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NOTE

from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council concerning the general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (Recast) – Outcome of the European Parliament's first reading (Brussels, 18 to 19 February 2009)

I. INTRODUCTION

In accordance with the provisions of Article 251(2) of the EC Treaty and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for a second reading and conciliation.

In this context, the rapporteur, Mr József SZAJER (EPP/ED - HU), presented five compromise amendments to the proposal for a Regulation, on behalf of the Committee on Legal Affairs. These amendments had been agreed during the informal contacts referred to above.

¹ OJ C 145, 30.6.2007, p.5.

II. VOTE

When the plenary voted on 19 February 2009, it adopted the five compromise amendments (amendments 5 - 9) to the proposal for a Regulation. The amendments adopted correspond to what was agreed between the three institutions and ought therefore to be acceptable to the Council. Consequently, once the lawyer-linguists¹ have scrutinised the text, the Council should be in a position to adopt the legislative act.

The text of the amendment adopted and the European Parliament's legislative resolution are set out in the Annexes hereto. The amendment is presented in the form of a consolidated text where added wordings are highlighted in ***bold and italics***, the symbol "■" indicates deleted text and the symbol "||" indicates changes of a linguistic or clerical nature.

¹ Delegations with legal-linguistic observations can send them to the secretariat of the Council's Directorate for the Quality of Legislation (secretariat.jl-codecision@consilium.europa.eu) until 20.03.2009, in order better to prepare the lawyer-linguists' meeting with national experts.

P6_TA-PROV(2009)0071

Rules on aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails *I**

European Parliament legislative resolution of 19 February 2009 on the proposal for a regulation of the European Parliament and of the Council concerning the general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (recast) (COM(2007)0848 – C6-0006/2008 – 2007/0287(COD))

(Codecision procedure – recast)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0848),
 - having regard to Articles 251(2), 37 and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0006/2008),
 - having regard to the undertakings given by the Council representative by letter of 2 February 2009 to adopt the proposal as amended, in accordance with Article 251(2), second subparagraph, first indent of the EC Treaty,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having regard to Rules 80a and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Agriculture and Rural Development (A6-0216/2008),
- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the

¹ OJ C 77, 28.3.2002, p. 1.

Commission and as amended hereunder;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council and the Commission.

Position of the European Parliament adopted at first reading on 19 February 2009 with a view to the adoption of Regulation (EC) No .../2009 of the European Parliament and of the Council concerning the general rules on the definition, description and presentation of *aromatised* wines, *aromatised* wine-based drinks and *aromatised* wine-product cocktails (recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 95 thereof,

Having regard to the proposal from the Commission^{||},

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the procedure laid down in Article 251 of the Treaty²,

Whereas:

- (1) Regulation (EEC) No 1601/91 of the Council of 10 June 1991, laying down general rules on the definition, description and presentation of *aromatised* wines, *aromatised* wine-based drinks and *aromatised* wine-product cocktails³ has been substantially amended several times⁴. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) Given the economic importance of *aromatised* wines, *aromatised* wine-based drinks and *aromatised* wine-product cocktails, hereinafter *together* called “*aromatised* drinks”, it is necessary, in order to assist the proper functioning of the internal market, to lay down common provisions on this subject, in particular with regard to the definition of such drinks and the requirements concerning their description and presentation.

¹ OJ C

² *Position of the European Parliament of 19 February 2009.*

³ OJ L 149, 14.6.1991, p. 1. ||

⁴ See Annex III.

- (3) *¶ Aromatised* drinks constitute a major outlet for Community agriculture. This outlet is largely the result of the reputation which certain of these drinks have acquired throughout the Community and on the world market. This reputation can be attributed to the quality of the drinks in question. A certain quality standard should therefore be maintained for the drinks in question if this outlet is to be preserved. The appropriate means of maintaining this quality standard is to define the said drinks, taking into account the traditional practices on which their reputation is based. Moreover, the terms thus defined should be used only for drinks of the same quality as traditional drinks so as to prevent their being devalued.
- (4) It is appropriate that an appropriate framework be created for *aromatised* drinks which are composed for the major part of wine or musts, while allowing for development and innovation as regards such drinks. This objective can be achieved more easily by creating three categories of drinks on the basis of their wine content, alcoholic strength and whether or not alcohol has been added to them.
- (5) It is appropriate that Community rules should reserve, for certain territories, the use of geographical ascriptions referring thereto, provided that the stages of production during which the finished product acquires its characteristics and definitive properties are completed in the geographical area in question.
- (6) The customary means of informing the consumer is to include certain information on the label. The labelling of *aromatised* drinks is subject to the general rules laid down in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs¹. In view of the nature of the drinks in question and so that the consumer may have fuller information, provisions additional to these general rules should be adopted.
- (7) In the mind of the consumer, the reputation of certain *aromatised* drinks is closely linked to a traditional origin. In order to ensure that the consumer is appropriately informed and to take account of these specific cases, it is appropriate to make it compulsory to indicate the origin in cases where the drink does not come from the traditional region of production.
- (8) In order to enable appropriate information to be given on the composition of the drink, certain labelling rules relating to the nature of the alcohol used should be adopted.

