

Thursday 1 March 2018

P8_TA(2018)0049

Definition, presentation and labelling of spirit drinks and protection of geographical indications thereof ***I

Amendments adopted by the European Parliament on 1 March 2018 on the 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 (COM(2016)0750 — C8-0496/2016 — 2016/0392(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2019/C 129/14)

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

- (3) The measures applicable to spirit drinks should contribute to attaining a high level of consumer protection, preventing deceptive practices and attaining market transparency and fair competition. They should safeguard the reputation which the Union's spirit drinks have achieved in the Union and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account in respect of spirit drinks, where such innovation serves to improve quality, without affecting the traditional character of the spirit drinks concerned. The production of spirit drinks is strongly linked to the agricultural sector. Besides representing a major outlet for the agriculture of the Union, this link is determinant for the quality and reputation of the spirit drinks produced in the Union. This strong link to the **agricultural** sector should therefore be emphasised by the regulatory framework.

Amendment

- (3) The measures applicable to spirit drinks should contribute to attaining a high level of consumer protection, **removing information asymmetry**, preventing deceptive practices and attaining market transparency and fair competition. They should safeguard the reputation which the Union's spirit drinks have achieved in the Union and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account in respect of spirit drinks, where such innovation serves to improve quality, without affecting the traditional character of the spirit drinks concerned. The production of spirit drinks is **governed by Regulation (EC) No 178/2002 of the European Parliament and the Council ^(1a), Regulation (EU) No 1169/2011 of the European and the Council ^(1b) and Regulation (EU) 2017/625 of the European Parliament and the Council ^(1c)**, and is strongly linked to the agricultural sector. Besides representing a major outlet for the agriculture of the Union, this link is determinant for the quality, **safety** and reputation of the spirit drinks produced in the Union. This strong link to the **agri-food** sector should therefore be emphasised by the regulatory framework.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0021/2018).

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Text proposed by the Commission

Amendment

- (^{1a}) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).
- (^{1b}) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).
- (^{1c}) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (OJ L 95, 7.4.2017, p. 1).

Amendment 2

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

- (3a) *The measures applicable to spirit drinks constitute a special case compared with the general rules laid down for the agri-food sector. The special features in this instance relate to the fact that traditional production methods continue to be kept alive, that spirit drinks are closely linked with the agricultural sector, the use of high-quality products, and the commitment to protecting consumer safety, which the spirit drinks sector is promising never to abandon.*

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Amendment 3
Proposal for a regulation

Recital 4

Text proposed by the Commission

- (4) To ensure a more uniform approach in the legislation on spirit drinks, this Regulation should set out clear criteria for the definition, presentation and labelling of spirit drinks as well as for the protection of geographical indications. It should also set out rules on the use of ethyl alcohol or distillates of agricultural origin in the production of alcoholic beverages and on the use of the sales denominations of spirit drinks in the presentation and labelling of foodstuffs.

Amendment

- (4) To ensure a more uniform approach in the legislation on spirit drinks, this Regulation should set out clear criteria for the definition, presentation and labelling of spirit drinks as well as for the protection of geographical indications, ***without prejudice to the diversity of the official languages and alphabets in the Union***. It should also set out rules on the use of ethyl alcohol or distillates of agricultural origin in the production of alcoholic beverages and on the use of the sales denominations of spirit drinks in the presentation and labelling of foodstuffs.

Amendment 5
Proposal for a regulation

Recital 15

Text proposed by the Commission

- (15) In some cases, food business operators may be required or may want to indicate the origin of spirit drinks to draw consumers' attention to the qualities of their product. ***Such origin indications should comply with harmonised criteria***. Therefore, specific provisions on the indication of the country of origin or place of provenance in the presentation and labelling of spirit drinks should be laid down.

Amendment

- (15) In some cases, food business operators may be required or may want to indicate the origin of spirit drinks to draw consumers' attention to the qualities of their product. Therefore, specific provisions on the indication of the country of origin or place of provenance in the presentation and labelling of spirit drinks should be laid down.

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Amendment 6
Proposal for a regulation
Recital 17

Text proposed by the Commission

(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') which were approved by Council Decision 94/800/EC ⁽¹²⁾.

⁽¹²⁾ 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).

Amendment

(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') which were approved by Council Decision 94/800/EC ⁽¹²⁾. ***In order to enhance protection and to combat counterfeiting more effectively, such protection should also apply with regards to goods which are in transit through the Union Customs territory.***

⁽¹²⁾ 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).

Amendment 7
Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽¹³⁾ does not apply to spirit drinks. Rules on protection of geographical indications of spirit drinks should therefore be laid down. Geographical indications identifying spirit drinks as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the spirit drink **are** essentially attributable to its geographical origin should be registered by the Commission.

⁽¹³⁾ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

Amendment

(18) Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽¹³⁾ does not apply to spirit drinks. Rules on protection of geographical indications of spirit drinks should therefore be laid down. Geographical indications identifying spirit drinks as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation, **traditional method of processing and production**, or other characteristic of the spirit drink **is** essentially attributable to its geographical origin, should be registered by the Commission.

⁽¹³⁾ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

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Amendment 8
Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) *It is appropriate that spirit drinks with a geographical indication that are based on wines without indication of origin protection, and are registered in accordance with this Regulation, should benefit from the same management tools concerning production potential as those that are available under Regulation (EU) No 1308/2013 of the European Parliament and of the Council^(1a).*

^(1a) *Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).*

Amendment 9
Proposal for a regulation
Recital 19

Text proposed by the Commission

Amendment

(19) Procedures for the registration, modification and possible cancellation of Union or third country geographical indications in accordance with the TRIPS Agreement should be laid down whilst automatically recognising the status of existing **protected** geographical indications of the Union. In view of making procedural rules on geographical indications consistent through all the sectors concerned, such procedures for spirit drinks should be modelled on **the more exhaustive and well tested** procedures for agricultural products and foodstuffs laid down in Regulation (EU) No 1151/2012 while taking into account specificities of spirit drinks. In order to simplify the registration procedures and to ensure that information for food business operators and consumers is electronically available **an** electronic register of geographical indications **should be established**.

(19) Procedures for the registration, modification and possible cancellation of Union or third country geographical indications in accordance with the TRIPS Agreement should be laid down whilst automatically recognising the status of existing **registered** geographical indications of the Union. In view of making procedural rules on geographical indications consistent through all the sectors concerned, such procedures for spirit drinks should be modelled on **similar** procedures **used** for agricultural products and foodstuffs laid down in Regulation (EU) No 1151/2012 while taking into account specificities of spirit drinks. In order to simplify the registration procedures and to ensure that information for food business operators and consumers is electronically available a **transparent, comprehensive and easily accessible** electronic register of geographical indications **with the same legal value as Annex III to Regulation (EC) No 110/2008** should be established. **Geographical indications registered under Regulation (EC) No 110/2008 should automatically be registered by the Commission. The Commission should complete the verification of geographical indications contained in Annex III to Regulation (EC) No 110/2008, in accordance with Article 20 of that Regulation, before the entry into force of this Regulation.**

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Amendment 10
Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) Member State authorities should be responsible for ensuring compliance with this Regulation, **and the** Commission should be able to monitor and verify such compliance. Therefore the Commission and the Member States should be required to share relevant information with each other.

Amendment

(20) **Preserving a high standard of quality is essential if the spirit drinks sector's reputation and value are to be maintained.** Member State authorities should be responsible for ensuring **that the standard is preserved through** compliance with this Regulation. **The** Commission should, **however,** be able to monitor and verify such compliance **in order to ascertain that it is being uniformly enforced.** Therefore the Commission and the Member States should be required to share relevant information with each other.

Amendment 11
Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) In applying a quality policy and in order to allow for a high level of quality of spirit drinks and diversity in the spirit drinks sector, Member States should be allowed to adopt rules on the definition, presentation and labelling of spirit drinks produced in their territory that are stricter than those laid down in this Regulation.

Amendment

(21) In applying a quality policy and in order to allow for a high level of quality of spirit drinks and diversity in the spirit drinks sector, Member States should be allowed to adopt rules on the **production,** definition, presentation and labelling of spirit drinks produced in their territory that are stricter than those laid down in this Regulation.

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Amendment 13
Proposal for a regulation
Recital 22

Text proposed by the Commission

- (22) In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, the traditional ageing processes and, in exceptional cases, the law of the importing third countries, and in order to ensure the protection of geographical indications, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the amendment of or derogations from the technical definitions and requirements of the categories of spirit drinks and the specific rules concerning some of them referred to under Chapter I of this Regulation, the labelling and presentation referred to under Chapter II of this Regulation, the geographical indications referred to under Chapter III of this Regulation and the checks and exchange of information referred under Chapter IV of this Regulation.

Amendment

- (22) In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, the traditional ageing processes and, in exceptional cases, the law of the importing third countries, and in order to ensure the **full** protection of geographical indications, **while taking into account the importance of traditional practices**, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the amendment of or derogations from the technical definitions and requirements of the categories of spirit drinks and the specific rules concerning some of them referred to under Chapter I of this Regulation, the labelling and presentation referred to under Chapter II of this Regulation the geographical indications referred to under Chapter III of this Regulation and the checks and exchange of information referred under Chapter IV of this Regulation.

