

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 328 final

Brussels, 9 June 1982

Proposal for a

COUNCIL REGULATION (EEC)

laying down general rules on the definition, description and presentation of spirituous beverages and of vermouths and other wines of fresh grapes flavoured with plants or other aromatic substances

(submitted to the Council by the Commission)

COM(82) 328 final

EXPLANATORY MEMORANDUM

This proposal is designed to harmonize the main provisions governing spirituous beverages and aromatized wines, which have remained subject to national legislation except where they fall within the scope of horizontal Community legislation which also applies to many other products.

The Commission has long included spirituous beverages and aromatized wines in its harmonization programme, thereby acknowledging the economic importance of these sectors of activity. With a turnover bordering on 6 000 m u.a. and a gross value added of over 1 350 m u.a., the alcoholic beverages industry, which employs 62 500 persons in 471 undertakings, ranks eleventh amongst the Community food industries (1). In terms of foreign trade the sector, with its large positive balance, can safely lay claim to first place.

What is more, as far as the common agricultural policy is concerned, the sector constitutes a major outlet for certain agricultural products. An average of well over 1 500 000 t of cereals per year is processed into alcoholic beverages and somewhere between 10 and 14 million hl of wine finds a normal outlet in this form every year, to name only two examples, but many other agricultural products are also marketed in the form of alcoholic beverages (fruit, cane sugar, molasses, etc.). In other words, if fundamental changes were to take place with regard to spirituous beverages and aromatized wines this could have far-reaching and even harmful repercussions for the common policy on basic products.

(1) These figures refer to 1976 and are taken from a February 1981 study on the Community food industry. Only undertakings with more than 20 employees are included.

The proposed harmonization will thus have to safeguard the alcoholic beverages sectors against major changes which would destroy the existing balance.

Furthermore, in one field (whiskies and wine spirits) in which the reputation and quality of Community products have won them a very large share of the world market, so that they make a major contribution towards improving Member States' balance of payments, the Community should adopt the main elements of the quality policy currently applied by the principal producer Member States. This is one of the prerequisites for preserving traditional outlets for the basic products. Moreover, this approach would be in keeping with the quality policy which the Community wishes to pursue in the wine sector.

A quality policy of this type will protect the Community producers and defend its consumers, since this is an area, more than any others, in which the Community consumer is accustomed to find traditional quality products on sale, promoted to a greater or lesser extent by various national measures.

There is no reason why this traditional produce should be replaced by lower quality products in the future, unless this reflects a deliberate choice on the part of the well-informed consumer.

Consumers inside and outside the Community associate a particular designation with a certain quality standard and there is no justification for presenting different products under the same name in the future. The traditional names should therefore be reserved for products obtained by traditional processes. This concept is particularly important at a time when, as a result of unintentional or even deliberate laxity on the part of certain legislators, produce is being sold on the world market and even, to some extent, on the Community market, under reputable designations even though it has not undergone all the manufacturing processes on which their reputation has always been based.

It is for this reason that one of the chief features of the proposed harmonization is the principle that certain names cannot be devalued and should be reserved for products of a certain quality normally and traditionally expected by consumers. In this way the consumer will not be deceived.

This restriction should also be applied to geographical ascriptions accompanying the name of certain spirituous beverages and aromatized wines. Certain beverages owe their specific nature to the geographical origin of the raw materials used and/or particular local production practices. Such beverages are distinguishable from others within the same category by virtue of their individual qualities which in turn stem from the particular origin of the raw materials used or the specific nature of local production practices. This is the case of spirituous beverages which qualify for a registered designation of origin or a geographical ascription and, possibly, certain geographical specialities. The Community should also provide these ascriptions with appropriate protection, subject to certain conditions.

It is suggested that this be done by means of a series of definitions including the necessary quality specifications based on the obligation to use certain raw materials or certain manufacturing processes or to produce products which meet certain physical or chemical criteria.

In view of the enormous diversity of beverages in this sector (a feature which should be preserved and even encouraged and which, for certain categories of beverage, derives from the variety of manufacturing processes used), it is difficult to apply the same criteria to each category of beverage. Consequently, certain categories will be defined in great detail whereas others will be defined in more general terms.

Thus, the criterion concerning the exclusive use of certain raw materials has been adopted for wine spirits, fruit spirits, whisky and whiskey, rum and a number of other products as a means of protecting the specific nature of each of these beverages. The fact that the taste of almost all the traditional beverages can now be reproduced by cleverly concocted artificial blends should only reinforce the desire to protect the consumer against such manoeuvres.

Similarly, and for the same reasons, the principle of laying down a maximum degree of distillation has been adopted in certain cases. In this way the consumer can be sure that the distinctive taste is indeed derived from the raw material used and not from some subsequent artificial flavouring.

The processes which are an essential part of the manufacturing cycle, such as maturation for certain spirituous beverages, especially whiskies, constitute a more sensitive issue. Nowadays all traditional whisky or whiskey producers, whether in Scotland, Ireland, Canada or the USA, observe a minimum maturation period before the whisky is released for human consumption. This is because the maturation process allows certain chemical reactions to develop which help to form the fundamental bouquet of the product either by eliminating certain substances or by producing ~~them~~ ^{them}.