¹ *¶* OJ L 109, 6.5.2000, p. 29. *¶*

- (9) Council Directive 98/83/EC of 3 November 1998 *on* the quality of water intended for human consumption¹, and [Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters²], lay down the characteristics of the water which may be used in foodstuffs. Reference should be made thereto.
- (10) Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production³ puts forward definitions of various terms liable to be used in connection with flavouring. The same terminology should be used in this Regulation.
- (11) Specific provisions should be adopted concerning description and presentation for imported *aromatised* drinks, bearing in mind the Community's commitments in its relations with third countries.
- (12) In order to defend the reputation of Community *aromatised* drinks on the world market, the same rules should be extended to exported drinks, except where there are contrary provisions, bearing in mind traditional habits and practices.
- (13) The measures necessary for the implementation of this *Regulation* should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁴.
- (14) *In particular, the Commission should be empowered to adapt this Regulation in order to* **decide on specific descriptions, to adopt definitions other than those already provided for in this Regulation, to adopt methods of analysis of the products covered by this Regulation**, to determine the processes for products being prepared for the purpose of obtaining the finished products, to adopt special provisions governing the use of terms referring to a certain property of the product and the rules governing the labelling of *aromatised* drinks in containers not intended for the final consumer, **to adopt the necessary measures for the uniform application of the Community's provisions in the aromatised drinks sector, to draw up the list of products eligible for supervision and protection** and to establish the exceptions concerning *aromatised* drinks intended for exportation. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation they **must** be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC,

¹ || OJ L 330, 5.12.1998, p. 32. ||

² OJ L 229, 30.8.1980, p. 1. ||

³ OJ L 184, 15.7.1988, p. 61. ||

⁴ OJ L 184, 17.7.1999, p. 23. ||

HAVE ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the general rules on the definition, description and presentation of *aromatised* wines, *aromatised* wine-based drinks and *aromatised* wine-product cocktails, hereinafter called “*aromatised* drinks”.

Article 2

1. For the purposes of this Regulation:

(a) “*aromatised* wine” shall mean *a drink*:

||

- (i) obtained from one or more of the wine products defined in points 5 and 12 to 18 of Annex I to Council Regulation (EC) No 1493/1999 *of 17 May 1999 on the common organisation of the market in wine*¹, including the quality wines produced in specific regions defined in Article 54(1) and (2) of that Regulation and with the exception of retsina table wine, possibly with added grape must and/or grape must in fermentation;
- (ii) to which alcohol has been added as defined in *point (d) of Article 3 ||* of this Regulation;
- (iii) which has been flavoured with the aid of:
 - natural flavouring substances and/or natural flavouring preparations as defined in *points (b)(i) and (c) of Article 1(2) ||* of Directive 88/388/EEC. Without prejudice to the more restrictive provisions in paragraph 2 of this Article, the use of substances and preparations identical to natural substances and preparations, as defined in *point (b)(ii) of Article 1(2) ||* of that Directive, may be authorised in certain cases and under certain conditions by the Commission,
 - and/or
 - aromatic herbs and/or spices and/or flavouring foodstuffs;
- (iv) which has generally been sweetened and, subject to the exceptions provided for in paragraph 2 of this Article, has possibly been coloured with caramel;
- (v) which has a minimum actual alcoholic strength by volume of 14,5% vol. or more and a maximum actual alcoholic strength by volume of less than 22% vol. and a minimum total alcoholic strength by volume of 17,5% vol. or more; however, for those products which, pursuant to paragraph 5 of this Article, bear the description

¹ OJ L 179, 14.7.1999, p. 1.

“dry” or “extra dry”, the minimum total alcoholic strength by volume shall be set at 16% vol. and 15% vol. respectively.

The wine and/or fresh grape musts with fermentation arrested by the addition of alcohol, used in the preparation of an *aromatised* wine must be present in the finished product in a proportion of not less than 75%. Article 5 of this Regulation notwithstanding, the minimum natural alcoholic strength by volume of the products used shall be that provided for in paragraph 2 of point C of Annex V to Regulation (EC) No 1493/1999.

The description “*aromatised* wine” may be replaced by “wine-based aperitif”. The use of the term “aperitif” in this connection is without prejudice to the use of the term to define products which do not fall within the scope of this Regulation;

(b) “*aromatised* wine-based drink” shall mean *a drink*:

||:

- (i) obtained from one or more of the wines defined in points 11, 12, 13 and 15 to 18 of Annex I to Regulation (EC) No 1493/1999, including the quality wines produced in specified regions defined in Article 54(1) and (2) of that Regulation and with the exception of wines produced with the addition of alcohol and retsina table wine, possibly with added grape must and/or partially fermented grape must;
- (ii) which has been flavoured with the aid of:
 - natural flavouring substances and/or natural flavouring preparations and/or substances or preparations identical thereto as defined in *points (b)(i) and (ii) and (c) of Article 1(2) || of Directive 88/388/EEC*; the use of artificial substances as defined in *point (b)(iii) of Article 1(2) || of that Directive* may be authorised in certain cases and under certain conditions by the Commission,
 - and/or
 - aromatic herbs and/or spices and/or flavouring foodstuffs;
- (iii) which has possibly been sweetened;
- (iv) to which no alcohol has been added, subject to the exceptions referred to in the product definition given in this Regulation or decided upon by the Commission;
- (v) which has an actual alcoholic strength by volume of 7% vol. or more and less than 14,5% vol.

