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Contents

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REGULATIONS

- ★ Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment (recast version) 1
- ★ Regulation (EC) No 107/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No 1924/2006 on nutrition and health claims made on foods as regards the implementing powers conferred on the Commission 8
- ★ Regulation (EC) No 108/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods 11
- ★ Regulation (EC) No 109/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No 1924/2006 on nutrition and health claims made on foods 14
- ★ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 16

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

REGULATION (EC) No 106/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 January 2008

on a Community energy-efficiency labelling programme for office equipment

(recast version)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) A number of substantial amendments are to be made to Regulation (EC) No 2422/2001 of the European Parliament and of the Council of 6 November 2001 on a Community energy efficiency labelling programme for office equipment ⁽³⁾. For reasons of clarity, that Regulation should be recast.
- (2) Office equipment accounts for a significant share of total electricity consumption. The various models available on the Community market have very different levels of energy consumption for similar functionalities and there is significant potential for optimising their energy efficiency.
- (3) Improving the energy efficiency of office equipment should contribute to improving the competitiveness of the Community and the security of its energy supply and to protecting the environment and consumers.

(4) It is important to promote measures aimed at the proper functioning of the internal market.

(5) It is desirable to coordinate the national energy-efficiency labelling initiatives to minimise the adverse impact on industry and trade of the measures taken to implement them.

(6) Since the objective of the proposed action, namely to establish the rules for the Community energy-efficiency labelling programme for office equipment, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve this objective.

(7) The Protocol to the United Nations Framework Convention on Climate Change agreed in Kyoto on 11 December 1997 calls for a reduction in the greenhouse gas emissions of the Community of 8 % at the latest during the period 2008 to 2012. In order to achieve this objective, stronger measures are required to reduce carbon dioxide emissions within the Community.

(8) Furthermore, Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability' ⁽⁴⁾ indicated as a key priority for the integration of environmental requirements in relation to energy the provision of energy efficiency labelling of appliances.

⁽¹⁾ OJ C 161, 13.7.2007, p. 97.

⁽²⁾ Opinion of the European Parliament of 10 July 2007 (not yet published in the Official Journal) and Council Decision of 17 December 2007.

⁽³⁾ OJ L 332, 15.12.2001, p. 1.

⁽⁴⁾ OJ L 275, 10.10.1998, p. 1.

- (9) The Council Resolution of 7 December 1998 on energy efficiency in the European Community ⁽¹⁾ called for the increased use of labelling of appliances and equipment.
- (10) It is desirable to coordinate energy-efficiency requirements, labels and test methods wherever appropriate.
- (11) Most energy-efficient office equipment is available at little or no extra cost and may therefore in many cases pay for any additional cost through electricity savings within a reasonably short time. Energy-saving and carbon dioxide reduction objectives can therefore be achieved in a cost-effective manner in this area, without disadvantages for consumers or industry.
- (12) Office equipment is traded worldwide. The Agreement of 20 December 2006 between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programmes for office equipment ⁽²⁾ (hereinafter the Agreement) should facilitate international trade and environmental protection for this equipment. The Agreement should be implemented in the Community.
- (13) The Energy Star energy-efficiency label is used worldwide. In order to influence the requirements of the Energy Star labelling programme, the Community should participate in the programme and in drawing up the necessary technical specifications. When setting those technical specifications together with the United States Environmental Protection Agency (USEPA), the Commission should aim at ambitious levels of energy efficiency, in view of the Community's policy of energy efficiency and its energy-efficiency targets.
- (14) An effective enforcement system is necessary to ensure that the energy-efficiency labelling programme for office equipment is implemented properly, guarantees fair conditions of competition for producers and protects consumer rights.
- (15) This Regulation should apply only to office equipment.
- (16) Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances ⁽³⁾ is not the most appropriate instrument for promoting the energy efficiency of office equipment. The most cost-effective measure for promoting the energy efficiency of office equipment is a voluntary labelling programme.
- (17) The task of contributing to setting and reviewing the common technical specifications should be assigned to an appropriate body, the European Community Energy Star Board, in order to achieve efficient, neutral implementation of the energy-efficiency labelling programme. That Board should be composed of national representatives and representatives of interested parties.
- (18) It is necessary to ensure that the energy-efficiency labelling programme for office equipment is consistent and coordinated with the priorities of the Community policy and with other Community labelling or quality-certification schemes such as those established by Directive 92/75/EEC and by Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme ⁽⁴⁾.
- (19) The energy-efficiency labelling programme should also complement measures taken in the context of Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products ⁽⁵⁾. It is therefore necessary to ensure that the Energy Star programme and the ecodesign scheme are consistent and coordinated.
- (20) It is desirable to coordinate the Community Energy Star programme based on the Agreement and other voluntary energy-efficiency labelling schemes for office equipment in the Community in order to prevent confusion for consumers and potential market distortion.
- (21) It is necessary to guarantee transparency in implementation of the Energy Star programme and to ensure its consistency with relevant international standards in order to facilitate access to, and participation in, the scheme for manufacturers and exporters from countries outside the Community.
- (22) This Regulation takes into account the experience gained during the initial period of implementation of the Energy Star programme in the Community.

HAVE ADOPTED THIS REGULATION:

Article 1

Objective

This Regulation establishes the rules for the Community energy-efficiency labelling programme for office equipment (hereinafter referred to as the Energy Star programme) as defined in the Agreement.

⁽¹⁾ OJ C 394, 17.12.1998, p. 1.

⁽²⁾ OJ L 381, 28.12.2006, p. 26.

⁽³⁾ OJ L 297, 13.10.1992, p. 16. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽⁴⁾ OJ L 99, 11.4.1992, p. 1. Regulation repealed by Regulation (EC) No 1980/2000 of the European Parliament and of the Council (OJ L 237, 21.9.2000, p. 1).

⁽⁵⁾ OJ L 191, 22.7.2005, p. 29.

*Article 2***Scope**

This Regulation shall apply to the office equipment product groups defined in Annex C to the Agreement, subject to any amendment thereof in accordance with Article XII of the Agreement.

*Article 3***Definitions**

For the purposes of this Regulation the following definitions shall apply:

- (a) 'Common Logo' shall mean the mark depicted in Annex A to the Agreement;
- (b) 'programme participants' shall mean manufacturers, assemblers, exporters, importers, retailers and other persons or bodies that commit themselves to promoting designated energy-efficient office equipment products that meet the Common Specifications defined in point (c) and that have chosen to participate in the Energy Star programme by having registered with the Commission;
- (c) 'Common Specifications' shall mean the energy-efficiency and performance requirements, including testing methods, used to determine qualification of energy-efficient office equipment products for the Common Logo.

*Article 4***General principles**

1. The Energy Star programme shall be coordinated, as appropriate, with other Community labelling or quality certification arrangements as well as with schemes such as, in particular, the Community eco-label award scheme, established by Regulation (EEC) No 880/92, the indication by labelling and standard product information of the consumption of energy and other resources by household appliances, established by Directive 92/75/EEC and measures implementing Directive 2005/32/EC.
2. The Common Logo may be used by programme participants on their individual office equipment products and on associated promotional material.
3. Participation in the Energy Star programme shall be on a voluntary basis.
4. Office equipment products for which use of the Common Logo has been granted by USEPA shall be deemed to comply with this Regulation, unless there is evidence to the contrary.
5. Without prejudice to any Community rules on conformity assessment and conformity marking and/or to any international agreement concluded between the Community and third countries as regards access to the Community market, products covered by this Regulation which are placed on the Community market may be tested by the Commission or Member States in order to verify their compliance with the requirements of this Regulation.

*Article 5***Registration of programme participants**

1. Applications to become a programme participant shall be submitted to the Commission.
2. The decision to authorise an applicant to become a programme participant shall be taken by the Commission, after verifying that the applicant has agreed to comply with the Common Logo user guidelines contained in Annex B to the Agreement. The Commission shall publish on the Energy Star web site and shall regularly send to the Member States an updated list of programme participants.

*Article 6***Promotion of energy-efficiency criteria**

For the duration of the Agreement, the Commission and the other Community institutions, as well as central government authorities within the meaning of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts⁽¹⁾, shall, without prejudice to Community and national law and economic criteria, specify energy-efficiency requirements not less demanding than the Common Specifications for public supply contracts having a value equal to or greater than the thresholds laid down in Article 7 of that Directive.

*Article 7***Other voluntary energy-efficiency labelling schemes**

1. Other existing and new voluntary energy-efficiency labelling schemes for office equipment products in the Member States may co-exist with the Energy Star programme.
2. The Commission and the Member States shall act in order to ensure the necessary coordination between the Energy Star programme and national labelling schemes and other labelling schemes in the Community or in the Member States.

*Article 8***European Community Energy Star Board**

1. The Commission shall establish a European Community Energy Star Board (ECESB) consisting of national representatives as referred to in Article 9 and representatives of interested parties. The ECESB shall review the implementation of the Energy Star programme within the Community and shall provide the Commission with advice and assistance, as appropriate, to enable it to carry out its role as Management Entity, as referred to in Article IV of the Agreement.

⁽¹⁾ OJ L 134, 30.4.2004, p. 114. Directive as last amended by Commission Regulation (EC) No 1422/2007 (OJ L 317, 5.12.2007, p. 34).

2. The Commission shall ensure that, to the extent possible in the conduct of its activities, the ECESB observes, in respect of each office equipment product group, the balanced participation of all relevant interested parties concerned with that product group, such as manufacturers, retailers, importers, environmental protection groups and consumer organisations.

3. The Commission, assisted by the ECESB, shall monitor the market penetration of products bearing the Common Logo and developments in the energy efficiency of office equipment, with a view to the timely revision of the Common Specifications.

4. The Commission shall establish the ECESB's rules of procedure, taking account of the views of national representatives in the ECESB.

Article 9

National representatives

Each Member State shall designate, as appropriate, national energy policy experts, authorities or persons (hereinafter referred to as national representatives) responsible for carrying out the tasks provided for in this Regulation. Where more than one national representative is designated, the Member State shall determine those representatives' respective powers and the coordination requirements applicable to them.

Article 10

Work plan

In accordance with the objective set out in Article 1, the Commission shall establish a work plan. The work plan shall include a strategy for the development of the Energy Star programme, which shall set out for the subsequent three years:

- (a) the objectives for energy-efficiency improvement, bearing in mind the need to pursue a high standard of consumer and environmental protection and the market penetration which the Energy Star programme should seek to achieve at Community level;
- (b) a non-exhaustive list of office equipment products which should be considered as priorities for inclusion in the Energy Star programme;
- (c) educational and promotional initiatives;
- (d) proposals for coordination and cooperation between the Energy Star programme and other voluntary energy-efficiency labelling schemes in Member States.

The Commission shall review its work plan at least once a year and make it publicly available.

Article 11

Preparatory procedures for the revision of technical criteria

1. With a view to preparing for the revision of the Common Specifications and of the office equipment product groups covered by Annex C to the Agreement, and before submitting a draft proposal or replying to USEPA in accordance with the procedures laid down in the Agreement and in Council Decision 2006/1005/EC of 18 December 2006 concerning conclusion of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programmes for office equipment⁽¹⁾, the steps set out in paragraphs 2 to 5 shall be taken.

2. The Commission may request the ECESB to make a proposal for the revision of the Agreement or of the Common Specifications for a product. The Commission may make a proposal to the ECESB for the revision of the Common Specifications for a product or the Agreement. The ECESB may also make a proposal to the Commission on its own initiative.

3. The Commission shall consult the ECESB whenever it receives a proposal for revision of the Agreement from USEPA.

4. When giving their views to the Commission, the members of the ECESB shall take into account the results of feasibility and market studies and available technology for reducing energy consumption.

5. The Commission shall take particular account of the objective of setting Common Specifications at an ambitious level, as provided for in Article I, paragraph 3, of the Agreement, with the aim of reducing energy consumption and shall have due regard for the technology available and the associated costs. In particular, the ECESB shall, before giving its views on any new Common Specifications, take into account the latest results of eco-design studies.

Article 12

Market surveillance and control of abuse

1. The Common Logo shall be used only in connection with the products covered by the Agreement and in accordance with the Common Logo user guidelines contained in Annex B to the Agreement.

2. Any false or misleading advertising or use of any label or logo which leads to confusion with the Common Logo shall be prohibited.

⁽¹⁾ OJ L 381, 28.12.2006, p. 24.

3. The Commission shall ensure proper use of the Common Logo by undertaking or coordinating action described in Article IX, paragraphs 2, 3 and 4, of the Agreement. Member States shall take action as appropriate to ensure conformity with the provisions of this Regulation in their own territory and shall inform the Commission. Member States may refer evidence of non-compliance by programme participants to the Commission for initial action.

Article 13

Review

One year before the expiry of the Agreement, the Commission shall produce and submit to the European Parliament and the Council a report monitoring the energy efficiency of the office equipment market in the Community and evaluating the effectiveness of the Energy Star programme. The report shall include qualitative as well as quantitative data and also data on the benefits derived from the Energy Star programme, namely energy savings and environmental benefits in terms of carbon dioxide emission reductions.

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

Done at Strasbourg, 15 January 2008.

For the European Parliament
The President
H.-G. PÖTTERING

For the Council
The President
J. LENARČIČ

Article 14

Revision

Before the Parties to the Agreement discuss its renewal in accordance with Article XIV, paragraph 2 thereof, the Commission shall assess the Energy Star programme in the light of the experience gained during its operation.

Article 15

Repeal

Regulation (EC) No 2422/2001 is hereby repealed.

References made to the repealed Regulation shall be construed as being made to this Regulation and shall be read in accordance with the correlation table in the Annex.

Article 16

Final provisions

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

ANNEX

Regulation (EC) No 2422/2001	This Regulation
Article 1	Article 1
Article 1, last sentence	—
Article 2	Article 2
Article 3	Article 3
Article 4(1)	Article 4(1)
Article 4(2)	Article 4(2)
—	Article 4(3)
Article 4(3)	Article 4(4)
Article 4(4)	Article 4(5)
Article 5	Article 5
Article 6(1)	—
Article 6(2)	—
Article 6(3)	Article 6
Article 7	Article 7
Article 8(1)	Article 8(1)
Article 8(2)	—
Article 8(3)	Article 8(2)
—	Article 8(3)
Article 8(4)	Article 8(4)
Article 8(5)	—
Article 9	Article 9
Article 10, first paragraph, introductory part	Article 10, first paragraph, introductory part
Article 10, first paragraph, first indent	Article 10, first paragraph, point (a)
Article 10, first paragraph, second indent	Article 10, first paragraph, point (b)
Article 10, first paragraph, third indent	—
—	Article 10, first paragraph, point (c)
Article 10, first paragraph, fourth indent	Article 10, first paragraph, point (d)
Article 10, second paragraph, first sentence	Article 10, second paragraph
Article 11, first paragraph	Article 11(1)
Article 11, point 1	Article 11(2)
Article 11, point 2	Article 11(3)
Article 11, point 3, first sentence	Article 11(4)
Article 11, point 3, second sentence	Article 11(5), first sentence
—	Article 11(5), last sentence

Regulation (EC) No 2422/2001	This Regulation
Article 12	Article 12
Article 13	—
—	Article 13
Article 14, first paragraph	Article 14
Article 14, second paragraph	—
—	Article 15
Article 15	Article 16
Annex	—

REGULATION (EC) No 107/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 January 2008

amending Regulation (EC) No 1924/2006 on nutrition and health claims made on foods as regards the implementing powers conferred on the Commission

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 1924/2006 of the European Parliament and of the Council ⁽³⁾ provides that the regulatory procedure established by Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾ is to be applied for the adoption of implementing measures concerning that Regulation.
- (2) Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for the adoption of measures of general scope and designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, *inter alia*, by deleting some of those elements or by supplementing the instrument with new non-essential elements.
- (3) The Commission should be empowered to adopt Community measures concerning the labelling, presentation and advertising of certain foods; to establish derogations from certain provisions of Regulation (EC) No 1924/2006; to establish and update nutrient profiles and the conditions and exemptions under which they can be used; to establish and/or amend lists of nutrition and health claims; and to amend the list of foods in respect of which the making of claims is restricted or prohibited. Since those measures are of general scope and are designed to amend non-essential elements of that Regulation, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (4) When data protection provisions apply, the authorisation restricted to use by an individual operator should not

prevent other applicants from applying for authorisation to use the same claim.

