Council of the European Union

Brussels, 14 December 2018
(OR. en)

15530/18

Interinstitutional File: 2016/0392(COD)

AGRI 645
WTO 338
CODEC 2333

NOTE

From:	Presidency
To:	Delegations
No. Cion doc.:	15121/16 + ADD 1
Subject:	Draft Regulation of the European Parliament and of the Council on the definition, description, 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 use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008. - Information from the Presidency

Following the Special Committee on Agriculture on 10 December 2018, delegations will find in:

- Annex A, the final compromise text with a view to agreement, as confirmed by the SCA;
- Annex B, statements from the Commission and from some delegations (which are also annexed to the summary record of the SCA meeting).

ANNEX A

REGULATION (EU) 2018/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

on the definition, *description*, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, *the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008*

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,

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

Having regard to the opinion of the European Economic and Social Committee[1],

Acting in accordance with the ordinary legislative procedure[2],

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1 OJ C 209, 30.6.2017, p. 54.

2 Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of ... .

Whereas:

(1) Regulation (EC) No 110/2008 of the European Parliament and of the Council[3] has proved successful in regulating the spirit drinks sector. However, in the light of recent experience and technological innovation, ***market developments and evolving consumer expectations,*** it is necessary to update the rules on the definition, ***description,*** presentation and labelling of spirit drinks and to review the ways geographical indications for spirit drinks are registered ***and protected***.

▌

(3) The measures applicable to spirit drinks should contribute to attaining a high level of consumer protection, ***removing information asymmetry***, 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.

(3a) Spirit drinks represent a major outlet for the agriculture of the Union and the production of spirit drinks is strongly linked to the agricultural sector. ▌ This link ***determines*** the quality***, safety*** and reputation of the spirit drinks produced in the Union. This strong link to the ***agri-food*** sector should therefore be emphasised by the regulatory framework.

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[3] Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

(3b) The measures applicable to spirit drinks constitute a special case compared with the general rules laid down for the agri-food sector and should also take into account the traditional production methods in use in the different Member States.

(4) ▌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***, without prejudice to the diversity of the official languages and alphabets in the Union***. 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 ***legal names*** of spirit drinks in the presentation and labelling of foodstuffs.

(4a) In order to meet consumer expectations and to conform to traditional practices, ethyl alcohol and distillates used for the production of spirit drinks should be exclusively of agricultural origin.

(5) 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.

▌

(7) ▌The definitions of ***and technical requirements for*** spirit drinks ***and the classification of spirit drinks*** into categories ***should continue to take*** into account ▌traditional ▌practices. ***Specific*** rules for certain spirit drinks that are not included in the list of categories ***should also be laid down***.

(7a) Rules should be laid down regarding the legal names to be used for spirit drinks that are placed on the Union market.

▌

(9) ***Regulation (EC) No 1333/2008 of the European Parliament and of the Council[4] and*** Regulation (EC) No 1334/2008 of the European Parliament and of the Council[5] also ***apply*** to spirit drinks. However, it is necessary to lay down additional rules concerning ***colours and*** flavourings which will only apply to spirit drinks. ***It is also necessary to lay down additional rules concerning the dilution and dissolution of flavourings, colours and other authorised additives which will only apply to the production of alcoholic beverages. It is only necessary therefore to lay down in this Regulation rules not already provided for in those Regulations.***

(10) Given the importance and complexity of the spirit drinks sector, it is appropriate to lay down specific rules on the ***description***, presentation and labelling of spirit drinks, in particular for the use of ***legal names***, geographical indications, compound terms and allusions ***therein***.

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[4] ***Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).***

[5] Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34).

(11) Regulation (EU) No 1169/2011 of the European Parliament and of the Council[6] should apply to the ***description***, presentation and labelling of spirit drinks, save as otherwise provided for in this Regulation. ***However, given the importance and the complexity of the spirit drinks sector, it is appropriate to lay down specific rules on the description, presentation and labelling of spirit drinks going beyond that Regulation. Those specific rules should also prevent the misuse of the term 'spirit drink' and the legal names of spirit drinks for products which do not meet the definitions and requirements set out in this Regulation.***

(12) In order to ensure the uniform use of compound terms and allusions in Member States ***and in order to provide consumers with adequate information, thereby protecting them from being mislead,*** it is necessary to lay down provisions concerning their use for the purpose of presentation of spirit drinks and other foodstuffs. ***These provisions are also intended to protect the reputation of the spirit drinks used in this context.***

(13) In order to provide consumers with the adequate information, provisions on the ***description*****,** presentation and labelling of spirit drinks which qualify ***as mixed or blended*** spirit drinks should be laid down.

(14) While it is important to ensure that in general the ***stated*** maturation period or age specifies only the youngest alcoholic component, ***to take account of traditional ageing processes in the Member States,*** it should be possible to provide, by means of delegated acts, for ***derogations and appropriate control mechanisms in relation to*** *brandies* ***produced using the traditional dynamic ageing system known as the*** *"criaderas y solera"* ***system or*** *"solera e criaderas"* ***system.***

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[6] 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, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

(14a) For reasons of legal certainty and adequate information to consumers, it should be clarified that the use of the names of raw materials or adjectives as legal names of certain spirit drinks does not preclude the use of such raw materials or adjectives in the presentation and labelling of foodstuffs. For the same reasons, it should be clarified that the use of the German word -geist as the legal name of a category of spirit drink does not preclude the use of that word as a fancy name supplementing the legal name of other spirit drinks or the name of other alcoholic beverages, provided that such use does not mislead the consumer.

(14b) In order to ensure adequate information for consumers and to enhance quality production methods, it should be provided that the legal name of any spirit drink may be supplemented by the term 'dry' or 'dry', if that spirit drink has not been sweetened. However, in line with the principle that food information must not be misleading, particularly by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, this rule should not apply to spirit drinks that may not be sweetened, even for rounding off the taste, notably to whisky or whiskey. This rule should also not apply to gin, distilled gin and London gin, to which specific sweetening and labelling rules should continue to apply. As regards liqueurs, liqueurs characterised in particular by a tart, bitter, tangy, acerbic, sour or citrus taste, regardless of their degree of sweetening, may be labelled as 'dry' or 'dry'. Such labelling is not likely to mislead the consumer, since liqueurs are required to have a minimum sugar content. It should therefore be clarified that in the case of liqueurs, the term 'dry' or 'dry' does not indicate that the spirit drink has not been sweetened.

(14c) To take into account consumer expectations about the raw materials used for vodka especially in the traditional vodka producing Member States, provision should be made for adequate information to be provided on the raw material used where vodka is made from raw materials of agricultural origin other than cereals or potatoes or both.

(14d) In order to enforce and to check the application of the legislation relating to rules on ageing and labelling, and to combat fraud, an obligation to indicate the legal name and the maturation period of any spirit drink in electronic administrative documents should be provided for.

(15) In some cases, food business operators ▌ may want to indicate the ***place of provenance*** of spirit drinks ***other than geographical indications*** to draw consumers' attention to the qualities of their product. ▌ Therefore, specific provisions on the indication of the country of origin or place of provenance in the ***description*****,** presentation and labelling of spirit drinks should be laid down. ***Moreover, the obligation to indicate the country of origin or the place of provenance of a primary ingredient, laid down in Regulation (EU) No 1169/2011, should not apply for spirit drinks, even if the country of origin or the place of provenance of the primary ingredient of a spirit drink is not the same as the place of provenance indicated in the description, presentation or labelling of that spirit drink.***

(15a) In order to protect the reputation of certain spirit drinks, a provision should be laid down governing the translation, transcription and transliteration of legal names for export purposes.

(15b) In order to ensure the consistent application of this Regulation, Union reference methods for the analysis of spirit drinks and of ethyl alcohol used in the production of spirit drinks should be established.

(16) The use of lead-based capsules to cover the closing devices of containers holding spirit drinks should ***continue to*** 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.

(17) 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') ***including Article V thereof on freedom of transit,*** which were approved by Council Decision 94/800/EC[7]. ***Within such legal framework, in order to strengthen geographical indication protection and to combat counterfeiting more effectively, such protection should also apply with regard to goods entering the customs territory of the Union without being released for free circulation, and placed under customs special procedures such as transit, storage, specific use or processing.***

(18) Regulation (EU) No 1151/2012 of the European Parliament and of the Council[8] does not apply to spirit drinks. Rules on protection of geographical indications of spirit drinks should therefore be laid down. Geographical indications ▌ should be registered by the Commission.

(19) 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 ▌ geographical indications ***that are protected in*** the Union. In ***order to make*** 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. ***Geographical indications protected under Regulation (EC) No 110/2008 should automatically be protected under this Regulation and listed in the electronic register. The Commission should complete the verification of geographical indications contained in Annex III to Regulation (EC) No 110/2008, in accordance with Article 20 of that Regulation.***

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7 Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

8 Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

(19a) For reasons of consistency with the food, wine and aromatised wine products geographical indications sectors, the name of the act providing the rules of production of the spirit drink which is registered as a geographical indication should be changed from "technical file" to "product specification". Technical files submitted as part of any application under Regulation (EC) No 110/2008 should be deemed to be product specifications.

(19b) The relation between trademarks and spirit drinks geographical indications should be reconsidered in order to clarify the criteria for refusal, invalidation and coexistence. This should not affect rights acquired by holders of geographical indications at national level or by virtue of international agreements concluded by Member States for the period before the establishment of the Union protection system by Council Regulation (EEC) No 1576/89.

(20) ***Preserving a high standard of quality is essential if the spirit drinks sector's reputation and value are to be maintained.*** Member State authorities should be responsible for ensuring ***that the standard is preserved through*** compliance with this Regulation***. The*** Commission should be able to monitor and verify such compliance ***in order to ascertain that it is being uniformly enforced.*** 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 ***production***, ***description***, 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, ▌ the law of the importing third countries, and in order to ensure the ***legitimate interests of producers and food business operators as regards the*** protection of geographical indications, the power to adopt acts in accordance with Article 290 of the Treaty ***on the Functioning of the European Union ('the Treaty')*** should be delegated to the Commission in respect of**:** ***authorising new sweetening products,*** the ***amendments*** of ***and*** derogations from the technical definitions and requirements ***for*** spirit drinks ▌***, derogations related to the specification of maturation period or age for*** *brandy* ***and the setting up of the public register of bodies in charge of supervising the ageing processes,*** ▌ the ***establishment of an electronic register of*** geographical indications ***of spirit drinks and detailed rules on the form and content of that register, further conditions in relation to applications for the protection of a geographical indication and preliminary national procedures, scrutiny by the Commission, the opposition procedure and cancellation of geographical indications, and conditions and requirements for the procedure concerning amendments to product specifications, amendments and derogations from certain definitions and rules on description, presentation and labelling***.

(22a) In order to ensure the implementation of the Economic Partnership Agreement between the European Union and Japan, it was necessary to provide for a derogation from the nominal quantities set out in the Annex to Directive 2007/45/EC[9] for spirit drinks in order to allow that single distilled shochu produced by pot still and bottled in Japan be placed on the Union market in traditional Japanese bottle sizes. That derogation was introduced by Regulation (EU) 2018/1670 of the European Parliament and of the Council[10] and should continue to apply.

(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[11]. 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.

(24a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission regarding the publication of the single document in the Official Journal of the European Union and regarding decisions on registration of names as geographical indications if there is no notice of opposition or no admissible reasoned statement of opposition or in the case there is one the agreement has been reached.