The wines used in the preparation of an *aromatised* wine-based drink must be present in the finished product in a proportion of not less than 50%. Without prejudice to Article 5 of this Regulation, the minimum natural alcoholic strength by volume of the products used shall be that provided for in paragraph 2 of point C of Annex V to Regulation (EC) No 1493/1999;

- (c) “*aromatised* wine-product cocktail” shall mean a drink:
- (i) obtained from wine and/or grape must;
 - (ii) which has been flavoured with the aid of:
 - natural flavouring substances and/or natural flavouring preparations and/or substances or preparations identical thereto as defined in *points (b)(i),(ii) and (c) of Article 1(2) ||* of Directive 88/388/EEC; the use of artificial substances as defined in *point (b)(iii) of Article 1(2) of that Directive* may be authorised in certain cases and under certain conditions by the Commission,
 - and/or
 - aromatic herbs and/or spices and/or flavouring foodstuffs;
 - (iii) *which* has possibly been sweetened and possibly been coloured;
 - (iv) to which no alcohol has been added;
 - (v) which has an actual alcoholic strength by volume of less than 7% vol.

The wine and/or grape must used in the preparation of an *aromatised* wine-product cocktail must be present in the finished product in a proportion of not less than 50%. Without prejudice to Article 5 of this Regulation, the minimum natural alcoholic strength by volume of the products used shall be that provided for in paragraph 2 of point C of Annex V to Regulation (EC) No 1493/1999.

Specific descriptions may be decided upon by the Commission.

The use of the term “cocktail” in this connection shall be without prejudice to its use to define products which do not fall within the scope of this Regulation.

Those measures referred to in the first indent of point (a)(iii), the first indent of point (b)(ii), point (b)(iv), the first indent of point (c)(ii) || and the third paragraph of point (c), designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4) of this Regulation.

2. Definitions of the various categories of *aromatised* wine the description of which may replace “*aromatised* wine”:

- (a) Vermouth:

aromatised wine which has been prepared from wine as referred to in *point (a) of paragraph 1 ||*, the characteristic taste of which is obtained by the use of appropriate derived substances, in particular of the *Artemisia* species, which must always be used; this drink may be sweetened only by means of *caramelised* sugar, sucrose, grape must, rectified concentrated grape must and concentrated grape must;

(b) Bitter *aromatised* wine:

aromatised wine with a characteristic bitter flavour. The description “bitter *aromatised* wine” shall be followed by the name of the main bitter-flavouring substance, without prejudice to Article 8(3).

The following expressions, or equivalent expressions in other official languages of the Community, may be used to supplement or replace this description:

- “Quinquina wine”, where the main flavouring is natural quinine flavouring,
- “Bitter vino”, where the main flavouring is natural gentian flavouring and the drink has been coloured with authorised yellow and/or red colouring matter; the use of the word “bitter” in this connection shall be without prejudice to its use to define products which do not fall within the scope of this Regulation,
- “Americano”, where the flavouring is due to the presence of natural flavouring substances derived from wormwood and gentian and the drink has been coloured with authorised yellow and/or red colouring matter;

(c) Egg-based *aromatised* wine:

aromatised wine to which good-quality egg yolk or extracts thereof have been added and which has a sugar content expressed in terms of invert sugar of more than 200 grams and a minimum egg yolk content of 10 grams per litre of finished product.

The term “cremovo” may accompany the term “egg-based *aromatised* wine” where such wine contains Marsala wine in a proportion of not less than 80%.

The term “cremovo zabaione” may accompany the term “egg-based *aromatised* wine” where such wine contains Marsala wine in a proportion of not less than 80% and has an egg yolk content of not less than 60 grams per litre;

(d) Väkevä viiniglögi/Starkvinsglögg:

an aromatised wine which has been prepared from wine as referred to in *point (a) of paragraph 1*, the characteristic taste of which is obtained by the use of cloves and/or cinnamon which must always be used together with other spices; this drink may be sweetened according to *point (a) of Article 3*.

3. Definitions of the various categories of *aromatised* wine-based drinks the description of which may replace the description “*aromatised* wine-based drink” in the Member State of production, or be used to supplement “*aromatised* wine-based drink” in the other Member States:

(a) Sangria:

a drink obtained from wine:

- (i) *aromatised* with the addition of natural citrus-fruit extracts or essences;

(ii) with or without the juice of such fruit;

(iii) possibly:

- with added spices,
- sweetened,
- with added CO₂;

and

(iv) having an acquired alcoholic strength by volume of less than 12% vol.

