.5 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) Raisin spirit or raisin brandy shall not be flavoured.

(e) Raisin spirit or raisin brandy may only contain added caramel as a means to adapt colour.
9. Fruit spirit

(a) Fruit spirit is a spirit drink which meets the following conditions:

(i) it is produced exclusively by the alcoholic fermentation and distillation of fleshy fruit or must of such fruit, berries or vegetables, with or without stones;

(ii) it is distilled at less than 86 % vol. so that the distillate has an aroma and taste derived from the raw materials distilled;

(iii) it has a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100 % vol. alcohol;

(iv) in the case of stone-fruit spirits, it has a hydrocyanic acid content not exceeding 7 grams per hectolitre of 100 % vol. alcohol.

(b) The maximum methanol content of fruit spirit shall be 1 000 grams per hectolitre of 100 % vol. alcohol.

(i) However, in case of fruit spirits obtained from the fruits or berries mentioned below, the maximum methanol content shall be 1 200 grams per hectolitre of 100 % vol. alcohol:

- plum (*Prunus domestica* L.),
- mirabelle (*Prunus domestica* L. subsp. *syriaca* (Borkh.) Janch. ex Mansf.),
- quetsch (*Prunus domestica* L.),
- apple (*Malus domestica* Borkh.),
- pear (*Pyrus communis* L.) except for Williams pears (*Pyrus communis* L. cv ‘Williams’),
- raspberries (*Rubus idaeus* L.),
- blackberries (*Rubus fruticosus* auct. aggr.),
- apricots (*Prunus armeniaca* L.),
- peaches (*Prunus persica* (L.) Batsch);

(ii) In case of fruit spirits obtained from the fruits or berries mentioned below, the maximum methanol content shall be 1 350 grams per hectolitre of 100 % vol. alcohol:

- Williams pears (*Pyrus communis* L. cv ‘Williams’),
- redcurrants (*Ribes rubrum* L.),
- blackcurrants (*Ribes nigrum* L.),
- rowanberries (*Sorbus aucuparia* L.),
- elderberries (*Sambucus nigra* L.),
- quinces (*Cydonia oblonga* Mill.),
- juniper berries (*Juniperus communis* L. or *Juniperus oxicedrus* L.).

(c) The minimum alcoholic strength by volume of fruit spirit shall be 37.5 %.
(d) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(e) Fruit spirit shall not be flavoured.

(f) The sales denomination of fruit spirit shall be ‘spirit’ preceded by the name of the fruit, berry or vegetable, such as: cherry spirit, which may also be named kirsch, plum spirit, which may also be named slivovitz, mirabelle, peach, apple, pear, apricot, fig, citrus or grape spirit or other fruit spirits.

It may also be called wasser, with the name of the fruit.

The name of the fruit may replace ‘spirit’ preceded by the name of the fruit, in the case of the following fruits:

- mirabelle (Prunus domestica L. subsp. syriaca (Borkh.) Janch. ex Mansf.),
- plum (Prunus domestica L.),
- quetsch (Prunus domestica L.),
- fruit of arbutus (Arbutus unedo L.),
- ‘Golden Delicious’ apple.

If there is a risk that the final consumer does not easily understand one of those sales denominations not containing the word ‘spirit’, the labelling and presentation shall include the word ‘spirit’, which may be supplemented by an explanation.

(g) The name Williams may be used only to sell pear spirit produced solely from pears of the ‘Williams’ variety.

(h) Whenever two or more fruits, berries or vegetables are distilled together, the product shall be sold under the name ‘fruit spirit’ or ‘vegetable spirit’, as appropriate. The name may be supplemented by that of each fruit, berry or vegetable, in decreasing order of the quantity used.

10. Cider spirit and perry spirit

(a) Cider spirit and perry spirit are spirit drinks which meet the following conditions:

(i) they are produced exclusively by the distillation at less than 86 % vol. of cider or perry so that the distillate has an aroma and taste derived from the fruits;

(ii) they have a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100 % vol. alcohol;

(iii) they have a maximum methanol content of 1 000 grams per hectolitre of 100 % vol. alcohol.

(b) The minimum alcoholic strength by volume of cider spirit and of perry spirit shall be 37.5 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) Neither cider spirit nor perry spirit shall be flavoured.
(e) Cider spirit and perry spirit may only contain added caramel as a means of adapting colour.