Amendment 14
Proposal for a regulation
Recital 23

Text proposed by the Commission

- (23) ***In order to react rapidly to economic and technological developments regarding spirit drinks covered by this Regulation for which no category and technical specifications exist so as to protect consumers and the economic interests of producers and unify the given production and quality requirements for those spirit drinks, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission as regard the addition, subject to certain conditions, of new categories of spirit drinks to those listed respectively in Part I and II of Annex II to this Regulation and the technical specifications thereof.***

Amendment

deleted

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Amendment 15

Proposal for a regulation

Article 2 — paragraph 1 — point 1 — point d — point i — introductory part

Text proposed by the Commission

(i) either directly by using any of the following methods:

Amendment

(i) either directly by using any of the following methods, **individually or in combination**:

Amendment 16

Proposal for a regulation

Article 2 — paragraph 1 — point 1 — point d — point i — indent 2

Text proposed by the Commission

— the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks or a **mixture** thereof within the meaning of this Regulation,

Amendment

— the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks or a **combination** thereof within the meaning of this Regulation,

Amendment 17

Proposal for a regulation

Article 2 — paragraph 1 — point 1 — point d — point i — indent 3 — introductory part

Text proposed by the Commission

— the addition to ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks of **any** of the following:

Amendment

— the addition to ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks of **one or more** of the following:

Amendment 18

Proposal for a regulation

Article 2 — paragraph 1 — point 1 — point d — point ii — introductory part

Text proposed by the Commission

(ii) by adding to a spirit drink any of the following:

Amendment

(ii) by adding to a spirit drink any of the following, **individually or in combination**:

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Amendment 19**Proposal for a regulation****Article 2 — paragraph 1 — point 1 — point d — point ii — indent 4 a (new)***Text proposed by the Commission**Amendment*— **drinks**;**Amendment 20****Proposal for a regulation****Article 2 — paragraph 1 — point 3 — introductory part***Text proposed by the Commission**Amendment*

(3) 'mixture' means a spirit drink listed in Part I of Annex II or corresponding to a geographical indication mixed with **any** of the following:

(3) 'mixture' means a spirit drink listed in Part I of Annex II or corresponding to a geographical indication mixed with **one or more** of the following:

Amendment 21**Proposal for a regulation****Article 2 — paragraph 1 — point 3 — point b a (new)***Text proposed by the Commission**Amendment*(ba) **ethyl alcohol of agricultural origin**;**Amendment 22****Proposal for a regulation****Article 2 — paragraph 1 — point 4 — introductory part***Text proposed by the Commission**Amendment*

(4) 'compound term' means the combination of the terms of a sales denomination of a spirit drink provided for in Part I of Annex II or the terms of a geographical indication, describing a spirit drink, from which all the alcohol of the final product originates, with **any** of the following:

(4) 'compound term' means the combination of the terms of a sales denomination of a spirit drink provided for in Part I of Annex II or the terms of a geographical indication, describing a spirit drink, from which all the alcohol of the final product originates, with **one or more** of the following:

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Amendment 23

Proposal for a regulation

Article 2 — paragraph 1 — point 6

Text proposed by the Commission

- (6) 'geographical indication' means ***an indication*** which identifies a spirit drink as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of that spirit drink is essentially attributable to its geographical origin;

Amendment

- (6) 'geographical indication' ***means a name that has been registered in accordance with this Regulation***, which identifies a spirit drink as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of that spirit drink is essentially attributable to its geographical origin;

Amendment 24

Proposal for a regulation

Article 2 — paragraph 1 — point 7

Text proposed by the Commission

- (7) 'product specification' means a file attached to the application for the protection of a geographical indication setting out the specifications which the spirit drink must comply with;

Amendment

- (7) 'product specification' means a file attached to the application for the protection of a geographical indication setting out the specifications which the spirit drink must comply with ***and corresponding to the 'technical file' referred to in Regulation (EC) No 110/2008***;

Amendment 25

Proposal for a regulation

Article 2 — paragraph 1 — point 11 a (new)

Text proposed by the Commission

Amendment

- (11a) '***group***' means a pool of producers, processors or importers of spirit drinks which are organised in a sector-specific manner and generate a significant turnover;

Amendment 26

Proposal for a regulation

Article 2 — paragraph 1 — point 11 b (new)

Text proposed by the Commission

Amendment

- (11b) '***of agricultural origin***' means obtained from agricultural products listed in Annex I to the TFEU.

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Amendment 27**Proposal for a regulation****Article 3 — paragraph 1***Text proposed by the Commission*

1. The alcohol used in the production of **alcoholic beverages** and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of **alcoholic beverages** shall be ethyl alcohol of agricultural origin.

Amendment

1. The alcohol used in the production of **spirit drinks** and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of **spirit drinks** shall be ethyl alcohol of agricultural origin.

Amendment 28**Proposal for a regulation****Article 3 — paragraph 2***Text proposed by the Commission*

2. Distillates used in the production of **alcoholic beverages** and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of **alcoholic beverages** shall exclusively be of agricultural origin.

Amendment

2. Distillates used in the production of **spirit drinks** and to dilute or dissolve colours, flavourings or any other authorised additives used in the preparation of **spirit drinks** shall exclusively be of agricultural origin.

Amendment 29**Proposal for a regulation****Article 3 — paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. **Where ethyl alcohol or distillates of agricultural origin are to be marketed, the raw materials from which they have been obtained shall be specified in their electronic accompanying documents.**

Amendment 30**Proposal for a regulation****Article 4 — paragraph 1 — point e***Text proposed by the Commission*

(e) **solely** be sweetened **in accordance with point (3) of Annex I and in order** to round off the final taste of the product.

Amendment

(e) **not** be sweetened **except** to round off the final taste of the product. **The maximum content of sweetening products expressed as invert sugar shall not exceed the thresholds set out for each category in Annex II.**

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Amendment 31**Proposal for a regulation****Article 4 — paragraph 2 — point e***Text proposed by the Commission**Amendment*

(e) be sweetened **to correspond to particular product characteristics and in accordance with point (3) of Annex I and taking into account the relevant legislation of the Member States.**

(e) be sweetened.

Amendment 32**Proposal for a regulation****Article 4 — paragraph 3 — point e***Text proposed by the Commission**Amendment*

(e) be sweetened **to correspond to particular product characteristics and in accordance with point (3) of Annex I.**

(e) be sweetened.

Amendment 33**Proposal for a regulation****Article 5***Text proposed by the Commission**Amendment*

Article 5

Article 5

Delegated powers

Delegated powers

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:

(a) the amendment of the technical definitions provided for in Annex I;

(a) the amendment of the technical definitions provided for in Annex I.

(b) **the amendment of the requirements of the categories of spirit drinks provided for in Part I of Annex II and the specific rules concerning certain spirit drinks listed in Part II of Annex II.**

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Text proposed by the Commission

Amendment

The delegated acts referred to **in points (a) and (b) of** the first subparagraph shall be limited to meeting demonstrated needs resulting from evolving consumer demands, technological progress, developments in relevant international standards or needs for product innovation.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the addition of new categories of spirit drinks in Annex II.

A new category may be added under the following conditions:

- (a) the marketing of a spirit drink under a particular name and in accordance with uniform technical specifications is economically and technically necessary to protect the interests of consumers and producers;**
- (b) a spirit drink has a significant market share in at least one Member State;**
- (c) the name chosen for the new category shall either be a widely used name or where this is not possible be of a descriptive nature, in particular, by referring to the raw material used for the production of the spirit drink;**
- (d) the technical specifications for the new category shall be laid down and based on an evaluation of existing quality and production parameters used on the Union market. When laying down the technical specifications, the applicable Union consumer protection legislation shall be respected and account shall be taken of any relevant international standards. They shall ensure fair competition amongst union producers as well as the high reputation of Union spirit drinks.**

3. The Commission shall, in exceptional cases where the law of the importing third country so requires, also be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from the requirements under the technical definitions provided for in Annex I, the requirements under the categories of spirit drinks provided for in Part I of Annex II and the specific rules concerning certain spirit drinks listed in Part II of Annex II.

The delegated acts referred to in **point (a)** of the first subparagraph shall, **while allowing for the importance of traditional practice within Member States** be limited to meeting demonstrated needs resulting from evolving consumer demands, technological progress, developments in relevant international standards or needs for product innovation.

3. The Commission shall, in exceptional cases where the law of the importing third country so requires, also be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from the requirements under the technical definitions provided for in Annex I, the requirements under the categories of spirit drinks provided for in Part I of Annex II and the specific rules concerning certain spirit drinks listed in Part II of Annex II.

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Amendment 34

Proposal for a regulation

Article 8 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The names of raw materials or plant names which are reserved for the designation of drinks belonging to certain spirit drink product categories may be used in the description and presentation of all foods, including spirit drinks, provided that, in particular in the case of spirits, it is ensured that consumers are not misled.*

Amendment 35

Proposal for a regulation

Article 8 — paragraph 3

Text proposed by the Commission

Amendment

3. Where a spirit drink meets the requirements of more than one of the categories of spirit drinks **15 to 47 of** Part I of Annex II, it may be **sold** under one or more of the **relevant** sales denominations provided for under those categories.

3. Where a spirit drink meets the requirements of more than one of the categories of spirit drinks **listed in** Part I of Annex II, it may be **placed on the market** under one or more of the sales denominations provided for under those categories.

Amendment 36

Proposal for a regulation

Article 8 — paragraph 4 — subparagraph 2 — introductory part

Text proposed by the Commission

Amendment

If a **sales denomination** is supplemented or replaced in accordance with point (a) of the first subparagraph, the geographical indication referred to in that point may only be supplemented either:

If a **legal name** is supplemented or replaced in accordance with point (a) of the first subparagraph, the geographical indication referred to in that point may only be supplemented either:

Amendment 37

Proposal for a regulation

Article 8 — paragraph 4 — subparagraph 2 — point a

Text proposed by the Commission

Amendment

(a) by terms already in use on 20 February 2008 for existing geographical indications within the meaning of Article 34(1);
or

(a) by terms already in use on 20 February 2008 for existing geographical indications within the meaning of Article 34(1), **including the terms traditionally used in Member States to indicate that a product has a protected designation of origin under national law;** or

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Amendment 38**Proposal for a regulation****Article 8 — paragraph 4 — subparagraph 2 — point b***Text proposed by the Commission*

(b) by terms **indicated in** the relevant product specification.

Amendment

(b) by **any** terms **permitted by** the relevant product specification.