It is only the more recent producers who fail to comply with this obligation to mature whiskies. Certain products (e.g. Japanese) are not matured in their entirety, despite being marketed as "whisky". To obtain a product which still has a bouquet similar to that of traditional whisky, these producers of non-matured whisky release for consumption a mixture containing a variable but low proportion of genuine matured whisky diluted in the main with grain alcohol. This relatively recent practice demonstrates, if there is any need to do so, that it is the matured part of the blend which contains the taste which the alcohol alone cannot provide. Such practices are likely to mislead or even deceive the consumer even when there is nothing wrong with the labelling.

Generally speaking, the consumer takes the word "whisky" (or "whiskey") to mean a product which has matured in a cask for a certain period in order to acquire the taste which he associates with that product. If, on the other hand, he is sold a product containing, for instance, only 20% of matured alcohol, the rest being made up of alcohol (possibly grain alcohol), which has been produced in such a way as to remove the basic material's inherent impurities by means of the distillation process used rather than by maturing, the name "whisky" is well and truly devalued in this case. Hence the Community proposal to restore its original value and accept as whisky only products which are 100% matured.

This proposal is thus based on common definitions of the main products in the sector. It also contains detailed rules concerning release to the market, at least one of which has been discussed at length by the authorities concerned, i.e. the concept of a minimum alcoholic strength for marketing for human consumption. If this were not stipulated the way would be open in the future for abnormally diluted products to be marketed in the Community under the same names as undiluted products. The majority of products in this sector are traditionally released for human consumption with a certain alcoholic strength. Once again the same reasoning leads to the conclusion that the consumer is accustomed to this alcoholic strength,

with which he associates the generic name, and expects to find it. It would, therefore, be deceptive to supply him with a product of the same name whose alcoholic strength had been lowered abnormally for reasons suggestive of commercial interest. This proposal therefore lays down a minimum alcoholic strength so that the majority of products in the sector can be marketed with their normal alcoholic strength when released for human consumption.

Naturally, it would be possible to inform the consumer of changes in the composition of products by adding specific information to the label. It would, for example, be possible to mention on the label, in some form or other, the various types of dilution referred to above (with alcohol or water). But although fairly recently laws have been adopted to encourage greater detail when labelling, it is likely that the consumer, who is not yet accustomed to receiving such information, will continue to attach greater importance to certain items of information than to others for some time to come.

Apart from making the label too fussy, giving this additional information the same prominence as the name under which the product is sold would probably influence the consumer's choice in the same way as the proposed measures, but it would have the major drawback of detracting from the trade description itself, and this should be avoided.

The following consideration, which applies more or less exclusively to the beverages sector, is equally significant: beverages, especially alcoholic beverages, often reach the consumer not via retail sales in specialized shops, supermarkets etc. but in bars, restaurants, hotels, clubs etc. where they are sold by the glass.

In some Member States this form of distribution accounts for well over one-half of total sales and at any rate a significant proportion thereof throughout the Community, depending on the product.

Accordingly, any attempt to safeguard the consumer against misleading generic ascriptions which is based on labelling would lose much if not all its effectiveness.

Another provision contained in the proposal is the obligation to use only ethyl alcohol of agricultural origin if ethyl alcohol is used. This provision is, in fact, in force in all the Member States at the moment and there should be no difficulty in transposing it to Community level. The aim is to continue to secure major outlets for basic agricultural products.

The draft Regulation does not create any new barriers to movement or trade for any product in the sector. These could be proposed only for reasons acknowledged by the Treaty, such as the protection of public health or of industrial or commercial property, and there is no justification for putting forward any of these reasons in this case. On the other hand, as guardian of the Treaty the Commission must ensure fair trading and consumer protection. But any measures it proposes in this connection should not go beyond these objectives. The Commission has endeavoured to keep the measures proposed in proportion with the objectives to be achieved.

The vast majority, and in some cases all, of the members of the European Alcohol, Brandy and Spirit Union consulted in the framework of the Advisory Committee on Foodstuffs accept the broad outlines of this proposal although, by their very specific nature, some of their requests for definitions sometimes go beyond the Commission's intentions and legal possibilities.

Aromatized wines are dealt with in the same Regulation as spirituous beverages since, like the latter, they are alcoholic beverages produced on an industrial scale. Any measures involving the two categories of products are generally similar and the same procedures are applicable.

The new rules should take the form of a Regulation, so that they can be applied uniformly, simultaneously and rapidly throughout the Community in view of the competitive nature of the products in question. Since the proposal involves agricultural products as well as industrial ones, recourse to Articles 43 and 235 of the Treaty is necessary.

Since the proposed definitions relate to the marketing of products for human consumption in the Community, they must apply not only to products manufactured in the Community, but also to imported products.

Since the proposed definitions are in many cases based on criteria relating to the conditions under which the product is obtained and the place of production - requirements which cannot be verified by analysis - the checks required for the proper implementation of this Regulation will probably have to be based on a document. This procedure's inherent drawbacks as regards the principle of the free circulation of goods will, as far as possible, have to be overcome by making the measures required a coherent part of the Commission's overall efforts towards strengthening the Community's internal market.

The international bodies responsible for applying the Standards Code will have to be informed of the definitions. The final text will take account of the outcome of any consultations requested by non-member countries.