- (5) Regulation (EC) No 1924/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1924/2006 is hereby amended as follows:

1. Article 1 shall be amended as follows:

- (a) in paragraph 2, the second subparagraph shall be replaced by the following:

‘In the case of non-prepackaged foodstuffs (including fresh products such as fruit, vegetables or bread) put up for sale to the final consumer or to mass caterers and foodstuffs packed at the point of sale at the request of the purchaser or pre-packaged with a view to immediate sale, Article 7 and Article 10(2)(a) and (b) shall not apply. National provisions may apply until the eventual adoption of Community measures designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).’;

- (b) paragraph 4 shall be replaced by the following:

‘4. For generic descriptors (denominations) which have traditionally been used to indicate a particularity of a class of foods or beverages which could imply an effect on human health, a derogation from paragraph 3 designed to amend non-essential elements of this Regulation by supplementing it may be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), on application by the food business operators concerned. The application shall be sent to the national competent authority of a Member State which will forward it to the Commission without delay. The Commission shall adopt and make public the rules for food business operators according to which such applications shall be made, so as to ensure that the application is dealt with transparently and within a reasonable time.’;

⁽¹⁾ OJ C 325, 30.12.2006, p. 37.

⁽²⁾ Opinion of the European Parliament of 7 June 2007 (not yet published in the Official Journal) and Council Decision of 17 December 2007.

⁽³⁾ OJ L 404, 30.12.2006, p. 9. Corrected by OJ L 12, 18.1.2007, p. 3.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

2. in Article 3, second paragraph, point (d) shall be replaced by the following:
- (d) state, suggest or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients in general. Derogations in the case of nutrients for which sufficient quantities cannot be provided by a balanced and varied diet, including the conditions for their application, and designed to amend non-essential elements of this Regulation by supplementing it may be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), taking into account the special conditions present in Member States;
3. Article 4 shall be amended as follows:
- (a) paragraph 1 shall be amended as follows:
- (i) the first subparagraph shall be replaced by the following:
- ‘1. By 19 January 2009, the Commission shall establish specific nutrient profiles, including exemptions, which food or certain categories of food must comply with in order to bear nutrition or health claims and the conditions for the use of nutrition or health claims for foods or categories of foods with respect to the nutrient profiles. Such measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).’;
- (ii) the sixth subparagraph shall be replaced by the following:
- ‘Nutrient profiles and their conditions of use designed to amend non-essential elements of this Regulation by supplementing it shall be updated to take into account relevant scientific developments in accordance with the regulatory procedure with scrutiny referred to in Article 25(3) and after consultation of interested parties, in particular food business operators and consumer groups.’;
- (b) paragraph 5 shall be replaced by the following:
- ‘5. Measures determining the foods or categories of foods other than those referred to in paragraph 3 for which nutrition or health claims are to be restricted or prohibited and designed to amend non-essential elements of this Regulation may be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3) and in the light of scientific evidence.’;
4. Article 8(2) shall be replaced by the following:
- ‘2. Amendments to the Annex shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3) and, where appropriate, after consulting the Authority. Where appropriate, the Commission shall involve interested parties, in particular food business operators and consumer groups, in order to evaluate the perception and understanding of the claims in question.’;
5. Article 13 shall be amended as follows:
- (a) paragraph 3 shall be replaced by the following:
- ‘3. After consulting the Authority, the Commission shall adopt, in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), a Community list, designed to amend non-essential elements of this Regulation by supplementing it, of permitted claims as referred to in paragraph 1 and all necessary conditions for the use of these claims by 31 January 2010 at the latest.’;
- (b) paragraph 4 shall be replaced by the following:
- ‘4. Any changes to the list referred to in paragraph 3, based on generally accepted scientific evidence and designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), after consulting the Authority, on the Commission’s own initiative or following a request by a Member State.’;
6. Article 17(3) shall be replaced by the following:
- ‘3. A final decision on the application, designed to amend non essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).
- However, where at the applicant’s request for the protection of proprietary data, the Commission proposes to restrict the use of the claim in favour of the applicant:
- (a) a decision on the authorisation of the claim shall be taken in accordance with the regulatory procedure referred to in Article 25(2). In such case, the authorisation, if granted, shall expire after five years;
- (b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission shall submit a draft of measures designed to amend non-essential elements of this Regulation by supplementing it for authorisation of the claim without restriction for use which shall be decided on in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).’;

7. in Article 18(4), the second subparagraph shall be replaced by the following:

'5. Where the Authority issues an opinion that does not support the inclusion of the claim in the list referred to in paragraph 4, a decision on the application designed to amend non-essential elements of this Regulation by supplementing it shall be taken in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

However, where at the applicant's request for the protection of proprietary data the Commission proposes to restrict the use of the claim in favour of the applicant:

- (a) a decision on the authorisation of the claim shall be taken in accordance with the regulatory procedure referred to in Article 25(2). In such case, the authorisation, if granted, shall expire after five years;
 - (b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission shall submit a draft of measures designed to amend non-essential elements of this Regulation by supplementing it for authorisation of the claim without restriction of use which shall be decided on in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).;
8. in Article 20(2), second subparagraph, points 2 and 3 shall be replaced by the following:
- '2. the fact that the Commission authorised the health claim on the basis of proprietary data and restricted use;
 - 3. in the cases referred to in Article 17(3), second subparagraph, and Article 18(5), second subparagraph, the fact that the health claim is authorised for a limited duration.;

9. Article 25 shall be replaced by the following:

'Article 25

Committee procedure

- 1. The Commission shall be assisted by the Committee.
- 2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

- 3. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;

10. Article 28 shall be amended as follows:

- (a) in the first subparagraph of paragraph 4, point (b) shall be replaced by the following:

'(b) the Commission shall, in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), adopt a decision concerning the use of such claims and designed to amend non-essential elements of this Regulation.;

- (b) in paragraph 6(a), point (ii) shall be replaced by the following:

'(ii) after consulting the Authority, the Commission shall, in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), adopt a decision concerning the health claims authorised in this way and designed to amend non-essential elements of this Regulation by supplementing it.'

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Strasbourg, 15 January 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J. LENARČIČ

REGULATION (EC) No 108/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 January 2008

amending Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 1925/2006 of the European Parliament and of the Council ⁽³⁾ provides that the regulatory procedure established by Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾ is to be applied for the adoption of implementing measures concerning that Regulation.
- (2) Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for the adoption of measures of general scope and designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, *inter alia*, by deleting some of those elements or by supplementing the instrument with new non-essential elements.
- (3) The Commission should be empowered to adopt modifications to Annexes I and II to Regulation (EC) No 1925/2006; to establish additional foods to which particular vitamins or minerals may not be added; to take decisions to establish and/or amend the lists of authorised, prohibited or restricted other substances; to define the conditions under which vitamins and minerals may be used, such as purity criteria, maximum amounts, minimum amounts and other restrictions or prohibitions on the addition of vitamins and minerals to food; and to establish derogations from certain provisions of that Regulation. Since those measures are of general scope and are designed to amend non-essential elements of that Regulation, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in

accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

- (4) When, on imperative grounds of urgency, the normal time-limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to use the urgency procedure provided for in Article 5a(6) of Decision 1999/468/EC for the deletion of certain vitamins or minerals listed in the annexes and for the inclusion and amendment of certain other substances in Annex III to Regulation (EC) No 1925/2006.
- (5) Regulation (EC) No 1925/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1925/2006 is hereby amended as follows:

1. Article 3(3) shall be replaced by the following:

‘3. Modifications to the lists referred to in paragraph 1 of this Article shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3), taking account of the opinion of the Authority.

On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 14(4) in order to remove a vitamin or a mineral from the lists referred to in paragraph 1 of this Article.

Prior to making these modifications, the Commission shall carry out consultations with interested parties, in particular food business operators and consumer groups.’;

2. in Article 4, the second paragraph shall be replaced by the following:

‘Measures determining the additional foods or categories of foods to which particular vitamins and minerals may not be added and designed to amend non-essential elements of this Regulation may be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3) in the light of scientific evidence and taking into account their nutritional value.’;

⁽¹⁾ OJ C 325, 30.12.2006, p. 40.

⁽²⁾ Opinion of the European Parliament of 7 June 2007 (not yet published in the Official Journal) and Council Decision of 17 December 2007.

⁽³⁾ OJ L 404, 30.12.2006, p. 26.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

3. Article 5(1) shall be replaced by the following:

'1. Measures determining the purity criteria for vitamin formulations and mineral substances listed in Annex II and designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3), except where they apply pursuant to paragraph 2 of this Article.'

4. Article 6 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. When a vitamin or a mineral is added to foods, the total amount of the vitamin or mineral present, for whatever purpose, in the food as sold shall not exceed maximum amounts. Measures setting that amount and designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3). The Commission may, to this end, submit a draft of measures for the maximum amounts by 19 January 2009. For concentrated and dehydrated products, the maximum amounts set shall be those present in the foods when prepared for consumption according to the manufacturer's instructions.'

(b) paragraph 2 shall be replaced by the following:

'2. Any conditions restricting or prohibiting the addition of a specific vitamin or mineral to a food or a category of foods and designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).'

(c) paragraph 6 shall be replaced by the following:

'6. The addition of a vitamin or a mineral to a food shall result in the presence of that vitamin or mineral in the food in at least a significant amount where this is defined according to the Annex to Directive 90/496/EEC. Measures determining the minimum amounts, including any lower amounts, by derogation from the significant amounts mentioned above, for specific foods or categories of foods and designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with

the regulatory procedure with scrutiny referred to in Article 14(3) of this Regulation.'

5. Article 7(1) shall be replaced by the following:

'1. The labelling, presentation and advertising of foods to which vitamins and minerals have been added shall not include any mention stating or implying that a balanced and varied diet cannot provide appropriate quantities of nutrients. Where appropriate, a derogation concerning a specific nutrient and designed to amend non-essential elements of this Regulation by supplementing it may be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).'

6. Article 8 shall be amended as follows:

(a) paragraph 2 shall be replaced by the following:

'2. On its own initiative or on the basis of information provided by Member States, the Commission may take a decision designed to amend non-essential elements of this Regulation, following in each case an assessment of available information by the Authority, in accordance with the regulatory procedure with scrutiny referred to in Article 14(3), to include, if necessary, the substance or ingredient in Annex III. In particular:

(a) if a harmful effect on health has been identified, the substance and/or the ingredient containing the substance shall:

(i) be placed in Annex III, Part A, and its addition to foods or its use in the manufacture of foods shall be prohibited; or

(ii) be placed in Annex III, Part B, and its addition to foods or its use in the manufacture of foods shall only be allowed under the conditions specified therein;

(b) if the possibility of harmful effects on health is identified but scientific uncertainty persists, the substance shall be placed in Annex III, Part C.

On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 14(4) in order to include the substance or the ingredient in Annex III, Part A or B.'

(b) paragraph 5 shall be replaced by the following:

'5. Within four years from the date a substance has been listed in Annex III, Part C, a decision designed to amend non-essential elements of this Regulation shall be taken in accordance with the regulatory procedure with scrutiny referred to in Article 14(3) and taking into account the opinion of the Authority on any files submitted for evaluation as mentioned in paragraph 4 of this Article, to generally allow the use of a substance listed in Annex III, Part C, or to list it in Annex III, Part A or B, as appropriate.

On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 14(4) in order to include the substance or the ingredient in Annex III, Part A or B.;

7. Article 14 shall be replaced by the following:

'Article 14

Committee procedure

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health

established by Article 58(1) of Regulation (EC) No 178/2002.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a (1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

4. Where reference is made to this paragraph, Article 5a (1), (2) and (6), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.'

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Strasbourg, 15 January 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J.LENARČIČ

REGULATION (EC) No 109/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 January 2008

amending Regulation (EC) No 1924/2006 on nutrition and health claims made on foods

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Regulation (EC) No 1924/2006 of the European Parliament and of the Council ⁽³⁾ establishes rules for the use of claims in the labelling, the presentation and the advertising of foods.

(2) Health claims are prohibited unless they comply with the general and specific requirements laid down by Regulation (EC) No 1924/2006 and unless they are included in Community lists of authorised health claims. Those lists of health claims remain to be established following procedures detailed in that Regulation. As a consequence, those lists were not in force on 1 July 2007, the date of application of that Regulation.

(3) For this reason, Regulation (EC) No 1924/2006 provides for transitional measures for health claims other than those referring to the reduction of disease risk and to children's development and health.

(4) Concerning health claims referring to the reduction of disease risk, no transitional measure was needed. Because of the prohibition of claims referring to the prevention, the treatment and the cure of a disease by Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽⁴⁾, and the introduction of the new category of claims referring to the reduction of disease risk by Regulation (EC) No 1924/2006, products carrying such claims should not have been on the Community market.

(5) The category of claims referring to children's development and health was introduced at a very late stage of the procedure for the adoption of Regulation (EC) No 1924/2006, without providing for transitional measures. However, products carrying such claims are already present on the Community market.

(6) In order to avoid disruption of the market, it is therefore appropriate to submit claims referring to children's development and health to the same transitional measures as the other health claims.

(7) Regulation (EC) No 1924/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1924/2006 is amended as follows:

1. Article 14(1) shall be replaced by the following:

'1. Notwithstanding Article 2(1)(b) of Directive 2000/13/EC, the following claims may be made where they have been authorised in accordance with the procedure laid down in Articles 15, 16, 17 and 19 of this Regulation for inclusion in a Community list of such permitted claims together with all the necessary conditions for the use of these claims:

(a) reduction of disease risk claims;

(b) claims referring to children's development and health.;

⁽¹⁾ Opinion of 26 September 2007 (not yet published in the Official Journal).

⁽²⁾ Opinion of the European Parliament of 12 December 2007 (not yet published in the Official Journal) and Council Decision of 11 January 2008.

⁽³⁾ OJ L 404, 30.12.2006, p. 9. Corrected by OJ L 12, 18.1.2007, p. 3.

⁽⁴⁾ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Commission Directive 2007/68/EC (OJ L 310, 28.11.2007, p. 11).

2. the introductory sentence of Article 28(6) shall be replaced by the following:

Article 2

'Health claims other than those referred to in Article 13(1)(a) and in Article 14(1)(a), which have been used in compliance with national provisions before the date of entry into force of this Regulation, shall be subject to the following:'.

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2007.

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

Done at Strasbourg, 15 January 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J. LENARČIČ

REGULATION (EC) No 110/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 January 2008

on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks ⁽³⁾ and Commission Regulation (EEC) No 1014/90 of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks ⁽⁴⁾ have proved successful in regulating the spirit drinks sector. However, in the light of recent experience it is necessary to clarify the rules applicable to the definition, description, presentation and labelling of spirit drinks as well as on the protection of geographical indications of certain spirit drinks, while taking into account traditional production methods. Regulation (EEC) No 1576/89 should therefore be repealed and replaced.