11. Honey spirit

(a) Honey spirit is a spirit drink which meets the following conditions:
   (i) it is produced exclusively by fermentation and distillation of honey mash;
   (ii) it is distilled at less than 86 % vol. so that the distillate has the organoleptic characteristics derived from the raw materials used.

(b) The minimum alcoholic strength by volume of honey spirit shall be 35 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) Honey spirit shall not be flavoured.

(e) Honey spirit may only contain added caramel as a means to adapt colour.

(f) Honey spirit may only be sweetened with honey.

12. Hefebrand

(a) *Hefebrand* or lees spirit is a spirit drink produced exclusively by the distillation at less than 86 % vol. of lees of wine or of fermented fruit.

(b) The minimum alcoholic strength by volume of *Hefebrand* or lees spirit shall be 38 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) *Hefebrand* or lees spirit shall not be flavoured.

(e) *Hefebrand* or lees spirit may only contain added caramel as a means to adapt colour.

(f) The sales denomination *Hefebrand* or lees spirit shall be supplemented by the name of the raw materials used.

13. Bierbrand or eau de vie de bière

(a) *Bierbrand* or *eau de vie de bière* is a spirit drink obtained exclusively by direct distillation under normal pressure of fresh beer with an alcoholic strength by volume of less than 86 % so that the distillate obtained has organoleptic characteristics deriving from the beer.

(b) The minimum alcoholic strength by volume of *Bierbrand* or *eau de vie de bière* shall be 38 %.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) *Bierbrand* or *eau de vie de bière* shall not be flavoured.

(e) *Bierbrand* or *eau de vie de bière* may only contain added caramel as a means to adapt colour.
14. Topinambur

(a) Topinambur or Jerusalem artichoke spirit is a spirit drink produced exclusively by fermentation and distillation at less than 86% vol. of Jerusalem artichoke tubers (*Helianthus tuberosus* L.).

(b) The minimum alcoholic strength by volume of topinambur or Jerusalem artichoke spirit shall be 38%.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

(d) Topinambur or Jerusalem artichoke spirit shall not be flavoured.

(e) Topinambur or Jerusalem artichoke spirit may only contain added caramel as a means of adapting colour.

15. Vodka

(a) Vodka is a spirit drink produced from ethyl alcohol of agricultural origin obtained following fermentation with yeast from either:

- potatoes or cereals or both,
- other agricultural raw materials,

distilled or rectified or both so that the organoleptic characteristics of the raw materials used and by-products formed in fermentation are selectively reduced.

This process may be followed by re-distillation or treatment with appropriate processing aids or both, including treatment with activated charcoal, to give it special organoleptic characteristics.

Maximum levels of residue for ethyl alcohol of agricultural origin shall meet those set out in point (1) of Annex I, except that the methanol content shall not exceed 10 grams per hectolitre of 100% vol. alcohol.

(b) The minimum alcoholic strength by volume of vodka shall be 37.5%.

(c) The only flavourings which may be added are natural flavouring compounds present in distillate obtained from the fermented raw materials. In addition, the product may be given special organoleptic characteristics, other than a predominant flavour.

(d) The description, presentation or labelling of vodka not produced exclusively from potatoes or cereals shall bear the indication ‘produced from ...’, supplemented by the name of the raw materials used to produce the ethyl alcohol of agricultural origin.

16. Spirit (preceded by the name of the fruit) obtained by maceration and distillation

(a) Spirit (preceded by the name of the fruit) obtained by maceration and distillation is a spirit drink which meets the following conditions:

(i) produced by maceration of fruit or berries listed under point (ii), whether partially fermented or unfermented, with the possible addition of a maximum of 20 litres of ethyl alcohol of agricultural origin or of spirit or of distillate deriving from the same fruit, or of a mixture thereof, per 100 kg of fermented fruit or berries, followed by distillation at less than 86% vol.;
(ii) obtained from the following fruits or berries:

— blackberry (*Rubus fruticosus* auct. aggr.),
— strawberry (*Fragaria* spp.),
— bilberry/blueberry (*Vaccinium myrtillus* L.),
— raspberry (*Rubus idaeus* L.),
— redcurrant (*Ribes rubrum* L.),
— white currant (*Ribes niveum* Lindl.),
— blackcurrant (*Ribes nigrum* L.),
— sloe (*Prunus spinosa* L.),
— rowanberry (*Sorbus aucuparia* L.),
— service-berry (*Sorbus domestica* L.),
— hollyberry (*Ilex aquifolium* and *Ilex cassine* L.),
— checkerberry (*Sorbus torminalis* (L.) Crantz),
— elderberry (*Sambucus nigra* L.),
— gooseberry (*Ribes uva-crispa* L. syn. *Ribes grossularia*),
— cranberry (*Vaccinium L. subgenus Oxyccoccus*),
— lingonberry (*Vaccinium vitis-idaea* L.),
— high bush blueberry (*Vaccinium corymbosum* L.),
— sea-buckthorn (*Hippophae rhamnoides* L.),
— rosehip (*Rosa canina* L.),
— cloudberry (*Rubus chamaemorus* L.),
— crowberry (*Empetrum nigrum* L.),
— arctic bramble (*Rubus arcticus* L.),
— myrtle (*Myrtus communis* L.),
— banana (*Musa* spp.),
— passion fruit (*Passiflora edulis* Sims),
— ambarella (*Spondias dulcis* Sol. ex Parkinson),
— hog plum (*Spondias mombin* L.),
— walnut (*Juglans regia* L.),
— hazelnut (*Corylus avellana* L.),
— chestnut (*Castanea sativa* L.),
— citrus fruits (*Citrus* spp. L.),
— prickly pear (*Opuntia ficus-indica*).

(b) The minimum alcoholic strength by volume of a Spirit (preceded by the name of the fruit) obtained by maceration and distillation shall be 37.5 %.

(c) Spirit (preceded by the name of the fruit) obtained by maceration and distillation shall not be flavoured.

(d) As regards the labelling and presentation of Spirit (preceded by the name of the fruit) obtained by maceration and distillation, the wording ‘obtained by maceration and distillation’ must appear in the presentation or labelling in characters of the same font, size and colour and in the same visual field as the
wording ‘Spirit (preceded by the name of the fruit)’ and, in the case of bottles, on the front label.

17. Geist (with the name of the fruit or the raw materials used)

(a) Geist (with the name of the fruit or the raw materials used) is a spirit drink obtained by maceration of unfermented fruits and berries listed in point (a) (ii) of category 16 or vegetables, nuts, or other plant materials such as herbs or rose petals in ethyl alcohol of agricultural origin, followed by distillation at less than 86 % vol.

(b) The minimum alcoholic strength by volume of Geist (with the name of the fruit or the raw materials used) shall be 37.5 %.

(c) Geist (with the name of the fruit or the raw materials used) shall not be flavoured.

18. Gentian

(a) Gentian is a spirit drink produced from a distillate of gentian, itself obtained by the fermentation of gentian roots with or without the addition of ethyl alcohol of agricultural origin.

(b) The minimum alcoholic strength by volume of gentian shall be 37.5 %.

(c) Gentian shall not be flavoured.

19. Juniper-flavoured spirit drinks

(a) Juniper-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin or grain spirit or grain distillate or a mixture thereof with juniper (Juniperus communis L. or Juniperus oxicedrus L.) berries.

(b) The minimum alcoholic strength by volume of juniper-flavoured spirit drinks shall be 30 %.

(c) Flavouring substances, flavouring preparations, aromatic plants or parts of aromatic plants or a combination of them may be used in addition, but the organoleptic characteristics of juniper shall be discernible, even if they are sometimes attenuated.

(d) Juniper-flavoured spirit drinks may bear the sales denominations Wacholder or genebra.

20. Gin

(a) Gin is a juniper-flavoured spirit drink produced by flavouring organoleptically suitable ethyl alcohol of agricultural origin with juniper berries (Juniperus communis L.).

(b) The minimum alcoholic strength by volume of gin shall be 37.5 %.

(c) Only flavouring substances or flavouring preparations or both shall be used for the production of gin so that the taste is predominantly that of juniper.

(d) The term ‘gin’ may be supplemented by the term ‘dry’ if it does not contain added sweetening exceeding 0.1 gram of sugars per litre of the final product.

21. Distilled gin

(a) Distilled gin is one of the following:
(i) a juniper-flavoured spirit drink produced exclusively by re-distilling organoleptically suitable ethyl alcohol of agricultural origin of an appropriate quality with an initial alcoholic strength of at least 96 % vol. in stills traditionally used for gin, in the presence of juniper berries (Juniperus communis L.) and of other natural botanicals provided that the juniper taste is predominant;

(ii) the mixture of the product of such distillation and ethyl alcohol of agricultural origin with the same composition, purity and alcoholic strength; flavouring substances or flavouring preparations as specified in point (c) of category 20 or both may also be used to flavour distilled gin.