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9 ***Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17).***

10 ***Regulation (EU) 2018/1670 of the European Parliament and of the Council of 23 October 2018 amending Regulation (EC) No 110/2008 as regards nominal quantities for the placing on the Union market of single distilled shochu produced by pot still and bottled in Japan (OJ L 284, 12.11.2018, p. 1).***

11 OJ L 123, 12.5.2016, p. 1.

(25) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission ***regarding the rules for the use of new sweetening products, for information to be provided by Member States with regards the bodies appointed to supervise ageing processes, the indication of the country of origin or place of provenance on the label of spirit drinks, the rules on the use of the Union symbol for protected geographical indications, the detailed technical rules on the Union reference methods for the analysis of ethyl alcohol, distillates of agricultural origin and spirit drinks, granting the transitional period for the use of geographical indications and extensions of these periods, rejections of applications where the conditions for the registration are not fulfilled already before the publication for opposition, registrations or rejections of geographical indications published for opposition in case an opposition has been submitted and no agreement has been reached, approvals or rejections of Union amendments to a product specification, approvals or rejections of requests for cancellation of the registration of a geographical indication, 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, procedures, form and presentation of applications, of oppositions, of amendment applications and communication and of the cancellation process with regard to geographical indications, of the checks and verifications to be carried out by the Member States as well as with regards to the necessary information to be exchanged for the application of this Regulation. Those implementing powers should be exercised in accordance with the provisions of Regulation (EU) No 182/2011 of the European Parliament and the Council[12].***

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12 ***Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).***

(26a) Regulation (EC) No 110/2008 should be repealed.

(28) 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.

(29) ***Since the rules on geographical indications enhance the protection for operators, they should be* applicable two weeks after the entry into force of this Regulation. However, *provision should be made for appropriate arrangements to*** facilitate a smooth transition from the rules provided for in Regulation (EC) No 110/2008 to the rules laid down in this Regulation .

(30) As regards the rules not relating to geographical indications, provision should be made for sufficient time to facilitate a smooth transition from the rules provided for in Regulation (EC) No 110/2008 to the rules laid down in this Regulation.

(31) The marketing of existing stocks should be allowed after the dates of application of this Regulation, until those stocks are exhausted,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SCOPE, DEFINITIONS ▌ AND ***CATEGORIES*** OF SPIRIT DRINKS

Article 1

Subject matter and scope

1. This Regulation lays down rules on**:**

   - the definition**,** ***description***, presentation and labelling of spirit drinks, as well as on the protection of geographical indications ***of*** spirit drinks***;***

   - ▌ the ▌ ethyl alcohol ***and*** distillates ***used*** in the production of alcoholic beverages***;*** and

   - ▌ the use of ***the legal names of*** spirit drinks ▌ in the presentation and labelling of ▌ foodstuffs ***other than spirit drinks***.

2. This Regulation ***applies*** to the products referred to in paragraph 1 ***that are*** 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

Definition and requirements for spirit drinks

▌ For the ***purposes*** of this Regulation, ***a spirit drink*** **is** an alcoholic beverage which complies with the following requirements:

(a) it is intended for human consumption;

(b) it possesses particular organoleptic qualities;

(c) ***with the exception of spirit drinks listed in category 42 of Annex II,*** it has a minimum alcoholic strength ***by volume*** of 15 % ▌;

(d) it has been produced ***either***:

(i) ▌ directly by using any of the following methods***, individually or in combination***:

- distillation, with or without added flavourings ***or flavouring foodstuffs***, of ▌ 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 ***combination*** thereof ▌,
- the addition to ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks of any of the following ***individually or in combination***:
  - flavourings ***used in accordance with Regulation (EC) No 1334/2008,***
  - colours ***used in accordance with Regulation (EC) No 1333/2008,***
  - ***other authorised additives used in accordance with Regulation (EC) No 1333/2008 and Regulation (EC) No 1334/2008,***
  - ▌ sweetening products,
  - other agricultural products,
  - foodstuffs; or

(ii) by adding to a spirit drink any of the following ***individually or in combination***:

- 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;

(f) if water, which may be distilled, demineralised, permuted or softened, has been added in the production of spirit drinks:

(i) the quality of that water is in conformity with Council Directive 98/83/EC[13] and Directive 2009/54/EC of the European Parliament and of the Council[14]; and

(ii) the alcoholic strength of the spirit drink, after the addition, still complies with the minimum alcoholic strength by volume provided for in point (c) of this Article or under the relevant category of spirit drink as set out in Annex II.

Article 2a

Definitions

For the purposes of this Regulation, the following definitions apply:

(**1**) ***'legal name'*** means the name under which a spirit drink is ***placed on the market, within the meaning of point (n) of Article 2(2) of Regulation (EU) No 1169/2011***;

▌

(**2**) 'compound term' means***, in relation to the presentation and labelling of an alcoholic beverage,*** the combination ***either of the legal name*** provided for ***under a category of spirit drinks set out*** in ▌ Annex II or the ▌ geographical indication ***for*** a spirit drink, from which all the alcohol of the final product originates, with ***one or more*** of the following:

(a) the name of one or more foodstuffs ***other than alcoholic beverages and*** other than those ***foodstuffs*** used for the production of that spirit drink in accordance with Annex II, or adjectives deriving from those names;

(b) the ***terms*** 'liqueur' ***or 'cream'***;

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13 ***Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).***

14 ***Directive 2009/54/EC of the European Parliament and of the Council of 18 June on the exploitation and marketing of natural mineral waters (OJ L 164, 26.6.2009, p. 45).***

(**3**) ‘allusion’ means the direct or indirect reference to one or more ***legal names provided for under the*** spirit drinks ***categories set out*** in ▌ Annex II or ***to*** geographical indications ***for spirit drinks***, other than the reference in a compound term or ***lists*** of ingredients ***as*** referred to in Article ***11(2a), (2b) and (2ba) in the description, presentation or labelling of:***

(a) a foodstuff other than a spirit drink, or

(b) a spirit drink complying with the requirements for categories 32 to 43 of Annex II;

(**4**) ‘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;

(**5**) ‘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 ***and which, under Regulation (EC) No 110/2008, was referred to as 'technical file'****;*

(6) 'group' means any association, irrespective of legal form, mainly composed of producers or processors working with the spirit drinks concerned;

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

(8) 'visual field' means field of vision as defined in point (k) of Article 2(2) of Regulation (EU) No 1169/2011;

(9) 'to mix' means to combine a spirit drink that either corresponds to a category set out in Annex II or to a geographical indication with one or more of the following:

(a) other spirit drinks which do not belong to the same category set out in Annex II;

(b) distillates of agricultural origin;

(c) ethyl alcohol of agricultural origin;

(10) 'mixture' means a spirit drink that has undergone mixing;

(11) 'to blend' means to combine 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 production;

(b) the stills employed;

(c) the period of maturation or ageing;

(d) the geographical area of production;

the spirit drink so produced is of the same category of spirit drink as the original spirit drinks before blending;

(12) 'blend' means a spirit drink that has undergone blending.

Article 2b

Technical definitions and requirements

For the purposes of this Regulation, the following technical definitions and requirements apply:

(1) 'description' means the terms used in the labelling, in the presentation and on the packaging; on the documents accompanying the transport of a spirit drink; on the commercial documents, particularly the invoices and delivery notes; and in its advertising;

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

(3) '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;

(**4**) '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;

▌

(5) packaging' means the protective wrappings, cartons, cases, containers and bottles used in the transport or sale of spirit drinks;

(6) 'distillation' means a thermal separation process involving one or more separation steps intended to achieve certain organoleptic properties or a higher alcoholic concentration or both, regardless of whether such steps take place under normal pressure or under vacuum, due to the distilling device used; and can be single or multiple distillation or re-distillation;

(7) 'distillate of agricultural origin' means an alcoholic liquid which is the result of the distillation, after alcoholic fermentation, of agricultural products listed in Annex I to the Treaty which does not have the properties of ethyl alcohol and retains the aroma and taste of the raw materials used;

(8) 'to sweeten' means to use one or more sweetening products in the production of spirit drinks;

(9) 'sweetening products' means:

(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/EC[15];

(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/EC[16];

(e) carob syrup;

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

The Commission is empowered to adopt delegated acts in accordance with Article 43 supplementing this Regulation by specifying which other natural substances or agricultural raw materials having a similar effect to the products referred to in points (a) to (e) are authorised across the Union as sweetening products in the production of spirit drinks.

(10) 'addition of alcohol' means the addition of ethyl alcohol of agricultural origin or distillates of agricultural origin or both to a spirit drink; such addition does not include the use of alcohol for dilution or dissolution of colours, flavourings or any other authorised additives used in the production of spirit drinks;

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15 *Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption (OJ L 10, 12.1.2002, p. 53).*

16 *Council Directive 2001/110/EC of 20 December 2001 relating to honey (OJ L 10, 12.1.2002, p. 47).*

(11) 'maturation' or 'ageing' means the storage of a spirit drink in appropriate receptacles for a period of time for the purpose of allowing that spirit drink to undergo natural reactions that impart specific characteristics to that spirit drink;

(12) 'to flavour' means to add flavourings or flavouring foodstuffs in the production of a spirit drink by means of one or more of the following processes: addition, infusion, maceration, fermentation or distillation of the alcohol in the presence of the flavourings or flavouring foodstuffs;

(13) 'flavourings' mean flavourings as defined in point (a) of Article 3(2) of Regulation (EC) No 1334/2008;

(14) 'flavouring substance' means flavouring substance as defined in point (b) of Article 3(2) of Regulation (EC) No 1334/2008;

(15) 'natural flavouring substance' means natural flavouring substance as defined in point (c) of Article 3(2) of Regulation (EC) No 1334/2008;

(16) 'flavouring preparation' means flavouring preparation as defined in point (d) of Article 3(2) of Regulation (EC) No 1334/2008;

(17) 'other flavouring' means other flavouring as defined in point (h) of Article 3(2) of Regulation (EC) No 1334/2008;

(18) 'flavouring foodstuffs' mean foodstuffs as defined in Article 2 of Regulation (EC) No 178/2002[17] that are used in the production of spirit drinks with the main purpose of flavouring them;

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[17] Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

(19) 'to colour' means to use one or more colours in the production of a spirit drink;

(20) 'colours' mean colours as defined in point 2 of Annex I to Regulation (EC) No 1333/2008 of the European Parliament and of the Council[18];

(21) 'caramel' means an additive corresponding to the E-numbers E 150a, E 150b, E 150c and E 150d and relating to products of a more or less intense brown colour which are intended for colouring, as referred to in Part B of Annex II to Regulation (EC) No 1333/2008. It does not correspond to the sugary aromatic product obtained from heating sugars and which is used for flavouring purposes;

(22) 'other authorised additives' means food ingredients with flavouring properties authorised under Regulation (EC) No 1334/2008 and food additives other than colours authorised under Regulation (EC) No 1333/2008;

(23) '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;

(24) 'volatile substances content' means the quantity of volatile substances, other than ethyl alcohol and methanol, contained in a spirit drink obtained exclusively by distillation.

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[18] Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

Article 2c

Ethyl alcohol of agricultural origin

For the purposes of this Regulation, ethyl alcohol of agricultural origin is a liquid which complies with the following requirements:

(-a) it has been obtained exclusively from products listed in Annex I to the Treaty;

(a) it has no detectable taste other than that of the raw materials used in its production;

(b) its minimum alcoholic strength by volume is 96,0 %;

(c) its maximum levels of residues do not exceed the following:

(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.

Article 3

Ethyl alcohol and distillates used in alcoholic beverages

1. The ***ethyl*** alcohol ***and distillates*** used in the production of ***spirit drinks*** shall ***exclusively*** be ▌ of agricultural origin***, within the meaning of Annex I to the Treaty.***

2. ***No alcohol other than ethyl alcohol of agricultural origin,*** distillates ***of agricultural origin or spirit drinks of categories 1 to 14 of Annex II shall be*** used ▌ to dilute or dissolve colours, flavourings or any other authorised additives used in the ***production*** of alcoholic beverages ▌ . ***Such alcohol used to dilute or dissolve colours, flavourings or any other authorised additives shall only be used in the amounts strictly necessary for that purpose.***

3. Alcoholic beverages shall not contain alcohol of synthetic origin or other alcohol of non-agricultural origin, within the meaning of Annex I to the Treaty.

Article 4

Categories of spirit drinks

-1. Spirit drinks shall be classified into categories in accordance with general rules as referred to in this Article and specific rules set out in Annex II.