(2) The spirit drinks sector is important for consumers, producers and the agricultural sector in the Community. The measures applicable to the spirit drinks sector should contribute to the attainment of a high level of consumer protection, the prevention of deceptive practices and the attainment of market transparency and fair competition. By doing so, the measures should safeguard the reputation which Community spirit drinks have achieved in the Community 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 the categories where such innovation serves to improve quality, without affecting the traditional character of the spirit drinks concerned.

(3) The production of spirit drinks constitutes a major outlet for Community agricultural products. This strong link to the agricultural sector should be emphasised by the regulatory framework.

(4) To ensure a more systematic approach in the legislation governing spirit drinks, this Regulation should set out clearly defined criteria for the production, description, presentation and labelling of spirit drinks as well as on the protection of geographical indications.

(5) In the interests of consumers, this Regulation should apply to all spirit drinks placed on the market in the Community, whether produced in the Community or in third countries. With a view to the export of high quality spirit drinks and in order to maintain and improve the reputation of Community spirit drinks on the world market, this Regulation should also apply to such drinks produced in the Community for export. This Regulation should also apply to the use of ethyl alcohol and/or distillates of agricultural origin in the production of alcoholic beverages and to the use of the names of spirit drinks in the presentation and labelling of foodstuffs. In exceptional cases where the law of an importing third country so requires, this Regulation should allow for a derogation to be granted from the provisions of Annexes I and II to this Regulation in accordance with the regulatory procedure with scrutiny.

(6) In general, this Regulation should continue to focus on definitions of spirit drinks which should be classified into categories. Those definitions should continue to respect the traditional quality practices but should be completed or updated where previous definitions were lacking or insufficient or where such definitions may be improved in the light of technological development.

(7) To take into account consumer expectations about the raw materials used for vodka especially in the traditional vodka producing Member States, provision should be made for adequate information to be provided on the raw material used where the vodka is made from raw materials of agricultural origin other than cereals and/or potatoes.

⁽¹⁾ OJ C 324, 30.12.2006, p. 12.

⁽²⁾ Opinion of the European Parliament of 19 June 2007 (not yet published in the Official Journal) and Council Decision of 17 December 2007.

⁽³⁾ OJ L 160, 12.6.1989, p. 1. Regulation as last amended by the 2005 Act of Accession.

⁽⁴⁾ OJ L 105, 25.4.1990, p. 9. Regulation as last amended by Regulation (EC) No 2140/98 (OJ L 270, 7.10.1998, p. 9).

- (8) Moreover, the ethyl alcohol used for the production of spirit drinks and other alcoholic beverages should be exclusively of agricultural origin, so as to meet consumer expectations and conform to traditional practices. This should also ensure an outlet for basic agricultural products.
- (9) Given the importance and complexity of the spirit drinks sector, it is appropriate to lay down specific measures on the description and presentation of spirit drinks going beyond the horizontal rules established in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽¹⁾. Those specific measures should also prevent the misuse of the term 'spirit drink' and the names of spirit drinks for products which do not meet the definitions set out in this Regulation.
- (10) While it is important to ensure that in general the maturation period or age specifies only the youngest alcoholic component, this Regulation should allow for a derogation to take account of traditional ageing processes regulated by the Member States.
- (11) In accordance with the Treaty, in applying a quality policy and in order to allow a high level of quality of spirit drinks and diversity in the sector, Member States should be able to adopt rules stricter than those laid down in this Regulation on the production, description, presentation and labelling of spirit drinks produced in their own territory.
- (12) Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production⁽²⁾ applies to spirit drinks. It is only necessary therefore to lay down in this Regulation rules not already provided for in that Directive.
- (13) It is important to have due regard to the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights (hereinafter TRIPs Agreement), and in particular Articles 22 and 23 thereof, and of the General Agreement on Tariffs and Trade, which form an integral part of the Agreement establishing the World Trade Organisation approved by Council Decision 94/800/EC⁽³⁾.
- (14) Given that Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽⁴⁾ does not apply to spirit drinks, the rules for protection of geographical indications on spirit drinks should be laid down in this Regulation. Geographical indications should be registered, 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 is essentially attributable to its geographical origin.
- (15) A non-discriminatory procedure for the registration, compliance, alteration and possible cancellation of third country and EU geographical indications in accordance with the TRIPs Agreement should be laid down in this Regulation whilst recognising the particular status of established geographical indications.
- (16) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁵⁾.
- (17) In particular, the Commission should be empowered to: grant derogations from certain parts of this Regulation where the law of an importing country so requires; lay down a maximum level of sweetening for rounding off; grant a derogation from the rules governing the indication of a maturation period or age; adopt decisions on applications for registration, on cancellation and on removal of geographical indications, as well as on the alteration of the technical file; amend the list of technical definitions and requirements, the definitions of spirit drinks classified into categories, and the list of registered geographical indications; and to derogate from the procedure governing the registration of geographical indications and the alteration of the technical file. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, *inter alia* by deleting some of those elements or by supplementing this Regulation with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (18) The transition from the rules provided for in Regulation (EEC) No 1576/89 to those in this Regulation could give rise to difficulties which are not dealt with in this Regulation. The measures necessary for this transition, as well as the measures required to solve practical problems specific to the spirit drinks sector, should be adopted in accordance with Decision 1999/468/EC.

⁽¹⁾ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Commission Directive 2007/68/EC (OJ L 310, 28.11.2007, p. 11).

⁽²⁾ OJ L 184, 15.7.1988, p. 61. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽³⁾ OJ L 336, 23.12.1994, p. 1.

⁽⁴⁾ OJ L 93, 31.3.2006, p. 12. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽⁵⁾ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

(19) To facilitate the transition from the rules provided for in Regulation (EEC) No 1576/89, the production of spirit drinks under that Regulation should be permitted during the first year of application of this Regulation. The marketing of existing stocks should also be foreseen until they run out,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SCOPE, DEFINITION AND CATEGORIES OF SPIRIT DRINKS

Article 1

Subject matter and scope

1. This Regulation lays down rules on the definition, description, presentation and labelling of spirit drinks as well as on the protection of geographical indications of spirit drinks.

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

3. In exceptional cases where the law of the importing third country so requires, a derogation may be granted from the provisions of Annexes I and II in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

Article 2

Definition of spirit drink

1. For the purpose of this Regulation, 'spirit drink' means an alcoholic beverage:

- (a) intended for human consumption;
- (b) possessing particular organoleptic qualities;
- (c) having a minimum alcoholic strength of 15 % vol.;
- (d) having been produced:
 - (i) either directly:
 - by the distillation, with or without added flavourings, of naturally fermented products, and/or

- by the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin and/or distillates of agricultural origin, and/or spirit drinks within the meaning of this Regulation, and/or

- by the addition of flavourings, sugars or other sweetening products listed in Annex I(3) and/or other agricultural products and/or foodstuffs to ethyl alcohol of agricultural origin and/or to distillates of agricultural origin and/or to spirit drinks, within the meaning of this Regulation,

(ii) or by the mixture of a spirit drink with one or more:

- other spirit drinks, and/or

- ethyl alcohol of agricultural origin or distillates of agricultural origin, and/or

- other alcoholic beverages, and/or

- drinks.

2. However, drinks falling within CN codes 2203, 2204, 2205, 2206 and 2207 shall not be considered spirit drinks.

3. The minimum alcoholic strength provided for in paragraph 1(c) shall be without prejudice to the definition for the product in category 41 in Annex II.

4. For the purpose of this Regulation the technical definitions and requirements are laid down in Annex I.

Article 3

Origin of ethyl alcohol

1. The ethyl alcohol used in the production of spirit drinks and all of their components shall not be of any origin other than agricultural, within the meaning of Annex I to the Treaty.

2. The ethyl alcohol used in the production of spirit drinks shall comply with the definition provided for in Annex I(1) to this Regulation.

3. The ethyl alcohol used to dilute or dissolve colorants, flavourings or any other authorised additives used in the preparation of spirit drinks shall be ethyl alcohol of agricultural origin.

4. Alcoholic beverages shall not contain alcohol of synthetic origin, nor other alcohol of non-agricultural origin within the meaning of Annex I to the Treaty.

*Article 4***Categories of spirit drinks**

Spirit drinks shall be classified into categories according to the definitions laid down in Annex II.

*Article 5***General rules concerning the categories of spirit drinks**

1. Without prejudice to the specific rules laid down for each of the categories numbered 1 to 14 in Annex II, the spirit drinks defined therein shall:

- (a) be produced by the alcoholic fermentation and distillation exclusively obtained from the raw material provided for in the relevant definition for the spirit drink concerned;
- (b) have no addition of alcohol as defined in Annex I(5), diluted or not;
- (c) not contain added flavouring substances;
- (d) only contain added caramel as a means to adapt colour;
- (e) solely be sweetened to round off the final taste of the product, according to Annex I(3). The maximum level for the products used for rounding off listed under Annex I(3)(a) to (f) shall be decided upon in accordance with the regulatory procedure with scrutiny referred to in Article 25(3). The particular legislation of the Member States shall be taken into account.

2. Without prejudice to the specific rules laid down for each of the categories numbered 15 to 46 in Annex II, the spirit drinks defined therein may:

- (a) be obtained from any agricultural raw material listed in Annex I to the Treaty;
- (b) have addition of alcohol as defined in Annex I(5) to this Regulation;
- (c) contain natural or nature-identical flavouring substances and preparations as defined in Article 1(2)(b)(i) and (ii) and in Article 1(2)(c) of Directive 88/388/EEC;
- (d) contain colouring as defined in Annex I(10) to this Regulation;
- (e) be sweetened to correspond to particular product characteristics and according to Annex I(3) to this Regulation and taking into account the particular legislation of the Member States.

3. Without prejudice to the specific rules laid down in Annex II, other spirit drinks which do not meet the requirements of categories 1 to 46 may:

- (a) be obtained from any agricultural raw material listed in Annex I to the Treaty and/or foodstuff suitable for human consumption;
- (b) have addition of alcohol as defined in Annex I(5) to this Regulation;
- (c) contain one or more of the flavourings as defined in Article 1(2)(a) of Directive 88/388/EEC;
- (d) contain colouring as defined in Annex I(10) to this Regulation;
- (e) be sweetened to correspond to particular product characteristics and according to Annex I(3) to this Regulation.

*Article 6***Member States' legislation**

1. In applying a quality policy for spirit drinks which are produced on their own territory and in particular for geographical indications registered in Annex III or for the establishment of new geographical indications, Member States may lay down rules stricter than those in Annex II on production, description, presentation and labelling in so far as they are compatible with Community law.

2. Member States shall not prohibit or restrict the import, sale or consumption of spirit drinks which comply with this Regulation.

CHAPTER II

DESCRIPTION, PRESENTATION AND LABELLING OF SPIRIT DRINKS*Article 7***Definitions**

For the purpose of this Regulation the terms 'description', 'presentation' and 'labelling' are defined in Annex I(14), (15) and (16).

*Article 8***Sales denomination**

In accordance with Article 5 of Directive 2000/13/EC, the name under which a spirit drink is sold (sales denomination) shall be subject to the provisions laid down in this Chapter.

*Article 9***Specific rules concerning sales denominations**

1. Spirit drinks which meet the specifications for the products defined in categories 1 to 46 of Annex II shall bear in their description, presentation and labelling the sales denomination assigned therein.
2. Spirit drinks which meet the definition laid down in Article 2 but which do not meet the requirements for inclusion in categories 1 to 46 of Annex II shall bear in their description, presentation and labelling the sales denomination 'spirit drink'. Without prejudice to paragraph 5 of this Article, that sales denomination shall not be replaced or altered.
3. Where a spirit drink meets the definition of more than one category of spirit drink in Annex II, it may be sold under one or more of the names listed for those categories in Annex II.
4. Without prejudice to paragraph 9 of this Article and to Article 10(1), the names referred to in paragraph 1 of this Article shall not be used to describe or present in any way whatsoever any drink other than the spirit drinks for which those names are listed in Annex II and registered in Annex III.
5. Sales denominations may be supplemented or replaced by a geographical indication registered in Annex III and in accordance with Chapter III, or supplemented in accordance with national provisions by another geographical indication, provided that this does not mislead the consumer.
6. The geographical indications registered in Annex III may only be supplemented either:
 - (a) by terms already in use on 20 February 2008 for established geographical indications within the meaning of Article 20, or
 - (b) according to the relevant technical file provided for under Article 17(1).
7. An alcoholic beverage not meeting one of the definitions listed under categories 1 to 46 of Annex II shall not be described, presented or labelled by associating words or phrases such as 'like', 'type', 'style', 'made', 'flavour' or any other similar terms with any of the sales denominations provided for in this Regulation and/or geographical indications registered in Annex III.
8. No trade mark, brand name or fancy name may be substituted for the sales denomination of a spirit drink.
9. The names referred to in categories 1 to 46 of Annex II may be included in a list of ingredients for foodstuffs provided that the list is in accordance with Directive 2000/13/EC.

*Article 10***Specific rules concerning the use of sales denominations and geographical indications**

1. Without prejudice to Directive 2000/13/EC, the use of a term listed in categories 1 to 46 of Annex II, or of a geographical indication registered in Annex III in a compound term or the allusion in the presentation of a foodstuff to any of them shall be prohibited unless the alcohol originates exclusively from the spirit drink(s) referred to.
2. The use of a compound term as referred to in paragraph 1 shall also be prohibited where a spirit drink has been diluted so that the alcoholic strength is reduced to below the minimum strength specified in the definition for that spirit drink.
3. By way of derogation from paragraph 1, the provisions of this Regulation shall not affect the possible use of the terms 'amer' or 'bitter' for products not covered by this Regulation.
4. By way of derogation from paragraph 1 and in order to take account of established production methods, the compound terms listed in category 32(d) of Annex II may be used in the presentation of liqueurs produced in the Community under the conditions set out therein.

*Article 11***Description, presentation and labelling of mixtures**

1. Where there has been addition of alcohol, as defined in Annex I(5), 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 in any form a name reserved in categories 1 to 14.
2. Where a spirit drink listed in categories 1 to 46 of Annex II is mixed with:
 - (a) one or more spirit drinks, and/or
 - (b) one or more distillates of agricultural origin,

it shall bear the sales denomination 'spirit drink'. This sales denomination shall be shown clearly and visibly in a prominent position on the label and shall not be replaced or altered.

3. Paragraph 2 shall not apply to the description, presentation or labelling of a mixture referred to in that paragraph if it meets one of the definitions laid down in categories 1 to 46 of Annex II.

4. Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of the spirit drinks resulting from the mixtures referred to in paragraph 2 of this Article may show one or more of the terms listed in Annex II only if that term does not form part of the sales denomination but is solely listed in the same visual field in the listing of all the alcoholic ingredients contained in the mixture, preceded by the term 'mixed spirit drink'.

The term 'mixed spirit drink' shall be labelled in uniform characters of the same font and colour as those used for the sales denomination. The characters shall be no larger than half the size of the characters used for the sales denomination.

5. For the labelling and presentation of the mixtures referred to in paragraph 2 and to which the requirement to list alcoholic ingredients under paragraph 4 applies, the proportion of each alcoholic ingredient shall be expressed as a percentage in descending order of quantities used. That proportion shall be equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the mixture.

Article 12

Specific rules concerning the description, presentation and labelling of spirit drinks

1. Where the description, presentation or labelling of a spirit drink indicates the raw material used to produce the ethyl alcohol of agricultural origin, each agricultural alcohol used shall be mentioned in descending order of quantity used.

