



**COUNCIL OF
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Subject: COMMISSION REGULATION (EU) No .../.. of XXX amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks

Delegations will find attached the Commission document D024615/02.

Encl.: D024615/02



Brussels, XXX
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[...] (2013) XXX draft

COMMISSION REGULATION (EU) No .../..

of XXX

amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 drinks¹, and in particular Article 26 thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 110/2008 provides for the possibility to use the term '*dry*' for the category of spirit drink '*London gin*'. That spirit drink is not allowed to contain added sweetening exceeding 0,1 gram of sugars per litre. For the categories of spirit drinks '*gin*' and '*distilled gin*' there is no established limit for the addition of sweetening. However, when '*gin*' and '*distilled gin*' are produced without sugar or with a sugar content not exceeding 0,1 gram per litre, the possibility to use the term '*dry*' should be extended to those spirit drinks as defined in that Annex.
- (2) '*Absinthe*' is a spirit drink traditionally produced in some Member States. It is obtained by the maceration and/or distillation of absinthe wormwood (*Artemisia absinthium L.*) in ethyl alcohol of agricultural origin. The marketing of products described as '*absinthe*' is gradually increasing in the Union. Consequently, the Member States producing this product have requested the Commission to establish a definition for '*absinthe*'. A new product category '*absinthe*' setting out such a definition should therefore be included in Annex II to Regulation (EC) No 110/2008.
- (3) Hungary has applied for the registration of '*Újfehértói meggypálinka*' as a geographical indication in Annex III to Regulation (EC) No 110/2008, in accordance with the procedure provided for in Article 17(1) of that Regulation. '*Újfehértói meggypálinka*' is a fruit spirit traditionally produced in Hungary, exclusively from the sour cherry varieties '*Újfehértói fürtös*' and '*Debreceni bőtermő*'. The main specifications of the technical file for '*Újfehértói meggypálinka*' were published in the Official Journal of the European Union² for the purposes of the objection procedure, pursuant to Article 17(6) of Regulation (EC) No 110/2008. As the Commission did not receive any objections in accordance with Article 17(7) of Regulation (EC) No

¹ OJ L 39, 13.2.2008, p. 16.

² OJ C 85, 18.3.2011, p. 10.

110/2008, the name '*Újfehértói meggypálinka*' should be registered as a geographical indication in Annex III to that Regulation.

- (4) The geographical indications '*Polska Wódka/Polish Vodka*' and '*Originali lietuviška degtinė/Original Lithuanian vodka*' are registered for product category 15. 'Vodka', of Annex III to Regulation (EC) No 110/2008. However, the technical specifications for those geographical indications also cover flavoured vodka. Therefore, those geographical indications should also be included in product category 31, 'Flavoured vodka' of that Annex. In order to inform the consumer of the true nature of the product, the label of that type of vodka should bear the sales denomination 'flavoured vodka' or 'vodka' with the predominant flavour.
- (5) Regulation (EC) No 110/2008 should therefore be amended accordingly.
- (6) To facilitate the transition from the rules provided for in Regulation (EC) No 110/2008 to those set out in this Regulation, the marketing of existing stocks should be foreseen until they run out and the use of labels printed before the date of entry into force of this Regulation should be allowed until 31 December 2014.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Spirit Drinks,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EC) No 110/2008 are amended as follows:

- (1) Annex II is amended as follows:

- (a) in point 20. '*Gin*', the following point (d) is added:

"(d) The term '*gin*' may be supplemented by the term '*dry*' if it does not contain added sweetening exceeding 0,1 gram of sugars per litre of the final product."

- (b) in point 21. '*Distilled gin*', the following point (d) is added:

"(d) The term '*distilled gin*' may be supplemented by the term '*dry*' if it does not contain added sweetening exceeding 0,1 gram of sugars per litre of the final product."

- (c) the following point 25a is inserted:

"25a. Absinthe

- (a) Absinthe is a spirit drink produced by flavouring ethyl alcohol of agricultural origin or distillate of agricultural origin with absinthe wormwood (*Artemisia absinthium L.*) in combination with other plants as Roman wormwood (*Artemisia pontica L.*), anise (*Pimpinella anisum L.*), fennel (*Foeniculum vulgare Mill.*), hyssop (*Hyssopus officinalis*), mint (*Mentha spp.*) or in combination with other plants provided that their

taste is not predominant, using the following processes or a combination thereof:

- (i) maceration and/or distillation at less than 86% vol.;
 - (ii) re-distillation of alcohol containing grains or other parts of the plants referred to in the introductory phrase of this point;
 - (iii) addition of natural distilled extracts of the plants referred to in the introductory phrase of this point.
- (b) The minimum alcoholic strength by volume of absinthe shall be 40%.
 - (c) Absinthe shall contain a quantity of thujone (alpha and beta) between 5 milligrams per litre and 35 milligrams per litre.
 - (d) Absinthe shall have a minimum anethole level of 0.5 gram per litre.
 - (e) Absinthe may have a maximum sugar content of 50 grams per litre expressed as invert sugar.
 - (f) Absinthe shall not be coloured by other substances than those referred to in point (a), except for:
 - the food colours authorised on the basis of *quantum satis*, referred to in Part I of Annex V to Directive 94/36/EC, and
 - from 1 June 2013, the food colours authorised on the basis of *quantum satis*, referred to in Group II in point 14.2.6. of Part E of Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council*.

* OJ L 354, 31.12.2008, p. 16.”

(2) Annex III is amended as follows:

(a) in product category 9. 'Fruit spirit ', the following entry is added:

"

	<i>Újfehértói meggypálinka</i>	Hungary
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"

(b) in product category 31. 'Flavoured vodka', the following entries are added:

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	<i>Polska Wódka/Polish Vodka*</i>	Poland
	<i>Originali lietuviška degtinė/ Original Lithuanian vodka*</i>	Lithuania

* This product must bear on the label the sales denomination 'flavoured vodka'. The term 'flavoured' may be replaced by the name of the predominant flavour.

Article 2

Spirit drinks not meeting the requirements of Regulation (EC) No 110/2008 as amended by Article 1 of this Regulation may continue to be placed on the market until stocks run out.

Labels printed before the date of entry into force of this Regulation may continue to be used until 31 December 2014.

Article 3

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

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

Done at Brussels,

For the Commission
José Manuel Barroso
The President