Amendment 39**Proposal for a regulation****Article 9 — paragraph 1 — point a***Text proposed by the Commission*

(a) the alcohol used in the production of the foodstuffs originates exclusively from the spirit drinks referred to in the compound term or in the allusion(s), except for ethyl alcohol that may be **present in** flavourings used for the production of that foodstuff; and

Amendment

(a) the alcohol used in the production of the foodstuffs originates exclusively from the spirit drinks referred to in the compound term or in the allusion(s), except for ethyl alcohol **of agricultural origin** that may be **used as a carrier for** flavourings used for the production of that foodstuff; and

Amendment 40**Proposal for a regulation****Article 9 — paragraph 5***Text proposed by the Commission*

5. The allusion to any spirit drink category or geographical indication, for the presentation of a foodstuff, shall not be in the same line as the sales denomination. Without prejudice to the second subparagraph of Article 10(3), for the presentation of alcoholic beverages, the allusion shall appear in a font size smaller than those used for the sales denomination and compound term.

Amendment

5. **Without prejudice to Article 13(1) of Regulation (EU) No 1169/2011**, the allusion to any spirit drink category or geographical indication, for the presentation of a foodstuff, shall not be in the same line as the sales denomination. Without prejudice to the second subparagraph of Article 10(3) **of this Regulation**, for the presentation of alcoholic beverages, the allusion shall appear in a font size smaller than those used for the sales denomination and compound term.

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Amendment 41
Proposal for a regulation
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Labelling in the case of added alcohol

Where there has been addition of alcohol, as defined in point (4) of Annex I, diluted or not, to a spirit drink listed in categories 1 to 14 of Annex II, that spirit drink shall bear the sales denomination 'spirit drink'. It may not bear a name reserved in categories 1 to 14.

Amendment 42
Proposal for a regulation
Article 10 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Amendment

A mixture shall bear the sales denomination 'spirit drink'.

A mixture shall bear the sales denomination 'spirit drink' **which shall be displayed clearly in a prominent place on the label.**

Amendment 43
Proposal for a regulation
Article 11 — paragraph 3

Text proposed by the Commission

Amendment

3. A maturation period or age may only be specified in the presentation or labelling of a spirit drink where it refers to the youngest alcoholic component and provided that the spirit drink **was aged** under supervision of the tax authorities of a Member State or **a** supervision affording equivalent guarantees.

3. A maturation period or age may only be specified in the presentation or labelling of a spirit drink where it refers to the youngest alcoholic component and provided that **all the operations to age** the spirit drink **took place** under supervision of the tax authorities of a Member State or supervision affording equivalent guarantees. **The Commission shall set up a public register listing the bodies appointed by each Member State to supervise ageing processes.**

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Amendment 44**Proposal for a regulation****Article 11 — paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. *Where a maturation or ageing period is stated in the presentation or labelling of a spirit drink, it shall also be stated in the electronic accompanying document.*

Amendment 45**Proposal for a regulation****Article 11 — paragraph 3 b (new)**

Text proposed by the Commission

Amendment

3b. *By way of derogation from paragraph 3 of this Article, in the case of brandy that has been aged using the dynamic ageing system or 'criaderas y solera' system, the average age, calculated as described in Annex IIa, may only be mentioned in the presentation or labelling provided that the ageing of the brandy has been subject to a control system authorised by the competent authority. The average age in the labelling of brandy shall be expressed in years and shall include a reference to the 'criaderas y solera' system.*

Amendment 46**Proposal for a regulation****Article 12 — paragraph 1**

Text proposed by the Commission

Amendment

1. Where the origin of a spirit drink is indicated, it shall correspond to the **country or territory of origin in accordance with Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council** ⁽¹⁶⁾.

1. Where the origin of a spirit drink is indicated, it shall correspond to the **place or region where the stage in the production process of the finished product which conferred on the spirit drink its character and essential qualities took place.**

⁽¹⁶⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

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Amendment 47

Proposal for a regulation

Article 13 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

Without prejudice to the first paragraph, in the case of spirit drinks produced in the Union and intended for export, the geographical indications and the terms indicated in italics in Annex II may be accompanied by translation where such translation is a legal requirement of the importing country.

Amendment 48

Proposal for a regulation

Article 14

Text proposed by the Commission

Amendment

Article 14

Article 14

Use of a Union symbol for **protected** geographical indications

Use of a Union symbol for geographical indications

The Union symbol for the protected geographical **indication** may be used for the labelling **and presentation** of spirit drinks.

The Union symbol for the protected geographical **indications adopted under Article 12(7) of Regulation (EU) No 1151/2012** may be used for the **presentation and** labelling of spirit drinks **with a geographical indication**.

Amendment 49

Proposal for a regulation

Article 16

Text proposed by the Commission

Amendment

Article 16

Article 16

Delegated powers

Delegated powers

1. In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:

1. In order to take into account evolving consumer demands, technological progress, developments in the relevant international standards and the need to improve the economic conditions of production and marketing, **whilst at the same time ensuring consumer protection and taking into account traditional practice**, the Commission shall be empowered to adopt delegated acts, **supplementing this Regulation**, in accordance with Article 43 concerning:

Thursday 1 March 2018

Text proposed by the Commission

- (a) amendments to the rules on indications on the label of spirits drinks concerning compound terms or allusions;
- (b) amendments to the rules on the presentation and labelling of mixtures; and
- (c) updating and completing Union reference methods for the analysis of spirit drinks.

2. In order to take into account traditional ageing processes in the Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from Article 11(3) concerning the specification of a maturation period or age in the presentation or labelling of a spirit drink.

3. ***In exceptional cases where the law of the importing third country so requires, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from the provisions on presentation and labelling contained in this Chapter.***

Amendment

- (a) amendments to the rules on indications on the label of spirits drinks concerning compound terms or allusions;
- (b) amendments to the rules on the presentation and labelling of mixtures; and
- (c) updating and completing Union reference methods for the analysis of spirit drinks.

2. In order to take into account traditional ageing processes in the Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning derogations from Article 11(3) concerning the specification of a maturation period or age in the presentation or labelling of a spirit drink.

Amendment 50**Proposal for a regulation****Article 18 — paragraph 1***Text proposed by the Commission*

1. ***Protected*** geographical indications may be used by any operator marketing a spirit drink produced in conformity with the corresponding product specification.

Amendment

1. Geographical indications may be used by any operator marketing a spirit drink produced in conformity with the corresponding product specification.

Amendment 51**Proposal for a regulation****Article 18 — paragraph 2 — introductory part***Text proposed by the Commission*

2. ***Protected*** geographical indications and the spirit drinks using those protected names in conformity with the product specification shall be protected against:

Amendment

2. Geographical indications and the spirit drinks using those protected names in conformity with the product specification shall be protected against:

Thursday 1 March 2018

Amendment 52

Proposal for a regulation

Article 18 — paragraph 2 — point a — point i

Text proposed by the Commission

(i) by comparable products not complying with the product specification of the protected name; or

Amendment

(i) by comparable products not complying with the product specification of the protected name, **including when those products are used as an ingredient**; or

Amendment 53

Proposal for a regulation

Article 18 — paragraph 2 — point b

Text proposed by the Commission

(b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation', 'flavour', 'like' or similar;

Amendment

(b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', **'sort'**, 'method', 'as produced in', 'imitation', 'flavour', 'like' or similar, **including when those products are used as an ingredient**;

Amendment 54

Proposal for a regulation

Article 18 — paragraph 2 — point c

Text proposed by the Commission

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the **inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container** liable to convey a false impression as to its origin;

Amendment

(c) any other false or misleading indication as to the provenance, origin, nature, **ingredients**, or essential qualities of the product, on the **presentation or labelling** of the product liable to convey a false impression as to its origin;

Thursday 1 March 2018

Amendment 55
Proposal for a regulation
Article 18 — paragraph 3

Text proposed by the Commission

3. **Protected** geographical indications shall not become generic in the Union within the meaning of Article 32(1).

Amendment

3. Geographical indications shall not become generic in the Union within the meaning of Article 32(1).

Amendment 56
Proposal for a regulation
Article 18 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The protection for geographical indications referred to in paragraph 2 shall also apply to goods entering the customs territory of the Union without being released for free circulation within the Union.

Amendment 57
Proposal for a regulation
Article 18 — paragraph 4

Text proposed by the Commission

4. Member States shall take the steps necessary to stop the unlawful use of **protected** geographical indications as referred to in paragraph 2.

Amendment

4. Member States shall take the steps necessary to stop the unlawful use of geographical indications as referred to in paragraph 2.

Amendment 58
Proposal for a regulation
Article 18 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may apply the provisions laid down in Articles 61 to 72 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council, establishing a common organisation of the markets in agricultural products, to areas where wines suitable for producing spirit drinks with a geographical indication are produced. For the purposes of those provisions, the areas concerned may be treated as areas where wines with a protected designation of origin or protected geographical indication may be produced.

Thursday 1 March 2018

Amendment 59

Proposal for a regulation

Article 19 — paragraph 1 — point e

Text proposed by the Commission

(e) a description of the method of **obtaining** the spirit drink and, where appropriate, the authentic and unvarying local methods as well as information on packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;

Amendment

(e) a description of the method of **producing** the spirit drink and, where appropriate, the authentic and unvarying local methods as well as information on packaging, if the **applicant or** applicant group (**hereinafter referred to together as 'applicant'**) so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;

Amendment 60

Proposal for a regulation

Article 19 — paragraph 1 — point f

Text proposed by the Commission

(f) details **establishing the link between a given quality, reputation or other characteristic of the spirit drink and the geographical area referred to in point (d)**;

Amendment

(f) **the** details **bearing out** the link **with the geographical environment or** the geographical **origin**;

Amendment 61

Proposal for a regulation

Article 20 — paragraph 1 — subparagraph 1 — point a

Text proposed by the Commission

(a) the names and addresses of the applicant **group** and of the authorities or, if available, the bodies verifying compliance with the provisions of the product specification;

Amendment

(a) the names and addresses of the applicant and of the authorities or, if available, the bodies verifying compliance with the provisions of the product specification;

Thursday 1 March 2018

Amendment 62**Proposal for a regulation****Article 20 — paragraph 1 — subparagraph 1 — point c — point i***Text proposed by the Commission*

-
- (i) the main points of the product specification: the name, a description of the spirit drink, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;

Amendment

-
- (i) the main points of the product specification: the name, **category**, a description of the spirit drink, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;

Amendment 63**Proposal for a regulation****Article 20 — paragraph 2 — point a***Text proposed by the Commission*

-
- (a) the name and address of the applicant **group**;

Amendment

-
- (a) the name and address of the applicant;

Amendment 64**Proposal for a regulation****Article 20 — paragraph 2 — point c***Text proposed by the Commission*

-
- (c) a declaration by the Member State that it considers that the application lodged by the applicant **group** and qualifying for the favourable decision meets the conditions of this Regulation and the provisions adopted pursuant thereto;

Amendment

-
- (c) a declaration by the Member State that it considers that the application lodged by the applicant and qualifying for the favourable decision meets the conditions of this Regulation and the provisions adopted pursuant thereto;

Thursday 1 March 2018

Amendment 65**Proposal for a regulation****Article 21 — paragraph 1 — subparagraph 3***Text proposed by the Commission*

A joint application shall be submitted to the Commission by a Member State concerned, or by an applicant **group** in a third country concerned, directly or through the authorities of that third country. It shall include the declaration referred to in point (c) of Article 20(2) from all the Member States concerned. The requirements laid down in Article 20 shall be fulfilled in all Member States and third countries concerned.