A financial statement attached hereto shows only the administrative costs.

PROPOSAL FOR
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laying down general rules on the definition, description and presentation
of spirituous beverages and of vermouths and other wines of fresh
grapes flavoured with plants or other aromatic substances

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Articles 43 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas there are no specific Community rules governing the definition,
description or presentation of spirituous beverages or vermouths or other
wines of fresh grapes flavoured with plants or other aromatic substances,
hereinafter referred to as "aromatized wines"; whereas, given the economic
importance of these products, it is necessary, in order to assist the
functioning of the common market, to lay down common provisions on this
subject;

Whereas spirituous beverages and aromatized wines constitute a major outlet
for Community agriculture; whereas this outlet is largely the result of
the reputation which these products have acquired throughout the Community
and on the world market; whereas this reputation can be attributed to the
quality of traditional products; whereas a certain quality standard should
therefore be maintained for the products in question if this outlet is to
be preserved; whereas the appropriate means of maintaining this quality
standard is to define the products in question taking into account the
traditional practices on which their reputation is based; whereas,
moreover, the terms thus defined should be used only for products of the
same quality as traditional products so as to prevent their being devalued;

Whereas the specific nature of a number of spirituous beverages and aromatized wines in the Community stems from the geographical origin of the raw materials used and/or local production practices; whereas such beverages have a quality or specific characteristics which make them distinguishable from others; whereas their name generally includes a geographical ascription; whereas, therefore, so that the consumer may not be misled the use of these ascriptions should be controlled and restricted to beverages which they describe;

Whereas the customary means of informing the consumer is to include certain information on the label; whereas the labelling of spirituous beverages and aromatized wines is subject to the general rules laid down in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate customer (1); whereas, in view of the nature of the products in question and so that the consumer may have fuller information, provisions additional to these general rules should be adopted, together with any necessary derogations; whereas, in this context, it should, however, be borne in mind that the inclusion on the label of certain information concerning maturing or the minimum alcoholic strength for release for human consumption in the Community is not sufficient to inform consumers with the necessary accuracy, in particular because of the proportion - in some cases substantial - of total sales which is accounted for by consumption of beverages on the various premises on which they are sold; whereas, in this case, such concepts should be included in the definition of the products;

Whereas additional requirements should, in certain cases, also be included; whereas, in particular, when ethyl alcohol is used it should be required that it be solely of agricultural origin, as is already customary in the Community, so as to continue to ensure a major outlet for basic agricultural products;

(1) OJ No L 33, 8.2.1979, p. 1.

Whereas Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption (2) 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 waters (3) lay down the characteristics of water which may be used in foodstuffs; whereas reference should be made thereto;

Whereas Article 46 of Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine (4), as last amended by Regulation (EEC) No (5), refers to oenological practices and processes; whereas the same practices and processes should be authorized for the production of aromatized wines;

Whereas the same Regulation, in Article 48 and Annex II, and Council Regulation (EEC) No 339/79 of 5 February 1979 defining certain products falling within heading Nos. 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries (6) specify what is to be understood by certain products in the wine sector; whereas reference should be made to these definitions;

Whereas the proposal for a Council Directive on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production (7) contains proposals for definitions of various terms liable to be used in connection with flavouring; whereas the same terminology should be used in this text, although it should be adapted in line with the Council's findings concerning the proposal for a Directive in question;

(2) OJ No L 229, 30. 8.1980, p. 11

(3) OJ No L 229, 30. 8.1980, p. 1

(4) OJ No L 54, 5. 3.1979, p. 1

(5) OJ No L 359, 15.12.1981, p. 1

(6) OJ No L 54, 5. 3.1979, p. 57

(7) OJ No C 144, 13. 6.1980, p. 9

Whereas it is preferable to act by way of a regulation in order to ensure the uniform and simultaneous implementation of the measures in question; whereas since the Treaty makes no other provision for measures to this effect in respect of industrial products such as the beverages already referred to, these measures should be adopted on the basis of Article 235 of the Treaty;

Whereas, to simplify and expedite the procedure, the Commission should be instructed to adopt implementing measures of a technical nature; whereas, for this purpose, provision should be made for a procedure whereby the Member States and the Commission can cooperate closely within an Implementation Committee;

Whereas transitional measures are necessary to facilitate the changeover to the system introduced by this Regulation,

HAS ADOPTED THIS REGULATION :

TITLE I

PROVISIONS APPLICABLE ONLY TO SPIRITUOUS BEVERAGES

Article 1

1. In this Regulation the following general terms shall have the following meanings:

(a) Spirituous beverage:

- (i) An alcoholic liquid intended for human consumption having particular organoleptic qualities and produced:
 - either directly by distillation, with or without added flavourings, of natural fermented liquids,
 - or by the addition of various flavourings, various types of sugar or other products to ethyl alcohol of agricultural origin.
- (ii) The term "spirituous beverage" shall also cover the following:
 - alcoholic liquids produced by mixing two or more spirituous beverages together or by mixing one or more alcoholic beverages with one or more spirituous beverages,
 - alcoholic liquids produced by adding a beverage to a spirituous beverage.
- (iii) Liqueur wines, sparkling wines, semi-sparkling wines and aromatized wines shall not be considered spirituous beverages.