The drink may contain solid particles of citrus-fruit pulp or peel and its colour must come exclusively from the raw materials used.

The description “Sangria” must be accompanied by the words “produced in ...” followed by the name of the Member State of production or of a more restricted region except where the product is produced in Spain or Portugal.

The description “Sangria” may replace the description “*aromatised* wine-based drink” only where the drink is manufactured in Spain or Portugal;

(b) Clarea:

a drink obtained from white wine under the same conditions as in *point* (a).

The description “Clarea” must be accompanied by the words “produced in ...” followed by the name of the Member State of production or of a more restricted region except where the product is produced in Spain.

The description “Clarea” may replace the description “*aromatised* wine-based drink” only where the drink is manufactured in Spain;

(c) Zurra:

a drink obtained by adding brandy or wine spirits as defined in Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks¹ to the drinks defined in *points* (a) and (b), possibly with the addition of pieces of fruit. The actual alcoholic strength by volume must be 9% vol. or more and less than 14% vol.;

(d) Bitter soda:

an *aromatised* drink obtained from bitter vino the content of which in the finished product must not be less than 50% by volume, with added CO₂ or carbonated water and possibly the same colorants as bitter vino. The actual alcoholic strength by volume must be 8% vol. or more and less than 10,5% vol. The use of the word “bitter” in this connection shall be

¹ OJ L 160, 12.6.1989, p. 1.

without prejudice to its use to define products which do not fall within the scope of this Regulation;

(e) Kalte Ente:

an *aromatised* wine-based drink obtained by mixing wine, semi-sparkling wine or semi-sparkling wine with added CO₂ with sparkling wine or sparkling wine with added CO₂, and adding natural lemon substances or extracts thereof. The finished product must contain not less than 25% by volume of the sparkling wine or sparkling wine with added CO₂;

(f) Glühwein:

|| an *aromatised* drink obtained exclusively from red or white wine, flavoured mainly with cinnamon and/or cloves; without prejudice to the quantities of water resulting from recourse to *point (a) of Article 3* ||, the addition of water is forbidden. Where it has been prepared from white wine, the sales description “Glühwein” must be supplemented by the words “white wine”;

(g) Viiniglögi/Vinglögg:

|| an *aromatised* drink obtained exclusively from red or white wine, flavoured mainly with cinnamon and/or cloves; *where* it has been prepared from white wine, the sales description “Viiniglögi/Vinglögg” must be supplemented by the words “white wine”;

(h) Maiwein:

an *aromatised* drink obtained from wine with added *asperula odorata* plants or extracts thereof so as to ensure a predominant taste of *asperula odorata*;

(i) Maitrank:

an *aromatised* drink obtained from dry white wine in which *asperula odorata* plants have been macerated or to which extracts of *asperula odorata* have been added, with the addition of oranges and/or other fruits, possibly in the form of juice, concentrated or extracts, and with maximum 5% sugar sweetening;

(j) Pelin:

an *aromatised* wine-based drink produced from white or red wine, grape must concentrate, grape juice (or beet sugar) and specific tincture of herbs, having an alcoholic strength of not less than 8,5 % vol., a sugar content expressed as invert sugar of 45-50 grams per litre, and a total acidity of not less than 3 grams per litre expressed as tartaric acid.

Other definitions shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).

4. Definitions of the categories of *aromatised* wine-product cocktails the description of which may: replace the description “*aromatised* wine-product cocktail” in the State of production or be used to supplement “*aromatised* wine-product cocktail” in the other Member States:

- (a) *wine-based* cocktail:
an *aromatised* drink in which:
 - (i) the proportion of concentrated grape must does not exceed 10% of the total volume of the finished product;
 - (ii) the sugar content, expressed as invert sugar, is less than 80 grams per litre;
- (b) *aromatised* semi-sparkling grape-based cocktail:
a drink:
 - (i) prepared exclusively from grape must;
 - (ii) the actual alcoholic strength by volume of which is less than 4% vol.;
 - (iii) containing carbon dioxide obtained exclusively from fermentation of the products used.

Other definitions shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).

5. The descriptions referred to in *points (a) and (b) of paragraph 1* || and *in paragraphs 2 and 3* may also include the following particulars, with the sugar content indicated in each respective subparagraph being expressed as invert sugar:

- (a) “extra-dry”: in the case of products with a sugar || content of less than 30 grams per litre;
- (b) “dry”: in the case of products with a sugar content of less than 50 grams per litre;
- (c) “semi-dry”: in the case of products with a sugar content of between 50 and 90 grams per litre;
- (d) “semi-sweet”: in the case of products with a sugar content of between 90 and 130 grams per litre;
- (e) “sweet”: in the case of products with a sugar content of more than 130 grams per litre.