(b) The minimum alcoholic strength by volume of distilled gin shall be 37.5 %.

(c) Gin obtained simply by adding essences or flavourings to ethyl alcohol of agricultural origin shall not be considered as distilled gin.

(d) The term ‘distilled gin’ may be supplemented by the term ‘dry’ if it does not contain added sweetening exceeding 0.1 gram of sugars per litre of the final product.

22. London gin

(a) London gin is a type of distilled gin:

(i) obtained exclusively from ethyl alcohol of agricultural origin, with a maximum methanol content of 5 grams per hectolitre of 100 % vol. alcohol, the flavour of which is introduced exclusively through the re-distillation in traditional stills of ethyl alcohol of agricultural origin in the presence of all the natural plant materials used;

(ii) the resultant distillate of which contains at least 70 % alcohol by vol.;

(iii) where any further ethyl alcohol of agricultural origin is added it must comply with the requirements laid down in point (1) of Annex I, but with a maximum methanol content of 5 grams per hectolitre of 100 % vol. alcohol;

(iv) which does not contain added sweetening exceeding 0.1 gram of sugars per litre of the final product nor colours;

(v) which does not contain any added ingredients other than water.

(b) The minimum alcoholic strength by volume of London gin shall be 37.5 %.

(c) The term London gin may be supplemented by the term ‘dry’.

23. Caraway-flavoured spirit drinks

(a) Caraway-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin with caraway (Carum carvi L.).

(b) The minimum alcoholic strength by volume of caraway-flavoured spirit drinks shall be 30 %.

(c) Flavouring substances or flavouring preparations or both may additionally be used but there must be a predominant taste of caraway.
24. Akvavit or aquavit
(a) *Akvavit* or *aquavit* is a spirit drink flavoured with caraway or dill seeds or both, produced by using ethyl alcohol of agricultural origin flavoured with a distillate of plants or spices.
(b) The minimum alcoholic strength by volume of *akvavit* or *aquavit* shall be 37.5%.
(c) Natural flavouring substances or flavouring preparations or both may additionally be used, but the flavour of these drinks shall be largely attributable to distillates of caraway (*Carum carvi* L.) or dill (*Anethum graveolens* L.) seeds or both, the use of essential oils being prohibited.
(d) The bitter substances must not obviously dominate the taste; the dry extract content shall not exceed 1.5 grams per 100 millilitres.

25. Aniseed-flavoured spirit drinks
(a) Aniseed-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin with natural extracts of star anise (*Illicium verum* Hook f.), anise (*Pimpinella anisum* L.), fennel (*Foeniculum vulgare* Mill.), or any other plant which contains the same principal aromatic constituent, using one of the following processes or a combination thereof:
   (i) maceration or distillation or both;
   (ii) re-distillation of the alcohol in the presence of the seeds or other parts of the plants specified above;
   (iii) addition of natural distilled extracts of aniseed-flavoured plants.
(b) The minimum alcoholic strength by volume of aniseed-flavoured spirit drinks shall be 15%.
(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of aniseed-flavoured spirit drinks.
(d) Other natural plant extracts or aromatic seed may also be used, but the aniseed taste must remain predominant.

26. Pastis
(a) *Pastis* is an aniseed-flavoured spirit drink which also contains natural extracts of liquorice root (*Glycyrrhiza* spp.), which implies the presence of the colorants known as ‘chalones’ as well as glycyrrhizic acid, the minimum and maximum levels of which must be 0.05 and 0.5 grams per litre, respectively.
(b) The minimum alcoholic strength by volume of *pastis* shall be 40%.
(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of *pastis*.
(d) *Pastis* contains less than 100 grams of sugars per litre, expressed as invert sugar, and has a minimum and maximum anethole level of 1.5 and 2 grams per litre, respectively.

27. Pastis de Marseille
(a) *Pastis de Marseille* is a *pastis* with an anethole content of 2 grams per litre.
(b) The minimum alcoholic strength by volume of pastis de Marseille shall be 45 \%.

(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of pastis de Marseille.