(b) Category of spirituous beverage:

all spirituous beverages which correspond to a given definition.

(c) Sugar:

semi-white sugar, white sugar, refined white sugar, dextrose, fructose, glucose syrup, liquid sugar, invert liquid sugar, invert sugar syrup.

(d) Mixing:

combining two or more different beverages to make a new beverage.

(e) Coupage:

adding ethyl alcohol of agricultural origin to a spirituous beverage.

(f) Blending:

combining two or more spirituous beverages belonging to the same category and distinguished only by minor differences in composition due to one or more of the following:

- the methods of preparation themselves,
- the stills employed,
- the age of the products,
- the geographical area of production.

the spirituous beverage so produced belongs to the same category as the original spirituous beverages before blending.

(g) Maturing or ageing:

allowing certain reactions to develop naturally, in the wood, thereby giving the spirituous beverage in question organoleptic qualities previously absent.

(h) Ethyl alcohol of agricultural origin:

ethyl alcohol obtained from agricultural products listed in Annex II to the Treaty.

(i) Alcoholic strength by volume:

the alcohol content as defined in Council Directive 76/766/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to alcohol tables (8).

(j) Actual alcoholic strength by volume:

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

(k) Potential alcoholic strength by volume:

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.

(l) Total alcoholic strength by volume:

The sum of the actual and potential alcoholic strengths by volume.

2. In this Regulation the following terms relating to spirituous beverages shall have the following meanings:

(a) Rum:

a spirituous beverage

- produced exclusively by alcoholic fermentation and distillation either of molasses or syrup produced in the manufacture of cane sugar or of sugar-cane juice, from which the aromatic principles which give rum its specific characteristics have not been removed;
- having the specific organoleptic characteristics of rum, more or less pronounced but always discernible.

(b) Whisky or whiskey:

a spirituous beverage produced by distillation of a mash of cereals

- saccharified by the diastase of the malt contained therein, with or without other added natural diastases;
- fermented by the action of yeast;
- distilled at less than 94.8% vol. so that the distillate has an aroma and flavour derived from the raw materials used, aged for at least three years in wooden casks holding less than 700 l.

(c) Grain spirit:

a spirituous beverage produced by distillation, at less than 95% vol., of a fermented mash of cereals, having organoleptic characteristics derived from the raw materials used.

(d) Korn:

a spirituous beverage produced without added flavouring either by distillation of a fermented mash of whole grains of wheat, barley, oats, rye or buckwheat exclusively or from a grain spirit obtained by distillation of a fermented mash of whole grains of wheat, barley, oats, rye or buckwheat.

(e) Juniper-flavoured spirituous beverage:

a spirituous beverage produced by flavouring ethyl alcohol of agricultural origin, a grain spirit or korn with juniper berries before, during or after distillation.

Other flavourings may additionally be used but there must be a predominant taste of juniper.

Subject to certain conditions as regards manufacture, to be determined in accordance with

the procedure laid down in Article 14, the beverage shall bear one of the following names : "gin", "genièvre", "jenever", "wacholder".

(f) Cumin-flavoured spirituous beverage:

a spirituous beverage produced by flavouring ethyl alcohol of agricultural origin, a grain spirit or korn with cumin before, during or after distillation.

Other flavourings may additionally be used but there must be a predominant taste of cumin.

The beverage may bear the name "akvavit", subject to certain conditions to be determined in accordance with the procedure laid down in Article 14.

(g) Aniseed-flavoured spirituous beverage:

a spirituous beverage produced by flavouring ethyl alcohol of agricultural origin with aniseed after distillation.

Other flavourings may additionally be used but there must be a predominant taste of aniseed.

Subject to certain conditions as regards manufacture, to be determined in accordance with the procedure laid down in Article 14, the beverage shall bear one of the following names : "anis", "psstis", "ouzo", "liqueur d'anis".

(h) Vodka:

a spirituous beverage produced by filtering ethyl alcohol of agricultural origin through activated charcoal to reduce selectively the natural organoleptic characteristics of the raw materials used. The product may be given special organoleptic characteristics by the addition of flavouring.

(i) Wine spirit:

a spirituous beverage

- produced by distillation of wine or wine fortified for distillation exclusively, or by re-distillation of a raw wine distillate;
- containing a total quantity of volatile substances other than ethyl and methyl alcohol exceeding 125 g per hl of 100% vol. alcohol;
- having a maximum methyl alcohol content of 200 g per hl of 100% vol. alcohol.

(j) Brandy or Weinbrand:

a wine spirit

- containing a total quantity of volatile substances other than ethyl and methyl alcohol exceeding 200 g per hl of 100% vol. alcohol;
- which has been aged for at least one year in oak receptacles or for at least six months in oak casks holding less than 1000 l.

(k) Grape marc or marc spirit:

a spirituous beverage

- produced exclusively by distillation of grape marc, with or without added water, to which may be added a percentage of lees to be determined in accordance with the procedure laid down in Article 14;
- distilled at less than 86% vol. so that the distillate retains the aromatic principles of the raw materials used;
- containing a total quantity of volatile substances other than ethyl and methyl alcohol exceeding 140 g per hl of 100% vol. alcohol;

- having a maximum methyl alcohol content of 1000 g per hl of 100% vol. alcohol.

