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From: Presidency
To: Special Committee on Agriculture

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks
- Mandate for negotiations with the European Parliament

With a view to the meeting of the Special Committee on Agriculture on 23 April 2018, delegations will find in Annex **some additional suggested technical changes** to the text submitted by the Presidency on 16 April in doc. 7215/1/18 REV 1. These changes are introduced in order to further clarify some provisions and to address delegations' pending concerns.

Note: these suggested changes should also be considered as modifying the draft Council text in the third column in document 7218/18 + ADD 1.

Recital (17) should be read as follows:

"(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/EC¹. **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.**"

Article 9a(1)(b)(ii) should be read as follows:

"(ii) **the proportion of each alcoholic ingredient is indicated 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 mixture.**"

Article 11(2b), first subparagraph, should be read as follows:

"**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 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.**"

¹ 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).

Annex II - Category 1 - Rum should be read as follows:

"1. Rum

- (a) Rum is **a spirit drink produced exclusively by one of the following:**~~(i) — a spirit drink produced exclusively by~~ alcoholic fermentation and distillation, either from molasses or syrup produced in the manufacture of cane sugar or from sugar-cane juice itself and distilled at less than 96 % vol., so that the distillate has the discernible specific organoleptic characteristics of rum;
- ~~(ii) — a spirit drink produced exclusively by alcoholic fermentation and distillation of sugar cane juice which has the aromatic characteristics specific to rum and a volatile substances content equal to or exceeding 225 grams per hectolitre of 100 % vol. alcohol. This spirit drink may be placed on the market with the word ‘agricultural’ qualifying the sales denomination ‘rum’ accompanied by any registered geographical indications of the French Overseas Departments and the Autonomous Region of Madeira.~~
- (b) The minimum alcoholic strength by volume of rum shall be 37,5 %.
- (c) No addition of alcohol as defined in point **(20) of Article 2a (4) of Annex I**, diluted or not, shall take place.
- (d) Rum shall not be flavoured.
- (e) Rum may only contain added caramel as a means to adapt colour.
- (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 ~~The word~~ 'traditionnel' or 'tradicional' may supplement any registered geographical indications for this category where the rum, provided that the rum:**

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

(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** ~~shall not affect~~ the use of the **terms word 'agricultural', 'traditionnel' or 'tradicional' for used in connection with any product** ~~all products~~ not covered by this category, according to their own specific criteria.".