28. Anis

(a) Anis is an aniseed-flavoured spirit drink whose characteristic flavour is derived exclusively from anise (Pimpinella anisum L.), star anise (Illicium verum Hook f.) or fennel (Foeniculum vulgare Mill.) or a combination of them.

(b) The minimum alcoholic strength by volume of anis shall be 37 \%.

(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of anis.

29. Distilled anis

(a) Distilled anis is anis which contains alcohol distilled in the presence of the seeds referred to in point (a) of category 28 and in the case of geographical indications mastic and other aromatic seeds, plants or fruits, provided such alcohol constitutes at least 20 \% of the alcoholic strength of the distilled anis.

(b) The minimum alcoholic strength by volume of distilled anis shall be 35 \%.

(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of distilled anis.

30. Bitter-tasting spirit drinks or bitter

(a) Bitter-tasting spirit drinks or bitter are spirit drinks with a predominantly bitter taste produced by flavouring ethyl alcohol of agricultural origin with flavouring substances.

(b) The minimum alcoholic strength by volume of bitter-tasting spirit drinks or bitter shall be 15 \%.

(c) Bitter tasting spirit drinks or bitter may also be sold under the names ‘amer’ or ‘bitter’ with or without another term.

31. Flavoured vodka

(a) Flavoured vodka is vodka which has been given a predominant flavour other than that of the raw materials.

(b) The minimum alcoholic strength by volume of flavoured vodka shall be 37.5 \%.

(c) Flavoured vodka may be sweetened, blended, flavoured, matured or coloured.

(d) Flavoured vodka may also be sold under the name of any predominant flavour with the word ‘vodka’.

32. Liqueur

(a) Liqueur is a spirit drink:

(i) having a minimum sugar content, expressed as invert sugar, of:

- 70 grams per litre for cherry liqueurs the ethyl alcohol of which consists exclusively of cherry spirit,
– 80 grams per litre for gentian or similar liqueurs prepared with gentian or similar plants as the sole aromatic substance,
– 100 grams per litre in all other cases;

(ii) produced using ethyl alcohol of agricultural origin or a distillate of agricultural origin or one or more spirit drinks or a mixture thereof, which has been sweetened and to which one or more flavourings, products of agricultural origin or foodstuffs have been added.

(b) The minimum alcoholic strength by volume of liqueur shall be 15 %.

(c) Flavouring substances and flavouring preparations may be used in the preparation of liqueur. However, only natural flavouring substances and flavouring preparations shall be used in the preparation of the following liqueurs:

(i) fruit liqueurs:
  – blackcurrant,
  – cherry,
  – raspberry,
  – mulberry,
  – bilberry,
  – citrus fruit,
  – cloudberry,
  – arctic bramble,
  – cranberry,
  – lingonberry,
  – sea buckthorn,
  – pineapple;

(ii) plant liqueurs:
  – mint,
  – gentian,
  – aniseed,
  – génépi,
  – vulnerary.

(d) The following compound terms may be used in the presentation of liqueurs produced in the Union where ethyl alcohol of agricultural origin is used to mirror established production methods:

  – prune brandy,
  – orange brandy,
  – apricot brandy,
  – cherry brandy,
  – solbaerrom, also called blackcurrant rum.

As regards the labelling and presentation of those liqueurs, the compound term must appear on the labelling and in the presentation in one line in uniform characters of the same font and colour and the word ‘liqueur’ must appear in immediate proximity in characters no smaller than that font. If the alcohol does not come from the spirit drink indicated, its origin must be shown on the labelling in the same visual field as the compound term and the word ‘liqueur’
either by stating the type of agricultural alcohol or by the words ‘agricultural alcohol’ preceded on each occasion by ‘made from’ or ‘made using’.

33. Crème de (followed by the name of a fruit or the raw material used)
(a) Spirit drinks known as Crème de (followed by the name of a fruit or the raw material used), excluding milk products, are liqueurs with a minimum sugar content of 250 grams per litre expressed as invert sugar.
(b) The minimum alcoholic strength by volume of Crème de (followed by the name of a fruit or the raw material used) shall be 15 %.
(c) The rules on flavouring substances and flavouring preparations for liqueurs laid down under category 32 shall apply to this spirit drink.
(d) The sales denomination may be supplemented by the term ‘liqueur’.