The terms “semi-sweet” and “sweet” may be replaced by an indication of the sugar content, expressed in grams of invert sugar per litre.

6. Where the sales description of *aromatised* wine-based drinks includes the term “sparkling”, the quantity of sparkling wine used must be not less than 95%.

7. Detailed rules for the application of this Article shall be adopted in accordance with the *regulatory procedure* referred to in Article 13(3).

Article 3 Subsidiary definitions

For the purposes of this Regulation:

(a) “sweetening” shall mean:

using one or more of the following products or any other natural carbohydrate substances having a similar effect in the preparation of *aromatised* drinks:

- semi-white sugar,
- white sugar, refined,
- white sugar,
- dextrose,
- fructose,
- glucose syrup,
- liquid sugar,
- invert liquid sugar,
- invert sugar syrup,
- rectified concentrated grape must,
- concentrated grape must,
- fresh grape must,
- burned sugar, meaning the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives,
- honey,
- carob syrup;

(b) “flavouring” shall mean:

using one or more of the flavourings defined in *point (a) of Article 1(2) || of Directive 88/388/EEC* and/or aromatic herbs and/or spices and/or flavouring foodstuffs in the preparation of *aromatised* drinks the addition of which confers on the final product organoleptic characteristics other than those of wine;

(c) “colouring” shall mean:

using one or more colorants in the preparation of *aromatised* wines or *aromatised* wine-product cocktails;

(d) “adding alcohol” shall mean:

using one or more of the following products which comply with the characteristics laid down in the Community provisions in the preparation of *aromatised* wines and, where appropriate, *aromatised* wine-based drinks:

- ethyl alcohol of viticultural origin conforming to the characteristics set out in Annex I,
- wine alcohol or dried grape alcohol,
- ethyl alcohol of agricultural origin conforming to the characteristics set out in Annex I,
- wine distillate or dried grape distillate,
- distillate of agricultural origin,
- wine spirit or grape-marc spirit,
- dried grape spirit;

(e) “actual alcoholic strength by volume” shall mean:

the number of volumes of pure alcohol at 20 °C contained in 100 volumes of the product at the same temperature;

(f) “potential alcoholic strength by volume” shall mean:

the number of volumes of pure alcohol at 20 °C which would be produced by total fermentation of the sugar contained in 100 volumes of the product at the same temperature;

(g) “total alcoholic strength by volume” shall mean:

the sum of the actual and potential alcoholic strengths by volume;

(h) “natural alcoholic strength by volume” shall mean:

the total alcoholic strength by volume of the product before any enrichment.

Article 4

1. For the *aromatised* drinks referred to in this Regulation the list of authorised food additives, the directions for their use and the products concerned shall be determined in accordance with the procedure laid down in Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for use in human consumption¹.

2. For the preparation of *aromatised* drinks, the addition of water, possibly distilled or demineralised, shall be authorised provided that the quality of the water conforms to the national provisions adopted pursuant to Directives [80/777/EEC] and 98/83/EC and that the water added does not change the nature of the drink.

3. Ethyl alcohol used to dilute or dissolve colorants, flavourings or any other authorised additives used in the preparation of the *aromatised* drinks must be of agricultural origin and be used in the dose strictly necessary to dilute or dissolve colorants, flavourings or any other authorised additive.

4. ***The*** methods to be used for analysing the products covered by this Regulation shall be adopted ***by the Commission***.

Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).

5. ***Management rules under this Article shall be adopted in accordance with the management procedure referred to in Article 13(2).***

Article 5

1. The oenological processes and practices laid down in accordance with Regulation (EC) No 1493/1999 shall apply to the wines and musts which are included in the composition of the *aromatised* drinks.

2. The processes for products being prepared for the purpose of obtaining one of the finished products referred to in this Regulation shall be established by the Commission.

Those measures, designed to amend non-essential elements of this *Regulation*, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).

¹ OJ L 40, 11.2.1989, p. 27. Directive repealed prospectively by 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 6

1. The use of the descriptions referred to in Article 2 and in this Article shall be restricted to the drinks defined therein, account being taken of the requirements laid down in Articles 2 and 4. The descriptions in question must be used to describe those drinks in the Community.

Drinks which do not meet the requirements laid down for the drinks defined in Article 2 may not bear the descriptions assigned to the latter therein.

2. The geographical designations listed in Annex II may replace the descriptions referred to in paragraph 1 or supplement them, forming composite descriptions.

These geographical designations shall be reserved for drinks in respect of which the production stage during which they acquired their character and definitive qualities took place in the geographical area indicated, provided that the consumer is not misled as to the raw material used.

3. The sales descriptions referred to in paragraph 1 may not be supplemented by geographical ascriptions allowed for wine products.

4. Member States may apply specific national rules on production, movement within a Member State, description and presentation of the drinks referred to in Annex II manufactured within their territories, in so far as such rules are compatible with Community law.

Article 7

1. The sales description of *aromatised* drinks containing wine products and flavourings and with a minimum alcohol strength by volume of 1,2% vol. which do not comply with this Regulation shall contain no reference to wine-sector products.