Amendment

A joint application shall be submitted to the Commission by a Member State concerned, or by an applicant in a third country concerned, directly or through the authorities of that third country. It shall include the declaration referred to in point (c) of Article 20(2) from all the Member States concerned. The requirements laid down in Article 20 shall be fulfilled in all Member States and third countries concerned.

Amendment 66**Proposal for a regulation****Article 21 — paragraph 5***Text proposed by the Commission*

5. Where the application relates to a geographical area in a third country the application shall be lodged with the Commission, **either directly or** via the authorities of the third country concerned.

Amendment

5. Where the application relates to a geographical area in a third country the application shall be lodged with the Commission via the authorities of the third country concerned.

Amendment 67**Proposal for a regulation****Article 22***Text proposed by the Commission***Article 22***Amendment***deleted****Transitional national protection**

1. A Member State may, on a transitional basis only, grant protection to a name under this Regulation at national level, with effect from the date on which an application is lodged with the Commission.

2. Such national protection shall cease on the date on which either a decision on registration under this Regulation is taken or the application is withdrawn.

Thursday 1 March 2018

Text proposed by the Commission

Amendment

3. **Where a name is not registered under this Chapter, the consequences of such national protection shall be the sole responsibility of the Member State concerned.**

4. **The measures taken by Member States under paragraph 1 shall produce effects at national level only, and they shall have no effect on intra-Union or international trade.**

Amendment 68

Proposal for a regulation

Article 23 — paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall scrutinise by appropriate means any application that it receives pursuant to Article 21, in order to check that it is justified and that it meets the conditions of this Chapter. This scrutiny **should** not exceed a period of **12** months. Where this period is exceeded, the Commission shall indicate in writing to the applicant the reasons for the delay.

1. The Commission shall scrutinise by appropriate means any application that it receives pursuant to Article 21, in order to check that it is justified and that it meets the conditions of this Chapter. This scrutiny **shall consist of a check that there are no manifest errors in the application and, as a general rule, shall not exceed a period of 6 months.** Where this period is exceeded, the Commission shall **immediately** indicate in writing to the applicant the reasons for the delay.

The Commission shall, at least each month, make public the list of names for which registration applications have been submitted to it, as well as their date of submission.

The Commission shall, at least each month, make public the list of names for which registration applications have been submitted to it, as well as their date of submission.

Amendment 69

Proposal for a regulation

Article 27 — paragraph 1

Text proposed by the Commission

Amendment

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to the first subparagraph of Article 23(1), the Commission considers that the conditions for registration are not fulfilled, it shall adopt **implementing acts rejecting the application. Those implementing acts shall be adopted** in accordance with **the examination procedure referred to in Article 44(2).**

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to the first subparagraph of Article 23(1), the Commission considers that the conditions for registration are not fulfilled, it shall adopt **delegated acts supplementing this Regulation,** in accordance with **Article 43, rejecting the application.**

Thursday 1 March 2018

Amendment 70

Proposal for a regulation

Article 27 — paragraph 2

Text proposed by the Commission

2. If the Commission receives no notice of opposition or no admissible reasoned statement of opposition under Article 24, it shall adopt **implementing acts, without applying the procedure referred to in Article 44(2)**, registering the name.

Amendment

2. If the Commission receives no notice of opposition or no admissible reasoned statement of opposition under Article 24, it shall adopt **delegated acts supplementing this Regulation, in accordance with Article 43**, registering the name.

Amendment 71

Proposal for a regulation

Article 27 — paragraph 3 — point a

Text proposed by the Commission

(a) if an agreement has been reached, **register the name by means of implementing acts adopted without applying the procedure referred to in Article 44(2)**, and, if necessary, amend the information published pursuant to Article 23(2) provided such amendments are not substantial; or

Amendment

(a) if an agreement has been reached, **adopt delegated acts supplementing this Regulation, in accordance with Article 43, to register the name** and, if necessary, amend the information published pursuant to Article 23(2) provided such amendments are not substantial; or

Amendment 72

Proposal for a regulation

Article 27 — paragraph 3 — point b

Text proposed by the Commission

(b) if an agreement has not been reached, adopt **implementing acts deciding on the registration. Those implementing acts shall be adopted** in accordance with **the examination procedure referred to in Article 44(2)**.

Amendment

(b) if an agreement has not been reached, adopt **delegated acts supplementing this Regulation, in accordance with Article 43, deciding on the registration**.

Thursday 1 March 2018

Amendment 73**Proposal for a regulation****Article 28 — paragraph 1 — subparagraph 2 a (new)**

Text proposed by the Commission

Amendment

Where national law applies, the application shall follow the procedure laid down in national law.

Amendment 74**Proposal for a regulation****Article 28 — paragraph 3**

Text proposed by the Commission

Amendment

3. The scrutiny of the application shall **focus on** the proposed amendment.

3. The scrutiny of the application shall **only address** the proposed amendment.

Amendment 75**Proposal for a regulation****Article 29 — paragraph 1 — introductory part**

Text proposed by the Commission

Amendment

The Commission **may**, on its own initiative or at the request of any natural or legal person having a legitimate interest, **adopt implementing acts** to cancel the registration of a geographical indication in the following cases:

The Commission **is empowered to adopt delegated acts supplementing this Regulation, in accordance with Article 43**, on its own initiative or at the request of any natural or legal person having a legitimate interest, **in order** to cancel the registration of a geographical indication in the following cases:

Thursday 1 March 2018

Amendment 76**Proposal for a regulation****Article 29 — paragraph 1 — point b***Text proposed by the Commission*

(b) where no product is placed on the market under the geographical indication for at least seven years.

Amendment

(b) where no product is placed on the market under the geographical indication for at least seven **consecutive** years.

Amendment 77**Proposal for a regulation****Article 29 — paragraph 3***Text proposed by the Commission*

The implementing acts referred to in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 44(2).

Amendment

deleted

Amendment 78**Proposal for a regulation****Article 29 — paragraph 3 a (new)***Text proposed by the Commission**Amendment*

Acts to cancel the registration of geographical indications shall be published in the Official Journal of the European Union.

Amendment 79**Proposal for a regulation****Article 30 — paragraph 1***Text proposed by the Commission*

The Commission shall adopt **implementing** acts, **without applying the procedure referred to in Article 44(2)**, establishing and maintaining a publicly accessible updated electronic register of geographical indications of spirit drinks recognised under this scheme ('the Register').

Amendment

The Commission shall adopt **delegated** acts, **supplementing this Regulation, in accordance with Article 43**, establishing and maintaining a publicly accessible updated electronic register of geographical indications of spirit drinks recognised under this scheme ('the Register'), **replacing and having the same legal value as Annex III to Regulation (EC) No 110/2008. The Register [insert footnote with a direct link to the relevant site] shall provide direct access to all product specifications for spirit drinks registered as geographical indications.**

Thursday 1 March 2018

Amendment 80**Proposal for a regulation****Article 30 — paragraph 2**

Text proposed by the Commission

The Commission *may* adopt **implementing** acts laying down detailed rules on the form and content of the Register. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).**

Amendment

The Commission **is empowered to** adopt *delegated* acts, **supplementing this Regulation, in accordance with Article 43** laying down detailed rules on the form and content of the Register.

Amendment 81**Proposal for a regulation****Article 30 — paragraph 3**

Text proposed by the Commission

Geographical indications of spirit drinks produced in third countries that are protected in the Union pursuant to an international agreement to which the Union is a contracting party may be entered in the Register as geographical indications.

Amendment

Geographical indications of spirit drinks produced in third countries that are protected in the Union pursuant to an international agreement to which the Union is a contracting party may be entered in the Register as geographical indications **only after the Commission has adopted a delegated act to that effect.**

Amendment 82**Proposal for a regulation****Article 31 — paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. The protection of geographical indications of spirit drinks in accordance with Article 2 of this Regulation shall be without prejudice to the protected geographical indications and designations of origin of products defined in Article 93 of Regulation (EU) No 1308/2013.

Thursday 1 March 2018

Amendment 83
Proposal for a regulation
Article 32 — paragraph 3

Text proposed by the Commission

3. A name shall not be protected as a geographical indication if the **production or preparation** steps which are compulsory for the relevant category of spirit drink, do not take place in the relevant geographical area.

Amendment

3. A name shall not be protected as a geographical indication if the steps which are compulsory for the relevant category of spirit drink, do not take place in the relevant geographical area.

Amendment 84
Proposal for a regulation
Article 34

Text proposed by the Commission

Article 34

Amendment

Article 34

Implementing powers with respect to existing **protected** geographical indications

1. Without prejudice to paragraph 2, geographical indications of spirit drinks protected under Regulation (EC) No 110/2008, shall automatically be protected as geographical indications under this Regulation. The Commission shall list them in the Register.

2. For a period of up to two years following the entry into force of this Regulation, the Commission, by means of implementing acts, may, on its own initiative, cancel the protection of geographical indications referred to in Article 20 of Regulation (EU) No 110/2008 if they do not comply with point (6) of Article 2(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 44(2).