1. Without prejudice to the specific rules laid down for each of the categories of spirit drinks 1 to 14 ▌ 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 ▌ , whether diluted or not;

   (c) not ***be flavoured***;

(d) ***not be coloured with anything except*** caramel***, which may only be used for adjusting the colour of spirit drinks***;

(e) ***not*** be sweetened ***except*** to round off the final taste of the product; ***the maximum content of sweetening products, expressed as invert sugar, shall not exceed the thresholds set out for each category in Annex II;***

(f) not contain adjuncts other than whole unprocessed items of the raw material from which the alcohol is obtained, and mainly for decorating purposes.

2. Without prejudice to the specific rules laid down for each of the categories of spirit drinks 15 to 47 ▌ 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 ▌ ;

(c) contain ***flavouring substances, natural flavouring substances, flavouring preparations and flavouring foodstuffs***;

(d) ***be coloured***;

(e) be sweetened ▌ .

3. Without prejudice to the specific rules laid down in ▌ Annex ***III***, other spirit drinks which do not comply with the specific rules laid down for each of the categories ***set out*** in ▌ Annex II may:

(a) be obtained from any agricultural raw material listed in Annex I to the Treaty or from ***any*** foodstuff ▌ or both;

(b) have addition of alcohol ▌ ;

(c) ***be flavoured***;

(d) ***be coloured***;

(e) be sweetened ▌ .

Article 5

Delegated powers

1. The Commission ***is*** empowered to adopt delegated acts in accordance with Article 43 concerning ▌ the amendment of the technical definitions ***and requirements*** provided for in ***point (f) of Article 2, and Articles 2b and 2c.***

The delegated acts referred to in ▌ the first subparagraph shall be ***strictly*** limited to meeting demonstrated needs resulting from evolving consumer demands, technological progress ▌ or ***the need*** for product innovation.

The Commission shall adopt a separate delegated act in respect of each technical definition or requirement referred to in the first subparagraph.

3. The Commission ***is*** empowered to adopt delegated acts in accordance with Article 43***, supplementing this Regulation by laying down, in exceptional cases, where the law of the importing third country so requires, derogations from the provisions under point (f) of Article 2, and Articles 2b and 2c***, the requirements under the categories of spirit drinks ***set out*** in ▌ Annex II and the specific rules concerning certain spirit drinks ***set out in*** Annex ***III***.

CHAPTER II

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

Article 6

Presentation and labelling

Spirit drinks placed on the Union market ***shall*** comply with the ***presentation and the*** labelling requirements set out in Regulation (EU) No 1169/2011, unless otherwise provided ***for*** in this Regulation.

Article 7

Legal names of spirit drinks

-1. The name of a spirit drink shall be its legal name.

Spirit drinks shall bear ***legal names*** in their ***description,*** presentation and labelling.

Those legal names shall be shown clearly and visibly on the label and shall not be replaced or altered.

1. ***Spirit*** drinks ***that comply with*** the requirements ▌ for the categories of spirit drinks ***set out in*** Annex II shall ***use*** the ***name*** of the ***corresponding category as their legal name***, unless ***the corresponding category permits the use of another legal name***.

2. ▌ A spirit drink ***that does*** not ***comply*** with the requirements laid down for ***any of*** the categories of spirit drinks ***set out in*** Annex II shall ***use the legal name*** 'spirit drink'

3. ▌A spirit drink ***that complies with*** the requirements ***for*** more than one ***category*** of spirit drinks ***set out in*** Annex II ▌ may be ***placed on the market*** under one or more of the ***legal names*** provided for under those categories ***in Annex II***.

4. ***Notwithstanding paragraph 1, the legal name of a spirit drink may be*** supplemented or replaced by a geographical indication referred to in Chapter III***. In this case the geographical indication may additionally be supplemented by any term permitted by the relevant product specification,*** provided that this does not mislead the consumer**.**

The legal name of a spirit drink may also be replaced by a compound term that includes the ***terms*** 'liqueur' ***or 'cream',*** provided that the final product complies with the requirements set out in category 32 of ▌Annex II.

▌

4a. Without prejudice to Regulation (EU) No 1169/2011 and to the specific rules laid down for the categories of spirit drinks in Annex II, the legal name may be supplemented by:

(a) a name or geographical reference provided for in the laws, regulations and administrative provisions applicable in the Member State in which the spirit drink is placed on the market, provided that this does not mislead the consumer;

(b) a customary name as defined in point (o) of Article 2(2) of Regulation (EU) No 1169/2011, provided that this does not mislead the consumer;

(c) a compound term or an allusion in accordance with Articles 9 and 9a;

(d) the term 'blend', 'blending' or 'blended', provided that the spirit drink has undergone blending;

(e) the term 'mixture', 'mixed' or 'mixed spirit drink', provided that the spirit drink has undergone mixing; or

(f) the term 'dry' or 'dry', except in the case of spirit drinks that comply with the requirements of category 2 of Annex II, without prejudice to the specific requirements laid down in categories 20 to 22 of Annex II, and provided that the spirit drink has not been sweetened, not even for rounding off the taste. By way of derogation from the first part of this point, the term 'dry' or 'dry' may supplement the legal name of spirit drinks that comply with the requirements of category 32 which have been sweetened.

5. Without prejudice to ***Articles 9, 9a, 11(2a), 11(2b) and 11(2ba)***, ***it shall be prohibited to use*** the ***legal names*** referred to in paragraph 1 or geographical indications ▌ in the presentation or labelling of ***any beverage*** not ***complying with*** the requirements of the relevant ***category set out in*** Annex II or ***of*** the relevant geographical ***indication. This prohibition also applies where such legal names or geographical indications are used in conjunction with*** words or phrases such as 'like', 'type', 'style', 'made', 'flavour' or any other similar terms ▌ .

Without prejudice to Article 9a(1), flavourings that imitate a spirit drink or their use in the production of a foodstuff other than a beverage may bear in their presentation and labelling references to the legal names referred to in paragraph 1, provided that such legal names are supplemented by the term 'flavour' or any other similar terms ▌ . Geographical indications shall not be used to describe ***such*** flavourings.

▌

Article 9

Compound terms ▌

1. In the presentation and labelling of ***an alcoholic beverage***, the use ***in a compound term*** of ***either*** a ***legal name*** provided for under ***a category*** of spirit drinks ***set out in*** Annex II or ▌ a geographical indication ***for spirit drinks*** shall be authorised under the ▌ conditions ***that***:

   (a) the alcohol used in the production of the ***alcoholic beverage*** originates exclusively from the spirit ***drink*** referred to in the compound term ▌ , except for ***the*** alcohol that may be present in flavourings***, colours or other authorised additives*** used for the production of that ***alcoholic beverage***; and

   (b) the spirit ***drink has*** not been diluted ***by addition of*** water ***only,*** so that ***its*** alcoholic strength is ▌ below the minimum strength provided for under the relevant category of spirit drinks ***set out in*** Annex II.

2. ***Without prejudice to the legal names provided for in Article 7, the terms 'alcohol', 'spirit', 'drink',*** 'spirit drink' ***and 'water'*** shall not be part of a compound term describing an alcoholic beverage.

▌

4. The compound term describing an alcoholic beverage***:***

   (a) shall appear in uniform characters of the same font, size and colour***;***

   (b) shall not be interrupted by any textual or pictorial element which does not form part of it***;*** and

   (c) shall not appear in a ▌ font size ***which is larger*** than ***the font size used for the name of the alcoholic beverage***.

▌

Article 9a

Allusions

1. *In the presentation and labelling of a foodstuff other than an alcoholic beverage, the allusion to the legal names provided for under one or more categories of spirit drink set out in Annex II or one or more geographical indications for spirit drinks shall be authorised under the condition that the alcohol used in the production of the foodstuff originates exclusively from the spirit drink or the spirit drinks referred to in the allusion, except for the alcohol that may be present in flavourings, colours or other authorised additives used for the production of that foodstuff.*

2. *By way of derogation from paragraph 1 and without prejudice to Regulations (EU) No 1308/2013 and (EU) No 251/2014, in the presentation and labelling of an alcoholic beverage other than a spirit drink, the allusion to the legal names provided for under one or more categories of spirit drinks set out in Annex II or one or more geographical indications for spirit drinks shall be authorised under the condition that:*

   (a) the added alcohol originates exclusively from the spirit drink or spirit drinks referred to in the allusion; and

   (b) the proportion of each alcoholic ingredient is indicated at least once in the same visual field as the allusion in descending order of quantities used. That proportion shall be equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the final product.

3. By way of derogation from paragraph 1 and from Article 11(2ba), in the description, presentation and labelling of a spirit drink complying with the requirements for categories 32 to 43 of Annex II, the allusion to the legal names provided for under one or more categories of spirit drinks set out in Annex II or one or more geographical indications for spirit drinks shall be authorised under the condition that:

(a) the added alcohol originates exclusively from the spirit drink or spirit drinks referred to in the allusion;

(b) the proportion of each alcoholic ingredient is indicated at least once in the same visual field as the allusion in descending order of quantities used. That proportion shall be equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the final product; and

(c) the term "cream" does not appear in the legal name of the spirit drink complying with the requirements for categories 32 to 43 of Annex II or in the legal name of the spirit drink or spirit drinks referred to in the allusion.

4. The allusions referred to in paragraphs 2 and 3:

(a) shall not be on the same line as the name of the alcoholic beverage; and

(b) shall appear in a font size which is no larger than half the font size used for the name of the alcoholic beverage and, in case compound terms are used, in a font size which is no larger than half the font size used for such compound terms in accordance with point (c) of Article 9(4).

▌

Article 11

Additional rules on ***description, presentation and*** labelling ▌

1. ***The description,*** presentation or labelling of a spirit drink ***may refer to*** the raw material used to produce the ethyl alcohol ***of agricultural origin or distillates of agricultural origin used in the production of that spirit drink only where that ethyl alcohol or distillate has been obtained exclusively from those raw materials. In such a case***, each type of ethyl alcohol of agricultural origin ***or distillate of agricultural origin*** shall be mentioned in descending order of quantity ***by volume of pure alcohol***.

2a. The legal names referred to in Article 7 may be included in a list of ingredients for foodstuffs, provided that the list is in accordance with Articles 18 to 22 of Regulation (EU) No 1169/2011.

2b. Where a spirit drink has undergone mixing or blending, the legal names provided for under one or more categories of spirit drinks set out in Annex II or one or more geographical indications for spirit drinks may only be indicated under the condition that they appear solely in a list of the alcoholic ingredients appearing in the same visual field as the legal name of the spirit drink.

In such a case, the list of alcoholic ingredients shall be accompanied by at least one of the terms referred to in points (d) and (e) of Article 7(4a). Both the list of alcoholic ingredients and the accompanying term shall appear in the same visual field as the legal name of the spirit drink, in uniform characters of the same font and colour and in a font size which is no larger than half the font size used for the legal name.

In addition, the proportion of each alcoholic ingredient in the list of alcoholic ingredients shall be expressed at least once as a percentage, in descending order of quantities used. That proportion shall be equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the mixture.

This paragraph shall not apply to blends made of spirit drinks belonging to the same geographical indication or of which none belongs to a geographical indication.

2ba. By way of derogation from paragraph 2b, if a spirit drink that has undergone mixing complies with the requirements for one of the categories of spirit drinks set out in Annex II, that spirit drink shall bear the legal name provided for by the relevant category.

In the case referred to in the first subparagraph, the description, presentation or labelling of the mixed spirit drink may show the legal names listed in 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 mixed spirit drink which shall appear in uniform characters of the same font and colour and in a font size which is no larger than half the font size used for the legal name; and

(b) in the same visual field as the legal name of the mixed spirit drink at least once.

In addition, the proportion of each alcoholic ingredient in the list of alcoholic ingredients shall be expressed at least once as a percentage, in descending order of quantities used. That proportion shall be equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the mixture.

2c. The use of the names of plant raw materials which are used as the legal names of certain spirit drinks is without prejudice to the use of the names of those plant raw materials in the presentation and labelling of other foodstuffs. The names of such raw materials may be used in the description, presentation or labelling of other spirit drinks, provided that such use does not mislead the consumer.