34. Crème de cassis
(a) Crème de cassis is a blackcurrant liqueur with a minimum sugar content of 400 grams per litre expressed as invert sugar.
(b) The minimum alcoholic strength by volume of crème de cassis shall be 15 %.
(c) The rules on flavouring substances and flavouring preparations for liqueurs laid down under category 32 shall apply to crème de cassis.
(d) The sales denomination may be supplemented by the term ‘liqueur’.

35. Guignolet
(a) Guignolet is a liqueur obtained by maceration of cherries in ethyl alcohol of agricultural origin.
(b) The minimum alcoholic strength by volume of guignolet shall be 15 %.
(c) The rules on flavouring substances and flavouring preparations for liqueurs laid down under category 32 shall apply to guignolet.
(d) The sales denomination may be supplemented by the term ‘liqueur’.

36. Punch au rhum
(a) Punch au rhum is a liqueur for which the alcohol content is provided exclusively by rum.
(b) The minimum alcoholic strength by volume of punch au rhum shall be 15 %.
(c) The rules on flavouring substances and flavouring preparations for liqueurs laid down under category 32 shall apply to punch au rhum.
(d) The sales denomination may be supplemented by the term ‘liqueur’.

37. Sloe gin
(a) Sloe gin is a liqueur produced by maceration of sloes in gin with the possible addition of sloe juice.
(b) The minimum alcoholic strength by volume of sloe gin shall be 25 %.
(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of sloe gin.
(d) The sales denomination may be supplemented by the term ‘liqueur’.
38. ‘Sloe-aromatised spirit drink or Pacharán’

Sloe-aromatised spirit drink or *Pacharán* is a spirit drink:
(a) which has a predominant sloe taste and is obtained by the maceration of sloes (*Prunus spinosa*) in ethyl alcohol of agricultural origin, with the addition of natural extracts of anise or distillates of anise or both;
(b) which has a minimum alcoholic strength by volume of 25 %;
(c) for the production of which a minimum quantity of 125 grams of sloe fruits per litre of final product has been used;
(d) which has sugar content, expressed as invert sugar between 80 and 250 grams per litre of the final product;
(e) the organoleptic characteristics, colour and taste of which are provided exclusively by the fruit used and the anise.

The term ‘*Pacharán*’ may be used as a sales denomination only when the product is produced in Spain. When the product is produced outside Spain, ‘*Pacharán*’ may only be used to supplement the sales denomination ‘Sloe-aromatised spirit drink’, provided that it is accompanied by the words: ‘produced in …’, followed by the name of the Member State or third country of production.

39. Sambuca

(a) *Sambuca* is a colourless aniseed-flavoured liqueur which meets the following conditions:
   (i) it contains distillates of anise (*Pimpinella anisum* L.), star anise (*Illicium verum* L.) or other aromatic herbs;
   (ii) it has a minimum sugar content of 370 grams per litre expressed as invert sugar;
   (iii) it has a natural anethole content of not less than 1 gram and not more than 2 grams per litre.
(b) The minimum alcoholic strength by volume of *sambuca* shall be 38 %.
(c) The rules on flavouring substances and flavouring preparations for liqueurs laid down under category 32 apply to *sambuca*.
(d) The sales denomination may be supplemented by the term ‘liqueur’.

40. Maraschino, Marrasquino or Maraskino

(a) *Maraschino, marrasquino* or *maraskino* is a colourless liqueur the flavour of which is given mainly by a distillate of marasca cherries or of the product obtained by macerating cherries or parts of cherries in alcohol of agricultural origin with a minimum sugar content of 250 grams per litre expressed as invert sugar.
(b) The minimum alcoholic strength by volume of *maraschino, marrasquino* or *maraskino* shall be 24 %.
(c) The rules on flavouring substances and flavouring preparations for liqueurs laid down under category 32 shall apply to *maraschino, marrasquino* or *maraskino*.
(d) The sales denomination may be supplemented by the term ‘liqueur’.
41. Nocino

(a) *Nocino* is a liqueur the flavour of which is given mainly by maceration or distillation or both of whole green walnuts (*Juglans regia* L.) with a minimum sugar content of 100 grams per litre expressed as invert sugar.

(b) The minimum alcoholic strength by volume of *nocino* shall be 30 %.

(c) The rules on flavouring substances and flavouring preparations for liqueurs laid down under category 32 shall apply to *nocino*.

(d) The sales denomination may be supplemented by the term ‘liqueur’.