Powers with respect to existing geographical indications

Geographical indications of spirit drinks protected under Regulation (EC) No 110/2008, shall automatically be protected as geographical indications under this Regulation. The Commission shall list them in the Register.

Thursday 1 March 2018

Amendment 85

Proposal for a regulation

Article 35 — paragraph 1 — subparagraph 1 — point b

Text proposed by the Commission

- (b) **control** body within the meaning of point 5 of **the second subparagraph of Article 2** of Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽¹⁹⁾, operating as a product certification body.

⁽¹⁹⁾ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the **verification of compliance with** feed and food law, animal health and **animal** welfare **rules** (OJ L 165, 30.4.2004, p. 1).

Amendment

- (b) **delegated** body within the meaning of point 5 of Article 3 of Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽¹⁹⁾, operating as a product certification body.

⁽¹⁹⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls **and other official activities** performed to ensure **the application of** food and feed law, **rules on** animal health and welfare, **plant health and plant protection products, amending Regulations** (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

Amendment 86

Proposal for a regulation

Article 35 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Notwithstanding the national legislation of Member States, the costs of such verification of compliance with the product specification shall be borne by the **food business** operators which are subject to those controls.

Amendment

Notwithstanding the national legislation of Member States, the costs of such verification of compliance with the product specification shall be borne by the operators which are subject to those controls.

Thursday 1 March 2018

Amendment 87**Proposal for a regulation****Article 35 — paragraph 5***Text proposed by the Commission*

5. The competent authorities or bodies referred to in paragraphs 1 and 2 verifying compliance of the **protected** geographical indication with the product specification shall be objective and impartial. They shall have at their disposal the qualified staff and resources necessary to carry out their tasks.

Amendment

5. The competent authorities or bodies referred to in paragraphs 1 and 2 verifying compliance of the geographical indication with the product specification shall be objective and impartial. They shall have at their disposal the qualified staff and resources necessary to carry out their tasks.

Amendment 88**Proposal for a regulation****Article 37 — paragraph 1***Text proposed by the Commission*

1. Procedures and requirements laid down in Regulation (EC) **No 882/2004** shall apply mutatis mutandis to the checks provided for in Articles 35 and 36 of this Regulation.

Amendment

1. Procedures and requirements laid down in Regulation (EU) **2017/625** shall apply mutatis mutandis to the checks provided for in Articles 35 and 36 of this Regulation.

Amendment 89**Proposal for a regulation****Article 37 — paragraph 2***Text proposed by the Commission*

2. Member States shall ensure that activities for the control of obligations under this Chapter are specifically included in a separate section within the multi-annual national control plans in accordance with Articles **41 to 43** of Regulation (EC) **No 882/2004**.

Amendment

2. Member States shall ensure that activities for the control of obligations under this Chapter are specifically included in a separate section within the multi-annual national control plans in accordance with Articles **109 to 111** of Regulation (EU) **2017/625**.

Amendment 90**Proposal for a regulation****Article 37 — paragraph 3***Text proposed by the Commission*

3. The annual reports referred to in Article **44(1)** of Regulation (EC) **No 882/2004** shall include in a separate section the information referred to in that provision concerning the control of the obligations established by this Regulation.

Amendment

3. The annual reports referred to in Article **113(1)** of Regulation (EU) **2017/625** shall include in a separate section the information referred to in that provision concerning the control of the obligations established by this Regulation.

Thursday 1 March 2018

Amendment 91
Proposal for a regulation
Article 38

Text proposed by the Commission

Amendment

Article 38

Article 38

Delegated powers

Delegated powers

1. In order to take account of the specificities of the production in the demarcated geographical area, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning:

(a) the additional criteria for the demarcation of the geographical area; and

(b) the restrictions and derogations related to the production in the demarcated geographical area.

2. In order to ensure product quality and traceability, the Commission may, by means of delegated acts adopted in accordance with Article 43, provide for the conditions under which the product specification may include information concerning packaging as referred to in point (e) of Article 19 or any specific labelling rule as referred to in point (h) of Article 19.

3. In order to ensure the rights or legitimate interests of producers or **food business** operators, the Commission may, by means of delegated acts adopted in accordance with Article 43, set out:

(a) in which cases a single producer may apply for the protection of a geographical indication;

(b) the conditions to be followed in respect of an application for the protection of a geographical indication, preliminary national procedures, scrutiny by the Commission, the opposition procedure and the cancellation of geographical indications, including in cases where the geographical area covers more than one country.

3. In order to ensure the rights or legitimate interests of producers or operators, the Commission may, by means of delegated acts adopted in accordance with Article 43, set out:

(a) in which cases a single producer may apply for the protection of a geographical indication;

(b) the conditions to be followed in respect of an application for the protection of a geographical indication, preliminary national procedures, scrutiny by the Commission, the opposition procedure and the cancellation of geographical indications, including in cases where the geographical area covers more than one country.

Thursday 1 March 2018

Text proposed by the Commission

4. In order to ensure that product specifications provide relevant and succinct information, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, laying down rules which limit the information contained in the product specification, where such a limitation is necessary to avoid excessively voluminous applications for registration.

5. In order to facilitate the administrative process of an amendment application, including where the amendment consists in a temporary change of the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, to establish conditions and requirements for the procedure concerning the amendments to be approved both by the Member States and by the Commission.

6. In order to prevent the unlawful use of geographical indications, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the appropriate actions to be implemented by the Member States in this respect.

7. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the necessary measures regarding the notification of **food business** operators to the competent authorities.

Amendment

4. In order to ensure that product specifications provide relevant and succinct information, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, laying down rules which limit the information contained in the product specification, where such a limitation is necessary to avoid excessively voluminous applications for registration.

5. In order to facilitate the administrative process of an amendment application, including where the amendment consists in a temporary change of the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities, the Commission shall be empowered to adopt delegated acts, in accordance with Article 43, to establish conditions and requirements for the procedure concerning the amendments to be approved both by the Member States and by the Commission.

6. In order to prevent the unlawful use of geographical indications, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the appropriate actions to be implemented by the Member States in this respect.

7. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 concerning the necessary measures regarding the notification of operators to the competent authorities.

Amendment 92

Proposal for a regulation

Article 40 — paragraph 1

Text proposed by the Commission

1. Member States shall be responsible for checks on spirit drinks. They shall take the measures necessary to ensure compliance with this Regulation and designate the competent authorities responsible on compliance with this Regulation.

Amendment

1. Member States shall be responsible for checks on spirit drinks, **in accordance with Regulation (EU) 2017/625**. They shall take the measures necessary to ensure compliance with this Regulation and designate the competent authorities responsible on compliance with this Regulation.

Thursday 1 March 2018

Amendment 93
Proposal for a regulation
Article 43 — paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 5, 16, 38, 41 **and** 46(2) shall be conferred on the Commission for **an indeterminate** period of **time from** the entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts referred to in Articles 5, 16, **27, 29, 30,** 38, 41 and 46(2) shall be conferred on the Commission for **a** period of **five years from ... [O] please insert the date of** the entry into force of this Regulation]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

Amendment 94
Proposal for a regulation
Article 46 — paragraph 3 — subparagraph 1

Text proposed by the Commission

3. Articles 19 to 23, 28 and 29 shall apply to applications for protection, applications for amendment and cancellations submitted after the date of application of this Regulation.

Amendment

3. Articles 19 to 23, 28 and 29 shall apply to applications for protection, applications for amendment and cancellations submitted after the date of application of this Regulation. **Reference to product specifications as defined in point 7 of Article 2(1) shall also be taken to include the technical files of spirit drinks protected under Regulation (EC) No 110/2008 where appropriate and, in particular, with respect to this Article and Articles 18, 28, 29, 35, 38 and 39 of this Regulation.**

Amendment 95
Proposal for a regulation
Annex I — paragraph 1 — point 1 a (new)

Text proposed by the Commission

Amendment

(1a) ‘Of agricultural origin’ means obtained from agricultural products listed in Annex I to the TFEU;

Thursday 1 March 2018

Amendment 96**Proposal for a regulation****Annex I — paragraph 1– point 1 b (new)**

Text proposed by the Commission

Amendment

(1b) *'Distillation'* a procedure whereby a mixture of substances containing alcohol or an alcoholic liquid is heated and the resulting steam is then condensed again (liquefied). This thermal procedure aims either to separate substances in the original mixture or to strengthen certain sensory characteristics of the alcoholic liquid. Distillation is carried out either once or more than once, depending on the product category, production method or the equipment used.

Amendment 98**Proposal for a regulation****Annex I — paragraph 1 — point 2 — paragraph 2**

Text proposed by the Commission

Amendment

Where reference is made to the raw materials used, the distillate must be obtained exclusively from **that** raw materials.

Where reference is made to the raw materials used, the distillate must be obtained exclusively from **those** raw materials.

Amendment 99**Proposal for a regulation****Annex I — paragraph 1 — point 2 a (new)**

Text proposed by the Commission

Amendment

(2a) *In the context of this Regulation, the general term 'distillation' is used for both single and multiple distillation or re-distillation.*

Amendment 100**Proposal for a regulation****Annex I — paragraph 1 — point 3 — point e a (new)**

Text proposed by the Commission

Amendment

(ea) *stevia;*

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Amendment 101**Proposal for a regulation****Annex I — paragraph 1 — point 3 — point f***Text proposed by the Commission*

(f) any other natural **carbohydrate substances** having a similar effect to the products referred to in points (a) to (e).

Amendment

(f) any other natural **substances or agricultural raw materials** having a similar effect to the products referred to in points (a) to (e).

Amendment 102**Proposal for a regulation****Annex I — paragraph 1 — point 4***Text proposed by the Commission*

(4) 'Addition of alcohol' means the addition of ethyl alcohol of agricultural origin or distillates of agricultural origin or both to a spirit drink.