3. A maturation period or age may only be specified in the ***description,*** presentation or labelling of a spirit drink where it refers to the youngest alcoholic component ***of the spirit drink*** and in any case provided that ***all the operations to age*** the spirit drink ***took place*** under ***revenue*** supervision ▌ of a Member State or ▌ supervision ***ensuring*** equivalent guarantees***. The Commission shall set up a public register listing the bodies appointed by each Member State to supervise ageing processes.***

4. The legal name of the spirit drink shall be indicated in the electronic administrative document referred to in Commission Regulation (EC) No 684/2009. Where a maturation period or age is indicated in the description, presentation or labelling of the spirit drink, it shall also be mentioned in that administrative document.

Article 12

Indication of place of ***provenance***

1. Where the ***place of provenance*** of a spirit drink***, other than a geographical indication or trademarks,*** is indicated ***in its description, presentation or labelling***, it shall correspond to the ***place or region where the stage or stages in the production process which conferred on the finished spirit drink its character and essential definitive qualities took place***.

2. The indication of the country ***of origin*** or ***place of provenance*** of the ***primary ingredient*** 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 Annex III*** and ▌ geographical indications shall ***not*** be translated ***either*** on the label ***or*** in the presentation of the spirit drink.

By way of derogation from the first paragraph, in the case of spirit drinks produced in the Union and destined for export, such terms and geographical indications may be accompanied by translations, transcriptions or transliterations, provided that such terms and geographical indications in the original language are not hidden.

Article 14

Use of a Union symbol for ▌ geographical indications

The Union symbol for the protected geographical ***indications adopted under Article 12(7) of Regulation (EU) No 1151/2012*** may be used for the ***description, presentation*** and ***labelling*** of spirit drinks ***with a geographical indication***.

Article 15

Prohibition of lead-based capsules ***and lead-based*** 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 ***lead-based*** foil.

Article 15a

Union reference methods of analysis

1. Where ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks are to be analysed to verify that they comply with this Regulation, such analysis shall be in accordance with Union reference methods of analysis for the determination of their chemical and physical composition and organoleptic properties.

Other methods of analysis shall be permitted, under the responsibility of the director of the laboratory, on condition that the accuracy and precision (repeatability and reproducibility) of the methods are at least equivalent to those of the relevant Union reference methods of analysis.

2. Where Union methods of analysis are not laid down for the detection and quantification of substances contained in a particular spirit drink, one or more of the following methods shall be used:

(a) methods of analysis which have been validated by internationally recognised procedures and which in particular meet the criteria set in Annex III to Regulation (EC) No 882/2004 of the European Parliament and of the Council;

(b) methods of analysis conforming to the recommended standards of the International Organisation for Standardisation (ISO);

(c) methods of analysis recognised and published by the International Organisation of Vine and Wine (OIV); or

(d) in the absence of a method as indicated at (a), (b) or (c), by reason of its accuracy, repeatability and reproducibility:

– a method of analysis approved by the Member State concerned;
– where necessary, any other suitable method of analysis.

Article 16

Delegated powers

▌

2. In order to take into account ***the*** traditional ***dynamic*** ageing ***process*** in the Member States ***for*** *brandy* ***known as the "****criaderas y solera****" system or "****solera e criaderas****" system as set out in Annex IV,*** the Commission ***is*** empowered to adopt delegated acts in accordance with Article 43***, supplementing this Regulation by:***

(a) ***laying down*** derogations from Article 11(3) concerning the specification of a maturation period or age in the ***description,*** presentation or labelling of ***such*** *brandy****;***

(b) ***establishing appropriate control mechanisms for such*** *brandy****.***

2a. ***The Commission is empowered to adopt delegated acts in accordance with Article 43 supplementing this Regulation concerning the setting up of a public register listing the bodies appointed by each Member State to supervise ageing processes provided for in Article 11(3).***

Article 17

Implementing powers

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

(-a) uniform rules for the use of other natural substances or agricultural raw materials authorised by delegated act as sweetening products in the production of spirit drinks as referred to in Article 2b(9), determining in particular the respective sweetening conversion factors;

▌

(-b) the rules necessary for communications to be made by Member States with regards the bodies appointed to supervise ageing processes in accordance with Article 11(3);

(b) ***uniform*** rules ▌ for indicating ▌ the country ▌ of origin ***or the place of provenance*** on the label of spirit drinks ***referred to in Article 12;***

(ba) rules on the use of the Union symbol referred to in Article 14 in the description, presentation and labelling of spirit drinks;

(bb) detailed technical rules on the Union reference methods of analysis referred to in Article 15a.

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. ▌ Geographical indications ***protected under this Regulation*** may be used by any operator marketing a spirit drink produced in conformity with the corresponding product specification.

2. ▌ Geographical indications ***which are protected under this Regulation*** shall be protected against:

(a) any direct or indirect commercial use of a ***registered*** name ***in respect of products not covered by the registration where those products are*** comparable ***to the products registered under that name*** or ***where using the name*** exploits the reputation of ***the protected name, including where those products are used as an ingredient***;

(b) any misuse, imitation or evocation, even if the true origin of the product or ***services*** 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 ***including when those products are used as an ingredient***;

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product on ***presentation, description or labelling of the product*** liable to convey a false impression as to ***the*** origin ***of the product****;*

(d) any other practice liable to mislead the consumer as to the true origin of the product.

3. ▌ Geographical indications ***protected under this Regulation*** shall not become generic in the Union ▌ .

3a. The protections referred to in paragraph 2 shall also apply with regard to goods entering the customs territory of the Union without being released for free circulation there.

Article 19

Product specification

1. A geographical indication ***protected under this Regulation*** 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, ▌ in ***only*** the languages which are or were historically used to describe the specific product in the defined geographical area***, in the original script and in Latin transcription if different***;

(b) the category of the spirit drink ***or the term 'spirit drink' if a spirit drink does not comply with the requirements laid down for the categories of spirit drinks set out in Annex II***;

(c) a description of the ***characteristics of the*** spirit drink, including the raw materials ***from which it is made***, 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 ***producing*** the spirit drink and, where appropriate, the authentic and unvarying local ***production*** methods ▌ ;

(f) details establishing the link between a given quality, reputation or other characteristic of the spirit drink and ***its*** geographical ***origin***;

(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 ***geographical indication*** in question.

Where applicable, requirements regarding packaging shall be included in the product specification, accompanied by a justification showing 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.

2. Technical files submitted as part of any application before ... [date of application] under Regulation (EC) No 110/2008 shall be deemed to be product specifications under this Article.

Article 20

Content of application for registration ***of a geographical indication***

1. An application for registration of a geographical indication pursuant to Article 21**(**2) or (5) shall include at least:

(a) the ***name*** and ***address*** 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***, including*** the name ***to be protected, the category of the spirit drink or the term 'spirit drink', the production method,*** a description of the ***characteristics of the*** spirit drink, ***a concise definition of the geographical area, and***, where appropriate, specific rules concerning packaging and labelling ▌ ;

(ii) a description of the link between the spirit drink and ***its*** geographical ***origin*** as referred to in point (***4***) of Article ***2a,*** 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 ***the publication reference of the product specification and*** 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 ▌ 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 ***the*** registration of ***a*** geographical ***indication*** under ▌ this ***Chapter*** may only be submitted by groups who work with the spirit drink***, the*** name ***of which is proposed for registration***.

1a. An authority designated by a Member State may be deemed to be a group for the purpose of this Chapter if it is not feasible for the producers concerned to form a group by reason of their number, geographic locations or organisational characteristics. In such case, the application as referred to in Article 20(2) shall state those reasons.

1b. A single natural or legal person may be deemed to be a group for the purpose of this Chapter if both of the following conditions are fulfilled:

(a) the person concerned is the only producer willing to submit an application; and

(b) the defined geographical area possesses characteristics which differ appreciably from those of neighbouring areas, the characteristics of the product are different from those produced in neighbouring areas or the product has a special quality, reputation or other characteristic which is clearly attributable to its geographical origin.

1c. In the case of a geographical indication ▌ that designates a cross-border geographical area, several groups from different Member States or third countries may ***submit*** a joint application for registration.

Where a joint application ***is*** submitted***, it 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 ***after consultation of all the authorities and applicant groups concerned***. 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 ***the*** 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 ***referred to in paragraph 2*** 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 ***submit*** an opposition to the application.

   The Member State shall examine the admissibility of ***any opposition*** received in ***accordance with*** 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 ***submit*** an application dossier ***to*** the Commission. ***In such case, it*** shall ▌ 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 ***that may affect*** 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 ***submitted to*** 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

Provisional national protection

1. ***On a provisional basis only, a*** Member State may ▌ grant protection to a name under this ***Chapter*** at national level, with effect from the date on which an application is ***submitted to*** the Commission.

2. Such national protection shall cease on the date on which either a decision on registration under this ***Chapter*** 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 ***reasoned,*** that it meets the conditions of this Chapter***, and that the interest of the stakeholders outside the Member State of application has been taken into account***. ***Such*** scrutiny ***shall be based on the single document referred to in point (c) of Article 20(1), shall consist of the check that there are no manifest errors in the application, and, as a general rule, shall*** not exceed a period of ***6*** months. ***However, where*** this period is exceeded, the Commission shall ***immediately*** 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. ***The list shall also contain the name of the Member State or third country from which the application came.***

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 ***submit*** a notice of opposition ***to*** 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 ***submit*** a notice of opposition ***to*** the Member State in which it is established within a time limit permitting an opposition to be ***submitted*** 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 ***such a*** declaration ***shall be*** void.

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

2. If a notice of opposition is ***submitted to*** 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 ***submitted*** the opposition and the authority or body that ***submitted*** 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 ***submitted*** the opposition and the authority or body that ***submitted*** 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 ***submitted*** 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 ***submitted*** 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 ***Article*** and if it shows that:

   (a) the ***proposed geographical indication does not comply with the definition*** in point (***4***) of Article ***2a or with the conditions referred to in*** Article 19 ***or, as appropriate, Articles 28 and 29***;

   (b) the registration of the ▌ proposed ***geographical indication*** would be contrary to Article 31 or 32; or

   (c) the registration of the ▌ proposed ***geographical indication*** would jeopardise the existence of an entirely or partly identical name or of a trademark 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. ▌ 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 ***granted*** in paragraph 1 ***up to 15 years,*** or allowing continued use ***up to 15 years*** in duly justified cases. ***The following conditions shall be fulfilled*** 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 ***geographical indication;*** and

(c) 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 ***the*** registration ***of a proposed geographical indication*** are not fulfilled, it shall ***inform the Member State or third country applicant concerned of the reasons for rejection and shall give it two months to submit observations. If the Commission receives no reply or if, despite the response received, it still considers that the conditions for registration are not fulfilled it shall adopt implementing acts rejecting the application unless the application is withdrawn.*** 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).

4. Acts of registration and decisions on rejection shall be published in the *Official Journal of the European Union*.

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. ***Any*** 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 ***to a product specification are classified into two categories as regards their importance:***

(a) Union amendments requiring an objection procedure at Union level;

(b) standard amendments to be dealt at Member State or third country level.

2a. An amendment shall be a Union amendment if it:

(a) includes a change in the name or any part of the name of the geographical indication registered under this Regulation;

(b) consists of a change of the legal name or the category of the spirit drink;

(c) risks voiding the given quality, reputation or other characteristic of that spirit drink which is essentially attributable to its geographical origin;

(d) entails further restrictions on the marketing of the product.

Any other amendments shall be standard amendments.

A standard amendment shall also be a temporary amendment when it concerns a temporary change in 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.

2*b*. ***Union amendments shall be approved by the Commission. The approval procedure*** shall follow**,** ***mutatis mutandis*****,** the procedure laid down in ***Article 21 and*** Articles ***23*** to 27. ***Applications for Union amendments submitted by third countries or by third countries producers shall contain proof that the requested amendment complies with the laws on the protection of geographical indications in force in that third country.***

2c. Standard amendments shall be approved by the Member State in whose territory the geographical area of the product concerned is located. As regards third countries, amendments shall be approved in accordance with the law applicable in the third country concerned.