2. *Aromatised* drinks which do not comply with this Regulation may not be marketed for human consumption by associating words or phrases such as “like”, “type”, “style”, “make”, “flavour” or any other similar indications with any of the descriptions mentioned in this Regulation.

3. At the latest on 17 December 1991, the Commission shall present to the Council an appropriate proposal concerning *aromatised* drinks which contain wine-sector products, *which* are obtained by adding alcohol and which are not covered by this Regulation.

Use of the words used to describe drinks known as “wine cooler” shall be authorised for such drinks until the Council has taken a decision on the aforementioned proposal.

Article 8

1. In addition to complying with national rules adopted in accordance with Directive 2000/13/EC, the labelling, presentation and advertising of the *aromatised* drinks referred to in Article 2 shall comply with this Article.

2. The sales description of the *aromatised* drinks referred to in Article 2 shall be one of the descriptions to be used exclusively for such products under Article 6.

3. The descriptions referred to in Article 2 may be supplemented by a reference to the main flavouring used.

4. Where the alcohol used in the manufacture of the *aromatised* drinks covered by this Regulation comes from one sole raw material (for example, solely wine alcohol, molasses alcohol or grain alcohol), the nature of the alcohol may be indicated on the label.

Should the alcohol come from several raw materials, no special indication relating to the nature of the alcohol shall appear on the label.

Ethyl alcohol used in the preparation of drinks covered by this Regulation to dilute or dissolve colorants, flavourings or any other authorised additives shall not be regarded as an ingredient.

5. Bottled *aromatised* drinks covered by this Regulation may not be held with a view to sale or placed on the market in containers fitted with closing devices covered by lead-based capsules or foil. However, the disposal of *aromatised* drinks in bottles fitted before 1 January 1993 with such capsules or foil shall be authorised until stocks are used up.

6. The geographical designations listed in Annex II may not be translated.

7. The particulars provided for in this Regulation shall be given in one or more official languages of the Community in such a way that the final consumer can readily understand each item, unless purchasers are provided with the information by other means.

8. In the case of drinks originating in third countries, use of an official language of the third country in which the product has been made shall be authorised if the particulars provided for in this Regulation are also given in an official language of the Community in such a way that the final consumer can readily understand each item.

9. Without prejudice to Article 12, in the case of drinks originating in the Community and intended for export, the particulars provided for in this Regulation may be repeated in another language; this does not apply to the designations referred to in paragraph 6.

10. In the case of the drinks referred to in Article 2, the following may be determined by the Commission:

- (a) the special provisions governing the use of terms referring to a certain property of the product, such as its history or the method by which it is prepared;
- (b) the rules governing the labelling of *aromatised* drinks in containers not intended for the final consumer.

Those measures, designed to amend non-essential elements of this *Regulation*, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).

Article 9

1. Member States shall take the measures necessary to ensure that Community provisions relating to *aromatised* drinks are complied with. They shall appoint one or more agencies to monitor compliance with *those* provisions.

In the case of the drinks listed in Annex II, it may be decided in accordance with the *management* procedure referred to in Article 13(2) that such supervision and protection shall be effected, for the purposes of movement within the Community, by means of commercial documents verified by the administration and by the keeping of appropriate registers.

2. For drinks listed in Annex II which are exported, a system of authentication documents to eliminate fraudulent practices and counterfeits may be established in accordance with the *management* procedure referred to in Article 13(2).

If the system referred to in the first subparagraph is not introduced, the Member States shall implement their own authentication systems, provided that these comply with Community rules.

3. ***The necessary measures for the uniform application of the Community's provisions in the aromatised drinks sector, particularly with regard to controls and relations between the competent bodies of the Member States, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).***

4. Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Detailed rules for the communication and dissemination of such information shall be adopted in accordance with the *management* procedure referred to in Article 13(2).

Article 10

In order to be marketed for human consumption within the Community, imported drinks defined by this Regulation and bearing a geographical ascription may, subject to reciprocal arrangements, qualify for the supervision and protection referred to in the second subparagraph of Article 9(1).

The first *paragraph* shall be implemented by agreements to be negotiated and concluded with the third countries concerned under the procedure laid down in Article 133 of the Treaty.

The list of products referred to in the first paragraph shall be drawn up by the Commission. That measure, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).

Management rules under this Article shall be adopted in accordance with the management procedure referred to in Article 13(2).

Article 11

1. Member States shall adopt all measures necessary to permit those concerned to prevent, under the conditions laid down in Articles 23 and 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights¹, the use within the Community of a geographical designation identifying products covered by this Regulation for products which do not originate in the place referred to by the geographical designation in question, including in cases where the actual origin of the product is indicated or where the geographical designations *are* given in translation or accompanied by expressions such as “like”, “type”, “style”, “imitation” or other.

¹ OJ L 336, 23.12.1994, p. 219.