Amendment

(4) 'Addition of alcohol' means the addition of ethyl alcohol of agricultural origin or distillates of agricultural origin or both to a spirit drink. **The use of alcohol of agricultural origin for dilution or dissolution of colours, flavouring or any other authorised additives used in the preparation of spirit drinks shall not be considered as addition of alcohol.**

Amendment 103**Proposal for a regulation****Annex I — paragraph 1 — point 8 a (new)***Text proposed by the Commission*

(8a) 'Flavouring' means the addition of flavourings or food ingredients with flavouring properties in the preparation of a spirit drink.

Amendment

(8a) 'Flavouring' means the addition of flavourings or food ingredients with flavouring properties in the preparation of a spirit drink.

Amendment 104**Proposal for a regulation****Annex I — paragraph 1 — point 14***Text proposed by the Commission*

(14) 'Colouring' means using in the **preparation** of a spirit drink one or more colours, as defined in point 2 of Annex I to Regulation (EC) No 1333/2008.

Amendment

(14) 'Colouring' means using in the **production** of a spirit drink one or more colours, as defined in point 2 of Annex I to Regulation (EC) No 1333/2008.

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Amendment 105**Proposal for a regulation****Annex I — paragraph 1 — point 16 a (new)***Text proposed by the Commission**Amendment*

(16a) *'Place of manufacture' means the place or region where the stage in the production process of the finished product, which conferred on the spirit drink its character and essential definitive qualities, took place.*

Amendment 106**Proposal for a regulation****Annex I — paragraph 1 — point 16 b (new)***Text proposed by the Commission**Amendment*

(16b) *'Description' means the terms used on the labelling, presentation, and packaging; in the documents accompanying the transport of a drink; in the commercial documents, particularly the invoices and delivery notes; and used in advertisements for the drink.*

Amendment 107**Proposal for a regulation****Annex II –part I — category 1 — point a — point ii***Text proposed by the Commission**Amendment*

(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.

(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 may be placed on the market with the word 'agricultural' qualifying the **legal name** 'rum' **only when it is** accompanied by **one of the** registered geographical indications of the French Overseas Departments and the Autonomous Region of Madeira.

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Amendment 108**Proposal for a regulation****Annex II — part I — category 1 — point f a (new)***Text proposed by the Commission**Amendment*

(fa) Rum may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.

Amendment 109**Proposal for a regulation****Annex II — part I — category 2 — title***Text proposed by the Commission**Amendment***2. Whisky or Whiskey**2. *Whisky or Whiskey*

(The words 'Whisky or Whiskey' are to appear in italics if adopted.)

Amendment 110**Proposal for a regulation****Annex II — part I — category 2 — point c***Text proposed by the Commission**Amendment*

(c) No addition of alcohol as defined in point (54) of Annex I, diluted or not, shall take place.

(c) No addition of alcohol as defined in point (4) of Annex I, diluted or not, shall take place.

Amendment 111**Proposal for a regulation****Annex II — part I — category 2 — point d***Text proposed by the Commission**Amendment*

(d) *Whisky or whiskey* shall not be sweetened or flavoured, nor contain any additives other than plain caramel used for colouring.

(d) *Whisky or whiskey* shall not be sweetened or flavoured, nor contain any additives other than plain caramel **(E150a)** used for colouring.

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Amendment 112

Proposal for a regulation

Annex II — part I — category 3 — point b

Text proposed by the Commission

(b) With the exception of 'Korn', the minimum alcoholic strength by volume of grain spirit shall be **37** %.

Amendment

(b) With the exception of 'Korn', the minimum alcoholic strength by volume of grain spirit shall be **35** %.

Amendment 113

Proposal for a regulation

Annex II — part I — category 3 — point f a (new)

Text proposed by the Commission

Amendment

(fa) Grain spirit may only be sweetened by up to 10 g per litre of final product, expressed as invert sugar, in order to round off the final taste.

Amendment 114

Proposal for a regulation

Annex II — part I — category 4 — point d

Text proposed by the Commission

(d) Wine spirit shall not be flavoured. This shall not exclude traditional production **methods**.

Amendment

(d) Wine spirit shall not be flavoured. This shall not exclude **the addition of substances traditionally used in its** production. **The Commission shall adopt delegated acts in accordance with Article 43 specifying which substances are authorised across the Union and shall be guided in so doing by traditional production processes in the individual Member States.**

Amendment 115

Proposal for a regulation

Annex II — part I — category 4 — point f a (new)

Text proposed by the Commission

Amendment

(fa) Wine spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.

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Amendment 116
Proposal for a regulation
Annex II — part I — category 4 — point f b (new)

Text proposed by the Commission

Amendment

(fb) *The term ‘wine spirit’ in connection with ‘vinegar’ is still authorised for the description, presentation and labelling of vinegar.*

Amendment 117
Proposal for a regulation
Annex II — part I — category 5 — title

Text proposed by the Commission

Amendment

5. Brandy or Weinbrand

5. Brandy or Weinbrand

Amendment 118
Proposal for a regulation
Annex II — part I — category 5 — point d

Text proposed by the Commission

Amendment

(d) Brandy or Weinbrand shall not be flavoured. This shall not exclude **traditional** production **methods**.

(d) *Brandy or Weinbrand shall not be flavoured. This shall not exclude **the addition of substances traditionally used in their production. The Commission shall adopt delegated acts in accordance with Article 43 specifying which substances are authorised across the Union and shall be guided in so doing by traditional production processes in the individual Member States.***

Amendment 119
Proposal for a regulation
Annex II — part I — category 5 — point e a (new)

Text proposed by the Commission

Amendment

(ea) *Brandy or Weinbrand may be sweetened by up to 35 g per litre of finished product, expressed as invert sugar, in order to round off the final held.*

(The words ‘Brandy or Weinbrand’ are to appear in italics if adopted.)

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Amendment 120**Proposal for a regulation****Annex II — part I — category 6 — point e a (new)***Text proposed by the Commission**Amendment*

- (ea) **Grape marc spirit or grape marc may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.**

Amendment 121**Proposal for a regulation****Annex II — part I — category 7 — point a — point iv***Text proposed by the Commission**Amendment*

- (iv) the maximum hydrocyanic acid content shall be 7 grams per hectolitre of 100 % vol. alcohol in the case of stone-fruit marc spirit;

- (iv) the maximum hydrocyanic acid content shall be **1** gram per hectolitre of 100 % vol. alcohol in the case of stone-fruit marc spirit; **in the case of stone-fruit marc spirit, the ethyl carbamate content of the final product shall not exceed 1 mg/l.**

Amendment 122**Proposal for a regulation****Annex II — part I — category 7 — point f a (new)***Text proposed by the Commission**Amendment*

- (fa) **Fruit marc spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.**

Amendment 123**Proposal for a regulation****Annex II — part I — category 8 — title***Text proposed by the Commission**Amendment***8. Raisin spirit or raisin brandy**

8. Raisin spirit or raisin brandy

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Amendment 124**Proposal for a regulation****Annex II — part I — category 8 — point e a (new)**

Text proposed by the Commission

Amendment

- (*ea*) **Raisin spirit or raisin brandy may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.**

(The words 'raisin brandy' are to appear in italics if adopted.)

Amendment 125**Proposal for a regulation****Annex II — part I — category 9 — point a — point iv**

Text proposed by the Commission

Amendment

- (iv) in the case of stone-fruit spirits, it has a hydrocyanic acid content **not exceeding 7 grams** per hectolitre of 100 % vol. alcohol.

- (iv) in the case of stone-fruit spirits, a hydrocyanic acid content **of 1 gram** per hectolitre of 100 % vol. alcohol **shall not be exceeded. In the case of stone-fruit spirits, the ethyl carbamate content of the final product shall not exceed 1 mg/l.**

Amendment 126**Proposal for a regulation****Annex II — part I — category 9 — point b — point ii a (new)**

Text proposed by the Commission

Amendment

- (*ii*a) — **checkerberry (*Sorbus torminalis* (L.) Crantz),**
— **sorb (*Sorbus domestica* L.),**
— **rosehip (*Rosa canina* L.),**

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Amendment 127

Proposal for a regulation

Annex II — part I — category 9 — point f — paragraph 3 a (new)

Text proposed by the Commission

Amendment

Alternatively the sales denomination 'Obstler' may be used for fruit spirit produced exclusively from different varieties of apples, pears or both.

(The word 'Obstler' is to appear in italics if adopted.)

Amendment 128

Proposal for a regulation

Annex II — part I — category 9 — point h

Text proposed by the Commission

Amendment

(h) Whenever two or more fruits, berries or vegetables are distilled together, the product shall be sold under the name 'fruit spirit' or 'vegetable spirit', **as appropriate**. The name may be supplemented by that of each fruit, berry or vegetable, in decreasing order of the quantity used.

(h) Whenever two or more fruits, berries or vegetables are distilled together, the product shall be sold under the name 'fruit **and vegetable** spirit' or 'vegetable **and fruit** spirit', **according to whether mashes from mainly fruit or berries or mashes from vegetables are distilled together**. The name may be supplemented by that of each fruit, berry or vegetable, in decreasing order of the quantity used.

Amendment 129

Proposal for a regulation

Annex II — part I — category 9 — point h a (new)

Text proposed by the Commission

Amendment

(ha) Fruit spirit may be sweetened by up to 18 g per litre of final product, expressed as invert sugar, in order to round off the final taste.

Amendment 130

Proposal for a regulation

Annex II — part I — category 10 — point d

Text proposed by the Commission

Amendment

(d) Neither cider spirit nor perry spirit shall be flavoured.

(d) Neither cider spirit nor perry spirit shall be flavoured. **However, that shall not exclude traditional production methods.**

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Amendment 131
Proposal for a regulation
Annex II — part I — category 10 — point e a (new)

Text proposed by the Commission

Amendment

(*ea*) **Cider spirit and perry spirit may be sweetened by up to 15 g per litre of final product, expressed as invert sugar, in order to round off the final taste.**

Amendment 132
Proposal for a regulation
Annex II — part I — category 11 — point f a (new)

Text proposed by the Commission

Amendment

(*fa*) **Honey spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.**

Amendment 133
Proposal for a regulation
Annex II — part I — category 12 — title

Text proposed by the Commission

Amendment

12. **Hefebrand**12. **Hefebrand or lees spirit**

(The words 'or lees spirit' are to appear in plain bold text if adopted.)