3. The scrutiny of the application shall ***only address*** the proposed amendment.

Article 29

Cancellation

1. 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 ***one of*** the following cases:

(a) where compliance with the conditions of the product specification ***can no longer be*** ensured;

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

Articles 21, 23, 24***, 25*** and 27 shall apply ***mutatis mutandis*** to the cancellation procedure.

2. Notwithstanding paragraph 1, the Commission may, at the request of the producers of the product marketed under the registered name, adopt implementing acts cancelling the corresponding registration.

3. In both cases referred to in paragraphs 1 and 2, before adopting the implementing act, the Commission shall consult the authorities of the Member State, the authorities of the third country or, where possible, the third country producer which had originally applied for the registration of the geographical indication concerned, unless the cancellation is directly requested by those original applicants.

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

Article 30

Register of geographical indications of spirit drinks

1. The Commission shall adopt***, by [OJ: two years + two weeks from the entry into force of this Regulation], delegated acts in accordance with Article 43 supplementing this Regulation by*** establishing a publicly accessible updated electronic register of geographical indications of spirit drinks recognised under this scheme (‘the ***register***’).

2. ***The name of a geographical indication shall be registered in its original script. Where the original script is not in Latin characters, a transcription or transliteration in Latin characters shall be registered together with the name in its original script.***

For the geographical indications registered under this Chapter, the register shall provide direct access to the single documents and shall also contain the reference to the publication of the product specification*.*

For the geographical indications registered before the date of application of this Regulation, the register shall provide direct access to the main specifications of the technical file within the meaning of in Article 17(4) of Regulation (EU) No 110/2008.

The Commission ***shall*** adopt***, in accordance with Article 43, delegated*** acts ***supplementing this paragraph by*** laying down ***further*** detailed rules on the form and content of the register.

3. 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.

4. The protection of geographical indications of spirit drinks referred to in Article 18 of this Regulation shall be without prejudice to the protected geographical indications and designations of origin of products under Regulation (EC) No 1308/2013 of the European Parliament and of the Council and under Regulation (EC) No 251/2014 of the European Parliament and of the Council.

Article 32

Specific grounds for refusal of protection

1. A ***generic*** name ▌ shall not be protected as a geographical indication.

   To establish whether or not a name has become ***a*** generic ***name***, 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 ***trademark's*** reputation and renown, protection could mislead the consumer as to the true identity of the spirit drink.

3. A name shall ***only*** be protected as a geographical indication if the production ▌ steps ***which give the product the quality, reputation or other characteristic that is essentially attributable to its geographical origin,*** take place in the relevant geographical area.

Article 33

Relation between trademarks and geographical indications

1. The registration of a trademark***, the use of which corresponds or would correspond to one or more of the situations referred to in Article 18(2),*** shall be refused or invalidated ▌ .

2. A trademark***,*** the use of which corresponds to one ***or more*** 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 ***the date on which the application for protection of the geographical indication was submitted to the Commission,*** may continue to be used ***and renewed*** 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[19] or ***Regulation (EU) 2017/1001 of the European Parliament and of the Council***[20].

Article 34

Existing registered geographical indications

Geographical indications of spirit drinks ***registered in Annex III to*** Regulation (EC) No 110/2008 ***and thus protected under that Regulation*** shall automatically be protected as geographical indications under this Regulation. The Commission shall list them in the register.

Article 35

Verification of compliance with the product specification

-1. Member States shall draw up and keep up to date a list of operators producing spirit drinks with a geographical indication registered under this Regulation.

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[19] Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trademarks (OJ L 299, 8.11.2008, p. 25).

[20] ***Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).***

1. In respect of the geographical indications within the Union ***registered under this Regulation***, verification of compliance with the product specification, before placing the product on the market, shall be ensured by ▌ :

   (a) ***one or more*** competent ***authorities*** referred to in Article 40(1); or

   (b) control ***bodies*** 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[21], operating as a product certification body.

   If a Member State applies Article 21(1a), such verification of compliance shall be ensured by an authority other than that deemed to be a group under that paragraph.

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

2. In respect of the geographical indications within a third country ***registered under this Regulation***, verification of compliance with the product specification, before placing the product on the market, shall be ensured by ▌ :

   (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.

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[21] Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

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 ***or any applicable future amendment, revision or version thereof***.

5. The competent authorities ▌ referred to in paragraphs 1 and 2 verifying compliance of the ▌ geographical indication ***protected under this Regulation*** with the product specification 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***, in the market place,*** of the names of geographical indications ***registered under this Regulation*** and shall take all necessary measures in the event of breaches of the requirements of this Chapter.

1a. Member States shall take appropriate administrative and judicial steps to prevent or stop the unlawful use of the names of products or services that are produced or marketed in their territory and that are covered by geographical indications registered under this Regulation.

To that end Member States shall designate the authorities that are responsible for taking these steps in accordance with procedures determined by each individual Member State.

These authorities shall offer adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources necessary to carry out their functions.

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

▌

3. The Commission ***is empowered to adopt*** delegated acts ▌ in accordance with Article 43 ***supplementing this Regulation by setting*** out ***further*** conditions to be followed, ***including in cases where the geographical area covers more than one country,*** in respect of:

   (a) an application for the ***registration*** of a geographical indication ***as referred to in Articles 20 and 21***;

   (b) preliminary national procedures **as referred to in Article 21**, scrutiny by the Commission, the opposition procedure, and the cancellation of geographical indications.

▌

5. ***The*** Commission ***is*** empowered to adopt delegated acts, in accordance with Article 43 ***supplementing this Regulation by establishing*** conditions and requirements for the procedure concerning the ***Union*** amendments ***and standard amendments, including temporary amendments, to product specifications as referred to in Article 28***.

Article 39

Implementing powers

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

(a) the form of the specification ***referred to in Article 19*** 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 ***as referred to in point (f) of Article 19***;

(c) procedures, form and presentation of the oppositions ***as referred to in Articles 24 and 25;***

(d) form and presentation of an amendment application ***and communication as referred to in Article 28;***

(e) procedures and form of the cancellation process ***as referred to in Article 29***, 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***, as referred to in Article 35.***

2. The Commission shall adopt, by [OJ: two years + two weeks from the entry into force of this Regulation] at the latest, implementing acts laying down detailed rules concerning the procedures, form and presentation of applications as referred to in Articles 20 and 21, including for applications concerning more than one national territory.

3. The implementing acts ***referred to in paragraphs 1 and 2*** 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 ***for ensuring*** 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.

3. The Commission ***may*** adopt implementing acts concerning the ***nature and the type of the information to be exchanged and 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, ***description,*** presentation and labelling stricter than those set out in Annex II ***and Annex III*** in so far as they are compatible with Union law.

2. ***However,*** Member States shall not prohibit or restrict the import, sale or consumption of spirit drinks ***produced in other Member States or third countries*** which comply with this Regulation.

CHAPTER V

DELEGATION OF POWER, IMPLEMENTING PROVISIONS, ▌ 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 ***2b,*** 5 ***and*** 16 shall be conferred on the Commission for ***a*** period of ***seven years*** from **…** **[*date of the*** entry into force of this Regulation**]**. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

2a. The power to adopt delegated acts referred to in Articles 30 and 38 shall be conferred on the Commission for a period of five years from … [date of the entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

2b. The power to adopt delegated acts referred to in Article 46 shall be conferred on the Commission for a period of six years from … [date of the entry into force of this Regulation].

3. The delegation of power referred to in Articles **2*b*,** 5, 16, ***30,*** 38 and 46 ▌ 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 **2*b*,** 5, 16, ***30,*** 38 and 46 ▌ 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[22]. 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.

[22] Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks (OJ L 160, 12.6.1989, p. 1).

SECTION 2

DEROGATION, TRANSITIONAL AND FINAL PROVISIONS

Article 44a

Derogation from nominal quantities requirements in Directive 2007/45/EC

By way of derogation from Article 3 of Directive 2007/45/EC of the European Parliament and of the Council, and from the sixth row of section 1 of the Annex to that Directive, single distilled *shochu*[23] ***produced by pot still and bottled in Japan, may be placed on the Union market in nominal quantities of 720 ml and 1 800 ml.***

Article 45

Repeal

1. Without prejudice to Article 46,

(a) Regulation (EC) No 110/2008 is repealed ***with effect from … [OJ: two years from the entry into force of this Regulation]****;*

(b) however, Chapter III thereof is repealed with effect from … [OJ: two weeks from the entry into force of this Regulation]*.*

[23] ***As referred to in Annex 2-D to the Agreement between the European Union and Japan for an Economic Partnership.***

2. By way of derogation from paragraph 1:

(a) Article 17(2) of Regulation (EC) No 110/2008 shall continue to apply until … [OJ: two years from the entry into force of this Regulation];

(b) Article 20 of Regulation (EC) No 110/2008 and, without prejudice to the validity of any other provisions of Commission Implementing Regulation (EU) No 716/2013, Article 9 thereof shall continue to apply until the completion of the procedures provided for in Article 9 of Commission Implementing Regulation (EU) No 716/2013 but, in any event, no longer than … [OJ: two years from the entry into force of this Regulation], and

(c) Annex III to Regulation (EC) No 110/2008 shall continue to apply until the register referred to in Article 30 has been established.

3. References to Regulation (EC) No 110/2008 shall be construed as references to this Regulation ***and be read in accordance with the correlation table set out in Annex V.***

Article 46

Transitional measures

1. Spirit drinks which ***do not meet the requirements of this Regulation but which*** meet the requirements of Regulation (EC) No 110/2008 and were produced before ***... [OJ: two years from the entry into force*** of this Regulation***]*** may continue to be placed on the market until stocks are exhausted.

1a. Notwithstanding paragraph 1, spirit drinks whose description, presentation or labelling is not in conformity with Articles 18 and 33 of this Regulation but complies with Articles 16 and 23 of Regulation (EC) No 110/2008 and which were labelled before [OJ: two weeks from the entry into force of this Regulation] may continue to be placed on the market until stocks are exhausted.

2. ▌ The Commission ***is empowered to adopt*** delegated acts ***amending Article 2a(2), (3), (9), (10), (11) and (12), Article 7(4a) and (5), and Articles 9, 9a and 11 or supplementing*** this Regulation ***by derogating from those provisions until ... [OJ six years from the entry into force of this Regulation]***.

The delegated acts referred to in the first subparagraph shall be strictly limited to meeting demonstrated needs resulting from the situation in the market.

The Commission shall adopt a separate delegated act in respect of each definition, technical definition or requirement referred to in the first subparagraph.

3. Articles 19 to 23, 28 and 29 shall ***not*** apply to ***the*** applications for ***registration or*** for amendment and ***to the requests for cancellation which are pending on ... [OJ: two weeks from the entry into force*** of this Regulation]. ***Articles 17(4), (5) and (6), 18 and 21 of Regulation (EC) No 110/2008 shall continue to apply to such applications and requests for cancellation.***

▌

The provisions on the opposition procedure referred to in Articles 24**,** ***25 and*** 26 shall ***not*** apply to the ***applications for registration and the*** applications for amendment ***for which the main specifications of the technical file or an*** application ***for amendment has already*** been published ***for opposition in the Official Journal of the European Union on ... [OJ: two weeks from the entry into force*** of this Regulation]. ***Article 17(7)*** of Regulation (EC) No 110/2008 shall continue to apply to ***such applications*** ▌.

The provisions on the opposition procedure referred to in Articles 24, 25 and 26 shall not apply either to a request for cancellation which is pending on ... [OJ: two weeks from the entry into force of this Regulation]. Article 18 of Regulation (EC) No 110/2008 shall continue to apply to such requests for cancellation.

3a. For the geographical indications registered under Chapter III of this Regulation, the application for registration of which was pending on the date of application of the implementing acts laying down detailed rules on the procedures, form and presentation of applications as referred to in Article 20 provided for in point (b) of Article 39, the Register may provide direct access to the main specifications of the technical file within the meaning of Article 17(4) of Regulation (EU) No 110/2008.

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

1. 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 [***OJ: two years from the entry into force of this Regulation***].