2. The description, presentation or labelling of a spirit drink may be supplemented by the term 'blend', 'blending' or 'blended' only where the spirit drink has undergone blending, as defined in Annex I(7).

3. Without prejudice to any derogation adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), a maturation period or age may only be specified in the description, presentation or labelling of a spirit drink where it refers to the youngest alcoholic component and provided that the spirit drink was aged under revenue supervision or supervision affording equivalent guarantees.

Article 13

Prohibition of lead-based capsules or foil

Spirit drinks shall not be held with a view to sale or placed on the market in containers fitted with closing devices covered by lead-based capsules or foil.

Article 14

Use of language in the description, presentation and labelling of spirit drinks

1. The particulars provided for in this Regulation shall be given in one or more official languages of the European Union in such a way that the final consumer can easily understand each of those items of information, unless the consumer is provided with the information by other means.

2. The terms in italics in Annex II and the geographical indications registered in Annex III shall not be translated on the label nor in the presentation of the spirit drink.

3. In the case of spirit drinks originating in third countries, use of an official language of the third country in which the spirit drink was produced shall be authorised if the particulars provided for in this Regulation are also given in an official language of the European Union in such a way that the final consumer can easily understand each item.

4. Without prejudice to paragraph 2, in the case of spirit drinks produced in the Community and intended for export, the particulars provided for in this Regulation may be repeated in a language other than an official language of the European Union.

CHAPTER III

GEOGRAPHICAL INDICATIONS

Article 15

Geographical indications

1. For the purpose of this Regulation a geographical indication shall be 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.

2. The geographical indications referred to in paragraph 1 are registered in Annex III.

3. The geographical indications registered in Annex III may not become generic.

Names that have become generic may not be registered in Annex III.

A name that has become generic means the name of a spirit drink which, although it relates to the place or region where this product was originally produced or placed on the market, has become the common name of a spirit drink in the Community.

4. Spirit drinks bearing a geographical indication registered in Annex III shall comply with all the specifications of the technical file provided for under Article 17(1).

Article 16

Protection of geographical indications

Without prejudice to Article 10, the geographical indications registered in Annex III shall be protected against:

- (a) any direct or indirect commercial use in respect of products not covered by the registration in so far as those products are comparable to the spirit drink registered under that geographical indication or insofar as such use exploits the reputation of the registered geographical indication;
- (b) any misuse, imitation or evocation, even if the true origin of the product is indicated or the geographical indication is used in translation or accompanied by an expression such as 'like', 'type', 'style', 'made', 'flavour' or any other similar term;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities on the description, presentation or labelling of the product, liable to convey a false impression as to its origin;
- (d) any other practice liable to mislead the consumer as to the true origin of the product.

Article 17

Registration of geographical indications

1. An application for a geographical indication to be registered in Annex III shall be submitted to the Commission in one of the official languages of the European Union or accompanied by a translation into one of those languages. That application shall be duly substantiated and shall include a technical file setting out the specifications with which the spirit drink concerned must comply.

2. With regard to geographical indications within the Community, the application referred to in paragraph 1 shall be made by the Member State of origin of the spirit drink.

3. With regard to geographical indications within a third country, the application referred to in paragraph 1 shall be sent to the Commission, either directly or via the authorities of the third country concerned, and shall include proof that the name in question is protected in its country of origin.

4. The technical file referred to in paragraph 1 shall include at least the following main specifications:

- (a) the name and category of the spirit drink including the geographical indication;
- (b) a description of the spirit drink including the principal physical, chemical and/or organoleptic characteristics of the

product as well as the specific characteristics of the spirit drink as compared to the relevant category;

- (c) the definition of the geographical area concerned;
- (d) a description of the method for obtaining the spirit drink and, if appropriate, the authentic and unvarying local methods;
- (e) the details bearing out the link with the geographical environment or the geographical origin;
- (f) any requirements laid down by Community and/or national and/or regional provisions;
- (g) the name and contact address of the applicant;
- (h) any supplement to the geographical indication and/or any specific labelling rule, according to the relevant technical file.

5. The Commission shall verify, within 12 months of the date of submission of the application referred to in paragraph 1, whether that application complies with this Regulation.

6. If the Commission concludes that the application referred to in paragraph 1 complies with this Regulation, the main specifications of the technical file referred to in paragraph 4 shall be published in the *Official Journal of the European Union*, C Series.

7. Within six months of the date of publication of the technical file, any natural or legal person that has a legitimate interest may object to the registration of the geographical indication in Annex III on the grounds that the conditions provided for in this Regulation are not fulfilled. The objection, which must be duly substantiated, shall be submitted to the Commission in one of the official languages of the European Union or accompanied by a translation into one of those languages.

8. The Commission shall take the decision on registration of the geographical indication in Annex III in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), taking into account any objection raised in accordance with paragraph 7 of this Article. That decision shall be published in the *Official Journal of the European Union*, C Series.

Article 18

Cancellation of a geographical indication

If compliance with the specifications in the technical file is no longer ensured, the Commission shall take a decision cancelling the registration in accordance with the regulatory procedure with scrutiny referred to in Article 25(3). That decision shall be published in the *Official Journal of the European Union*, C Series.

*Article 19***Homonymous geographical indications**

A homonymous geographical indication meeting the requirements of this Regulation shall be registered with due regard for local and traditional usage and the actual risk of confusion, in particular:

- a homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as its wording is concerned for the actual territory, region or place of origin of the spirit drink in question,
- the use of a registered homonymous geographical indication shall be subject to there being a clear distinction in practice between the homonym registered subsequently and the name already on the register, having regard to the need to treat the producers concerned in an equitable manner and not to mislead consumers.

*Article 20***Established geographical indications**

1. For each geographical indication registered in Annex III on 20 February 2008, Member States shall submit a technical file as provided for under Article 17(1) to the Commission not later than 20 February 2015.
2. Member States shall ensure that this technical file is accessible to the public.
3. Where no technical file has been submitted to the Commission by 20 February 2015, the Commission shall remove the geographical indication from Annex III in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

*Article 21***Alteration of the technical file**

The procedure provided for in Article 17 shall apply *mutatis mutandis* where the technical file referred to in Articles 17(1) and 20(1) is to be altered.

*Article 22***Verification of compliance with the specifications in the technical file**

1. In respect of the geographical indications within the Community, verification of compliance with the specifications in the technical file, before placing the product on the market, shall be ensured by:

- one or more competent authorities referred to in Article 24(1), and/or

- one or more control bodies within the meaning of Article 2 of 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 ⁽¹⁾, operating as a product certification body.

Notwithstanding national legislation, the costs of such verification of compliance with the specifications in the technical file shall be borne by the operators subject to those controls.

2. In respect of the geographical indications within a third country, verification of compliance with the specifications in the technical file, before placing the product on the market, shall be ensured by:

- one or more public authorities designated by the third country, and/or

- one or more product certification bodies.

3. The product certification bodies referred to in paragraphs 1 and 2 shall comply with, and from 1 May 2010 be accredited in accordance with, European standard EN 45011 or ISO/IEC Guide 65 (General requirements for bodies operating product certification systems).

4. Where the authorities or bodies referred to in paragraphs 1 and 2 have chosen to verify compliance with the specifications in the technical file, they shall offer adequate guarantees of objectivity and impartiality and have at their disposal the qualified staff and resources necessary to carry out their functions.

*Article 23***Relation between trade marks and geographical indications**

1. The registration of a trade mark which contains or consists of a geographical indication registered in Annex III shall be refused or invalidated if its use would lead to any of the situations referred to in Article 16.

2. With due regard to Community law, a trade mark the use of which corresponds to one of the situations referred to in Article 16 which has been applied for, registered, or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Community, before either the date of protection of the geographical indication in the country of origin or before 1 January 1996, may continue to be used notwithstanding the registration of a geographical indication, provided that no grounds for its invalidity or revocation exist as specified by First Council

⁽¹⁾ OJ L 165, 30.4.2004, p. 1, corrected by OJ L 191, 28.5.2004, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006.

Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks ⁽¹⁾ or Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark ⁽²⁾.

3. A geographical indication shall not be registered where, in the light of a trade mark's reputation and renown and the length of time it has been used in the Community, registration is liable to mislead the consumer as to the true identity of the product.

CHAPTER IV

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

Article 24

Control and protection of spirit drinks

1. Member States shall be responsible for the control of spirit drinks. They shall take the measures necessary to ensure compliance with the provisions of this Regulation and in particular they shall designate the competent authority or authorities responsible for controls in respect of the obligations established by this Regulation in accordance with Regulation (EC) No 882/2004.

2. Member States and the Commission shall communicate to each other the information necessary for the application of this Regulation.

3. The Commission, in consultation with the Member States, shall ensure the uniform application of this Regulation and if necessary shall adopt measures in accordance with the regulatory procedure referred to in Article 25(2).

Article 25

Committee

1. The Commission shall be assisted by the Committee for Spirit Drinks.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

⁽¹⁾ OJ L 40, 11.2.1989, p. 1. Directive as amended by Council Decision 92/10/EEC (OJ L 6, 11.1.1992, p. 35).

⁽²⁾ OJ L 11, 14.1.1994, p. 1. Regulation as last amended by Regulation (EC) No 1891/2006 (OJ L 386, 29.12.2006, p. 14).

3. Where reference is made to this paragraph, Articles 5a and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 26

Amendment of the Annexes

The Annexes shall be amended in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).

Article 27

Implementing measures

The measures necessary for the implementation of this Regulation shall be adopted in accordance with the regulatory procedure referred to in Article 25(2).

Article 28

Transitional and other specific measures

1. In accordance with the regulatory procedure with scrutiny referred to in Article 25(3), measures to amend this Regulation shall be adopted, where appropriate:

- (a) to facilitate by 20 February 2011 the transition from the rules provided for in Regulation (EEC) No 1576/89 to those established by this Regulation;
- (b) to derogate from Articles 17 and 22 in duly justified cases;
- (c) to establish a Community symbol for geographical indications for the spirit drinks sector.

2. In accordance with the regulatory procedure referred to in Article 25(2), measures shall be adopted, where appropriate, to resolve specific practical problems, such as by making it obligatory, in certain cases, to state the place of manufacture on the labelling to avoid misleading the consumer and to maintain and develop Community reference methods for the analysis of spirit drinks.

3. Spirit drinks not meeting the requirements of this Regulation may continue to be produced in accordance with Regulation (EEC) No 1576/89 until 20 May 2009. Spirit drinks not meeting the requirements of this Regulation but which have been produced in accordance with Regulation (EEC) No 1576/89 prior to 20 February 2008 or until 20 May 2009 may continue to be placed on the market until stocks run out.

*Article 29***Repeal**

1. Regulation (EEC) No 1576/89 is hereby repealed. References made to the repealed Regulation shall be construed as being made to this Regulation.

2. Commission Regulations (EEC) No 2009/92 ⁽¹⁾, (EC) No 1267/94 ⁽²⁾ and (EC) No 2870/2000 ⁽³⁾ shall continue to apply.

*Article 30***Entry into force**

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply from 20 May 2008.

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

Done at Strasbourg, 15 January 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J. LENARČIČ

⁽¹⁾ Commission Regulation (EEC) No 2009/92 of 20 July 1992 determining Community analysis methods for ethyl alcohol of agricultural origin used in the preparation of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails (OJ L 203, 21.7.1992, p. 10).

⁽²⁾ Commission Regulation (EC) No 1267/94 of 1 June 1994 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks (OJ L 138, 2.6.1994, p. 7). Regulation as amended by Regulation (EC) No 1434/97 (OJ L 196, 24.7.1997, p. 56).

⁽³⁾ Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirit drinks (OJ L 333, 29.12.2000, p. 20). Regulation as amended by Regulation (EC) No 2091/2002 (OJ L 322, 27.11.2002, p. 11).

ANNEX I

TECHNICAL DEFINITIONS AND REQUIREMENTS

The technical definitions and requirements, as referred to in Article 2(4) and Article 7, are the following:

(1) *Ethyl alcohol of agricultural origin*

Ethyl alcohol of agricultural origin possesses the following properties:

- (a) organoleptic characteristics: no detectable taste other than that of the raw material;
- (b) minimum alcoholic strength by volume: 96,0 %;
- (c) maximum level of residues:
 - (i) total acidity, expressed in grams of acetic acid per hectolitre of 100 % vol. alcohol: 1,5,
 - (ii) esters expressed in grams of ethyl acetate per hectolitre of 100 % vol. alcohol: 1,3,
 - (iii) aldehydes expressed in grams of acetaldehyde per hectolitre of 100 % vol. alcohol: 0,5,
 - (iv) higher alcohols expressed in grams of methyl2 propanol1 per hectolitre of 100 % vol. alcohol: 0,5,
 - (v) methanol expressed in grams per hectolitre of 100 % vol. alcohol: 30,
 - (vi) dry extract expressed in grams per hectolitre of 100 % vol. alcohol: 1,5,
 - (vii) volatile bases containing nitrogen expressed in grams of nitrogen per hectolitre of 100 % vol. alcohol: 0,1,
 - (viii) furfural: not detectable.

(2) *Distillate of agricultural origin*

Distillate of agricultural origin means an alcoholic liquid which is obtained by the distillation, after alcoholic fermentation, of an agricultural product or products listed in Annex I to the Treaty which does not have the properties of ethyl alcohol or of a spirit drink but still retains the aroma and taste of the raw material(s) used.

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

(3) *Sweetening*

Sweetening means using one or more of the following products in the preparation of spirit drinks:

- (a) semi-white sugar, white sugar, extra-white sugar, dextrose, fructose, glucose syrup, sugar solution, invert sugar solution, invert sugar syrup, as defined in Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption ⁽¹⁾;
- (b) rectified concentrated grape must, concentrated grape must, fresh grape must;
- (c) burned sugar, which is the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;

⁽¹⁾ OJ L 10, 12.1.2002, p. 53.

- (d) honey as defined in Council Directive 2001/110/EC of 20 December 2001 relating to honey ⁽¹⁾;
- (e) carob syrup;
- (f) any other natural carbohydrate substances having a similar effect to those products.

(4) *Mixing*

Mixing means combining two or more different drinks to make a new drink.

(5) *Addition of alcohol*

Addition of alcohol means the addition of ethyl alcohol of agricultural origin and/or distillates of agricultural origin to a spirit drink.

(6) *Addition of water*

In the preparation of spirit drinks, the addition of water shall be authorised, provided that the quality of the water is in conformity with Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters ⁽²⁾ and Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption ⁽³⁾, and that the water added does not change the nature of the product.

This water may be distilled, demineralised, permuted or softened.

(7) *Blending*

Blending means combining two or more spirit drinks of the same category, distinguished only by minor differences in composition due to one or more of the following factors:

- (a) the method of preparation;
- (b) the stills employed;
- (c) the period of maturation or ageing;
- (d) the geographical area of production.

The spirit drink so produced shall be of the same category of spirit drink as the original spirit drinks before blending.

(8) *Maturation or ageing*

Maturation or ageing means allowing certain reactions to develop naturally in appropriate containers, thereby giving the spirit drink in question organoleptic qualities previously absent.

(9) *Flavouring*

Flavouring means using in the preparation of a spirit drink one or more of the flavourings defined in Article 1(2)(a) of Directive 88/388/EEC.

(10) *Colouring*

Colouring means using in the preparation of a spirit drink one or more colorants, as defined in Directive 94/36/EC of the European Parliament and of the Council of 30 June 1994 on colours for use in foodstuffs ⁽⁴⁾.

