



# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed <a href="#">2005/0028(COD)</a>
Spirit drinks: definition, description, presentation, labelling and the protection of geographical indications	
Amended by <a href="#">2006/0147(COD)</a> See also <a href="#">2013/2524(RPS)</a> Amended by <a href="#">2018/0097(COD)</a>	
Subject 3.10.06.08 Wine, alcoholic and non-alcoholic beverages 4.60.02 Consumer information, advertising, labelling 4.60.04.04 Food safety	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health and Food Safety		21/02/2006
		PPE-DE <a href="#">SCHNELLHARDT Horst</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AGRI</b> Agriculture and Rural Development (Associated committee)		26/01/2006
		ALDE <a href="#">BUSK Niels</a>	
Council of the European Union	<b>IMCO</b> Internal Market and Consumer Protection		21/02/2006
		PSE <a href="#">TITLEY Gary</a>	
	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
<b>JURI</b> <a href="#">Legal Affairs</a>		21/06/2006	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2841</a>	17/12/2007
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2793</a>	16/04/2007
Council of the European Union	<a href="#">Agriculture and Fisheries</a>	<a href="#">2758</a>	24/10/2006
European Commission	Commission DG	Commissioner	
	<a href="#">Agriculture and Rural Development</a>	FISCHER BOEL Mariann	

Key events			
14/12/2005	Legislative proposal published	<a href="#">COM(2005)0125</a>	Summary
17/01/2006	Committee referral announced in Parliament, 1st reading		
06/07/2006	Referral to associated committees announced in Parliament		
24/10/2006	Debate in Council	<a href="#">2758</a>	Summary
	Vote in committee, 1st reading		Summary

30/01/2007			
12/02/2007	Committee report tabled for plenary, 1st reading	<a href="#">A6-0035/2007</a>	
16/04/2007	Debate in Council	<a href="#">2793</a>	
18/06/2007	Debate in Parliament		
19/06/2007	Results of vote in Parliament		
19/06/2007	Decision by Parliament, 1st reading	<a href="#">T6-0259/2007</a>	Summary
17/12/2007	Act adopted by Council after Parliament's 1st reading		
15/01/2008	Final act signed		
15/01/2008	End of procedure in Parliament		
13/02/2008	Final act published in Official Journal		

### Technical information

Procedure reference	2005/0028(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by <a href="#">2006/0147(COD)</a> See also <a href="#">2013/2524(RPS)</a> Amended by <a href="#">2018/0097(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/32815

### Documentation gateway

Legislative proposal		<a href="#">COM(2005)0125</a>	15/12/2005	EC	Summary
Committee opinion	<b>AGRI</b>	<a href="#">PE370.277</a>	04/10/2006	EP	
Committee opinion	<b>IMCO</b>	<a href="#">PE376.566</a>	11/10/2006	EP	
Economic and Social Committee: opinion, report		<a href="#">CES1354/2006</a>	26/10/2006	ESC	
Committee opinion	<b>JURI</b>	<a href="#">PE382.435</a>	12/12/2006	EP	
Amendments tabled in committee		<a href="#">PE378.844</a>	12/12/2006	EP	
Committee draft report		<a href="#">PE374.473</a>	29/01/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0035/2007</a>	12/02/2007	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0259/2007</a>	19/06/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)3798/2	18/07/2007	EC	

Draft final act		<a href="#">03631/2007/LEX</a>	15/01/2008	CSL	
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<b>Additional information</b>					
European Commission			<a href="#">EUR-Lex</a>		

<b>Final act</b>					
<a href="#">Regulation 2008/110</a> <a href="#">OJ L 039 13.02.2008, p. 0016</a> Summary					

## Spirit drinks: definition, description, presentation, labelling and the protection of geographical indications

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**PURPOSE** : to update the EU spirit drinks legislation.

**PROPOSED ACT** : Regulation of the European Parliament and of the Council.

**CONTENT** : Council Regulation 1576/89/EEC of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks and Commission Regulation 1014/90/EEC of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks have proved successful in regulating the spirit drinks sector. However, in the light of recent experience it is necessary to clarify the rules applicable to the definition, description, presentation and protection of certain spirit drinks. Regulation 1576/89/EC should therefore be repealed and replaced by a new Regulation.