2. However, the following provisions shall apply as follows:

   (a) Article 14, point (ba) of Article 17, Articles 18, 19 and 20, Article 21(1), (1a) and (1b), the first and second subparagraphs of Article 21(1c), Article 21(5) and (6), Articles 22 to 39, Articles 43 and 44, Article 46(1), (3) and (4), points 42(d) and 43(d) of Annex II and the definitions set out in Article 2a relating to those provisions shall apply from ... [OJ: two weeks from the entry into force of this Regulation];

   (b) Article 44a shall apply from the date of entry into force of the Agreement between the European Union and Japan for an Economic Partnership.

3. ***The delegated acts provided for in Articles 2b, 5, 16 and 46 adopted in accordance with Article 43 and the implementing acts provided for in Articles 17, 40 and 41 adopted in accordance with Article 44 shall not apply until … [OJ: two years from the entry into force of this Regulation].***

4. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX II

CATEGORIES OF SPIRIT DRINKS

▌

1. Rum

(a) Rum is ▌ 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**.**

▌

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

(c) No addition of alcohol as defined in point ***(10) of Article 2b***, 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.

(ea) Rum may be sweetened in order to round off the final taste. However, the final product may not contain more than 20 g of sweetening products per litre, expressed as invert sugar.

(f) In the case of geographical indications registered under this Regulation, the legal name may be supplemented by:

(i) the term ‘*traditionnel’* ***or*** *'tradicional'****, provided that the rum:***

- ***has been*** produced by distillation at less than 90 % vol., after alcoholic fermentation of alcohol-producing materials originating exclusively ***from*** the place of production considered***, and***

- ***has*** a volatile substances content equal to or exceeding 225 grams per hectolitre of 100 % vol. alcohol***,*** and

- ***is*** not ▌ sweetened***;*** ▌

(ii) the term ‘agricultural’, provided that rum complying with the requirements under point (i) has been produced exclusively by distillation after alcoholic fermentation of sugar-cane juice. The term 'agricultural' may only be used in the case of a geographical indication of a French Overseas Department or the Autonomous Region of Madeira.

This provision ***is without prejudice to*** the use of the ***terms 'agricultural',*** ‘*traditionnel’* ***or*** *'tradicional'* ***used in connection with any product*** 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 ***unmalted*** 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) ***each and every distillation is carried out*** 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 ***(10) of Article 2b***, diluted or not, shall take place.

(d) *Whisky* or *whiskey* shall not be sweetened***, even for rounding off the taste,*** or flavoured, nor contain any additives other than plain caramel ***(E 150a)*** used for ***adjusting the colour***.

(e) The legal name of 'whisky' or 'whiskey' may be supplemented by the term 'single malt' only if it has been distilled exclusively from malted barley at a single distillery.

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 ***35*** %.

(c) No addition of alcohol as defined in point ***(10) of Article 2b***, 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.

(ea) Grain spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 10 g of sweetening products per litre, expressed as invert sugar.

(f) A grain spirit may bear the ***legal name*** '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.

(g) In the legal name 'grain spirit' or 'grain brandy', the word 'grain' may be replaced with the name of the cereal used exclusively in the production of the spirit drink.

4. Wine spirit

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

(i) it is produced exclusively by the distillation at less than 86 % vol. of wine***, wine fortified for distillation*** or wine ***distillate distilled*** 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 ***(10) of Article 2b***, 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.

(ea) Wine spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 20 g of sweetening products per litre, expressed as invert sugar.

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

(g) This Regulation is without prejudice to the use of the term *'Branntwein'* ***in combination with the term*** *'essig'* ***in the presentation and labelling of vinegar.***

5. *Brandy* **or** *Weinbrand*

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

(i) it is produced from wine spirit ***to which wine distillate may be added, provided that that wine distillate has been*** distilled at less than 94,8 % vol. ***and*** does not exceed a maximum of 50 % of the alcoholic content of the finished product;

(ii) it ***has*** matured for at least***:***

− one year in oak receptacles ***with a capacity of at least 1 000 litres each;*** or

− ▌ 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 ▌ 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 ***(10) of Article 2b***, 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.

(f) *Brandy* ***or*** *Weinbrand* ***may be sweetened in order to round off the final taste. However, the final product may not contain more than 35 g of sweetening products per litre, expressed as invert sugar.***

6. Grape marc spirit or grape marc

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

(i) it is produced exclusively from grape marc fermented and distilled either directly by water vapour or after water has been added ***and both of the following conditions are fulfilled:***

- ***each and every distillation is carried out at less than 86 % vol.;***
- ***the first distillation is carried out in the presence of the marc itself****;*

(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;

▌

(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 ***(10) of Article 2b***, 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.

(f) Grape marc spirit or grape marc may be sweetened in order to round off the final taste. However, the final product may not contain more than 20 g of sweetening products per litre, expressed as invert sugar.

7. Fruit marc spirit

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

(i) it is obtained exclusively by fermentation and distillation ***of fruit marc other than grape marc and both of the following conditions are fulfilled:***

- ***each and every distillation is carried out at less than 86 % vol.;***
- ***the first distillation is carried out in the presence of the marc itself****;*

(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**.**

▌

(b) The minimum alcoholic strength by volume of fruit marc spirit shall be 37,5 %.

(c) No addition of alcohol as defined in point ***(10) of Article 2b***, 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.

(ea) Fruit marc spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 20 g of sweetening products per litre, expressed as invert sugar.

(f) The ***legal name*** shall consist of the name of the fruit followed by 'marc spirit'. If marcs of several different fruits are used, the ***legal name*** shall be 'fruit marc spirit' ***and may be supplemented by the name of each fruit in decreasing order of the quantity used***.

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 ***(10) of Article 2b***, 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.

(f) Raisin spirit or *raisin brandy* ***may be sweetened in order to round off the final taste. However, the final product may not contain more than 20 g of sweetening products per litre, expressed as invert sugar.***

9. Fruit spirit

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

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

(ii) ***each and every distillation shall be carried out*** 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 ***the*** 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:

- ***apple (****Malus domestica* ***Borkh.),***
- ***apricots (****Prunus armeniaca* ***L.),***
- ***plum (****Prunus domestica* ***L.),***
- ***quetsch (****Prunus domestica* ***L.),***
- ***mirabelle (****Prunus domestica* ***L. subsp.*** *syriaca* ***(Borkh.) Janch. ex Mansf.),***
- ***peach (****Prunus persica* ***(L.) Batsch),***

– ***pear (****Pyrus communis* ***L.), except for Williams pears (****Pyrus communis* ***L. cv 'Williams'),***

– ***blackberry (****Rubus* ***sect. Rubus),***

– ***raspberry (****Rubus idaeus* ***L.).***

(ii) In ***the*** 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:

– ***quince (****Cydonia oblonga* ***Mill.),***

– ***juniper berry (****Juniperus communis* ***L. or*** *Juniperus oxicedrus* ***L.),***

– ***Williams pear (****Pyrus communis* ***L. cv 'Williams'),***

– ***blackcurrant (****Ribes nigrum* ***L.),***

– ***redcurrant (****Ribes rubrum* ***L.),***

– ***rosehip (****Rosa canina* ***L.)***

– ***elderberry (****Sambucus nigra* ***L.),***

– ***rowanberry (****Sorbus aucuparia* ***L.),***

– ***sorb apple (****Sorbus domestica* ***L.),***

– ***wild service tree (****Sorbus torminalis* ***(L.) Crantz).***

(c) The minimum alcoholic strength by volume of fruit spirit shall be 37,5 %.

(ca) Fruit spirit shall not be coloured.

(cb) However, notwithstanding point (ca) and by way of derogation from point 14.2.6 of Part D of Table II of Annex II to Regulation (EC) No 1333/2008, caramel may be used to adjust the colour of fruit spirits that have been aged at least one year in contact with wood.

(d) No addition of alcohol as defined in point ***(10) of Article 2b***, diluted or not, shall take place

(e) Fruit spirit shall not be flavoured.

(ea) Fruit spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 18 g of sweetening products per litre, expressed as invert sugar.

(f) The ***legal name*** of fruit spirit shall be ‘spirit’ ***supplemented*** by the name of the fruit, berry or vegetable. ***This legal name may be expressed by the name of the fruit, berry or vegetable, supplemented by a suffix when expressed in the Bulgarian, Czech, Greek, Croatian, Polish, Romanian, Slovak and Slovenian languages.***

Alternatively, that legal name may be '*wasser'*, ***used together*** with the name of the fruit.

Alternatively, the following legal names may be used in the following cases:

– *'kirsch'* ***for cherry spirit (****Prunus avium* ***(L.) L.);***

– ***'plum', 'quetsch' or 'slivovitz' for plum spirit*** *(Prunus domestica* ***L****.);*

– ***'mirabelle' for mirabelle spirit*** *(Prunus domestica* ***L. subsp.*** *syriaca* ***(Borkh.) Janch. ex Mansf.)****;*

– ***'fruit of arbutus' for fruit of arbutus spirit*** *(Arbutus unedo* ***L.****);*

– ***'Golden Delicious' for apple spirit*** *(Malus domestica var.* ***'Golden Delicious'****);*

– *'Obstler'* ***for a fruit spirit obtained from fruits, with or without berries, provided that at least 85% of the mash is derived from different varieties of apples, pears or both.***

The name '*Williams'* ***may be used only to place on the market pear spirit produced solely from pears of the 'Williams' variety.***

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

▌

(h) Whenever two or more fruits, berries or vegetables are distilled together, the product shall be ***placed on the market*** under the ***legal*** name**:**

– 'fruit spirit' ***for spirit drinks exclusively obtained by distillation of fruits or berries or both;*** or

– 'vegetable spirit' ***for spirit drinks exclusively obtained by distillation of vegetables; or***

– ***'fruit and vegetable spirit', for spirit drinks obtained by distillation of a combination of fruits, berries and vegetables***.

The ***legal*** name may be supplemented by that of each fruit, berry or vegetable, in decreasing order of the quantity used.

10. Cider spirit*, perry spirit and cider* and perry spirit

(a) Cider spirit***, perry spirit*** and ***cider and*** perry spirit are spirit drinks which meet the following ***requirements***:

(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***, perry spirit*** and ***cider and*** perry spirit shall be 37,5 %.

(c) No addition of alcohol as defined in point ***(10) of Article 2b***, diluted or not, shall take place.

(d) Cider spirit, perry spirit ***and cider and perry spirit*** shall ***not*** be flavoured. ***This shall not exclude traditional production methods.***

(e) Cider spirit***, perry spirit and cider*** and perry spirit may only contain added caramel as a means of adapting colour.

(f) Cider spirit, perry spirit and cider and perry spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 15 g of sweetening products per litre, expressed as invert sugar.

(g) The legal name shall be:

– ***'cider spirit' for spirit drinks exlusively obtained by the distillation of cider;***

– ***'perry spirit' for spirit drinks exlusively obtained by the distillation of perry; or***

– ***'cider and perry spirit' for spirit drinks obtained by the distillation of cider and perry.***

11. Honey spirit

(a) Honey spirit is a spirit drink which meets the following ***requirements***:

(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 ***(10) of Article 2b***, 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. ***However, the final product may not contain more than 20 g of honey per litre, expressed as invert sugar.***

12. *Hefebrand* **or lees spirit**

(a) *Hefebrand* or lees spirit is a spirit drink produced exclusively by the distillation at less than 86 % vol. of lees of wine***, lees of beer*** or of ***lees 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 ***(10) of Article 2b***, 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.

(ea) *Hefebrand* ***or lees spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 20 g of sweetening products per litre, expressed as invert sugar.***

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

13. ***Beer spirit***

(a) ***Beer spirit*** 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 ***resulting*** distillate ▌ has organoleptic characteristics deriving from the beer.

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

(c) No addition of alcohol as defined in point ***(10) of Article 2b***, diluted or not, shall take place.

(d) ***Beer spirit*** shall not be flavoured.

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

(f) Beer spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 20 g of sweetening products per litre, expressed as invert sugar.