⁽¹⁾ OJ L 10, 12.1.2002, p. 47.

⁽²⁾ OJ L 229, 30.8.1980, p. 1. Directive as last amended by Regulation (EC) No 1882/2003.

⁽³⁾ OJ L 330, 5.12.1998, p. 32. Directive as amended by Regulation (EC) No 1882/2003.

⁽⁴⁾ OJ L 237, 10.9.1994, p. 13. Directive as amended by Regulation (EC) No 1882/2003.

(11) *Alcoholic strength by volume*

Alcoholic strength by volume means the ratio of the volume of pure alcohol present in the product in question at 20 °C to the total volume of that product at the same temperature.

(12) *Volatile substances content*

Volatile substances content means the quantity of volatile substances other than ethyl alcohol and methanol contained in a spirit drink obtained exclusively by distillation, as a result solely of the distillation or redistillation of the raw materials used.

(13) *Place of manufacture*

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.

(14) *Description*

Description means the terms used on the labelling, presentation and packaging; on the documents accompanying the transport of a drink; on the commercial documents, particularly the invoices and delivery notes; and in its advertising.

(15) *Presentation*

Presentation means the terms used on the labelling and on the packaging, including in advertising and sales promotion, in images or such like, as well as on the container, including the bottle and the closure.

(16) *Labelling*

Labelling means all descriptions and other references, signs, designs or trade marks which distinguish a drink and which appear on the same container, including its sealing device or the tag attached to the container and the sheathing covering the neck of the bottle.

(17) *Packaging*

Packaging means the protective wrappings, such as papers, envelopes of all kinds, cartons and cases, used in the transport and/or sale of one or more containers.

ANNEX II

SPIRIT DRINKS

*Categories of spirit drinks*1. **Rum**

- (a) Rum is:
- (i) a spirit drink produced exclusively by alcoholic fermentation and distillation, either from molasses or syrup produced in the manufacture of cane sugar or from sugar-cane juice itself and distilled at less than 96 % vol. so that the distillate has the discernible specific organoleptic characteristics of rum, or
 - (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 sales denomination 'rum' accompanied by any of the geographical indications of the French Overseas Departments and the Autonomous Region of Madeira as registered in Annex III.
- (b) The minimum alcoholic strength by volume of rum shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Rum shall not be flavoured.
- (e) Rum may only contain added caramel as a means to adapt colour.
- (f) The word '*traditionnel*' may supplement any of the geographical indications mentioned in category 1 of Annex III where the rum is produced by distillation at less than 90 % vol., after alcoholic fermentation of alcohol-producing materials originating exclusively in the place of production considered. This rum must have a volatile substances content equal to or exceeding 225 grams per hectolitre of 100 % vol. alcohol and must not be sweetened. The use of the word '*traditionnel*' does not prevent the use of the terms 'from sugar production' or 'agricultural' which may be added to the sales denomination 'rum' and to geographical indications.

This provision shall not affect the use of the word '*traditionnel*' for all products not covered by this provision, according to their own specific criteria.

2. **Whisky or Whiskey**

- (a) *Whisky* or *whiskey* is a spirit drink produced exclusively by:
- (i) distillation of a mash made from malted cereals with or without whole grains of other cereals, which has been:
 - saccharified by the diastase of the malt contained therein, with or without other natural enzymes,
 - fermented by the action of yeast;
 - (ii) one or more distillations at less than 94,8 % vol., so that the distillate has an aroma and taste derived from the raw materials used,
 - (iii) maturation of the final distillate for at least three years in wooden casks not exceeding 700 litres capacity.

The final distillate, to which only water and plain caramel (for colouring) may be added, retains its colour, aroma and taste derived from the production process referred to in points (i), (ii) and (iii).

- (b) The minimum alcoholic strength by volume of *whisky* or *whiskey* shall be 40 %.

- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) *Whisky* or *whiskey* shall not be sweetened or flavoured, nor contain any additives other than plain caramel used for colouring.

3. **Grain spirit**

- (a) Grain spirit is a spirit drink produced exclusively by the distillation of a fermented mash of whole grain cereals and having organoleptic characteristics derived from the raw materials used.
- (b) With the exception of '*Korn*', the minimum alcoholic strength by volume of grain spirit shall be 35 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Grain spirit shall not be flavoured.
- (e) Grain spirit may only contain added caramel as a means to adapt colour.
- (f) For a grain spirit to bear the sales denomination 'grain brandy', it must have been obtained by distillation at less than 95 % vol. from a fermented mash of whole grain cereals, presenting organoleptic features deriving from the raw materials used.

4. **Wine spirit**

- (a) Wine spirit is a spirit drink:
 - (i) produced exclusively by the distillation at less than 86 % vol. of wine or wine fortified for distillation or by the redistillation of a wine distillate at less than 86 % vol.,
 - (ii) containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100 % vol. alcohol,
 - (iii) having a maximum methanol content of 200 grams per hectolitre of 100 % vol. alcohol.
- (b) The minimum alcoholic strength by volume of wine spirit shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Wine spirit shall not be flavoured. This shall not exclude traditional production methods.
- (e) Wine spirit may only contain added caramel as a means to adapt colour.
- (f) Where wine spirit has been matured, it may continue to be placed on the market as 'wine spirit' provided it has been matured for as long as, or longer than, the period stipulated for the spirit drink defined under category 5.

5. **Brandy or Weinbrand**

- (a) *Brandy* or *Weinbrand* is a spirit drink:
 - (i) produced from wine spirit, whether or not wine distillate has been added, distilled at less than 94,8 % vol., provided that that distillate does not exceed a maximum of 50 % of the alcoholic content of the finished product,
 - (ii) matured for at least one year in oak receptacles or for at least six months in oak casks with a capacity of less than 1 000 litres,

- (iii) containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100 % vol. alcohol, and derived exclusively from the distillation or redistillation of the raw materials used,
 - (iv) having a maximum methanol content of 200 grams per hectolitre of 100 % vol. alcohol.
- (b) The minimum alcoholic strength by volume of *brandy* or *Weinbrand* shall be 36 %.
 - (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
 - (d) *Brandy* or *Weinbrand* shall not be flavoured. This shall not exclude traditional production methods.
 - (e) *Brandy* or *Weinbrand* may only contain added caramel as a means to adapt colour.

6. **Grape marc spirit or grape marc**

- (a) Grape marc spirit or grape marc is a spirit drink which meets the following conditions:
 - (i) it is produced exclusively from grape marc fermented and distilled either directly by water vapour or after water has been added;
 - (ii) a quantity of lees may be added to the grape marc that does not exceed 25 kg of lees per 100 kg of grape marc used;
 - (iii) the quantity of alcohol derived from the lees shall not exceed 35 % of the total quantity of alcohol in the finished product;
 - (iv) the distillation shall be carried out in the presence of the marc itself at less than 86 % vol.;
 - (v) redistillation at the same alcoholic strength is authorised;
 - (vi) it contains a quantity of volatile substances equal to or exceeding 140 grams per hectolitre of 100 % vol. alcohol and has a maximum methanol content of 1 000 grams per hectolitre of 100 % vol. alcohol.
- (b) The minimum alcoholic strength by volume of grape marc spirit or grape marc shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Grape marc spirit or grape marc shall not be flavoured. This shall not exclude traditional production methods.
- (e) Grape marc spirit or grape marc may only contain added caramel as a means to adapt colour.

7. **Fruit marc spirit**

- (a) Fruit marc spirit is a spirit drink which meets the following conditions:
 - (i) it is obtained exclusively by fermentation and distillation at less than 86 % vol. of fruit marc except grape marc;
 - (ii) it contains a minimum quantity of volatile substances of 200 grams per hectolitre of 100 % vol. alcohol;
 - (iii) the maximum methanol content shall be 1 500 grams per hectolitre of 100 % vol. alcohol;
 - (iv) the maximum hydrocyanic acid content shall be 7 grams per hectolitre of 100 % vol. alcohol in the case of stone-fruit marc spirit;
 - (v) redistillation at the same alcoholic strength according to (i) is authorised.

- (b) The minimum alcoholic strength by volume of fruit marc spirit shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Fruit marc spirit shall not be flavoured.
- (e) Fruit marc spirit may only contain added caramel as a means to adapt colour.
- (f) The sales denomination shall consist of the name of the fruit followed by 'marc spirit'. If marcs of several different fruits are used, the sales denomination shall be 'fruit marc spirit'.

8. Raisin spirit or *raisin brandy*

- (a) Raisin spirit or *raisin brandy* is a spirit drink produced exclusively by the distillation of the product obtained by the alcoholic fermentation of extract of dried grapes of the 'Corinth Black' or Moscatel of the Alexandria varieties, distilled at less than 94,5 % vol., so that the distillate has an aroma and taste derived from the raw material used.
- (b) The minimum alcoholic strength by volume of raisin spirit or *raisin brandy* shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Raisin spirit or *raisin brandy* shall not be flavoured.
- (e) Raisin spirit or *raisin brandy* may only contain added caramel as a means to adapt colour.

9. Fruit spirit

- (a) Fruit spirit is a spirit drink:
 - (i) produced exclusively by the alcoholic fermentation and distillation of fleshy fruit or must of such fruit, berries or vegetables, with or without stones,
 - (ii) distilled at less than 86 % vol. so that the distillate has an aroma and taste derived from the raw materials distilled,
 - (iii) having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100 % vol. alcohol,
 - (iv) in the case of stone-fruit spirits, having a hydrocyanic acid content not exceeding 7 grams per hectolitre of 100 % vol. alcohol.
- (b) The maximum methanol content of fruit spirit shall be 1 000 grams per hectolitre of 100 % vol. alcohol.

However for the following fruit spirits the maximum methanol content shall be:

- (i) 1 200 grams per hectolitre of 100 % vol. alcohol obtained from the following fruits or berries:
 - plum (*Prunus domestica* L.),
 - mirabelle (*Prunus domestica* L. subsp. *syriaca* (Borkh.) Janch. ex Mansf.),
 - quetsch (*Prunus domestica* L.),
 - apple (*Malus domestica* Borkh.),
 - pear (*Pyrus communis* L.) except for Williams pears (*Pyrus communis* L. cv 'Williams'),
 - raspberries (*Rubus idaeus* L.),
 - blackberries (*Rubus fruticosus* auct. aggr.),

- apricots (*Prunus armeniaca* L.),
 - peaches (*Prunus persica* (L.) Batsch);
- (ii) 1 350 grams per hectolitre of 100 % vol. alcohol obtained from the following fruits or berries:
- Williams pears (*Pyrus communis* L. cv 'Williams'),
 - redcurrants (*Ribes rubrum* L.),
 - blackcurrants (*Ribes nigrum* L.),
 - rowanberries (*Sorbus aucuparia* L.),
 - elderberries (*Sambucus nigra* L.),
 - quinces (*Cydonia oblonga* Mill.),
 - juniper berries (*Juniperus communis* L. and/or *Juniperus oxicedrus* L.).
- (c) The minimum alcoholic strength by volume of fruit spirit shall be 37,5 %.
- (d) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (e) Fruit spirit shall not be flavoured.
- (f) The sales denomination of fruit spirit shall be 'spirit' preceded by the name of the fruit, berry or vegetable, such as: cherry spirit or *kirsch*, plum spirit or *slivovitz*, mirabelle, peach, apple, pear, apricot, fig, citrus or grape spirit or other fruit spirits.

It may also be called *wasser*, with the name of the fruit.

The name of the fruit may replace 'spirit' preceded by the name of the fruit, solely in the case of the following fruits:

- mirabelle (*Prunus domestica* L. subsp. *syriaca* (Borkh.) Janch. ex Mansf.),
- plum (*Prunus domestica* L.),
- quetsch (*Prunus domestica* L.),
- fruit of *arbutus* (*Arbutus unedo* L.),
- 'Golden Delicious' apple.

Should there be a risk that the final consumer does not easily understand one of these sales denominations, the labelling shall include the word 'spirit', possibly supplemented by an explanation.

- (g) The name *Williams* may be used only to sell pear spirit produced solely from pears of the 'Williams' variety.
- (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 quantity used.

10. Cider spirit and perry spirit

- (a) Cider spirit and perry spirit are spirit drinks:
 - (i) produced exclusively by the distillation at less than 86 % vol. of cider or perry so that the distillate has an aroma and taste derived from the fruits,
 - (ii) having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100 % vol. alcohol,
 - (iii) having a maximum methanol content of 1 000 grams per hectolitre of 100 % vol. alcohol.
- (b) The minimum alcoholic strength by volume of cider spirit and of perry spirit shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Neither cider spirit nor perry spirit shall be flavoured.
- (e) Cider spirit and perry spirit may only contain added caramel as a means to adapt colour.

11. Honey spirit

- (a) Honey spirit is a spirit drink:
 - (i) produced exclusively by fermentation and distillation of honey mash,
 - (ii) distilled at less than 86 % vol. so that the distillate has the organoleptic characteristics derived from the raw material used.
- (b) The minimum alcoholic strength by volume of honey spirit shall be 35 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Honey spirit shall not be flavoured.
- (e) Honey spirit may only contain added caramel as a means to adapt colour.
- (f) Honey spirit may only be sweetened with honey.

12. Hefebrand or lees spirit

- (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.
- (b) The minimum alcoholic strength by volume of *Hefebrand* or lees spirit shall be 38 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) *Hefebrand* or lees spirit shall not be flavoured.
- (e) *Hefebrand* or lees spirit may only contain added caramel as a means to adapt colour.
- (f) The sales denomination *Hefebrand* or lees spirit shall be supplemented by the name of the raw material used.

13. Bierbrand or eau de vie de bière

- (a) *Bierbrand* or *eau de vie de bière* is a spirit drink obtained exclusively by direct distillation under normal pressure of fresh beer with an alcoholic strength by volume of less than 86 % such that the distillate obtained has organoleptic characteristics deriving from the beer.
- (b) The minimum alcoholic strength by volume of *Bierbrand* or *eau de vie de bière* shall be 38 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) *Bierbrand* or *eau de vie de bière* shall not be flavoured.
- (e) *Bierbrand* or *eau de vie de bière* may only contain added caramel as a means to adapt colour.

14. Topinambur or Jerusalem artichoke spirit

- (a) *Topinambur* or Jerusalem artichoke spirit is a spirit drink produced exclusively by fermentation and distillation at less than 86 % vol. of Jerusalem artichoke tubers (*Helianthus tuberosus* L.).
- (b) The minimum alcoholic strength by volume of *topinambur* or Jerusalem artichoke spirit shall be 38 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) *Topinambur* or Jerusalem artichoke spirit shall not be flavoured.
- (e) *Topinambur* or Jerusalem artichoke spirit may only contain added caramel as a means to adapt colour.

15. Vodka

- (a) Vodka is a spirit drink produced from ethyl alcohol of agricultural origin obtained following fermentation with yeast from either:
 - (i) potatoes and/or cereals, or
 - (ii) other agricultural raw materials,

distilled and/or rectified so that the organoleptic characteristics of the raw materials used and by-products formed in fermentation are selectively reduced.

This process may be followed by redistillation and/or treatment with appropriate processing aids, including treatment with activated charcoal, to give it special organoleptic characteristics.

Maximum levels of residue for ethyl alcohol of agricultural origin shall meet those laid down in Annex I, except that the methanol content shall not exceed 10 grams per hectolitre of 100 % vol. alcohol.