Amendment 134
Proposal for a regulation
Annex II — part I — category 12 — point a

Text proposed by the Commission

Amendment

(a) *Hefebrand* or lees spirit is a spirit drink produced exclusively by the distillation at less than 86 % vol. of lees of wine or of fermented fruit.

(a) *Hefebrand* or lees spirit is a spirit drink produced exclusively by the distillation at less than 86 % vol. of lees of wine or of **lees of** fermented fruit.

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Amendment 135

Proposal for a regulation

Annex II — part I — category 12 — point f a (new)

Text proposed by the Commission

Amendment

(fa) Hefebrand or lees spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.

(The word 'Hefebrand' is to appear in italics if adopted.)

Amendment 136

Proposal for a regulation

Annex II — part I — category 13 — title

Text proposed by the Commission

Amendment

13. **Bierbrand or eau de vie de bière**13. *Bierbrand or eau de vie de bière*

Amendment 137

Proposal for a regulation

Annex II — part I — category 13 — point e a (new)

Text proposed by the Commission

Amendment

(ea) Bierbrand or eau-de-vie de bière may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.

(The words 'Bierbrand or eau-de-vie de bière' are to appear in italics if adopted.)

Amendment 138

Proposal for a regulation

Annex II — part I — category 14 — title

Text proposed by the Commission

Amendment

14. **Topinambur**14. **Topinambur or Jerusalem artichoke spirit**

(The words 'Jerusalem artichoke spirit' are to appear in plain bold text if adopted.)

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Amendment 139**Proposal for a regulation****Annex II — part I — category 14 — point e a (new)***Text proposed by the Commission**Amendment*

(*ea*) *Topinambur or Jerusalem artichoke spirit may be sweetened by up to 20 g per litre of final product, expressed as invert sugar, in order to round off the final taste.*

(The word 'Topinambur' is to appear in italics if adopted.)

Amendment 140**Proposal for a regulation****Annex II — part I — category 15 — point a — paragraph 3***Text proposed by the Commission**Amendment*

Maximum levels of residue for ethyl alcohol of agricultural origin shall meet those set out in point (1) of Annex I, except that the methanol content shall not exceed 10 grams per hectolitre of 100 % vol. alcohol.

Maximum levels of residue for ethyl alcohol of agricultural origin ***used to produce vodka*** shall meet those set out in point (1) of Annex I, except that the methanol content shall not exceed 10 grams per hectolitre of 100 % vol. alcohol.

Amendment 141**Proposal for a regulation****Annex II — part I — category 15 — point b***Text proposed by the Commission**Amendment*

(b) The ***minimum*** alcoholic strength by volume of vodka shall be ***37,5 %***.

(b) The alcoholic strength by volume of vodka shall be ***not less than 37,5 % and no more than 80 %***.

Amendment 142**Proposal for a regulation****Annex II — part I — category 15 — point b a (new)***Text proposed by the Commission**Amendment*

(*ba*) ***Vodka shall not be coloured.***

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Amendment 143

Proposal for a regulation

Annex II — part I — category 15 — point d

Text proposed by the Commission

(d) The description, presentation or labelling of vodka not produced exclusively from potatoes or cereals shall bear the indication 'produced from ..', supplemented by the name of the raw materials used to produce the ethyl alcohol of agricultural origin.

Amendment

(d) The description, presentation or labelling of vodka not produced exclusively from potatoes or cereals **or both** shall bear the indication 'produced from ..', supplemented by the name of the raw materials used to produce the ethyl alcohol of agricultural origin.

Amendment 144

Proposal for a regulation

Annex II — part I — category 15 — point d a (new)

Text proposed by the Commission

Amendment

(da) Vodka may be sweetened in order to round off the final taste. However, the final product may not contain more than 10 g of sweetening substances per litre, expressed as invert sugar equivalent.

Amendment 145

Proposal for a regulation

Annex II — part I — category 15 — point d b (new)

Text proposed by the Commission

Amendment

(db) Alternatively, the sales denomination may be 'vodka' in any Member State.

(The word 'Vodka' is to appear in italics if adopted.)

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Amendment 146**Proposal for a regulation****Annex II — part I — category 16 — point a — point i***Text proposed by the Commission*

(i) produced by maceration of fruit or berries listed under point (ii), whether partially fermented or unfermented, with the possible addition of a maximum of 20 litres of ethyl alcohol of agricultural origin or of spirit or of distillate deriving from the same fruit, or of a **mixture** thereof, per 100 kg of fermented fruit or berries, followed by distillation at less than 86 % vol.;

Amendment

(i) produced by maceration of fruit or berries listed under point (ii), whether partially fermented or unfermented, with the possible addition of a maximum of 20 litres of ethyl alcohol of agricultural origin or of spirit or of distillate deriving from the same fruit, or of a **combination** thereof, per 100 kg of fermented fruit or berries, followed by distillation at less than 86 % vol.;

Amendment 147**Proposal for a regulation****Annex II — part I — category 16 — point a — point ii — indent 9***Text proposed by the Commission*

— rowanberries (*Sorbus aucuparia* L.),

Amendment

(Does not affect the English version.)

Amendment 148**Proposal for a regulation****Annex II — part I — category 16 — point a — point ii — indent 10***Text proposed by the Commission*

— service-berry (*Sorbus domestica* L.),

Amendment

(Does not affect the English version.)

Amendment 149**Proposal for a regulation****Annex II — part I — category 16 — point a — point ii — indent 32 a (new)***Text proposed by the Commission*

—

Amendment

— **aronia (chokeberry)**,

— **bird cherry (*Prunus padus* L.)**.

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Amendment 150**Proposal for a regulation****Annex II — part I — category 17 — point a***Text proposed by the Commission*

(a) *Geist* (with the name of the fruit or the raw materials used) is a spirit drink obtained by maceration of unfermented fruits and berries listed in point (a) (ii) of category 16 or vegetables, nuts, or other plant materials such as herbs or rose petals in ethyl alcohol of agricultural origin, followed by distillation at less than 86 % vol.

Amendment

(a) *Geist* (with the name of the fruit or the raw materials used) is a spirit drink obtained by maceration of unfermented fruits and berries listed in point (a) (ii) of category 16 or vegetables, nuts, **mushrooms** or other plant materials such as herbs or rose petals in ethyl alcohol of agricultural origin, followed by distillation at less than 86 % vol.

Amendment 151**Proposal for a regulation****Annex II — part I — category 17 — title***Text proposed by the Commission*

17. ***Geist* (with the name of the fruit or the raw materials used)**

Amendment

17. *Geist* (with the name of the fruit or the raw materials used)

Amendment 152**Proposal for a regulation****Annex II — part I — category 17 — point c a (new)***Text proposed by the Commission*

(a) *Geist* (with the name of the fruit or the raw materials used) is a spirit drink obtained by maceration of unfermented fruits and berries listed in point (a) (ii) of category 16 or vegetables, nuts, or other plant materials such as herbs or rose petals in ethyl alcohol of agricultural origin, followed by distillation at less than 86 % vol.

Amendment

(ca) ***Use of the term ‘-geist’ preceded by a term other than the name of a fruit shall continue to be authorised in imaginative names in the spirit drinks sector.***

Amendment 153**Proposal for a regulation****Annex II — part I — category 19 — point a***Text proposed by the Commission*

(a) Juniper-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin or grain spirit or grain distillate or a **mixture** thereof with juniper (*Juniperus communis* L. or *Juniperus oxicedrus* L.) berries.

Amendment

(a) Juniper-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin or grain spirit or grain distillate or a **combination** thereof with juniper (*Juniperus communis* L. or *Juniperus oxicedrus* L.) berries.

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Amendment 154
Proposal for a regulation
Annex II — part I — category 20 — title

Text proposed by the Commission

Amendment

20. Gin

20. *Gin*

Amendment 155
Proposal for a regulation
Annex II — part I — category 21 — title

Text proposed by the Commission

Amendment

21. Distilled gin

21. *Distilled gin*

Amendment 156
Proposal for a regulation
Annex II — Part I — category 21 — point a — point ii

Text proposed by the Commission

Amendment

(ii) the ***mixture*** of the product of such distillation and ethyl alcohol of agricultural origin with the same composition, purity and alcoholic strength; flavouring substances or flavouring preparations as specified in point (c) of category 20 or both may also be used to flavour distilled gin.

(ii) the ***combination*** of the product of such distillation and ethyl alcohol of agricultural origin with the same composition, purity and alcoholic strength; flavouring substances or flavouring preparations as specified in point (c) of category 20 or both may also be used to flavour distilled *gin*.

Amendment 157
Proposal for a regulation
Annex II — part I — category 22 — title

Text proposed by the Commission

Amendment

22. London Gin

22. *London Gin*

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Amendment 158

Proposal for a regulation

Annex II — part I — category 22 — point c

Text proposed by the Commission

Amendment

(c) The term *London gin* may **be supplemented by** the term 'dry'.

(c) The term *London gin* may **incorporate** the term 'dry'.

Amendment 159

Proposal for a regulation

Annex II — part I — category 24 — title

Text proposed by the Commission

Amendment

24. **Akvavit or aquavit**

24. *Akvavit or aquavit*

Amendment 160

Proposal for a regulation

Annex II — part I — category 26 — title

Text proposed by the Commission

Amendment

26. **Pastis**

26. *Pastis*

Amendment 161

Proposal for a regulation

Annex II — part I — category 27 — title

Text proposed by the Commission

Amendment

27. **Pastis de Marseille**

27. *Pastis de Marseille*

Amendment 162

Proposal for a regulation

Annex II — part I — category 28 — title

Text proposed by the Commission

Amendment

28. **Anis**

28. *Anis*

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Amendment 163**Proposal for a regulation****Annex II — part I — category 28 — point b***Text proposed by the Commission**Amendment*

(b) The minimum alcoholic strength by volume of anis shall be **37 %**.

