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

2005/0028(COD) - 30/01/2007

In adopting the report drafted by Mr Horst **SCHNELLHARDT** (EPP-ED, D), the Committee on the Environment, Public Health and Food Safety amended, in first reading of the codecision procedure, the proposal for a Regulation of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks.
The main amendments adopted are the following:
- the definition of 'spirit drinks' (having a minimum alcoholic strength of 15 % vol.) must not relate only to this regulation, but must also apply generally to all foodstuffs. In addition, it is proposed to remove the reference to the maximum limit proposed by the Commission (80% vol.) which would have excluded many spirit drinks (for example whisky and rum);
- an amendment was adopted in order to provide a clarification in the text regarding the nature of the liquid used for the maceration process;

- the report rejects the Commission’s proposal which involved the classification of drinks in three categories (A: spirits; B: specific spirit drinks, and C: other spirit drinks) because it seeks to ensure that the quality of all spirit drinks is maintained;

- Members want to protect traditional methods and thus guarantee the quality of products. For this reason, a general authorisation for ethyl alcohol to be added or for flavourings to be added should therefore be rejected, irrespective of whether natural or nature-identical flavourings are used. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product;
- in regard to the origin of ethyl alcohol, the Committee wants to better define the limits by specifying that ethyl alcohol used for the preparation of spirit drinks and all of their components shall not be of any origin other than agricultural and shall have been obtained in accordance with Annex I to the Treaty;
- according to the Committee, products comprising ethyl alcohol and a denaturant, irrespective of the ethyl alcohol concentration, shall be classified under the EU customs nomenclature as 'ethyl alcohol and other spirits, denatured, of any strength' and may not be used for the production of spirit drinks;
- the general possibility for Member States to adopt rules must be restricted in the interests of the proper functioning of the internal market, and should only apply in relation to issues of quality;

- an amendment adopted in Committee provides that the name ‘vodka’ should designate a spirit drink produced from ethyl alcohol of agricultural origin, obtained following fermentation with yeast, fromeither a) cereals, potatoes and/or molasses; or, b) other agricultural raw materials. The description, presentation or labelling of vodka not produced from potatoes, cereals or molasses should bear, in the same visual field as the sales denomination, the indication 'produced from...', supplemented bythe raw materialutilised to produce the ethyl alcohol of agricultural origin; if the spirit drink vodka consists of ethyl alcohol produced from two or more products of agricultural origin, it shall bear the name 'blended vodka';

- in regard to specific rules concerning trade descriptions, two new points were added: the first permits geographical indications listed in Annex III to be accompanied by additional particulars provided that these are i) regulated by the national or regional authorities in the Member States, or ii) according to the relevant technical file (e.g. 'single malt' and/or 'Highland' for Scotch whisky). The second permits the names of spirit drinks listed in Annex II to be supplemented by geographical indications other than those in Annex III, provided that they do not mislead consumers;

- as far as the mixing of spirit drinks is concerned, Members believe that the use of known names or geographical indications, or the allusion thereto in a compound term shall only be permitted if the alcohol originates 100% from the spirit drink referred to in the compound term. The use of such compound terms shall also be prohibited where a spirit drink has been diluted with water in such a way that the alcoholic strength is less than the minimum strength laid down in the definition of that spirit drink;
- save where an exception is made, the age may be indicated only where it refers to the youngest of the alcoholic components and provided that the product was aged under revenue supervision or supervision affording equivalent guarantees ;
- an amendment specifies that applications for geographical indications must be substantiated, by the Member State of origin. As regards geographical indications for spirit drinks originating in the Community, the application shall be submitted via the Member State in which the spirit drink is produced. As regards geographical indications for spirit drinks originating in third countries, the application shall either be sent direct to the Commission or submitted via the competent authorities in the third country. The application must include proof that the name is in fact protected in the country of origin;
- Member States may also require spirit drinks produced on their territory which are listed in Annex III and exported to be supported by a system of authentication documentation;
- the deadline for lodging objections to the registration of geographical indications should be extended to six months following the date of publication. It must be possible to make provision to end the registration of a traditional product through a regular procedure;
- geographical indications protected under the regulation in force shall continue to be valid. No re-application shall be made or re-examination carried out;
- the Commission shall, in consultation with Member States, ensure that this Regulation is applied in a uniform way;
- the Commission shall be assisted by the Regulatory Committee (and not a Management Committee) for Spirit Drinks;
- in the case of transitional measures, a maximum period of two years should be established.

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

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