14. *Topinambur* **or Jerusalem artichoke spirit**

(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 ***(10) of Article 2b***, 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.

(f) *Topinambur* ***or Jerusalem artichoke spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 20 g of sweetening products per litre, expressed as invert sugar.***

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

This ▌ may be followed by ***additional 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 ***the*** ethyl alcohol of agricultural origin ***used to produce vodka*** shall meet those set out ***Article 2b***, 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 ***substances or flavouring preparations that are*** present in distillate obtained from the fermented raw materials. In addition, the product may be given special organoleptic characteristics, other than a predominant flavour.

(ca) Vodka shall not be coloured.

(d) The description, presentation or labelling of vodka not produced exclusively from potatoes or cereals ***or both*** shall ***prominently*** bear the indication 'produced from ...', supplemented by the name of the raw materials used to produce the ethyl alcohol of agricultural origin. ***This indication shall appear in the same visual field as the legal name.***

(e) Vodka may be sweetened in order to round off the final taste. However, the final product may not contain more than 8 g of sweetening products per litre, expressed as invert sugar.

(f) Alternatively, the legal name may be 'vodka' in any Member State.

16. Spirit (*supplemented* by the name of the fruit*, berries or nuts*) obtained by maceration and distillation

(a) Spirit (***supplemented*** by the name of the fruit***, berries or nuts***) obtained by maceration and distillation is a spirit drink which meets the following ***requirements***:

(i) ***it has been*** produced by

– maceration of fruit***,*** berries ***or nuts*** 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 ***a*** spirit or distillate deriving from the same fruit***, berries or nuts***, or of a ***combination*** thereof, per 100 kg of fermented fruit***,*** berries ***or nuts***,

– followed by distillation ▌ ; ***each and every distillation step shall be carried out at less than 86 % vol;***

(ii) obtained from the following fruits***,*** berries ***or nuts***:

− ***chokeberry (****Aronia Medik.* ***nom cons.),***

− ***black chokeberry (****Aronia melanocarpa (Michx.)* ***Elliott),***

− ***chestnut (****Castanea sativa* ***Mill.),***

− ***citrus fruits (****Citrus* ***spp.),***

− ***hazelnut (****Corylus avellana* ***L.),***

− ***crowberry (****Empetrum nigrum* ***L.),***

- ***strawberry (****Fragaria* ***spp.),***
- ***sea-buckthorn (****Hippophae rhamnoides* ***L.),***
- ***hollyberry (****Ilex aquifolium* ***and*** *Ilex cassine* ***L.),***
- ***cornel cherry or cornelian cherry (****Cornus mas****),***
- ***walnut (****Juglans regia* ***L.),***
- ***banana (****Musa* ***spp.),***
- ***myrtle (****Myrtus communis* ***L.),***
- ***prickly pear (****Opuntia ficus-indica* ***(L.) Mill)***
- ***passion fruit (****Passiflora edulis* ***Sims),***
- ***bird cherry (****Prunus padus* ***L.).***
- ***sloe (****Prunus spinosa* ***L.),***
- ***blackcurrant (****Ribes nigrum* ***L.),***
- ***white currant (****Ribes niveum* ***Lindl.),***
- ***redcurrant (****Ribes rubrum* ***L.),***
- ***gooseberry (****Ribes uva-crispa* ***L. syn.*** *Ribes grossularia****),***
- ***rosehip (****Rosa canina* ***L.),***
- ***arctic bramble (****Rubus arcticus* ***L.),***
- ***cloudberry (****Rubus chamaemorus* ***L.),***
- ***blackberry (****Rubus sect. Rubus****),***
- ***raspberry (****Rubus idaeus* ***L.),***
- ***elderberry (****Sambucus nigra* ***L.),***

- ***rowanberry (****Sorbus aucuparia* ***L.),***
- ***sorb apple (****Sorbus domestica* ***L.),***
- ***wild service tree (****Sorbus torminalis* ***(L.) Crantz),***
- ***ambarella (****Spondias dulcis* ***Parkinson),***
- ***hog plum (****Spondias mombin* ***L.),***
- ***high bush blueberry (****Vaccinium corymbosum* ***L.),***
- ***wild cranberry (****Vaccinium oxycoccus* ***L.),***
- ***bilberry/blueberry (****Vaccinium myrtillus* ***L.),***
- ***cowberry (****Vaccinium vitis-idaea* ***L.).***

(b) The minimum alcoholic strength by volume of a ***spirit*** (***supplemented*** by the name of the fruit***, berries or nuts***) obtained by maceration and distillation shall be 37,5 %.

(c) Spirit (***supplemented*** by the name of the fruit, ***berries or nuts***) obtained by maceration and distillation shall not be flavoured.

(ca) Spirit (supplemented by the name of the fruit, berrries or nuts) obtained by maceration and distillation shall not be coloured.

(cb) However, notwithstanding point (ca) and by way of derogation from point 14.2.6 of Part D of Table II of Annex II to Regulation (EC) No 1333/2008, caramel may be used to adjust the colour of the spirit (supplemented by the name of the fruit, berries or nuts) obtained by maceration and distillation that has been aged at least one year in contact with wood.

(cc) Spirit (supplemented by the name of the fruit, berries or nuts) obtained by maceration and distillation may be sweetened in order to round off the final taste. However, the final product may not contain more than 18 g of sweetening products per litre, expressed as invert sugar.

(d) As regards the labelling and presentation of ***spirit*** (***supplemented*** by the name of the fruit***, berries or nuts***) obtained by maceration and distillation, the wording 'obtained by maceration and distillation' must appear in the ***description,*** presentation or labelling in characters of the same font, size and colour and in the same visual field as the wording '***spirit*** (***supplemented*** by the name of the fruit***, berries or nuts***)' and, in the case of bottles, on the front label.

17. *Geist* **(*supplemented by* the name of the fruit or the raw materials used)**

(a) *Geist* (***supplemented by*** 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, ▌ other plant materials***,*** such as herbs or rose petals***, or mushrooms*** in ethyl alcohol of agricultural origin, followed by distillation at less than 86 % vol.

(b) The minimum alcoholic strength by volume of *Geist* (***supplemented by*** the name of the fruit or the raw materials used) shall be 37,5 %.

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

(ca) *Geist* ***(supplemented by the name of the fruit or the raw materials used) shall not be coloured.***

(cb) *Geist* ***(supplemented by the name of the fruit or the raw materials used) may be sweetened in order to round off the final taste. However, the final product may not contain more than 10 g of sweetening products per litre, expressed as invert sugar.***

(cc) The term -*geist* ***preceded by a term other than the name of a fruit, plant or other raw material may supplement the legal name of other spirit drinks and alcoholic beverages, provided that such use does not mislead the consumer.***

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 ***combination*** 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, ▌ plants ***with flavouring properties*** or parts of ▌ plants ***with flavouring properties*** or a combination ***thereof*** may be used in addition ***to juniper berries***, but the organoleptic characteristics of juniper shall be discernible, even if they are sometimes attenuated.

(d) Juniper-flavoured spirit drinks may bear the ***legal names*** *Wacholder* or *genebra*.

20. *Gin*

(a) *Gin* is a juniper-flavoured spirit drink produced by flavouring ▌ 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 ***grams*** of ***sweetening products*** per litre of the final product***, expressed as invert sugar.***

21. Distilled *gin*

(a) Distilled *gin* is one of the following:

(i) a juniper-flavoured spirit drink produced exclusively by ***distilling*** ethyl alcohol of agricultural origin ▌ with an initial alcoholic strength of at least 96 % vol. ▌ in the presence of juniper berries (*Juniperus communis* L.) and of other natural botanicals provided that the juniper taste is predominant;

(ii) the ***combination*** 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 ***or incorporate*** the term '*dry*' if it does not contain added sweetening exceeding 0,1 ***grams*** of ***sweetening products*** per litre of the final product***, expressed as invert sugar***.

22. *London gin*

(a) *London gin* is ▌ distilled *gin* ***which meets the following requirements***:

(i) ***it is*** 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 ***distillation*** of ethyl alcohol of agricultural origin in the presence of all the natural plant materials used;

(ii) the ***resulting*** distillate ▌ contains at least 70 % alcohol by vol.;

(iii) ▌ any further ethyl alcohol of agricultural origin ***that*** is added ***shall*** comply with the requirements laid down in point ***(10) of Article 2b*** but with a maximum methanol content of 5 grams per hectolitre of 100 % vol. alcohol;

(iv) ***it*** does not contain ▌ colours;

(iva) it is not sweetened in excess of 0,1 grams of sweetening products per litre of the final product, expressed as invert sugar;

(v) ***it*** does not contain any ***other*** ingredients ▌ 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 ***or incorporate*** the term '*dry*'.

23. Caraway-flavoured spirit drinks or *Kümmel*

(a) Caraway-flavoured spirit drinks ***or*** *Kümmel* 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 ***or*** *Kümmel* shall be 30 %.

(c) Flavouring substances or flavouring preparations or both may additionally be used but there ***shall*** 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 ***shall*** 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) ***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) ***Aniseed-flavoured spirit drinks may only be flavoured with flavouring preparations and*** natural flavouring substances ▌.

(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 'chalcones' 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) *Pastis* ***may only be flavoured with flavouring preparations and*** natural flavouring substances ▌.

(d) *Pastis* contains less than 100 grams of ***sweetening products*** 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 **a *pronounced anise taste with*** an anethole content ***between 1,9 and 2,1*** grams per litre.

(b) The minimum alcoholic strength by volume of *pastis de Marseille* shall be 45 %.

(c) *Pastis de Marseille* ***may only be flavoured with flavouring preparations and*** natural flavouring substances ▌.

28. *Anis* ***or*** *janeževec*

(a) *Anis* ***or*** *janeževec* 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* ***or*** *janeževec* shall be ***35*** %.

(c) *Anis* ***or*** *janeževec* ***may only be flavoured with flavouring preparations and*** natural flavouring substances.

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) ***Distilled*** *anis* ***may only be flavoured with flavouring preparations and*** natural flavouring substances ▌.

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 ***or distillate of agricultural origin or both*** with flavouring substances ***or flavouring preparations or both***.

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

(c) ***Without prejudice to the use of such terms in the presentation and labelling of foodstuffs other than spirit drinks, bitter-tasting*** spirit drinks or *bitter* may also be ***placed on the market*** under the names ***'bitter'*** or '*bitter*' with or without another term.

(d) Notwithstanding point (c), the terms 'bitter' or '*bitter'* ***may be used in the description, presentation and labelling of bitter-tasting liqueurs.***

31. Flavoured vodka

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

(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.

(ca) When sweetened, the final product shall contain less than 100 g of sweetening products per litre, expressed as invert sugar.

(d) ***The legal name of flavoured*** vodka may also be ▌ the name of any predominant flavour ***combined*** with the word 'vodka'. ***The term 'vodka' in any official Union language may be replaced by*** *'vodka'*.

31a. 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 a content of sweetening products, 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 legal name only when the product is produced in Spain. When the product is produced outside Spain,*** *'Pacharán'* ***may only be used to supplement the legal name '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.***

32. Liqueur

(a) Liqueur is a spirit drink:

(i) having a minimum ▌ content ***of sweetening products***, expressed as invert sugar, of:

− 70 grams per litre for cherry ***or sour cherry*** liqueurs the ethyl alcohol of which consists exclusively of cherry ***or sour cherry*** spirit,

− 80 grams per litre for ***liqueurs whose sole aromatic substance is*** gentian or similar ***plants or wormwood***,

– 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 ***combination*** 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 ***production*** of liqueur.