For the purposes of this Article, “geographical designation” shall mean any indication identifying a product as originating in the territory of a third country which is a member of the World Trade *Organization*, or in a region or locality of that territory, where a quality, reputation or other specific characteristic of that product can essentially be attributed to that geographical origin.

2. Paragraph 1 shall apply notwithstanding Article 10 and other provisions of Community legislation laying down rules for the description and presentation of products covered by this Regulation.

3. Detailed rules for the application of this Article *shall*, where necessary, || be adopted in accordance with the *regulatory* procedure referred to in Article 13(3).

Article 12

Other than in the case of exceptions to be decided by the Commission, *aromatised* drinks intended for export must comply with the provisions of this Regulation.

Those measures, *designed* to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).

Article 13

1. The Commission is assisted by an implementation committee for the drinks referred to in this Regulation (hereinafter referred to as “the Committee”).

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period *laid down* in Article 4(3) of Decision 1999/468/EC shall be *set at* one month.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. Where reference is made to this paragraph, Article 5a (1) to (4) || and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

5. The Committee may consider any other question referred to it by its chairman, either on his own initiative or at the request of the representative of a Member State.

Article 14

Aromatised drinks produced and labelled before 17 December 1991 may be disposed of until stocks run out.

Article 15

Regulation (EEC) No 1601/91 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

Article 16

This Regulation shall enter into force on the twentieth 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 ... ,

For the European Parliament
The President

For the Council
The President

ANNEX I

Characteristics of ethyl alcohol as referred to in Article 3, *point* (d)

1.	Organoleptic characteristics:	No detectable taste other than that of the raw material
2.	Minimum alcoholic strength by volume:	96,0% vol
3.	Maximum level of residues	
	– Total acidity expressed in g of acetic acid per hl of alcohol at 100% vol.:	1,5
	– Esters expressed in g of ethyl acetate per hl of alcohol at 100% vol.:	1,3
	– Aldehydes expressed in g of acetaldehyde per hl of alcohol at 100% vol.:	0,5
	– Higher alcohols expressed in g of methyl-2 propanol-1 per hl of alcohol at 100% vol.:	0,5
	– Methanol expressed in g per hl of alcohol at 100% vol.:	50
	– Dry extract expressed in g per hl of alcohol at 100% vol.:	1,5
	– Volatile bases containing nitrogen expressed in g of nitrogen per hl of alcohol at 100% vol.:	0,1
	– Furfural:	Not detectable

ANNEX II

Aromatised drinks based on wine products

Geographical designations

referred to in Article 6(2)

Nürnberger Glühwein

Thüringer Glühwein

Vermouth de Chambéry

Vermouth di Torino

ANNEX III

Repealed Regulation with list of its successive amendments

Council Regulation (EEC) No 1601/91
(OJ L 149, 14.6.1991, p. 1)

Council Regulation (EEC) No 3279/92
(OJ L 327, 13.11.1992, p. 1.)

Point V.B.VII.8 of Annex I to the 1994 Act of
Accession
(OJ L 241, 29.8.1994, p. 125)

Regulation (EC) No 3378/94 of the European
Parliament and of the Council
(OJ L 366, 31.12.1994, p. 1)

Only Article 1(2)

Regulation (EC) No 2061/96 of the European
Parliament and of the Council
(OJ L 277, 30.10.1996, p. 1)

Regulation (EC) No 1882/2003 of the European
Parliament and of the Council
(OJ L 284, 31.10.2003, p. 1)

Solely Annex II, point 6 and
Annex III, point 23.

Point 2.2 of Annex III to the 2005 Act of Accession
(OJ L 157, 21.6.2005, p. 234)

ANNEX IV
Correlation Table

Regulation (EEC) No 1601/91	This Regulation
Article 1	Article 1
Article 2(1), introductory wording	Article 2(1), introductory wording
Article 2(1), <i>point</i> (a), introductory wording	Article 2(1), <i>point</i> (a), introductory wording
Article 2(1), <i>point</i> (a), first indent	Article 2(1), <i>point</i> (a)(i)
Article 2(1), <i>point</i> (a), second indent	Article 2(1), <i>point</i> (a)(ii)
Article 2(1), <i>point</i> (a), third indent	Article 2(1), <i>point</i> (a)(iii)
Article 2(1), <i>point</i> (a), fourth indent	Article 2(1), <i>point</i> (a)(iv)
Article 2(1), <i>point</i> (a), fifth indent	Article 2(1), <i>point</i> (a)(v)
Article 2(1), <i>point</i> (a), final sentences	Article 2(1), <i>point</i> (a), final sentences
Article 2(1), <i>point</i> (b), introductory wording	Article 2(1), <i>point</i> (b), introductory wording
Article 2(1), <i>point</i> (b), first indent	Article 2(1), <i>point</i> (b)(i)
Article 2(1), <i>point</i> (b), second indent	Article 2(1), <i>point</i> (b)(ii)
Article 2(1), <i>point</i> (b), third indent	Article 2(1), <i>point</i> (b)(iii)
Article 2(1), <i>point</i> (b), fourth indent	Article 2(1), <i>point</i> (b)(iv)
Article 2(1), <i>point</i> (b), fifth indent	Article 2(1), <i>point</i> (b)(v)
Article 2(1), <i>point</i> (b), final sentences	Article 2(1), <i>point</i> (b) final sentences
Article 2(1), <i>point</i> (c), introductory wording	Article 2(1), <i>point</i> (c), introductory wording
Article 2(1), <i>point</i> (c), first indent	Article 2(1), <i>point</i> (c)(i)
Article 2(1), <i>point</i> (c), second indent	Article 2(1), <i>point</i> (c)(ii)
Article 2(1), <i>point</i> (c), third indent	Article 2(1), <i>point</i> (c)(iii)