(b) The minimum alcoholic strength by volume of *anis* shall be **35 %**.

Amendment 164**Proposal for a regulation****Annex II — part I — category 29 — title***Text proposed by the Commission**Amendment*

29. **Distilled anis**

29. Distilled *anis*

Amendment 165**Proposal for a regulation****Annex II — part I — category 30 — title***Text proposed by the Commission**Amendment*

30. **Bitter-tasting spirit drinks or bitter**

30. Bitter-tasting spirit drinks or *bitter*

Amendment 166**Proposal for a regulation****Annex II — part I — category 30 — point a***Text proposed by the Commission**Amendment*

(a) Bitter-tasting spirit drinks or bitter are spirit drinks with a predominantly bitter taste produced by flavouring ethyl alcohol of agricultural origin with flavouring substances.

(a) Bitter-tasting spirit drinks or *bitter* are spirit drinks with a predominantly bitter taste produced by flavouring ethyl alcohol of agricultural origin with flavouring substances **or flavouring preparations or both**.

Amendment 167**Proposal for a regulation****Annex II — part I — category 31 — point d a (new)***Text proposed by the Commission**Amendment*

(*da*) **The maximum sugar content of flavoured vodka shall be 100 grams per litre, expressed as invert sugar.**

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Amendment 168

Proposal for a regulation

Annex II — part I — category 31 — point d b (new)

Text proposed by the Commission

Amendment

(db) *The term ‘vodka’ in any official Union language may be replaced by ‘vodka’.*

(The second word ‘vodka’ is to appear in italics if adopted.)

Amendment 169

Proposal for a regulation

Annex II — part I — category 32 — point a — point ii

Text proposed by the Commission

Amendment

(ii) produced using ethyl alcohol of agricultural origin or a distillate of agricultural origin or one or more spirit drinks or a ***mixture*** thereof, which has been sweetened and to which one or more flavourings, products of agricultural origin or foodstuffs have been added.

(ii) produced using ethyl alcohol of agricultural origin or a distillate of agricultural origin or one or more spirit drinks or a ***combination*** thereof, which has been sweetened and to which one or more flavourings, products of agricultural origin or foodstuffs have been added.

Amendment 170

Proposal for a regulation

Annex II — part I — category 32 — point d — paragraph 2 a (new)

Text proposed by the Commission

Amendment

Alternatively, the sales denomination may be ‘liqueur’ in any Member State.

(The word ‘liqueur’ is to appear in italics if adopted.)

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Amendment 171
Proposal for a regulation
Annex II — part I — category 32 — point d a (new)

Text proposed by the Commission

Amendment

(da) The sales denomination 'liqueur' can also be supplemented with the name of the aroma or foodstuff used in the preparation of the product.

Amendment 172
Proposal for a regulation
Annex II — part I — category 34 — title

Text proposed by the Commission

*Amendment***34. Crème de cassis****34. Crème de cassis**

Amendment 173
Proposal for a regulation
Annex II — part I — category 35 — title

Text proposed by the Commission

*Amendment***35. Guignolet****35. Guignolet**

Amendment 174
Proposal for a regulation
Annex II — part I — category 36 — title

Text proposed by the Commission

*Amendment***36. Punch au rhum****36. Punch au rhum**

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Amendment 175
Proposal for a regulation
Annex II — part I — category 37 — title

Text proposed by the Commission

Amendment

37. **Sloe gin**37. *Sloe gin*

Amendment 176
Proposal for a regulation
Annex II — part I — category 38 — title

Text proposed by the Commission

Amendment

38. **'Sloe-aromatised spirit drink or Pacharán'**31a. 'Sloe-aromatised spirit drink or *Pacharán*'

(The category on 'Sloe-aromatised spirit drink or Pacharán' is to be moved between categories 31 'vodka' and 32 'liqueur'.)

Amendment 177
Proposal for a regulation
Annex II — part I — category 39 — title

Text proposed by the Commission

Amendment

39. **Sambuca**39. *Sambuca*

Amendment 178
Proposal for a regulation
Annex II — part I — category 39 — point a — point ii

Text proposed by the Commission

Amendment

(ii) it has a minimum sugar content of **370** grams per litre expressed as invert sugar;

(ii) it has a minimum sugar content of **350** grams per litre expressed as invert sugar;

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Amendment 179
Proposal for a regulation
Annex II — part I — category 40 — title

Text proposed by the Commission

Amendment

40. **Maraschino, Marrasquino or Maraskino**40. *Maraschino, Marrasquino or Maraskino*

Amendment 180
Proposal for a regulation
Annex II — part I — category 41 — title

Text proposed by the Commission

Amendment

41. **Nocino**41. *Nocino*

Amendment 181
Proposal for a regulation
Annex II — part I — category 42 — title

Text proposed by the Commission

Amendment

42. **Egg liqueur or advocaat or avocat or advokat**42. *Egg liqueur or advocaat or avocat or advokat*

Amendment 182
Proposal for a regulation
Annex II — part I — category 42 — point a

Text proposed by the Commission

Amendment

(a) Egg liqueur or advocaat or avocat or advokat is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit, or a **mixture** thereof, the ingredients of which are **quality** egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum content of pure egg yolk must be 140 grams per litre of the final product.

(a) Egg liqueur or *advocaat* or *avocat* or *advokat* is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit, or a **combination** thereof, the ingredients of which are egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum content of pure egg yolk must be 140 grams per litre of the final product. **Any use of eggs from hens belonging to a species other than *Gallus Gallus* should be indicated on the label.**

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Amendment 183**Proposal for a regulation****Annex II — part I — category 42 — point c***Text proposed by the Commission*

(c) Only flavouring substances and flavouring preparations may be used in the preparation of egg liqueur or advocaat or avocát or advokát.

Amendment

(c) Only **foodstuffs with flavouring properties, natural** flavouring substances and flavouring preparations may be used in the preparation of egg liqueur or *advocaat* or *avocat* or *advokat*.

Amendment 184**Proposal for a regulation****Annex II — part I — category 42 — point c a (new)***Text proposed by the Commission**Amendment*

(ca) **Cream may be used in the preparation of egg liqueur or advocaat or avocat or advokat.**

Amendment 185**Proposal for a regulation****Annex II — part I — category 43 — point a***Text proposed by the Commission*

(a) Liqueur with egg is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit drink, or a **mixture** thereof, the characteristic ingredients of which are quality egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum egg yolk content must be 70 grams per litre of the final product.

Amendment

(a) Liqueur with egg is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate or spirit drink, or a **combination** thereof, the characteristic ingredients of which are quality egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre expressed as invert sugar. The minimum egg yolk content must be 70 grams per litre of the final product.

Amendment 186**Proposal for a regulation****Annex II — part I — category 44 — title***Text proposed by the Commission*44. **Mistrà***Amendment*

44. Mistrà

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Amendment 187**Proposal for a regulation****Annex II — part I — category 45 — title***Text proposed by the Commission**Amendment***45. Vákevā glögi or spritglögg**

45. Vákevā glögi or spritglögg

Amendment 188**Proposal for a regulation****Annex II — part I — category 46 — title***Text proposed by the Commission**Amendment***46. Berenburg or Beerenburg**

46. Berenburg or Beerenburg

Amendment 189**Proposal for a regulation****Annex II — Part II — point 2 a (new)***Text proposed by the Commission**Amendment*

2a. Guignolet Kirsch is produced in France and obtained by mixing guignolet and kirsch, such that a minimum proportion of 3 % of the total pure alcohol contained in the final product comes from kirsch. The minimum alcoholic strength by volume of Guignolet Kirsch shall be 15 %. As regards the labelling and presentation, the word ‘Guignolet’ shall appear in the presentation and labelling, in characters of the same font, size and colour, and on the same line, as the word ‘Kirsch’ and, in the case of bottles, on the front label. The alcoholic composition information shall include an indication of the percentage by volume of pure alcohol that guignolet and kirsch represent in the total pure alcohol content by volume of Guignolet Kirsch.

Thursday 1 March 2018

Amendment 190
Proposal for a regulation
Annex II a (new)

Text proposed by the Commission

Amendment

ANNEX IIa**DYNAMIC OR 'CRIADERAS Y SOLERA' AGEING SYSTEM**

The dynamic or 'criaderas y solera' ageing system consists in the execution of periodical extractions of a portion of the brandy contained in each of the oak casks and containers that form an ageing scale and the corresponding replenishments with brandy extracted from the preceding ageing scale.

Definitions

Ageing scales: Each group of oak casks and containers with the same level of maturation, through which the brandy progresses in the course of its ageing process. Each scale is known as 'criadera', except the last one, previous to the expedition of the brandy, known as the 'solera'.

Extraction: Partial volume of brandy drawn from each oak cask and container in an ageing scale, for its incorporation to the oak casks and containers in the next ageing scale or, in the case of the solera, for its expedition.

Replenishment: Volume of brandy from the oak casks and containers of a given ageing scale that is incorporated into and blended with the content of the oak casks and containers of the following scale in terms of age.

Average age: Period of time corresponding to the rotation of the total stock of brandy that is undergoing the ageing process, calculated as the fraction between the total volume of brandy contained in all the ageing scales and the volume of the extractions made from the last scale –the solera– in one year.

The average age of the brandy drawn from the solera can be calculated using the following formula: $\bar{t} = Vt/Ve$

In which:

— \bar{t} is the average age, expressed in years

Thursday 1 March 2018

Text proposed by the Commission

Amendment

- *V_t is the total volume of stocks in the ageing system, expressed in litres of pure alcohol.*
- *V_e is the total volume of product extracted for shipping during a year, expressed in litres of pure alcohol.*

Minimum average age. In the case of oak casks and containers of less than 1 000 litres, the number of annual extractions and replenishments shall be equal to or lower than twice the number of scales in the system, in order to guarantee that the youngest component has an age equal to or higher than 6 months.

In the case of oak casks and containers of 1 000 litres or more, the number of annual extractions and replenishments shall be equal to or lower than the number of scales in the system, in order to guarantee that the youngest component has an age equal to or higher than 1 year.