- (b) The minimum alcoholic strength by volume of vodka shall be 37,5 %.
- (c) The only flavourings which may be added are natural flavouring compounds present in distillate obtained from the fermented raw materials. In addition, the product may be given special organoleptic characteristics, other than a predominant flavour.
- (d) The description, presentation or labelling of vodka not produced exclusively from the raw material(s) listed in paragraph (a)(i) shall bear the indication 'produced from ...', supplemented by the name of the raw material(s) used to produce the ethyl alcohol of agricultural origin. Labelling shall be in accordance with Article 13(2) of Directive 2000/13/EC.

16. Spirit (preceded by the name of the fruit) obtained by maceration and distillation

- (a) Spirit (preceded by the name of the fruit) obtained by maceration and distillation is a spirit drink:
- (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 spirit and/or distillate deriving from the same fruit per 100 kg of fermented fruit or berries, followed by distillation at less than 86 % vol.
 - (ii) obtained from the following fruits or berries:
 - blackberry (*Rubus fruticosus* auct. aggr.),
 - strawberry (*Fragaria* spp.),
 - bilberry (*Vaccinium myrtillus* L.),
 - raspberry (*Rubus idaeus* L.),
 - redcurrant (*Ribes rubrum* L.),
 - sloe (*Prunus spinosa* L.),
 - rowanberry (*Sorbus aucuparia* L.),
 - service-berry (*Sorbus domestica* L.),
 - hollyberry (*Ilex cassine* L.),
 - checkerberry (*Sorbus torminalis* (L.) Crantz),
 - elderberry (*Sambucus nigra* L.),
 - rosehip (*Rosa canina* L.),
 - blackcurrant (*Ribes nigrum* L.),
 - banana (*Musa* spp.),
 - passion fruit (*Passiflora edulis* Sims),
 - ambarella (*Spondias dulcis* Sol. ex Parkinson),
 - hog plum (*Spondias mombin* L.).
- (b) The minimum alcoholic strength by volume of a Spirit (preceded by the name of the fruit) obtained by maceration and distillation shall be 37,5 %.
- (c) Spirit (preceded by the name of the fruit) obtained by maceration and distillation shall not be flavoured.
- (d) As regards the labelling and presentation of Spirit (preceded by the name of the fruit) obtained by maceration and distillation, the wording 'obtained by maceration and distillation' must appear on the description, presentation or labelling in characters of the same font, size and colour and in the same visual field as the wording 'Spirit (preceded by the name of the fruit)' and, in the case of bottles, on the front label.

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

- (a) Geist (with the name of the fruit or the raw material used) is a spirit drink obtained by maceration of unfermented fruits and berries listed in category 16(a)(ii) 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.

- (b) The minimum alcoholic strength by volume of *Geist* (with the name of the fruit or the raw material used) shall be 37,5 %.
- (c) *Geist* (with the name of the fruit or the raw material used) shall not be flavoured.

18. **Gentian**

- (a) Gentian is a spirit drink produced from a distillate of gentian, itself obtained by the fermentation of gentian roots with or without the addition of ethyl alcohol of agricultural origin.
- (b) The minimum alcoholic strength by volume of gentian shall be 37,5 %.
- (c) Gentian shall not be flavoured.

19. **Juniper-flavoured spirit drinks**

- (a) Juniper-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin and/or grain spirit and/or grain distillate with juniper (*Juniperus communis* L. and/or *Juniperus oxicedrus* L.) berries.
- (b) The minimum alcoholic strength by volume of juniper-flavoured spirit drinks shall be 30 %.
- (c) Other natural and/or nature-identical flavouring substances as defined in Article 1(2)(b)(i) and (ii) of Directive 88/388/EEC and/or flavouring preparations defined in Article 1(2)(c) of that Directive, and/or aromatic plants or parts of aromatic plants may be used in addition, but the organoleptic characteristics of juniper must be discernible, even if they are sometimes attenuated.
- (d) Juniper-flavoured spirit drinks may bear the sales denominations *Wacholder* or *genebra*.

20. **Gin**

- (a) *Gin* is a juniper-flavoured spirit drink produced by flavouring organoleptically suitable ethyl alcohol of agricultural origin with juniper berries (*Juniperus communis* L.).
- (b) The minimum alcoholic strength by volume of *gin* shall be 37,5 %.
- (c) Only natural and/or nature-identical flavouring substances as defined in Article 1(2)(b)(i) and (ii) of Directive 88/388/EEC and/or flavouring preparations as defined in Article 1(2)(c) of that Directive shall be used for the production of *gin* so that the taste is predominantly that of juniper.

21. **Distilled gin**

- (a) Distilled *gin* is:
 - (i) a juniper-flavoured spirit drink produced exclusively by redistilling organoleptically suitable ethyl alcohol of agricultural origin of an appropriate quality with an initial alcoholic strength of at least 96 % vol. in stills traditionally used for *gin*, in the presence of juniper berries (*Juniperus communis* L.) and of other natural botanicals provided that the juniper taste is predominant, or
 - (ii) the mixture of the product of such distillation and ethyl alcohol of agricultural origin with the same composition, purity and alcoholic strength; natural and/or nature-identical flavouring substances and/or flavouring preparations as specified in category 20(c) may also be used to flavour distilled *gin*.
- (b) The minimum alcoholic strength by volume of distilled *gin* shall be 37,5 %.
- (c) *Gin* obtained simply by adding essences or flavourings to ethyl alcohol of agricultural origin is not distilled *gin*.

22. London gin

- (a) *London gin* is a type of distilled *gin*:
 - (i) obtained exclusively from ethyl alcohol of agricultural origin, with a maximum methanol content of 5 grams per hectolitre of 100 % vol. alcohol, whose flavour is introduced exclusively through the re-distillation in traditional stills of ethyl alcohol in the presence of all the natural plant materials used,
 - (ii) the resultant distillate of which contains at least 70 % alcohol by vol.,
 - (iii) where any further ethyl alcohol of agricultural origin is added it must be consistent with the characteristics listed in Annex I(1), but with a maximum methanol content of 5 grams per hectolitre of 100 % vol. alcohol,
 - (iv) which does not contain added sweetening exceeding 0,1 gram of sugars per litre of the final product nor colorants,
 - (v) which does not contain any other added ingredients other than water.
- (b) The minimum alcoholic strength by volume of *London gin* shall be 37,5 %.
- (c) The term *London gin* may be supplemented by the term 'dry'.

23. Caraway-flavoured spirit drinks

- (a) Caraway-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin with caraway (*Carum carvi* L.).
- (b) The minimum alcoholic strength by volume of caraway-flavoured spirit drinks shall be 30 %.
- (c) Other natural and/or nature-identical flavouring substances as defined in Article 1(2)(b)(i) and (ii) of Directive 88/388/EEC and/or flavouring preparations as defined in Article 1(2)(c) of that Directive may additionally be used but there must be a predominant taste of caraway.

24. Akvavit or aquavit

- (a) *Akvavit* or *aquavit* is a caraway and/or dillseed-flavoured spirit drink flavoured with a distillate of plants or spices.
- (b) The minimum alcoholic strength by volume of *akvavit* or *aquavit* shall be 37,5 %.
- (c) Other natural and/or nature-identical flavouring substances as defined in Article 1(2)(b)(i) and (ii) of Directive 88/388/EEC and/or flavouring preparations as defined in Article 1(2)(c) of that Directive may additionally be used, but the flavour of these drinks is largely attributable to distillates of caraway (*Carum carvi* L.) and/or dill (*Anethum graveolens* L.) seeds, the use of essential oils being prohibited.
- (d) The bitter substances must not obviously dominate the taste; the dry extract content shall not exceed 1,5 grams per 100 millilitres.

25. Aniseed-flavoured spirit drinks

- (a) Aniseed-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin with natural extracts of star anise (*Illicium verum* Hook f.), anise (*Pimpinella anisum* L.), fennel (*Foeniculum vulgare* Mill.), or any other plant which contains the same principal aromatic constituent, using one of the following processes or a combination thereof:
 - (i) maceration and/or distillation,
 - (ii) redistillation of the alcohol in the presence of the seeds or other parts of the plants specified above,
 - (iii) addition of natural distilled extracts of aniseed-flavoured plants.

- (b) The minimum alcoholic strength by volume of aniseed-flavoured spirit drinks shall be 15 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of aniseed-flavoured spirit drinks.
- (d) Other natural plant extracts or aromatic seed may also be used, but the aniseed taste must remain predominant.

26. **Pastis**

- (a) *Pastis* is an aniseed-flavoured spirit drink which also contains natural extracts of liquorice root (*Glycyrrhiza* spp.), which implies the presence of the colorants known as 'chalcones' as well as glycyrrhizic acid, the minimum and maximum levels of which must be 0,05 and 0,5 grams per litre respectively.
- (b) The minimum alcoholic strength by volume of *pastis* shall be 40 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of *pastis*.
- (d) *Pastis* contains less than 100 grams of sugars per litre, expressed as invert sugar, and has a minimum and maximum anethole level of 1,5 and 2 grams per litre respectively.

27. **Pastis de Marseille**

- (a) *Pastis de Marseille* is a *pastis* with an anethole content of 2 grams per litre.
- (b) The minimum alcoholic strength by volume of *pastis de Marseille* shall be 45 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of *pastis de Marseille*.

28. **Anis**

- (a) *Anis* is an aniseed-flavoured spirit drink whose characteristic flavour is derived exclusively from anise (*Pimpinella anisum* L.) and/or star anise (*Illicium verum* Hook f.) and/or fennel (*Foeniculum vulgare* Mill.).
- (b) The minimum alcoholic strength by volume of *anis* shall be 35 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of *anis*.

29. **Distilled anis**

- (a) Distilled *anis* is *anis* which contains alcohol distilled in the presence of the seeds referred to in category 28(a), and in the case of geographical indications mastic and other aromatic seeds, plants or fruits, provided such alcohol constitutes at least 20 % of the alcoholic strength of the distilled *anis*.
- (b) The minimum alcoholic strength by volume of distilled *anis* shall be 35 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of distilled *anis*.

30. Bitter-tasting spirit drinks or bitter

- (a) Bitter-tasting spirit drinks or *bitter* are spirit drinks with a predominantly bitter taste produced by flavouring ethyl alcohol of agricultural origin with natural and/or nature-identical flavouring substances as defined in Article 1(2)(b)(i) and (ii) of Directive 88/388/EEC and/or flavouring preparations as defined in Article 1(2)(c) of that Directive.
- (b) The minimum alcoholic strength by volume of bitter-tasting spirit drinks or *bitter* shall be 15 %.
- (c) Bitter tasting spirit drinks or *bitter* may also be sold under the names 'amer' or '*bitter*' with or without another term.

31. Flavoured vodka

- (a) Flavoured vodka is vodka which has been given a predominant flavour other than that of the raw materials.
- (b) The minimum alcoholic strength by volume of flavoured vodka shall be 37,5 %.
- (c) Flavoured vodka may be sweetened, blended, flavoured, matured or coloured.
- (d) Flavoured vodka may also be sold under the name of any predominant flavour with the word 'vodka'.

32. Liqueur

- (a) Liqueur is a spirit drink:
 - (i) having a minimum sugar content, expressed as invert sugar, of:
 - 70 grams per litre for cherry liqueurs the ethyl alcohol of which consists exclusively of cherry spirit,
 - 80 grams per litre for gentian or similar liqueurs prepared with gentian or similar plants as the sole aromatic substance,
 - 100 grams per litre in all other cases;
 - (ii) produced by flavouring ethyl alcohol of agricultural origin or a distillate of agricultural origin or one or more spirit drinks or a mixture thereof, sweetened and with the addition of products of agricultural origin or foodstuffs such as cream, milk or other milk products, fruit, wine or aromatised wine as defined in Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails ⁽¹⁾.
- (b) The minimum alcoholic strength by volume of liqueur shall be 15 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC and nature-identical flavouring substances and preparations as defined in Article 1(2)(b)(ii) of that Directive may be used in the preparation of liqueur.

However, nature-identical flavouring substances and preparations as defined in Article 1(2)(b)(ii) of that Directive shall not be used in the preparation of the following liqueurs:

- (i) Fruit liqueurs:
 - blackcurrant,
 - cherry,
 - raspberry,

⁽¹⁾ OJ L 149, 14.6.1991, p. 1. Regulation as last amended by the 2005 Act of Accession.

- mulberry,
- bilberry,
- citrus fruit,
- cloudberry,
- arctic bramble,
- cranberry,
- lingonberry,
- sea buckthorn,
- pineapple;
- (ii) plant liqueurs:
 - mint,
 - gentian,
 - aniseed,
 - g n pi,
 - vulnerary.
- (d) The following compound terms may be used in the presentation of liqueurs produced in the Community where ethyl alcohol of agricultural origin is used to mirror established production methods:
 - *prune brandy*,
 - *orange brandy*,
 - *apricot brandy*,
 - *cherry brandy*,
 - *solbaerrom*, also called blackcurrant rum.

As regards the labelling and presentation of those liqueurs, the compound term must appear on the labelling in one line in uniform characters of the same font and colour and the word 'liqueur' must appear in immediate proximity in characters no smaller than that font. If the alcohol does not come from the spirit drink indicated, its origin must be shown on the labelling in the same visual field as the compound term and the word 'liqueur' either by stating the type of agricultural alcohol or by the words 'agricultural alcohol' preceded on each occasion by 'made from' or 'made using'.

33. Cr me de (followed by the name of a fruit or the raw material used)

- (a) Spirit drinks known as Cr me de (followed by the name of a fruit or the raw material used), excluding milk products, are liqueurs with a minimum sugar content of 250 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of Cr me de (followed by the name of a fruit or the raw material used) shall be 15 %.
- (c) The rules on flavouring substances and preparations for liqueurs laid down under category 32 shall apply to this spirit drink.

- (d) The sales denomination may be supplemented by the term 'liqueur'.

34. **Crème de cassis**

- (a) *Crème de cassis* is a blackcurrant liqueur with a minimum sugar content of 400 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of *crème de cassis* shall be 15 %.
- (c) The rules on flavouring substances and preparations for liqueurs laid down under category 32 shall apply to *crème de cassis*.
- (d) The sales denomination may be supplemented by the term 'liqueur'.

35. **Guignolet**

- (a) *Guignolet* is a liqueur obtained by maceration of cherries in ethyl alcohol of agricultural origin.
- (b) The minimum alcoholic strength by volume of *guignolet* shall be 15 %.
- (c) The rules on flavouring substances and preparations for liqueurs laid down under category 32 shall apply to *guignolet*.
- (d) The sales denomination may be supplemented by the term 'liqueur'.

36. **Punch au rhum**

- (a) *Punch au rhum* is a liqueur for which the alcohol content is provided exclusively by rum.
- (b) The minimum alcoholic strength by volume of *punch au rhum* shall be 15 %.
- (c) The rules on flavouring substances and preparations for liqueurs laid down under category 32 shall apply to *punch au rhum*.
- (d) The sales denomination may be supplemented by the term 'liqueur'.

37. **Sloe gin**

- (a) *Sloe gin* is a liqueur produced by maceration of sloes in *gin* with the possible addition of sloe juice.
- (b) The minimum alcoholic strength by volume of *sloe gin* shall be 25 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of *sloe gin*.
- (d) The sales denomination may be supplemented by the term 'liqueur'.

38. **Sambuca**

- (a) *Sambuca* is a colourless aniseed-flavoured liqueur:
- (i) containing distillates of anise (*Pimpinella anisum* L.), star anise (*Illicium verum* L.) or other aromatic herbs,
 - (ii) with a minimum sugar content of 350 grams per litre expressed as invert sugar,
 - (iii) with a natural anethole content of not less than 1 gram and not more than 2 grams per litre.
- (b) The minimum alcoholic strength by volume of *sambuca* shall be 38 %.