(l) Grappa:

- a spirituous beverage
- produced exclusively by direct distillation of grape marc to which may be added a percentage of lees to be determined in accordance with the procedure laid down in Article 14;
- containing a total quantity of volatile substances other than ethyl and methyl alcohol exceeding 140 g per hl of 100% vol. alcohol;
- having a maximum methyl alcohol content of 1000 g per hl of 100% vol. alcohol.

(m) Cherry, plum, mirabelle, peach, apple, pear or other fruit spirits:
spirituous beverages

- produced exclusively by alcoholic fermentation and distillation of one of the above fruits;
- distilled at less than 86% vol. so that the distillate has an aroma and flavour derived from the raw materials used;
- containing a total quantity of volatile substances other than ethyl and methyl alcohol exceeding 200 g per hl of 100% vol. alcohol;
- having a maximum methyl alcohol content of 1000 g per hl of 100% vol. alcohol.

However, raspberry, blackberry, bilberry and other wild berry or fruit spirits may also be produced by distillation in agricultural alcohol of the partially fermented berries exclusively, with a maximum yield of 20 l of 100% vol. alcohol for every 100 kg of fruit used.

The hydrocyanic acid content of stone-fruit spirits may not exceed 10 g per hl of 100% vol. alcohol.

(n) Cider or perry spirits:

- spirituous beverages
- produced exclusively by distillation of beverages obtained by fermentation of apple or pear juice;
- satisfying the requirements of the second, third and fourth indentations relating to fruit spirits.

(o) Gentian spirit:

a spirituous beverage produced by distillation of a fermented mash of gentian roots.

(p) Liqueur:

a spirituous beverage produced by flavouring ethyl alcohol of agricultural origin or a spirituous beverage and containing at least 100 g of sugar or honey per litre.

(q) Advocaat:

a spirituous beverage produced by adding egg yolk or whole egg and sugar or honey to ethyl alcohol of agricultural origin or to a spirituous beverage and having a minimum egg yolk content of 100 g per litre.

3. In this Regulation the following terms relating to particular spirituous beverages shall have the following meanings:

(a) Bourbon whisky:

a spirituous beverage produced exclusively by the direct distillation at not more than 80% vol. of a fermented mash of mixed cereal grains, at least 51% of which must be maize, and aged for at least two years in new charred oak barrels.

(b) "Sljivovica" plum spirit:

a plum spirit originating in Yugoslavia and marketed under the name of "Sljivovica".

4. Detailed rules for the application of this Article, including the methods of analysis to be used, shall be adopted in accordance with the procedure laid down in Article 14.

Article 2

1. To be marketed for human consumption in the Community under one of the names listed in Article 1(2) and (3) a spirituous beverage must comply with the definition and requirements applicable to the category to which it belongs.

2. The addition to a spirituous beverage of substances other than those expressly authorized shall disqualify that beverage from the use of the restricted name.

However, the restricted name may be used for spirituous beverages which have been flavoured and/or sweetened and/or contain certain additives.

The spirituous beverages in question, the authorized additions and the detailed rules governing such additions shall be determined in accordance with the procedure laid down in Article 14.

Article 3

1. For the spirituous beverages listed below, the minimum alcoholic strength by volume for release for human consumption in the Community under one of the names appearing in Article 1(2) and (3) shall be as follows:
 - (a) for whisky or whiskey, : 40% by volume;
 - (b) for rum, spirits, gin, vodka and akvavit : 38% by volume;
 - (c) for korn : 32% by volume;
 - (d) for juniper-flavoured spirituous beverages
other than gin, cumin-flavoured
spirituous beverages other than akvavit and
aniseed-flavoured spirituous beverages : 30% by volume.
2. A minimum alcoholic strength by volume in excess of that for the category to which the spirituous beverage in question belongs may be fixed for each of the spirituous beverages listed in Annex II.
3. The Council, acting by a qualified majority on a proposal from the Commission, may fix minimum alcoholic strengths by volume for categories of beverages other than those referred to in paragraph 1. In accordance with the same procedure the Council shall determine the minimum alcoholic strengths by volume referred to in paragraph 2.

TITLE II

PROVISIONS APPLICABLE ONLY TO AROMATIZED WINES

Article 4

1. In this Regulation the following terms shall have the following meanings

(a) Aromatized wine:

a beverage, often coloured, consisting of wine or must, with or without added ethyl alcohol of agricultural origin and/or sugar, and prepared with parts of plants or flavourings and possibly with egg, honey, milk or cream.

(b) Dry aromatized wine:

aromatized wine with a sugar content of less than 50 g per litre.

(c) Sweet aromatized wine:

aromatized wine with a sugar content of more than 130 g per litre.

(d) Egg-aromatized wine:

aromatized wine prepared with egg yolk or egg yolk extracts and with a sugar content of more than 200 g per litre.

(e) Soda-aromatized wine:

aromatized wine prepared with aerated mineral water or soda water.

(f) Vermouth:

aromatized wine with a characteristic taste obtained by the use of appropriate substances always including wormwoods.