Article 2(1), <i>point</i> (c), fourth indent	Article 2(1), <i>point</i> (c)(iv)
Article 2(1), <i>point</i> (c), fifth indent	Article 2(1), <i>point</i> (c)(v)
Article 2(1), <i>point</i> (c) final sentences	Article 2(1), <i>point</i> (c) final sentences
Article 2(2)	Article 2(2)
Article 2(3), introductory wording	Article 2(3), first subparagraph, introductory wording
Article 2(3) <i>point</i> (a), introductory wording	Article 2(3), first subparagraph, <i>point</i> (a), introductory wording
Article 2(3), <i>point</i> (a), first indent	Article 2(3), first subparagraph, <i>point</i> (a)(i)
Article 2(3), <i>point</i> (a), second indent	Article 2(3), first subparagraph, <i>point</i> (a)(ii)
Article 2(3), <i>point</i> (a), third indent	Article 2(3), first subparagraph, <i>point</i> (a)(iii)
Article 2(3) <i>point</i> (a), fourth indent	Article 2(3), first subparagraph, <i>point</i> (a)(iv)
Article 2(3), <i>point</i> (a), final sentences	Article 2(3), first subparagraph, <i>point</i> (a), final sentences
Article 2(3), <i>points</i> (b) to (f)	Article 2(3), first subparagraph, <i>points</i> (b) to (f)
Article 2(3), <i>point</i> (f)a	Article 2(3), first subparagraph, <i>point</i> (g)
Article 2(3), <i>point</i> (g)	Article 2(3), first subparagraph, <i>point</i> (h)
Article 2(3), <i>point</i> (h)	Article 2(3), first subparagraph, <i>point</i> (i)
Article 2(3), <i>point</i> (i)	Article 2(3), first subparagraph, <i>point</i> (j)
Article 2(3), <i>point</i> (j)	Article 2(3), second and third subparagraphs
Article 2(4), introductory wording	Article 2(4), first subparagraph, introductory wording
Article 2(4), <i>point</i> (a), introductory wording	Article 2(4), first subparagraph, <i>point</i> (a),

	introductory wording
Article 2(4), <i>point</i> (a), first indent	Article 2(4), first subparagraph, <i>point</i> (a)(i)
Article 2(4), <i>point</i> (a), second indent	Article 2(4), first subparagraph, <i>point</i> (a)(ii)
Article 2(4), <i>point</i> (b), introductory wording	Article 2(4), first subparagraph, <i>point</i> (b), introductory wording
Article 2(4), <i>point</i> (b), first indent	Article 2(4), first subparagraph, <i>point</i> (b)(i)
Article 2(4), <i>point</i> (b), second indent	Article 2(4), first subparagraph, <i>point</i> (b)(ii)
Article 2(4), <i>point</i> (b), third indent	Article 2(4), first subparagraph, <i>point</i> (b)(iii)
Article 2(4), <i>point</i> (c)	Article 2(4), second and third subparagraphs
Article 2(5)(6) and (7)	Article 2(5)(6) and (7)
Articles 3, 4 and 5	Articles 3, 4 and 5
Article 6(1)	Article 6(1)
Article 6(2), <i>point</i> (a)	Article 6(2), first subparagraph
Article 6(2), <i>point</i> (b)	Article 6(2), second subparagraph
Article 6(3) and(4)	Article 6(3) and(4)
Article 7	Article 7
Article 8(1) to (4)	Article 8(1) to (4)
Article 8(4a)	Article 8(5)
Article 8(5)	Article 8(6)
Article 8(6)	Article 8(7)
Article 8(7)	Article 8(8)
Article 8(8)	Article 8(9)
Article 8(9)	Article 8(10)

Article 9	Article 9
Article 10	Article 10
Article 10 a	Article 11
Article 11	Article 12
Article 12(1)	Article 13(1)
Article 12(2)	–
Article 13	Article 13(2)
Article 14	Article 13(3)
-	Article 13(4)
Article 15	Article 13(5)
Article 16	–
–	Article 15
Article 17, first paragraph	Article 16
Article 17, second paragraph, first sentence	–
Article 17, second paragraph, second sentence	Article 14
Annex I	Annex I
Annex II	Annex II
–	Annex III
–	Annex IV