- (c) The rules on flavouring substances and preparations for liqueurs laid down under category 32 apply to *sambuca*.
- (d) The sales denomination may be supplemented by the term 'liqueur'.

39. Maraschino, Marrasquino or Maraskino

- (a) *Maraschino, marrasquino* or *maraskino* is a colourless liqueur the flavour of which is given mainly by a distillate of marasca cherries or of the product obtained by macerating cherries or parts of cherries in alcohol of agricultural origin with a minimum sugar content of 250 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of *maraschino, marrasquino* or *maraskino* shall be 24 %.
- (c) The rules on flavouring substances and preparations for liqueurs laid down under category 32 shall apply to *maraschino, marrasquino* or *maraskino*.
- (d) The sales denomination may be supplemented by the term 'liqueur'.

40. Nocino

- (a) *Nocino* is a liqueur the flavour of which is given mainly by maceration and/or distillation of whole green walnuts (*Juglans regia* L.) with a minimum sugar content of 100 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of *nocino* shall be 30 %.
- (c) The rules on flavouring substances and preparations for liqueurs laid down under category 32 shall apply to *nocino*.
- (d) The sales denomination may be supplemented by the term 'liqueur'.

41. Egg liqueur or advocaat or avocat or advokat

- (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 and/or spirit, 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.
- (b) By way of derogation from Article 2(1)(c), the minimum alcoholic strength by volume of egg liqueur or *advocaat* or *avocat* or *advokat* shall be 14 %.
- (c) Only natural or nature-identical flavouring substances and preparations as defined in Article 1(2)(b)(i) and (ii) and in Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of egg liqueur or *advocaat* or *avocat* or *advokat*.

42. Liqueur with egg

- (a) Liqueur with egg is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate and/or spirit, 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.
- (b) The minimum alcoholic strength by volume of liqueur with egg shall be 15 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of liqueur with egg.

43. Mistrà

- (a) *Mistrà* is a colourless spirit drink flavoured with aniseed or natural anethole:
 - (i) with an anethole content of not less than 1 gram and not more than 2 grams per litre,
 - (ii) that may also contain a distillate of aromatic herbs,
 - (iii) containing no added sugar.
- (b) The minimum alcoholic strength by volume of *mistrà* shall be 40 % and the maximum alcoholic strength by volume shall be 47 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of *mistrà*.

44. Väkevã glögi or spritglögg

- (a) *Väkevã glögi* or *spritglögg* is a spirit drink produced by flavouring ethyl alcohol of agricultural origin with natural or nature identical aroma of cloves and/or cinnamon using one of the following processes: maceration and/or distillation, redistillation of the alcohol in the presence of parts of the plants specified above, addition of natural or nature identical flavour of cloves or cinnamon or a combination of these methods.
- (b) The minimum alcoholic strength by volume of *väkevã glögi* or *spritglögg* shall be 15 %.
- (c) Other natural or nature identical plant extracts or flavours in conformity with Directive 88/388/EEC may also be used, but the flavour of the specified spices must be predominant.
- (d) The content of wine or wine products shall not exceed 50 % of the final product.

45. Berenburg or Beerenburg

- (a) *Berenburg* or *Beerenburg* is a spirit drink:
 - (i) produced using ethyl alcohol of agricultural origin,
 - (ii) with the maceration of fruit or plants or parts thereof,
 - (iii) containing as specific flavour distillate of gentian root (*Gentiana lutea* L.), of juniper berries (*Juniperus communis* L.) and of laurel leaves (*Laurus nobilis* L.),
 - (iv) varying in colour from light to dark brown,
 - (v) which may be sweetened to a maximum of 20 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of *Berenburg* or *Beerenburg* shall be 30 %.
- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of *Berenburg* or *Beerenburg*.

46. Honey or mead nectar

- (a) Honey or mead nectar is a spirit drink produced by flavouring the mixture of fermented honey mash and honey distillate and/or ethyl alcohol of agricultural origin, which contains at least 30 % vol. of fermented honey mash.
- (b) The minimum alcoholic strength by volume of honey or mead nectar shall be 22 %.

- (c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of honey or mead nectar provided that the honey taste is predominant.
- (d) Honey or mead nectar may be sweetened only with honey.

Other spirit drinks

1. *Rum-Verschnitt* is produced in Germany and obtained by mixing rum and alcohol, whereby a minimum proportion of 5 % of the alcohol contained in the final product must come from rum. The minimum alcoholic strength by volume of *Rum-Verschnitt* shall be 37,5 %. As regards the labelling and presentation of the product *Rum-Verschnitt* the word *Verschnitt* must appear on the description, presentation and labelling in characters of the same font, size and colour as, and on the same line as, the word '*Rum*' and, in the case of bottles, on the front label. Where this product is sold outside the German market, its alcoholic composition must appear on the label.
 2. *Slivovice* is produced in the Czech Republic and obtained by the addition to the plum distillate, before the final distillation, of a maximum proportion of 30 % by volume of ethyl alcohol of agricultural origin. This product must be described as 'spirit drink' and may also use the name *slivovice* in the same visual field on the front label. If this Czech *slivovice* is placed on the market in the Community, its alcoholic composition must appear on the label. This provision is without prejudice to the use of the name *slivovice* for fruit spirits according to category 9.
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ANNEX III

GEOGRAPHICAL INDICATIONS

Product category	Geographical indication	Country of origin (the precise geographical origin is described in the technical file)
1. Rum		
	<i>Rhum de la Martinique</i>	France
	<i>Rhum de la Guadeloupe</i>	France
	<i>Rhum de la Réunion</i>	France
	<i>Rhum de la Guyane</i>	France
	<i>Rhum de sucrerie de la Baie du Galion</i>	France
	<i>Rhum des Antilles françaises</i>	France
	<i>Rhum des départements français d'outre-mer</i>	France
	<i>Ron de Málaga</i>	Spain
	<i>Ron de Granada</i>	Spain
	<i>Rum da Madeira</i>	Portugal
2. Whisky/Whiskey		
	<i>Scotch Whisky</i>	United Kingdom (Scotland)
	<i>Irish Whiskey/Uisce Beatha Eireannach/Irish Whisky</i> ⁽¹⁾	Ireland
	<i>Whisky español</i>	Spain
	<i>Whisky breton/Whisky de Bretagne</i>	France
	<i>Whisky alsacien/Whisky d'Alsace</i>	France
3. Grain spirit		
	<i>Eau-de-vie de seigle de marque nationale luxembourgeoise</i>	Luxembourg
	<i>Korn/Kornbrand</i>	Germany, Austria, Belgium (German-speaking Community)
	<i>Münsterländer Korn/Kornbrand</i>	Germany
	<i>Sendenhorster Korn/Kornbrand</i>	Germany
	<i>Bergischer Korn/Kornbrand</i>	Germany
	<i>Emsländer Korn/Kornbrand</i>	Germany
	<i>Haselünner Korn/Kornbrand</i>	Germany
	<i>Hasetaler Korn/Kornbrand</i>	Germany
	<i>Samanė</i>	Lithuania
4. Wine spirit		
	<i>Eau-de-vie de Cognac</i>	France
	<i>Eau-de-vie des Charentes</i>	France
	<i>Eau-de-vie de Jura</i>	France
	<i>Cognac</i>	France
	(The denomination 'Cognac' may be supplemented by the following terms:	
	— <i>Fine</i>	France
	— <i>Grande Fine Champagne</i>	France
	— <i>Grande Champagne</i>	France
	— <i>Petite Fine Champagne</i>	France
	— <i>Petite Champagne</i>	France
	— <i>Fine Champagne</i>	France

Product category	Geographical indication	Country of origin (the precise geographical origin is described in the technical file)
	— <i>Borderies</i>	France
	— <i>Fins Bois</i>	France
	— <i>Bons Bois</i>)	France
	<i>Fine Bordeaux</i>	France
	<i>Fine de Bourgogne</i>	France
	<i>Armagnac</i>	France
	<i>Bas-Armagnac</i>	France
	<i>Haut-Armagnac</i>	France
	<i>Armagnac-Ténarèze</i>	France
	<i>Blanche Armagnac</i>	France
	<i>Eau-de-vie de vin de la Marne</i>	France
	<i>Eau-de-vie de vin originaire d'Aquitaine</i>	France
	<i>Eau-de-vie de vin de Bourgogne</i>	France
	<i>Eau-de-vie de vin originaire du Centre-Est</i>	France
	<i>Eau-de-vie de vin originaire de Franche-Comté</i>	France
	<i>Eau-de-vie de vin originaire du Bugey</i>	France
	<i>Eau-de-vie de vin de Savoie</i>	France
	<i>Eau-de-vie de vin originaire des Coteaux de la Loire</i>	France
	<i>Eau-de-vie de vin des Côtes-du-Rhône</i>	France
	<i>Eau-de-vie de vin originaire de Provence</i>	France
	<i>Eau-de-vie de Faugères/Faugères</i>	France
	<i>Eau-de-vie de vin originaire du Languedoc</i>	France
	<i>Aguardente de Vinho Douro</i>	Portugal
	<i>Aguardente de Vinho Ribatejo</i>	Portugal
	<i>Aguardente de Vinho Alentejo</i>	Portugal
	<i>Aguardente de Vinho da Região dos Vinhos Verdes</i>	Portugal
	<i>Aguardente de Vinho da Região dos Vinhos Verdes de Alvarinho</i>	Portugal
	<i>Aguardente de Vinho Lourinhã</i>	Portugal
	<i>Сунгурларска гроздова ракия/Гроздова ракия от Сунгурларе/Sungurlarska grozdova rakya/Grozdova rakya from Sungurlare</i>	Bulgaria
	<i>Сливенска перла (Сливенска гроздова ракия/Гроздова ракия от Сливен)/Slivenska perla (Slivenska grozdova rakya/Grozdova rakya from Sliven)</i>	Bulgaria
	<i>Стралджанска Мускатова ракия/Мускатова ракия от Стралджа/Straldjanska Muscatova rakya/Muscatova rakya from Straldja</i>	Bulgaria
	<i>Полорийска гроздова ракия/Гроздова ракия от Полорие/Pomoriyska grozdova rakya/Grozdova rakya from Pomorie</i>	Bulgaria
	<i>Русенска бисерна гроздова ракия/Бисерна гроздова ракия от Русе/Russenska biserna grozdova rakya/Biserma grozdova rakya from Russe</i>	Bulgaria
	<i>Бургаска Мускатова ракия/Мускатова ракия от Бургас/Bourgaska Muscatova rakya/Muscatova rakya from Bourgas</i>	Bulgaria
	<i>Добруджанска мускатова ракия/Мускатова ракия от Добруджа/Dobrudjanska muscatova rakya/muscatova rakya from Dobrudja</i>	Bulgaria
	<i>Сухиндолска гроздова ракия/Гроздова ракия от Сухиндол/Suhindolska grozdova rakya/Grozdova rakya from Suhindol</i>	Bulgaria
	<i>Карловска гроздова ракия/Гроздова Ракия от Карлово/Karlovska grozdova rakya/Grozdova Rakya from Karlovo</i>	Bulgaria
	<i>Vinars Târnave</i>	Romania
	<i>Vinars Vaslui</i>	Romania
	<i>Vinars Murfatlar</i>	Romania
	<i>Vinars Vrancea</i>	Romania
	<i>Vinars Segarcea</i>	Romania

Product category	Geographical indication	Country of origin (the precise geographical origin is described in the technical file)
5. Brandy/Weinbrand		
	<i>Brandy de Jerez</i>	Spain
	<i>Brandy del Penedés</i>	Spain
	<i>Brandy italiano</i>	Italy
	<i>Brandy Αττικής/Brandy of Attica</i>	Greece
	<i>Brandy Πελοποννήσου/Brandy of the Peloponnese</i>	Greece
	<i>Brandy Κεντρικής Ελλάδας/Brandy of central Greece</i>	Greece
	<i>Deutscher Weinbrand</i>	Germany
	<i>Wachauer Weinbrand</i>	Austria
	<i>Weinbrand Dürnstein</i>	Austria
	<i>Pfälzer Weinbrand</i>	Germany
	<i>Karpatské brandy špeciál</i>	Slovakia
	<i>Brandy français/Brandy de France</i>	France
6. Grape marc spirit		
	<i>Marc de Champagne/Eau-de-vie de marc de Champagne</i>	France
	<i>Marc d'Aquitaine/Eau-de-vie de marc originaire d'Aquitaine</i>	France
	<i>Marc de Bourgogne/Eau-de-vie de marc de Bourgogne</i>	France
	<i>Marc du Centre-Est/Eau-de-vie de marc originaire du Centre-Est</i>	France
	<i>Marc de Franche-Comté/Eau-de-vie de marc originaire de Franche-Comté</i>	France
	<i>Marc du Bugey/Eau-de-vie de marc originaire de Bugey</i>	France
	<i>Marc de Savoie/Eau-de-vie de marc originaire de Savoie</i>	France
	<i>Marc des Côteaux de la Loire/Eau-de-vie de marc originaire des Coteaux de la Loire</i>	France
	<i>Marc des Côtes-du-Rhône/Eau-de-vie de marc des Côtes du Rhône</i>	France
	<i>Marc de Provence/Eau-de-vie de marc originaire de Provence</i>	France
	<i>Marc du Languedoc/Eau-de-vie de marc originaire du Languedoc</i>	France
	<i>Marc d'Alsace Gewürztraminer</i>	France
	<i>Marc de Lorraine</i>	France
	<i>Marc d'Auvergne</i>	France
	<i>Marc du Jura</i>	France
	<i>Aguardente Bagaceira Bairrada</i>	Portugal
	<i>Aguardente Bagaceira Alentejo</i>	Portugal
	<i>Aguardente Bagaceira da Região dos Vinhos Verdes</i>	Portugal
	<i>Aguardente Bagaceira da Região dos Vinhos Verdes de Alvarinho</i>	Portugal
	<i>Orujo de Galicia</i>	Spain
	<i>Grappa</i>	Italy
	<i>Grappa di Barolo</i>	Italy
	<i>Grappa piemontese/Grappa del Piemonte</i>	Italy
	<i>Grappa lombarda/Grappa di Lombardia</i>	Italy
	<i>Grappa trentina/Grappa del Trentino</i>	Italy
	<i>Grappa friulana/Grappa del Friuli</i>	Italy
	<i>Grappa veneta/Grappa del Veneto</i>	Italy
	<i>Südtiroler Grappa/Grappa dell'Alto Adige</i>	Italy
	<i>Grappa siciliana/Grappa di Sicilia</i>	Italy
	<i>Grappa di Marsala</i>	Italy
	<i>Τσικουδιά/Tsikoudia</i>	Greece
	<i>Τσικουδιά Κρήτης/Tsikoudia of Crete</i>	Greece
	<i>Τσίπουρο/Tsipouro</i>	Greece