2. Detailed rules for the application of this Article, including the methods of analysis to be used, shall be adopted in accordance with the procedure laid down in Article 14.

Article 5

1. Aromatized wines must comply with the following specifications in order to be marketed for human consumption in the Community under one of the names listed in Article 4(1) :

(a) Only the following substances may be used in the preparation of aromatized wines :

(i) in the case of wine: wines which may be offered or released for direct human consumption within the Community, as listed in Article 48(2) of Regulation (EEC) No 337/79, and imported liqueur, sparkling and aerated wines as defined in Article 2 of Regulation (EEC) No 339/79;

(ii) in the case of must: grape must, grape must in fermentation, fresh grape must with fermentation arrested by the addition of alcohol, concentrated grape must and rectified concentrated grape must as defined in points 2, 3, 4, 5 and 5a of Annex II to Regulation (EEC) No 337/79 and imported fresh grape must with fermentation arrested by the addition of alcohol and concentrated grape must as defined in Article 2 of Regulation (EEC) No 339/79;

(b) Wine and must used in the preparation of aromatized wines must, after maximum enrichment of 2% by volume, have a minimum total alcoholic strength of 10% by volume.

(c) Save as otherwise provided, wine or must used in the preparation of an aromatized wine must be present in the finished product in a proportion of not less than 75% by volume.

This proportion, however, shall be 70% for dry aromatized wines and for certain sweet aromatized wines to be determined.

2. The addition to an aromatized wine of substances other than those expressly authorized shall disqualify that beverage from the use of the restricted name.

However, the restricted name may be used for aromatized wines which have been sweetened and/or contain certain additives.

3. Without prejudice to the provisions of paragraph 1(b), the oenological practices and processes authorized for wines and musts in Article 46 of Regulation (EEC) No 337/79 shall also be authorized for aromatized wines.

4. Detailed rules for the application of this Article, including the derogations referred to in paragraph 2, shall be adopted in accordance with the procedure laid down in Article 14.

Article 6

1. To be released for human consumption in the Community as dry aromatized wines, the aromatized wines in question must have :
 - a minimum actual alcoholic strength of 17% vol., and
 - a minimum total alcoholic strength of 18% vol.

2. To be released for human consumption in the Community under one of the names listed in Article 4(1)(a), (c), (d) and (f), the aromatized wines in question must, except in certain cases, have;
 - a minimum actual alcoholic strength of 15% vol.
 - a minimum total alcoholic strength of 20.5% vol., and
 - a sugar content of not less than 50 g per litre.

3. The exceptions referred to in the preceding paragraph, including exceptions in respect of Maiwein, Kalte Ente and Glüwein, shall be adopted in accordance with the procedure laid down in Article 14. The various alcoholic strengths by volume to which the exceptions are subject shall be determined in accordance with the same procedure.

TITLE III

PROVISIONS APPLICABLE TO BOTH SPIRITUOUS BEVERAGES AND AROMATIZED WINES

Article 7

1. The addition of water shall be authorized in the preparation of spirituous beverages and aromatized wines.

The addition of water shall not alter the nature of a spirituous beverage or aromatized wine provided that the quality of the water added is in conformity with Community requirements, as laid down in Directives 80/777/EEC and 80/778/EEC concerning natural mineral water and the quality of water intended for human consumption.

2. (a) The ethyl alcohol used in the preparation of spirituous beverages and aromatized wines must be solely of agricultural origin.
- (b) The ethyl alcohol used to extend or dissolve colouring matters, flavourings or any other authorized additives used in the preparation of spirituous beverages or aromatized wines must be ethyl alcohol of agricultural origin.
- (c) The quality of the ethyl alcohol of agricultural origin must meet the specifications set out in Annex I.

3. Only natural aromatic substances, substances identical with natural aromatic substances and natural aromatic preparations may be used as flavourings in the preparation of spirituous beverages and aromatized wines.

Flavourings shall not be considered as colouring matter even where they contribute to the colour of the beverage.

4. Detailed rules for the application of this Article, including the methods of analysis to be used, shall be adopted in accordance with the procedure laid down in Article 14.

Article 8

1. Use of the names listed in Article 1(2) and (3) and Article 4(1) shall be restricted to the spirituous beverages and aromatized wines defined therein, taking into account the requirements laid down in Articles 2 and 3 and in Articles 5 and 6 respectively. These names must be used in the Community to describe the said beverages.

Spirituous beverages and aromatized wines which do not meet the specifications laid down for the products defined in Article 1(2) and (3) and Article 4(1) may not bear the names assigned to those products therein.

2. (a) In cases where the spirituous beverages or aromatized wines in question derive individual characteristics from the geographical origin of the raw materials and/or the specific nature of the local production processes used which make them distinguishable from others, the name of such beverages may be accompanied or replaced by a geographical ascription, which shall not, however, correspond to an entire national territory.

The use of such geographical ascriptions shall be restricted to these beverages.

These beverages are listed in Annex II.

- (b) The Council, acting by a qualified majority on a proposal from the Commission, may amend the list in Annex II.

Article 9

1. For spirituous beverages special provisions may be laid down in respect of :
 - (a) the use of certain words or initials;
 - (b) the use of certain composite names including the word "brandy";
 - (c) the names of mixed beverages and mixtures of spirituous beverages.