However, ***the following liqueurs may*** only ***be flavoured with flavouring foodstuffs, flavouring preparations and natural flavouring substances:***

(i) fruit liqueurs:

- ***pineapple (****Ananas****),***
- ***citrus fruit (****Citrus* ***L.),***
- ***sea buckthorn (****Hippophae rhamnoides* ***L.),***
- ***mulberry (****Morus alba****, Morus rubra****),***
- ***sour cherry (****Prunus cerasus****),***
- ***cherry (****Prunus avium****),***
- ***blackcurrant (****Ribes nigrum* ***L.),***
- ***arctic bramble (****Rubus arcticus* ***L.),***
- ***cloudberry (****Rubus chamaemorus* ***L.),***
- ***raspberry (****Rubus idaeus* ***L.),***
- ***wild cranberry (****Vaccinium oxycoccus* ***L.),***
- ***bilberry/blueberry (****Vaccinium myrtillus* ***L.),***
- ***cowberry (****Vaccinium vitis-idaea* ***L.);***

(ii) plant liqueurs:

- ***génépi (****Artemisia genepi****),***
- ***gentian (****Gentiana* ***L.),***
- ***mint (****Mentha* ***L.),***
- ***aniseed (****Pimpinella anisum* ***L.),***

(ca) Alternatively, the legal name may be** 'liqueur' **in any Member State and:

- ***for liqueurs obtained by maceration of sour cherries or cherries (**Prunus cerasus* ***or** Prunus avium**) in ethyl alcohol of agricultural origin, the legal name may be** 'Guignolet' **or** 'češnjevec'**, with or without the term 'liqueur';***

- ***for liqueurs obtained by maceration of sour cherries (**Prunus cerasus**) in ethyl alcohol of agricultural origin, the legal name may be** 'Ginja' **or** 'Ginjinha' **or** 'višnjevec'**, with or without the term 'liqueur';***

- ***for liqueurs for which the alcohol content is provided exclusively by rum, the legal name may be** 'Punch au rhum'**, with or without the term 'liqueur';***

- ***without prejudice to Article 2a(2), the second subparagraph of Article 7(4) and Article 9, for liqueurs containing milk or milk products, the legal name may be 'cream' supplemented by the name of the raw material used conferring on the liqueur its predominant flavour, with or without the term 'liqueur'.***

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

- *prune brandy*
- *orange brandy;*
- *apricot brandy;*
- *cherry brandy;*
- *solbaerrom* ***or*** blackcurrant rum.

As regards the ***description, presentation and*** labelling ▌ of those liqueurs, the compound term ***shall*** appear ▌ in one line in uniform characters of the same font and colour and the word 'liqueur' ***shall*** appear in immediate proximity in characters no smaller than that font. If the alcohol does not come from the spirit drink indicated, its origin ***shall*** be shown on the ***label*** 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'.

(da) Without prejudice to Articles 9, 9a and 11(2ba), the legal name 'liqueur' may be supplemented by the name of a flavouring or foodstuff that confers the predominant flavour of the spirit drink, provided that the flavour is conferred on the spirit drink by flavouring foodstuffs, flavouring preparations and natural flavouring substances derived from the raw material referred to in the name of the flavouring or of the foodstuff, supplemented by flavouring substances only where necessary to reinforce the flavour of that raw material.

33. Crème de (*supplemented by* the name of a fruit or ▌ *other* raw material used)

(a) ***Liqueurs*** known as Crème de ***supplemented*** by the name of ***the*** fruit or ***any other*** raw material used, excluding milk products, ***conferring on the liqueur its predominant flavour*** are liqueurs ***which have*** a minimum ▌ content ***of sweetening products*** of 250 grams per litre expressed as invert sugar.

(aa) The legal name *'Crème de cassis'* ***may only be used for liqueurs produced with blackcurrant which have a content of sweetening products of more than 400 grams per litre expressed as invert sugar.***

(b) The minimum alcoholic strength by volume of Crème de (***supplemented*** by the name of ▌ the ***other*** 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 ***legal name*** 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 ***production*** of *sloe gin*.

(d) The ***legal name*** may be supplemented by the term 'liqueur'.

▌

39. *Sambuca*

(a) *Sambuca* is a colourless aniseed-flavoured liqueur which meets the following ***requirements***:

(i) it contains distillates of anise (*Pimpinella anisum* L.), star anise (*Illicium verum* L.) or other aromatic herbs;

(ii) it has a minimum ▌ content ***of sweetening products*** of ***350*** 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*.

(ca) *Sambuca* ***shall not be coloured.***

(d) The ***legal name*** 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 ***ethyl*** alcohol of agricultural origin ***or in distillates of marasca cherries*****,** with a minimum ▌ content ***of sweetening products*** 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*.

(ca) *Maraschino, Marrasquino* ***or*** *Maraskino* ***shall not be coloured.***

(d) The ***legal name*** may be supplemented by the term 'liqueur'.

41. *Nocino* ***or*** *orehovec*

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

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

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

(d) The ***legal name*** 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 ***liqueur***, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate ***of agricultural origin*** or spirit ***drink***, or a ***combination*** thereof, the ingredients of which are quality egg yolk, egg white and sugar or honey ***or both***. 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. ***Any use of eggs from hens belonging to a species other than*** *Gallus gallus* ***shall be indicated on the label***.

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

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

(d) Milk products may be used in the production of egg liqueur or *advocaat* ***or*** *avocat* ***or*** *advokat*.

43. Liqueur with egg

(a) Liqueur with egg is a ***liqueur***, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate ***of agricultural origin*** or spirit drink, or a ***combination*** thereof, the characteristic ingredients of which are quality egg yolk, egg white and sugar or honey ***or both***. 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 ***flavouring foodstuffs,*** natural flavouring substances and flavouring preparations may be used in the ***production*** of liqueur with egg.

(d) Milk products may be used in the production of liqueur with egg.

44. *Mistrà*

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

(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 ***not been sweetened***.

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

(c) *Mistrà* ***may only be flavoured with flavouring preparations and*** natural flavouring substances.

(d) *Mistrà* ***shall not be coloured.***

45. *Väkevä glögi* **or** *spritglögg*

(a) *Väkevä glögi* or *spritglögg* is a spirit drink produced by flavouring ***wine or wine products and*** ethyl alcohol of agricultural origin with flavour of cloves or cinnamon or both, using one of the following processes: maceration or distillation, ***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) *Väkevä glögi* ***or*** *spritglögg* ***may only be flavoured with flavouring*** substances, flavouring preparations or other flavourings ▌ but the flavour of the ▌ spices ***specified in point (a) shall*** 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 ***requirements***:

(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 ***is*** sweetened to a maximum of 20 grams ***of sweetening products*** per litre expressed as invert sugar.

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

(c) *Berenburg* ***or*** *Beerenburg* ***may only be flavoured with flavouring preparations and*** natural flavouring substances ▌.

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) ***Honey or mead nectar may only be flavoured with flavouring preparations and*** natural flavouring substances**,** provided that the honey taste is predominant.

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

ANNEX III

SPECIFIC RULES CONCERNING CERTAIN SPIRIT DRINKS ▌

1. *Rum-Verschnitt* is produced in Germany and obtained by mixing rum and ***ethyl*** alcohol ***of agricultural origin***, whereby a minimum proportion of 5 % of the alcohol contained in the final product ***shall*** 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* ***shall*** appear in the ***description,*** 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 ***legal name*** of this product shall be 'spirit drink'. Where this product is ***placed on the market*** outside Germany, its alcoholic composition ***shall*** 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 ***shall*** come from plum distillate. The ***legal name*** 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 ***placed on the market*** outside the Czech Republic, its alcoholic composition ***shall*** appear on the label. This provision is without prejudice to the use of the ***legal names*** for fruit spirits ***in*** category 9 of ▌Annex ***II***.

3. *Guignolet Kirsch* ***is produced in France and obtained by mixing*** *Guignolet* ***and*** *Kirsch****, whereby a minimum proportion of 3% of the total pure alcohol contained in the final product shall come from*** *Kirsch****. The word*** *'Guignolet'* ***shall appear in the description, presentation and labelling in characters of the same font, size and colour as, and on the same line as, the word*** *'Kirsch'* ***and, in case of bottles, on the front label. The legal name of this product shall be 'liqueur'. Its alcoholic composition shall indicate the percentage by volume of pure alcohol that*** *Guignolet* ***and*** *Kirsch* ***represent in the total pure alcohol content by volume of*** *Guignolet Kirsch****.***

ANNEX IV

DYNAMIC OR *'CRIADERAS Y SOLERA'* ***OR*** *'SOLERA E CRIADERAS'* ***AGEING SYSTEM***

The dynamic or *'criaderas y solera'* ***or "****solera e criaderas****" ageing system consists in the execution of periodical extractions of a portion of the*** *brandy* ***contained in each of the oak casks and containers that form an ageing scale and the corresponding replenishments with*** *brandy* ***extracted from the preceding ageing scale.***

Definitions

'Ageing scales' mean each group of oak casks and containers with the same level of maturation, through which the *brandy* ***progresses in the course of its ageing process. Each scale is known as*** *'criadera'****, except the last one, previous to the expedition of the*** *brandy****, known as the*** *'solera'****.***

'Extraction' means partial volume of *brandy* ***drawn from each oak cask and container in an ageing scale, for its incorporation to the oak casks and containers in the next ageing scale or, in the case of the*** *solera****, for its expedition.***

'Replenishment' means the volume of *brandy* ***from the oak casks and containers of a given ageing scale that is incorporated to and blended with the content of the oak casks and containers of the following scale in terms of age.***

'Average age' means the period of time corresponding to the rotation of the total stock of *brandy* ***that is undergoing the ageing process, calculated as the fraction between the total volume of*** *brandy* ***contained in all the ageing scales and the volume of the extractions made from the last scale –the*** *solera****– in one year.***

The average age of the *brandy* ***drawn from the*** *solera* ***shall be calculated using the following formula:*** $\bar{t} = Vt / Ve$, ***in which:***

– ***t is the average age, expressed in years;***

– ***Vt is the total volume of stocks in the ageing system, expressed in litres of pure alcohol;***

– ***Ve is the total volume of product extracted for shipping during a year, expressed in litres of pure alcohol.***

In the case of oak casks and containers of less than 1 000 litres, the number of annual extractions and replenishments shall be equal to or lower than twice the number of scales in the system, in order to guarantee that the youngest component has an age equal to or higher than 6 months.

In the case of oak casks and containers of 1 000 litres or more, the number of annual extractions and replenishments shall be equal to or lower than the number of scales in the system, in order to guarantee that the youngest component has an age equal to or higher than 1 year.

ANNEX V

CORRELATION TABLE

[***To be completed at a later stage***]

ANNEX B

STATEMENTS FROM THE COMMISSION AND FROM DELEGATIONS

1. Statement from the Commission on the unbundling clause

"The Commission recalls that point 31 of the Interinstitutional Agreement on Better Law-making provides that empowerments may be bundled on condition that the Commission provides objective justifications based on the substantive link between two or more empowerments contained in a single legislative act, and unless the legislative act provides otherwise. The Commission notes that the co-legislators have agreed to exclude bundling of empowerments in the present case, which may cause additional administrative burden and make it less easy for those affected by the legal framework to have access to a simple and comprehensive set of legal instruments. The Commission considers that this cannot be seen as creating a precedent for other ongoing legislative negotiations."

2. Statement from the Commission on labelling

"The Commission declares that, should the empowerments provided for in Articles 16(2) and 46(2) be used, careful consideration will be given in particular to transparency of information for consumers for all spirit drinks placed on the market in the European Union."

3. Statement from Spain regarding the statement from the Commission on labelling

"Spain wants to point out that the Commission's statement generates discriminatory treatment for *brandy* elaborated through the *soleras and criaderas* system, and considers that transparency for consumers should affect all spirit drinks equally. In view of the above, we categorically reject the Commission's calling into question this production system and the products obtained from it."

4. Statement from Portugal regarding the statement from the Commission on labelling

"Portugal considers that the Commission's declaration is superfluous because labelling rules governing spirit drinks, including *brandy* obtained through the method *solera e criaderas* method, comply, by default, with the rules in force with a view to transparency and better information to the consumer."

5. Statement from Germany, supported by Denmark and Finland, on hydrocyanic acid and ethyl carbamate

"The German Delegation expects that the European Commission will re-examine, after consultation of the EFSA, the admissible contents of hydrocyanic acid and ethyl carbamate in stone-fruit spirits and stone-fruit marc spirits and, if needed, will propose measures in order to guarantee a high level of consumer protection."