# COMMISSION DELEGATED REGULATION (EU) 2022/1303

## of 25 April 2022

## amending Regulation (EU) 2019/787 of the European Parliament and of the Council as regards the definition of and requirements for ethyl alcohol of agricultural origin

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 ([1]), and in particular Article 8(1) thereof,

Whereas:

(1) Article 5 of Regulation (EU) 2019/787 provides for the definition of and the requirements for ethyl alcohol of agricultural origin, also referred to by the industry as agricultural alcohol, neutral alcohol or rectified alcohol. That technical definition and those requirements have been carried over without any substantial change from those laid down in point 1 of Annex I to Regulation (EC) No 110/2008 of the European Parliament and of the Council ([2]).

(2) The definition and the requirements for ethyl alcohol of agricultural origin provided for in Article 5 of Regulation (EU) 2019/787 result however partly outdated from a technical and scientific point of view. In particular, the maximum levels of certain residues need to be brought in line with the technical parameters currently used by the industry and by most laboratories of analysis. The technological progress in this field justifies thus the need for an amendment of that definition and those requirements.

(3) The references to 'total acidity', 'volatile bases containing nitrogen' and 'dry extract' provided for in Article 5, point (d)(i), (vi) and (vii), of Regulation (EU) 2019/787 are no longer relevant as they are not normally used as process technical parameters, since the presence of such residues in an alcohol with a strength of 96 % by volume is negligible and it is unlikely to be found in an ethyl alcohol of agricultural origin.

(4) Concerning 'esters', 'aldehydes' and 'higher alcohols', the maximum levels provided for in Article 5, point (d)(ii), (iii) and (iv), of Regulation (EU) 2019/787 lack specificity and require currently wet chemistry methods, which are not defined in Union law. A more precise definition of the substances to which the residue limits apply would improve the results of the analyses to be carried out on ethyl alcohol of agricultural origin with methods such as gas chromatography and would be beneficial for analysts since many of the older analysis techniques require the use of dangerous chemicals.

(5) In particular, it is appropriate to limit esters to 'ethyl acetate' only. While many esters can be formed in the fermentation process, the one that exists in the highest concentration is ethyl acetate, while any other esters potentially present in ethyl alcohol of agricultural origin are unlikely to be detectable by employing standard analytical techniques and contribute in a negligible way to the total amount of esters. The measurement of ethyl acetate should be based on the reference method set out in Commission Regulation (EC) No 2870/2000 ([3]) as this is an established method currently used for the analysis of a number of spirit drinks.

([1]) OJ L 130, 17.5.2019, p. 1.

([2]) Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

([3]) Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirit drinks (OJ L 333, 29.12.2000, p. 20).

(6) Similarly, the main contributing aldehyde to the total aldehydes is 'acetaldehyde'. It is therefore appropriate to only use acetaldehyde as the parameter in this determination. Since acetaldehyde is in equilibrium with 1,1 diethoxyethane, that is the two molecules are both present and they convert one into each other due to the chemical physical conditions, it is also necessary to count the fraction of acetaldehyde contained in the acetal. The measurement of acetaldehyde should be based on the reference method set out in Regulation (EC) No 2870/2000 as this is an established method currently used for the analysis of a number of spirit drinks.

(7) Higher alcohols are present in substantial amounts after fermentation. However, only a small amount of higher alcohols is present in ethyl alcohol of agricultural origin since higher alcohols are easily distilled because of the higher boiling points. The measurement of the higher alcohol should be based on the reference method set out in Regulation (EC) No 2870/2000 as this is an established method currently used for the analysis of a number of spirit drinks.

(8) Concerning 'furfural', the current requirement that it is not detectable refers to a wet chemistry method that is no longer used in most Member States, thus preventing uniform and defined analysis methods and results. Since currently there is no defined reference method for the analysis of furfural in ethyl alcohol of agricultural origin, it is appropriate to define a threshold that can be achieved with the different methods that are currently used in most laboratories in the Member States, that are more precise since the original inclusion of that requirement. The measurement of furfural should be based on the liquid chromatography method for wood compounds set out in Regulation (EC) No 2870/2000.

(9) Moreover, for the sake of completeness and in line with the definition of distillate of agricultural origin laid down in Article 4, point (7), of Regulation (EU) 2019/787, it is appropriate to provide that ethyl alcohol of agricultural origin is the result of the distillation, after alcoholic fermentation, of agricultural products.

(10) Regulation (EU) 2019/787 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 5 of Regulation (EU) 2019/787 is replaced by the following:

'*Article 5*

**Definition of and requirements for ethyl alcohol of agricultural origin**

For the purposes of this Regulation, ethyl alcohol of agricultural origin is a liquid which complies with the following requirements:

(a) it has been obtained through alcoholic fermentation, followed by distillation exclusively of agricultural products listed in Annex I to the Treaty;

(b) it has no detectable taste other than that of the raw materials used in its production;

(c) its minimum alcoholic strength by volume is 96,0 %;

(d) its maximum levels of residues do not exceed the following:

  (i) ethyl acetate: 1,3 grams per hectolitre of 100 % vol. alcohol;

  (ii) acetaldehyde (sum of ethanal and 1,1-diethoxyethane): 0,5 grams per hectolitre of 100 % vol. alcohol;

  (iii) higher alcohols (sum of: propan-1-ol, butan-1-ol, butan-2-ol, 2- methylpropan-1-ol, 2-methylbutan- 1-ol and 3-methylbutan-1-ol): 0,5 grams per hectolitre of 100 % vol. alcohol;

  (iv) methanol: 30 grams per hectolitre of 100 % vol. alcohol;

  (v) furfural: 0,5 grams per hectolitre of 100 % vol. alcohol.'.

*Article 2*

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 Brussels, 25 April 2022.

*For the Commission*
*The President*
Ursula VON DER LEYEN