2. For aromatized wines special provisions may be laid down in respect of:
 - (a) the use of the word "wine" in association and of terms including the word "wine";
 - (b) the names of beverages produced by mixing products listed in Article 4 with one another or with another beverage.
3. The special provisions referred to in paragraphs 1 and 2 and other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 14.

Article 10

1. In addition to complying with national legislation adopted in accordance with Directive 79/112/EEC the labelling and presentation of the spirituous beverages and aromatized wines defined in Articles 1 and 4 and intended for the final consumer, as well as the advertising relating thereto, shall comply with the provisions of paragraph 2 below.
2. (a) The name under which the products referred to in Articles 1 and 4 are sold shall be the name restricted to them under Articles 8 and 9.
 - (b) The alcoholic strength shall be expressed as a percentage of the volume and rounded off to the nearest half percent.
 - (c) The list of ingredients need not mention the following:
 - distillates of natural fermented liquids,
 - ethyl alcohol produced by distillation,
 - water.

The list of ingredients shall be preceded by the word "contains".

- (d) Where the labelling refers to the raw material used to produce the ethyl alcohol of agricultural origin, each type of alcohol must be mentioned in decreasing order of quantity used.
 - (e) The name under which spirituous beverages, as referred to in paragraph 1 are sold, must be supplemented by the term "coupage" where the product has been subjected to such treatment and may be supplemented by the term "blend" where the product has undergone blending.
 - (f) A period of maturing may be specified only where it refers to the youngest component and provided that the product was aged under revenue supervision or supervision affording equivalent guarantees.
3. The following shall be determined in accordance with the procedure laid down in Article 14, in respect of the products referred to in Article 1(2) and (3) and Article 4(1):
- (a) The conditions under which the labelling may mention the duration of the maturation period or use indications of origin or provenance, including those referring to the raw materials employed.
 - (b) The conditions governing the use of trade descriptions which imply that the product has been aged.
 - (c) The special provisions governing the use of terms referring to a certain property of the product, such as its history, its origin or the method by which it is prepared.
 - (d) The rules governing the labelling of products not intended for the final consumer, including any derogations from the labelling rules to take account in particular of warehousing and transport.

Article 11

Where a spirituous beverage or aromatized wine has been defined, expressions containing words such as "like", "type" or "style" may not be used to describe another spirituous beverage or aromatized wine.

TITLE IV

DEROGATION

Article 12

In order to be offered for sale for human consumption within the Community under the names whisky or whiskey, korn, brandy, weinbrand, grape marc spirit, grappa, fruit spirit, cider spirit or perry spirit, the spirituous beverages concerned must not have undergone coupage.

TITLE V

GENERAL PROVISIONS

Article 13

1. An Implementation Committee for Spirituous Beverages and Aromatized Wines (hereinafter called 'the Committee') shall be set up, consisting of representatives of the Member States with a representative of the Commission as chairman.
2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148(2) of the Treaty. The Chairman shall not vote.

Article 14

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on such measures within a period to be set by the Chairman according to the urgency of the questions under consideration. An opinion shall be adopted by a majority of 45 votes.
3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 15

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 16

This Regulation shall not apply to products intended for exportation from the Community, with the exception of the products listed in Annex II.

Article 17

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

It shall apply from 1 July 1983.

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

Done at Brussels,

For the Council

The President

ANNEX IMaximum level of impurities permitted in ethyl alcohol of agricultural origin

- <u>Total acidity</u>		
expressed in g of acetic acid per hl of alcohol at 100% vol.		1.5
- <u>Esters</u>		
expressed in g of ethyl acetate per hl of alcohol at 100% vol.		1.3
- <u>Aldehydes</u>		
expressed in g of acetaldehyde per hl of alcohol at 100% vol.		0.5
- <u>Higher alcohols</u>		
expressed in g of methyl-2 propanol-1 per hl of alcohol at 100% vol.		0.5
- <u>Methanol</u>		
expressed in g per hl of alcohol at 100% vol.		50
- <u>Dry extract</u>		
expressed in g per hl of alcohol at 100% vol.		1.5
- <u>Volatile bases containing nitrogen</u>		
expressed in g of nitrogen per hl of alcohol at 100% vol.		10.1
- <u>Furfural</u>		
	Not detectable	
- <u>Organoleptic characteristics</u>		
	Must not have an extraneous flavour	

I. SPIRITUOUS BEVERAGES

A. FEDERAL REPUBLIC OF GERMANY

(a) Juniper-flavoured spirituous beverages:

Steinhäger

(c) Fruit spirits:

Scharzwälder Himbeergeist
Scharzwälder Kirsch

(d) Liqueurs or specialities:

Bayerischer Gebirgsenzian
Benediktbeurer Klostergold
Chiemseer Klosterlikör
Ettaler Klosterlikör
Königsberger Bärenfang
Ostpreussischer Bärenfang
Stonsdorfer