42. Egg liqueur or advocaat or avocat or advokat

(a) Egg liqueur or *advocaat* or *avocat* or *advokat* is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit, or a mixture thereof, the ingredients of which are quality egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum content of pure egg yolk must be 140 grams per litre of the final product.

(b) The minimum alcoholic strength by volume of egg liqueur or *advocaat* or *avocat* or *advokat* shall be 14 %.

(c) Only flavouring substances and flavouring preparations may be used in the preparation of egg liqueur or *advocaat* or *avocat* or *advokat*.

43. Liqueur with egg

(a) Liqueur with egg is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit drink, or a mixture thereof, the characteristic ingredients of which are quality egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum egg yolk content must be 70 grams per litre of the final product.

(b) The minimum alcoholic strength by volume of liqueur with egg shall be 15 %.

(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of liqueur with egg.

44. Mistrà

(a) *Mistrà* is a colourless spirit drink flavoured with aniseed or natural anethole which meets the following conditions:

(i) it has an anethole content of not less than 1 gram and not more than 2 grams per litre;

(ii) it may also contain a distillate of aromatic herbs;

(iii) it has no added sugar.

(b) The minimum alcoholic strength by volume of *mistrà* shall be 40 % and the maximum alcoholic strength by volume shall be 47 %.

(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of *mistrà*. 
45. Väkevä glögi or spritglögg

(a) *Väkevä glögi* or *spritglögg* is a spirit drink produced by flavouring ethyl alcohol of agricultural origin with flavour of cloves or cinnamon or both, using one of the following processes: Maceration or distillation, re-distillation of the alcohol in the presence of parts of the plants specified above, addition of natural flavouring substances of cloves or cinnamon or a combination of these processes.

(b) The minimum alcoholic strength by volume of *väkevä glögi* or *spritglögg* shall be 15 %.

(c) Flavouring substances, flavouring preparations or other flavourings may also be used, but the flavour of the specified spices must be predominant.

(d) The content of wine or wine products shall not exceed 50 % of the final product.

46. Berenburg or Beerenburg

(a) *Berenburg* or *Beerenburg* is a spirit drink which meets the following conditions:

(i) it is produced using ethyl alcohol of agricultural origin;

(ii) it is produced by the maceration of fruit or plants or parts thereof;

(iii) it contains as specific flavour distillate of gentian root (*Gentiana lutea* L.), of juniper berries (*Juniperus communis* L.) and of laurel leaves (*Laurus nobilis* L.);

(iv) it varies in colour from light to dark brown;

(v) it may be sweetened to a maximum of 20 grams per litre expressed as invert sugar.

(b) The minimum alcoholic strength by volume of *Berenburg* or *Beerenburg* shall be 30 %.

(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of *Berenburg* or *Beerenburg*.

47. Honey or mead nectar

(a) Honey or mead nectar is a spirit drink produced by flavouring the mixture of fermented honey mash and honey distillate or ethyl alcohol of agricultural origin or both, which contains at least 30 % vol. of fermented honey mash.

(b) The minimum alcoholic strength by volume of honey or mead nectar shall be 22 %.

(c) Only natural flavouring substances and flavouring preparations may be used in the preparation of honey or mead nectar provided that the honey taste is predominant.

(d) Honey or mead nectar may be sweetened only with honey.
PART II

Specific rules concerning certain spirit drinks other than those listed in Part I

1. Rum-Verschnitt is produced in Germany and obtained by mixing rum and alcohol, whereby a minimum proportion of 5 % of the alcohol contained in the final product must come from rum. The minimum alcoholic strength by volume of Rum-Verschnitt shall be 37.5 %. As regards the labelling and presentation, the word Verschnitt must appear in the presentation and labelling in characters of the same font, size and colour as, and on the same line as, the word ‘Rum’ and, in the case of bottles, on the front label. The sales denomination of this product shall be ‘spirit drink’. Where this product is sold outside Germany, its alcoholic composition must appear on the label.

2. Slivovice is produced in the Czech Republic and obtained by the addition to the plum distillate, before the final distillation, of ethyl alcohol of agricultural origin, whereby a minimum proportion of 70 % of the alcohol contained in the final product must come from plum distillate. The sales denomination of this product shall be ‘spirit drink’. The name slivovice may be added if it appears in the same visual field on the front label. If slivovice is sold outside the Czech Republic, its alcoholic composition must appear on the label. This provision is without prejudice to the use of the name slivovitz for fruit spirits according to category 9 of Part I of this Annex.