This proposal aims in particular to update the EU spirit drinks legislation. Based on existing EU legislation on spirit drinks, it largely enhances applicability, readability and clarity, by adapting the regulations to new technical requirements. The draft includes a well defined policy for spirit drinks based on three product categories rooted in the current product definitions. TRIPS and WTO requirements are included to safeguard the protection of EU geographical indications on the world market.

Spirit drinks are classified in three categories according to well-defined criteria of production and labelling: spirits, specific spirit drinks and other spirit drinks. The definitions continue to respect the traditional quality practices but are updated where previous definitions were lacking or insufficient or where such definitions may be improved in the light of technological development.

The main aspects which guided the draft of this regulation are the following:

- enhance applicability, readability and clearness of the regulation based on the present legislation on spirit drinks;
- combine the two spirit drinks regulations into one regulation;
- introduce a well defined policy for spirit drinks based on three product categories rooted in the present definitions of products;
- introduce flexibility by shifting the competence to amend Annexes from the present co-decision procedure of European Parliament and Council to the Commission supported by the Management Committee on Spirit Drinks;
- adaptation of the regulations to new technical requirements;
- adaptation of the regulations to WTO requirements, including TRIPs;
- definition of criteria guiding recognition of new geographical indications.

## Spirit drinks: definition, description, presentation, labelling and the protection of geographical indications

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The Presidency noted that a broad majority within the Council could support the general approach on the proposal for a Regulation on the definition, description, presentation and labelling of spirit drinks, as a preliminary basis for discussions with the European Parliament.

The Council noted the views expressed by delegations and the intention of the Presidency to keep the Special Committee on Agriculture fully informed and updated on its discussions with the European Parliament, as well as to return to the legal and WTO aspects of this file.

The aim of the Finnish Presidency is to make as much progress as possible on this proposal towards reaching a political agreement with the European Parliament at first reading.

## Spirit drinks: definition, description, presentation, labelling and the protection of geographical indications

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In adopting the report drafted by Mr Horst SCHNELLHARDT (EPP-ED, D), the Committee on the Environment, Public Health and Food Safety amended, in first reading of the codecision procedure, the proposal for a Regulation of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks.

The main amendments adopted are the following:

- the definition of 'spirit drinks' (having a minimum alcoholic strength of 15 % vol.) must not relate only to this regulation, but must also apply generally to all foodstuffs. In addition, it is proposed to remove the reference to the maximum limit proposed by the Commission (80% vol.) which would have excluded many spirit drinks (for example whisky and rum);
- an amendment was adopted in order to provide a clarification in the text regarding the nature of the liquid used for the maceration process;
- the report rejects the Commission's proposal which involved the classification of drinks in three categories (A: spirits; B: specific spirit drinks, and C: other spirit drinks) because it seeks to ensure that the quality of all spirit drinks is maintained;
- Members want to protect traditional methods and thus guarantee the quality of products. For this reason, a general authorisation for ethyl alcohol to be added or for flavourings to be added should therefore be rejected, irrespective of whether natural or nature-identical flavourings are used. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product;
- in regard to the origin of ethyl alcohol, the Committee wants to better define the limits by specifying that ethyl alcohol used for the preparation of spirit drinks and all of their components shall not be of any origin other than agricultural and shall have been obtained in accordance with Annex I to the Treaty;
- according to the Committee, products comprising ethyl alcohol and a denaturant, irrespective of the ethyl alcohol concentration, shall be classified under the EU customs nomenclature as 'ethyl alcohol and other spirits, denatured, of any strength' and may not be used for the production of spirit drinks;
- the general possibility for Member States to adopt rules must be restricted in the interests of the proper functioning of the internal market, and should only apply in relation to issues of quality;
- an amendment adopted in Committee provides that the name 'vodka' should designate a spirit drink produced from ethyl alcohol of agricultural origin, obtained following fermentation with yeast, from either a) cereals, potatoes and/or molasses; or, b) other agricultural raw materials. The description, presentation or labelling of vodka not produced from potatoes, cereals or molasses should bear, in the same visual field as the sales denomination, the indication 'produced from...', supplemented by the raw material utilised to produce the ethyl alcohol of agricultural origin; if the spirit drink vodka consists of ethyl alcohol produced from two or more products of agricultural origin, it shall bear the name 'blended vodka';
- in regard to specific rules concerning trade descriptions, two new points were added: the first permits geographical indications listed in Annex III to be accompanied by additional particulars provided that these are i) regulated by the national or regional authorities in the Member States, or ii) according to the relevant technical file (e.g. 'single malt' and/or 'Highland' for Scotch whisky). The second permits the names of spirit drinks listed in Annex II to be supplemented by geographical indications other than those in Annex III, provided that they do not mislead consumers;
- as far as the mixing of spirit drinks is concerned, Members believe that the use of known names or geographical indications, or the allusion thereto in a compound term shall only be permitted if the alcohol originates 100% from the spirit drink referred to in the compound term. The use of such compound terms shall also be prohibited where a spirit drink has been diluted with water in such a way that the alcoholic strength is less than the minimum strength laid down in the definition of that spirit drink;
- save where an exception is made, the age may be indicated only where it refers to the youngest of the alcoholic components and provided that the product was aged under revenue supervision or supervision affording equivalent guarantees ;
- an amendment specifies that applications for geographical indications must be substantiated, by the Member State of origin. As regards geographical indications for spirit drinks originating in the Community, the application shall be submitted via the Member State in which the spirit drink is produced. As regards geographical indications for spirit drinks originating in third countries, the application shall either be sent direct to the Commission or submitted via the competent authorities in the third country. The application must include proof that the name is in fact protected in the country of origin;
- Member States may also require spirit drinks produced on their territory which are listed in Annex III and exported to be supported by a system of authentication documentation;
- the deadline for lodging objections to the registration of geographical indications should be extended to six months following the date of publication. It must be possible to make provision to end the registration of a traditional product through a regular procedure;
- geographical indications protected under the regulation in force shall continue to be valid. No re-application shall be made or re-examination carried out;
- the Commission shall, in consultation with Member States, ensure that this Regulation is applied in a uniform way;
- the Commission shall be assisted by the Regulatory Committee (and not a Management Committee) for Spirit Drinks;
- in the case of transitional measures, a maximum period of two years should be established.

Amendments were also made to the Annexes with a view, in particular, to: ensuring that the addition of sweeteners is indicated on the label in order to improve information to consumers; ensuring the definition of 'description' is as wide as possible, including terms used not only on labels but also packaging and presentation; permitting the use of authenticity indicators in order to prevent falsification and unauthorised imitation.

The report also specifies that Member States should be able to adopt rules stricter than or additional to those laid down in this Regulation on the production, description, presentation and particular labelling of spirit drinks produced in their territory, provided that such rules are designed to pursue a specific quality policy, are compatible with Community law and relate to spirit drinks with a geographical indication.

## Spirit drinks: definition, description, presentation, labelling and the protection of geographical indications

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The European Parliament adopted the resolution drafted by Horst SCHNELLHARDT (EPP-ED, D), and made some amendments to the Commission's proposal. The amendments were the result of a compromise between Parliament and Council, and the compromise was supported in plenary. The resolution was adopted by 522 votes for, 148 against and 15 abstentions. The key issues were the definition of vodka and whiskey names.

Vodka: MEPs settled on a definition of vodka that would allow the drink to be produced from any agricultural material, such as grapes, rice or any other agricultural product provided that they are appropriately labelled. The Environment Committee's position had suggested that traditional vodka only be made from grain, potatoes or sugar beet molasses. (Please see the summary of 30/01/2007.) Vodkas made from other raw materials would have had to clearly indicate what they were made from, with a large label on the bottle (2/3 of the size of the word 'Vodka' on the label. The approach adopted in plenary states that traditional vodka may only be made from grain or potatoes (not molasses),

and other raw materials may only be used if they are clearly indicated on the label. Vodkas made from other agricultural raw materials will have to carry the wording 'produced from...'. The size of this label, however, would not be specified. Some MEPs from traditional vodka-producing Member States (Denmark, Estonia, Finland, Latvia, Lithuania, Poland, and Sweden) would have preferred to allow the term 'vodka' only to be applied to spirits made from grain, potatoes and molasses, but their amendments failed to garner enough support among MEPs.