Product category	Geographical indication	Country of origin (the precise geographical origin is described in the technical file)
	<i>Τσίπουρο Μακεδονίας/Tsipouro of Macedonia</i>	Greece
	<i>Τσίπουρο Θεσσαλίας/Tsipouro of Thessaly</i>	Greece
	<i>Τσίπουρο Τυρνάβου/Tsipouro of Tyrnavos</i>	Greece
	<i>Eau-de-vie de marc de marque nationale luxembourgeoise</i>	Luxembourg
	<i>Ζιβανία/Τζιβανία/Ζιβάνα/Zivania</i>	Cyprus
	<i>Törkölypálinka</i>	Hungary
9. Fruit spirit		
	<i>Schwarzwälder Kirschwasser</i>	Germany
	<i>Schwarzwälder Mirabellenwasser</i>	Germany
	<i>Schwarzwälder Williamsbirne</i>	Germany
	<i>Schwarzwälder Zwetschgenwasser</i>	Germany
	<i>Fränkisches Zwetschgenwasser</i>	Germany
	<i>Fränkisches Kirschwasser</i>	Germany
	<i>Fränkischer Obstler</i>	Germany
	<i>Mirabelle de Lorraine</i>	France
	<i>Kirsch d'Alsace</i>	France
	<i>Quetsch d'Alsace</i>	France
	<i>Framboise d'Alsace</i>	France
	<i>Mirabelle d'Alsace</i>	France
	<i>Kirsch de Fougerolles</i>	France
	<i>Williams d'Orléans</i>	France
	<i>Südtiroler Williams/Williams dell'Alto Adige</i>	Italy
	<i>Südtiroler Aprikot/Aprikot dell'Alto Adige</i>	Italy
	<i>Südtiroler Marille/Marille dell'Alto Adige</i>	Italy
	<i>Südtiroler Kirsch/Kirsch dell'Alto Adige</i>	Italy
	<i>Südtiroler Zwetschgeler/Zwetschgeler dell'Alto Adige</i>	Italy
	<i>Südtiroler Obstler/Obstler dell'Alto Adige</i>	Italy
	<i>Südtiroler Gravensteiner/Gravensteiner dell'Alto Adige</i>	Italy
	<i>Südtiroler Golden Delicious/Golden Delicious dell'Alto Adige</i>	Italy
	<i>Williams friulano/Williams del Friuli</i>	Italy
	<i>Sliwovitz del Veneto</i>	Italy
	<i>Sliwovitz del Friuli-Venezia Giulia</i>	Italy
	<i>Sliwovitz del Trentino-Alto Adige</i>	Italy
	<i>Distillato di mele trentino/Distillato di mele del Trentino</i>	Italy
	<i>Williams trentino/Williams del Trentino</i>	Italy
	<i>Sliwovitz trentino/Sliwovitz del Trentino</i>	Italy
	<i>Aprikot trentino/Aprikot del Trentino</i>	Italy
	<i>Medronho do Algarve</i>	Portugal
	<i>Medronho do Buçaco</i>	Portugal
	<i>Kirsch Friulano/Kirschwasser Friulano</i>	Italy
	<i>Kirsch Trentino/Kirschwasser Trentino</i>	Italy
	<i>Kirsch Veneto/Kirschwasser Veneto</i>	Italy
	<i>Aguardente de pêra da Lousã</i>	Portugal
	<i>Eau-de-vie de pommes de marque nationale luxembourgeoise</i>	Luxembourg
	<i>Eau-de-vie de poires de marque nationale luxembourgeoise</i>	Luxembourg
	<i>Eau-de-vie de kirsch de marque nationale luxembourgeoise</i>	Luxembourg
	<i>Eau-de-vie de quetsch de marque nationale luxembourgeoise</i>	Luxembourg
	<i>Eau-de-vie de mirabelle de marque nationale luxembourgeoise</i>	Luxembourg
	<i>Eau-de-vie de prunelles de marque nationale luxembourgeoise</i>	Luxembourg

Product category	Geographical indication	Country of origin (the precise geographical origin is described in the technical file)
	<i>Wachauer Marillenbrand</i>	Austria
	<i>Szatmári Szilvapálinka</i>	Hungary
	<i>Kecskeméti Barackpálinka</i>	Hungary
	<i>Békési Szilvapálinka</i>	Hungary
	<i>Szabolcsi Almapálinka</i>	Hungary
	<i>Gönci Barackpálinka</i>	Hungary
	<i>Pálinka</i>	Hungary, Austria (for apricot spirits solely produced in the Länder of: Niederösterreich, Burgenland, Steiermark, Wien)
	<i>Bošácka slivovica</i>	Slovakia
	<i>Brinjevec</i>	Slovenia
	<i>Dolenjski sadjevec</i>	Slovenia
	<i>Троянска сливова ракия/Сливово ракия от Троян/Troyanska slivova rakya/Slivova rakya from Troyan</i>	Bulgaria
	<i>Силистренска кайсиева ракия/Кайсиева ракия от Силистра/Silistrenska kaysieva rakya/Kaysieva rakya from Silistra</i>	Bulgaria
	<i>Тервелска кайсиева ракия/Кайсиева ракия от Тервел/Tervelska kaysieva rakya/Kaysieva rakya from Tervel</i>	Bulgaria
	<i>Ловешка сливова ракия/Сливово ракия от Ловеч/Loveshka slivova rakya/Slivova rakya from Lovech</i>	Bulgaria
	<i>Pălincă</i>	Romania
	<i>Țuică Zetea de Medieșu Aurit</i>	Romania
	<i>Țuică de Valea Milcovului</i>	Romania
	<i>Țuică de Buzău</i>	Romania
	<i>Țuică de Argeș</i>	Romania
	<i>Țuică de Zalău</i>	Romania
	<i>Țuică Ardeleanească de Bistrița</i>	Romania
	<i>Horincă de Maramureș</i>	Romania
	<i>Horincă de Cărmărzana</i>	Romania
	<i>Horincă de Seini</i>	Romania
	<i>Horincă de Chioar</i>	Romania
	<i>Horincă de Lăpuș</i>	Romania
	<i>Turț de Oaș</i>	Romania
	<i>Turț de Maramureș</i>	Romania
10. Cider spirit and perry spirit		
	<i>Calvados</i>	France
	<i>Calvados Pays d'Auge</i>	France
	<i>Calvados Domfrontais</i>	France
	<i>Eau-de-vie de cidre de Bretagne</i>	France
	<i>Eau-de-vie de poiré de Bretagne</i>	France
	<i>Eau-de-vie de cidre de Normandie</i>	France
	<i>Eau-de-vie de poiré de Normandie</i>	France
	<i>Eau-de-vie de cidre du Maine</i>	France
	<i>Aguardiente de sidra de Asturias</i>	Spain
	<i>Eau-de-vie de poiré du Maine</i>	France

Product category	Geographical indication	Country of origin (the precise geographical origin is described in the technical file)
15. Vodka		
	<i>Svensk Vodka/Swedish Vodka</i>	Sweden
	<i>Suomalainen Vodka/Finsk Vodka/Vodka of Finland</i>	Finland
	<i>Polska Wódka/Polish Vodka</i>	Poland
	<i>Laugarício vodka</i>	Slovakia
	<i>Originali lietuviška degtinė/Original Lithuanian vodka</i>	Lithuania
	Herbal vodka from the North Podlasie Lowland aromatised with an extract of bison grass/ <i>Wódka ziołowa z Niziny Północnopodlaskiej aromatyzowana ekstraktem z trawy żubrowej</i>	Poland
	<i>Latvijas Dzidrais</i>	Latvia
	<i>Rīgas Degvīns</i>	Latvia
	<i>Estonian vodka</i>	Estonia
17. Geist		
	<i>Schwarzwälder Himbeergeist</i>	Germany
18. Gentian		
	<i>Bayerischer Gebirgsenzian</i>	Germany
	<i>Südtiroler Enzian/Genziana dell'Alto Adige</i>	Italy
	<i>Genziana trentina/Genziana del Trentino</i>	Italy
19. Juniper-flavoured spirit drinks		
	<i>Genièvre/Jenever/Genever</i>	Belgium, The Netherlands, France (Départements Nord (59) and Pas-de-Calais (62)), Germany (German Bundesländer Nordrhein-Westfalen and Niedersachsen)
	<i>Genièvre de grains, Graanjenever, Graangenever</i>	Belgium, The Netherlands, France (Départements Nord (59) and Pas-de-Calais (62))
	<i>Jonge jenever, jonge genever</i>	Belgium, The Netherlands
	<i>Oude jenever, oude genever</i>	Belgium, The Netherlands
	<i>Hasseltse jenever/Hasselt</i>	Belgium (Hasselt, Zonhoven, Diepenbeek)
	<i>Balegemse jenever</i>	Belgium (Balegem)
	<i>O' de Flander-Oost-Vlaamse Graanjenever</i>	Belgium (Oost-Vlaanderen)
	<i>Peket-Pekêt/Pèket-Pèkèt de Wallonie</i>	Belgium (Région wallonne)
	<i>Genièvre Flandres Artois</i>	France (Départements Nord (59) and Pas-de-Calais (62))
	<i>Ostfriesischer Korngenever</i>	Germany
	<i>Steinhäger</i>	Germany
	<i>Plymouth Gin</i>	United Kingdom
	<i>Gin de Mahón</i>	Spain
	<i>Vilniaus Džinas/Vilnius Gin</i>	Lithuania
	<i>Spišská borovička</i>	Slovakia
	<i>Slovenská borovička Juniperus</i>	Slovakia
	<i>Slovenská borovička</i>	Slovakia
	<i>Inovecká borovička</i>	Slovakia
	<i>Liptovská borovička</i>	Slovakia

Product category	Geographical indication	Country of origin (the precise geographical origin is described in the technical file)
24. Akvavit/aquavit		
	<i>Dansk Akvavit/Dansk Aquavit</i>	Denmark
	<i>Svensk Aquavit/Svensk Akvavit/Swedish Aquavit</i>	Sweden
25. Aniseed-flavoured spirit drinks		
	<i>Anís español</i>	Spain
	<i>Anís Paloma Monforte del Cid</i>	Spain
	<i>Hierbas de Mallorca</i>	Spain
	<i>Hierbas Ibicencas</i>	Spain
	<i>Évora anisada</i>	Portugal
	<i>Cazalla</i>	Spain
	<i>Chinchón</i>	Spain
	<i>Ojén</i>	Spain
	<i>Rute</i>	Spain
	<i>Janeževc</i>	Slovenia
29. Distilled Anís		
	<i>Ouzo/Oύζο</i>	Cyprus, Greece
	<i>Oύζο Μυτιλήνης/Ouzo of Mitilene</i>	Greece
	<i>Oύζο Πλωμαρίου/Ouzo of Plomari</i>	Greece
	<i>Oύζο Καλαμάτας/Ouzo of Kalamata</i>	Greece
	<i>Oύζο Θράκης/Ouzo of Thrace</i>	Greece
	<i>Oύζο Μακεδονίας/Ouzo of Macedonia</i>	Greece
30. Bitter-tasting spirit drinks/bitter		
	<i>Demänovka bylinná horká</i>	Slovakia
	<i>Rheinberger Kräuter</i>	Germany
	<i>Trejos devyneries</i>	Lithuania
	<i>Slovenska travarica</i>	Slovenia
32. Liqueur		
	<i>Berliner Kümmel</i>	Germany
	<i>Hamburger Kümmel</i>	Germany
	<i>Münchener Kümmel</i>	Germany
	<i>Chiemseer Klosterlikör</i>	Germany
	<i>Bayerischer Kräuterlikör</i>	Germany
	<i>Irish Cream</i>	Ireland
	<i>Palo de Mallorca</i>	Spain
	<i>Ginjinha portuguesa</i>	Portugal
	<i>Licor de Singeverga</i>	Portugal
	<i>Mirto di Sardegna</i>	Italy
	<i>Liquore di limone di Sorrento</i>	Italy
	<i>Liquore di limone della Costa d'Amalfi</i>	Italy
	<i>Genepi del Piemonte</i>	Italy
	<i>Genepi della Valle d'Aosta</i>	Italy
	<i>Benediktbeurer Klosterlikör</i>	Germany
	<i>Ettaler Klosterlikör</i>	Germany

Product category	Geographical indication	Country of origin (the precise geographical origin is described in the technical file)
	<i>Ratafia de Champagne</i>	France
	<i>Ratafia catalana</i>	Spain
	<i>Anis português</i>	Portugal
	<i>Suomalainen Marjalikööri/Suomalainen Hedelmälikööri Finsk Bärlikör/Finsk Fruktlikör/ Finnish berry liqueur/Finnish fruit liqueur</i>	Finland
	<i>Grossglockner Alpenbitter</i>	Austria
	<i>Mariazeller Magenlikör</i>	Austria
	<i>Mariazeller Jagasaftl</i>	Austria
	<i>Puchheimer Bitter</i>	Austria
	<i>Steinfelder Magenbitter</i>	Austria
	<i>Wachauer Marillenlikör</i>	Austria
	<i>Jägertee/Jagertee/Jagatee</i>	Austria
	<i>Hüttentee</i>	Germany
	<i>Allažu Ķimelis</i>	Latvia
	<i>Čepkelių</i>	Lithuania
	<i>Demänovka Bylinný Likér</i>	Slovakia
	<i>Polish Cherry</i>	Poland
	<i>Karlovarská Hořká</i>	Czech Republic
	<i>Pelinkovec</i>	Slovenia
	<i>Blutwurz</i>	Germany
	<i>Cantueso Alicantino</i>	Spain
	<i>Licor café de Galicia</i>	Spain
	<i>Licor de hierbas de Galicia</i>	Spain
	<i>Génépi des Alpes/Genepi degli Alpi</i>	France, Italy
	<i>Μαστίχα Χίου/Masticha of Chios</i>	Greece
	<i>Κίτρο Νάξου/Kitro of Naxos</i>	Greece
	<i>Κουμκουάτ Κέρκυρας/Koum Kouat of Corfu</i>	Greece
	<i>Τεντούρα/Tentoura</i>	Greece
	<i>Poncha da Madeira</i>	Portugal
34. Crème de cassis		
	<i>Cassis de Bourgogne</i>	France
	<i>Cassis de Dijon</i>	France
	<i>Cassis de Saintonge</i>	France
	<i>Cassis du Dauphiné</i>	France
	<i>Cassis de Beaufort</i>	Luxembourg
40. Nocino		
	<i>Nocino di Modena</i>	Italy
	<i>Orehovec</i>	Slovenia
Other spirit drinks		
	<i>Pommeau de Bretagne</i>	France
	<i>Pommeau du Maine</i>	France
	<i>Pommeau de Normandie</i>	France
	<i>Svensk Punsch/Swedish Punch</i>	Sweden
	<i>Pacharán navarro</i>	Spain
	<i>Pacharán</i>	Spain
	<i>Inländerrum</i>	Austria
	<i>Bärwurz</i>	Germany

Product category	Geographical indication	Country of origin (the precise geographical origin is described in the technical file)
	<i>Aguardiente de hierbas de Galicia</i>	Spain
	<i>Aperitivo Café de Alcoy</i>	Spain
	<i>Herbero de la Sierra de Mariola</i>	Spain
	<i>Königsberger Bärenfang</i>	Germany
	<i>Ostpreußischer Bärenfang</i>	Germany
	<i>Ronmiel</i>	Spain
	<i>Ronmiel de Canarias</i>	Spain
	<i>Genièvre aux fruits/Vruchtenjenever/Jenever met vruchten/Frucht-genever</i>	Belgium, The Netherlands, France (Départements Nord (59) and Pas-de-Calais (62)), Germany (German Bundesländer Nordrhein-Westfalen and Niedersachsen)
	<i>Domači rum</i>	Slovenia
	<i>Irish Poteen/Irish Poitín</i>	Ireland
	<i>Trauktinė</i>	Lithuania
	<i>Trauktinė Palanga</i>	Lithuania
	<i>Trauktinė Dainava</i>	Lithuania

(¹) The geographical indication *Irish Whiskey/Usce Beatha Eireannach/Irish Whisky* covers *whisky/whiskey* produced in Ireland and Northern Ireland.