• B. FRANCE

I. SPIRITS WITH A REGISTERED DESIGNATION OF ORIGIN

a) Wine spirits

Cognac
Eaux-de-vie de Cognac
Eaux-de-vie des Charentes
Esprit de Cognac
Grande Fine Champagne
Grande Champagne
Petite Fine Champagne
Petite Champagne
Fine Champagne
Borderies
Fins Bois
Bons Bois
Armagnac
Bas-Armagnac
Haut-Armagnac
Ténarèze

b) Cider spirit

Calvados du Pays d'Auge

II. REGULATED SPIRITSa) Wine spirits

Eaux-de-vie de vin de la Marne
 Eaux-de-vie de vin originaire d'Aquitaine
 Eaux-de-vie de vin de Bourgogne
 Eaux-de-vie de vin originaire du Centre-Est
 Eaux-de-vie de vin originaire de Franche-Comté
 Eaux-de-vie de vin originaire du Bugey
 Eaux-de-vie de vin de Savoie
 Eaux-de-vie de vin originaire des Coteaux de la Loire
 Eaux-de-vie de vin des Côtes-du-Rhône
 Eaux-de-vie de vin originaire de Provence
 Eaux-de-vie de vin de Faugères
 Eaux-de-vie de vin originaire du Languedoc

b) Marc spirits

Eaux-de-vie de marc de Champagne or Marc de Champagne
 Eaux-de-vie de marc originaire d'Aquitaine
 Fine Bordeaux
 Eaux-de-vie de marc de Bourgogne
 Eaux-de-vie de marc originaire du Centre-Est
 Eaux-de-vie de marc originaire de Franche-Comté
 Eaux-de-vie de marc originaire du Bugey
 Eaux-de-vie de marc originaire de Savoie
 Marc de Bourgogne
 Marc de Savoie
 Marc d'Auvergne
 Eaux-de-vie de marc originaire des Coteaux de la Loire
 Eaux-de-vie de marc des Côtes-du-Rhône
 Eaux-de-vie de marc originaire de Provence
 Eaux-de-vie de marc originaire du Languedoc
 Marc d'Alsace Gewürztraminer
 Marc de Lorraine

c) Cider and perry spirits

- Calvados
- Calvados de l'Avranchin
- Calvados du pays de Bray
- Calvados du Calvados
- Calvados du Cotentin
- Calvados du Domfrontais
- Calvados du pays de Marlerault
- Calvados du Mortanais
- Calvados de la Vallée de l'Orne
- Calvados du Perche
- Calvados du Pays de la Risle
- Eau-de-vie de cidre de Bretagne
- Eau-de-vie de poiré de Bretagne
- Eau-de-vie de cidre de Normandie
- Eau-de-vie de poiré de Normandie
- Eau-de-vie de cidre du Maine
- Eau-de-vie de poiré du Maine

d) Fruit spirits

- Mirabelle de Lorraine

III. TRADITIONAL RUMS FROM THE OVERSEAS DEPARTMENTS

- Rhum traditionnel de la Martinique
- Rhum traditionnel de la Guadeloupe
- Rhum traditionnel de la Réunion
- Rhum traditionnel de la Guyane

IV. LIQUEURS

- Cassis de Dijon

C. IRELAND

- Irish Whiskey
- Irish Pot Still Whiskey

D. UNITED KINGDOM

- (a) Whisky
 - Scotch Whisky

E. DENMARK

Cumin-flavoured spirituous beverage

Aalborg akvavit

F. ITALY

Grappa

Grappa di Barolo

G. NETHERLANDS

Juniper-flavoured spirituous beverages

Schiedam
Schiedamse jenever (genever)
Friesche jenever (genever)

H. GREECE

Marc spirit

Tsikoudia

I. BELGIUM

Juniper-flavoured spirituous beverage

Hasselt

II. AROMATIZED WINES

A. FRANCE

Vermouth de Chambéry

B. ITALY

Vermouth de Turin

FINANCIAL STATEMENT

Date : 23 March 1982

1. BUDGET HEADING : 251 APPROPRIATIONS : 1982:4.97m ECU

2. TITLE : Draft Council Regulation laying down general rules on the definition, description and presentation of spirituous beverages and aromatized wines

3. LEGAL BASIS : Articles 43 and 235 of the EEC Treaty

4. AIMS OF PROJECT : To lay down specific Community rules on the definition, description and presentation of the products concerned

5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR (82)	FOLLOWING FINANCIAL YEAR (33)
5.0 EXPENDITURE			
- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)			38 000 ECU
- NATIONAL ADMINISTRATION			
- OTHER			
5.1 RECEIPTS			
- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)			
- NATIONAL			

	Year 84.....	Year 85.....	Year 86.....	
5.0.1 ESTIMATED EXPENDITURE	29 000 ECU	29 000 ECU	29 000 ECU	
5.1.1 ESTIMATED RECEIPTS				

5.2 METHOD OF CALCULATION An implementation Committee is set up under the draft Regulation. The Committee is likely to meet fairly frequently at the beginning and then the frequency of the meetings is expected to drop to about six a year. The cost per meeting is estimated at 4 800 ECU on the basis of 2 experts per delegation.

1983: 8 meetings: 38 000 ECU
 1984: 6 meetings: 29 000 ECU
 1985: 6 meetings: 29 000 ECU

6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET ? YES/NO

6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET ? YES/NO

6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY ? ~~YES~~/NO

6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY ? YES/NO

OBSERVATIONS :