**Whiskey:** the plenary agreed with the decision of the Environment Committee on this issue. The House voted for existing geographical names to remain valid. These may be supplemented by additional descriptions provided they are regulated at national or regional level or are included in the technical specifications, such as "single malt" and/or "Highland" for Scotch whisky. Applications for geographical designations must be justified by the Member State of origin. Certain MEPs had argued for equal treatment for vodka and whisky, stating that it was unacceptable that vodka was an open trademark whereas there are a number of restrictions for other registered trademarks such as whisky, champagne and cognac. However, this was rejected on the grounds that, in the case of vodka, the raw material used does not affect the quality of the product.

**Spirit drinks:** the Commission's proposal had originally suggested establishing three categories of spirit drinks, which the Environment Committee rejected, arguing for a single category of 'spirit drinks'. This single category was maintained in the compromise with the Council.

**Flavourings:** the plenary agreed with the Environment Committee and felt that flavourings should be banned for some spirits (such as rum, whisky, cereals-based spirits and wine, brandy ) except for the addition of caramel as a colouring substance. Other spirits might contain additions of alcohol (only of agricultural origin), of colouring substances, sweeteners and flavourings.

**Comitology:** the regulatory procedure with scrutiny will apply to certain aspects of the Regulation, such as the amendment of the Annexes, the establishment of a Community symbol for geographical indications for the spirit drinks sector, and to resolve specific practical problems, such as by making it obligatory, in certain cases, to state the place of manufacture on the labelling to avoid misleading the consumer and to maintain and develop Community reference methods for the analysis of spirit drinks.

**Entry into force:** although the Environment Committee had argued for a two-year transitional period, Parliament decided that the legislation will apply three months after the entry into force of the regulation. To facilitate the transition from the rules provided for in Regulation (EEC) No 1576/89, the production of spirit drinks under that Regulation will be permitted during the first year of application of the Regulation. The marketing of existing stocks is also foreseen until their exhaustion.

## Spirit drinks: definition, description, presentation, labelling and the protection of geographical indications

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**PURPOSE:** to establish new rules on spirit drinks.

**LEGISLATIVE ACT :** Regulation (EC) N° 110/2008 of the European parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) N° 1576/89.

**CONTENT:** the Council adopted, by qualified majority, this Regulation on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks. The Polish and Swedish delegations voted against and the Lithuanian delegation abstained.

The aims of the Regulation are:

- to clarify the current rules on the production and marketing of spirit drinks, adapting them to new technical requirements (manufacturing requirements, permitted colourings and flavourings, names and labelling);
- to specify the numerous categories and geographical indications for the manufacture and/or denomination of typical drinks from many countries, such as aquavit, brandy, fruit spirit (kirsch), genever, grappa, gin, jagertee, kummel, ouzo, pastis, rum, vodka, whisky and slivovitz;
- to adapt Community legislation to take account of the latest enlargements and the requirements of the World Trade Organisation (WTO), including Trade-Related Aspects of Intellectual Property Rights (TRIPS);
- to define the criteria for the future recognition of new geographical indications.

The Regulation applies to all spirit drinks placed on the market in the Community whether produced in the Community or in third countries, as well as to those produced in the Community for export. The Regulation also applies to the use of ethyl alcohol and/or distillates of agricultural origin in the production of alcoholic beverages and to the use of the names of spirit drinks in the presentation and labelling of foodstuffs.

In exceptional cases where the law of an importing third country so requires, the Regulation allows for a derogation to be granted from the provisions of Annexes I and II in accordance with the regulatory procedure with scrutiny.

**ENTRY INTO FORCE:** 20/02/2008.

**APPLICATION:** 20/05/2008.