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PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD

Royaume-Uni

Le présent document contient le texte des lois et réglementations ci-après¹, notifiées par le Royaume-Uni au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/GBR/1):

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¹Anglais seulement.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1576/89

of 29 May 1989

laying down general rules on the definition, description and presentation of spirit drinks

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100a thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas at the moment there are no specific Community provisions governing spirit drinks, in particular as concerns the definition of these products and the requirements relating to their description and presentation; whereas, given the economic importance of these products, it is necessary, in order to assist the functioning of the common market, to lay down common provisions on this subject;

Whereas spirit drinks constitute a major outlet for Community agriculture; whereas this outlet is largely the result of the reputation which these products have acquired throughout the Community and on the world market; whereas this reputation can be attributed to the quality of traditional products; whereas a certain quality standard should therefore be maintained for the products in question if this outlet is to be preserved; whereas the appropriate means of maintaining this quality standard is to define the products in question taking into account the traditional practices on which their reputation is based; whereas, moreover, the terms thus defined should be used only for products of the same quality as traditional products so as to prevent their being devalued;

Whereas Community rules should reserve, for certain territories among which certain countries may, by way of exception, appear, the use of geographical designations referring to them, provided that the stages of production during which the finished product acquires its characteristics and definitive properties are completed in the geographical area in question; whereas, by thus conferring exclusive rights on the producers concerned, the Community rules will ensure that the designations in question continue to serve as indications of provenance and will prevent them from entering the public domain and becoming generic terms; whereas the designations in question also perform the function of informing the consumer as to the provenance of products characterized by the raw materials used or by the special processes employed in their manufacture;

Whereas the normal and customary means of informing the consumer is to include certain information on the label; whereas the labelling of spirit drinks is subject to the general rules laid down in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to labelling, presentation and advertising of foodstuffs ⁽⁴⁾, as last amended by Directive 86/197/EEC ⁽⁵⁾; whereas, in view of the nature of the products in question and so that the consumer may have fuller information, specific provisions additional to these general rules should be adopted and whereas, in particular, there should be incorporated, in the definition of products, concepts relating to maturation and minimum alcoholic strength for release for human consumption;

Whereas, although Directive 79/112/EEC requires the printing of certain particulars on the labelling, it is somewhat lacking in clarity as regards the place of manufacture; whereas this concept is of particular importance in the sector of the drinks concerned owing to the fact that the consumer often makes an association between the drinks in question and the place of its manufacture; whereas the absence of such an indication may give the consumer the impression of a false origin; whereas this danger should be avoided by

⁽¹⁾ OJ No C 189, 23. 7. 1982, p. 7 and OJ No C 269, 25. 10. 1986, p. 4.

⁽²⁾ Opinion published in OJ No C 127, 14. 5. 1984, p. 175 and Decision of 24 May 1989 (not yet published in the Official Journal).

⁽³⁾ OJ No C 124, 9. 5. 1983, p. 16.

⁽⁴⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽⁵⁾ OJ No L 144, 29. 5. 1986, p. 38.

making it obligatory, in certain cases, to state the place of manufacture on the labelling;

Whereas additional requirements should, in certain cases, also be laid down; whereas, in particular, when ethyl alcohol is used it should be required that it be solely of agricultural origin, as is already customary in the Community, so as to continue to ensure a major outlet for basic agricultural products;

Whereas Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption⁽¹⁾, and 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⁾, as last amended by the Act of Accession of Spain and Portugal, lay down the characteristics of the water which may be used in foodstuffs; whereas reference should be made thereto:

Whereas Council Directive 80/388/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⁽³⁾ puts forward definitions of various terms liable to be used in connection with flavouring; whereas the same terminology should be used in this Regulation;

Whereas specific provisions should be adopted concerning description and presentation for imported spirit drinks, bearing in mind the Community's commitments in its relations with third countries;

Whereas, in order to defend the reputation of Community products on the world market, the same rules should be extended to exported products, except where there are contrary provisions, bearing in mind traditional habits and practices;

Whereas it is preferable to act by way of a Regulation in order to ensure the uniform and simultaneous implementation of the measures in question;

Whereas, to simplify and expedite the procedure, the Commission should be entrusted with adopting implementing measures of a technical nature; whereas, for this purpose, provision should be made for a procedure whereby the Member States and the Commission can cooperate closely within an implementation committee;

Whereas transitional measures are necessary to facilitate the changeover to the system introduced by this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down the general rules on the definition, description and presentation of spirit drinks.

2. For the purposes of this Regulation spirit drink shall mean an alcoholic liquid:

- intended for human consumption,
- having particular organoleptic qualities and, except in the case of the products listed under point I of Annex III, a minimum alcoholic strength of 15 % vol, and
- produced
 - either directly by the distillation, with or without added flavourings, of natural fermented products, and/or by the maceration of vegetable substances and/or the addition of flavourings, sugars or other sweetening products listed in paragraph 3 (a) and/or other agricultural products to ethyl alcohol of agricultural origin and/or to distillate of agricultural origin and/or to spirit as defined in this Regulation
 - or by the mixture of a spirit drink with:
 - one or more other spirit drinks,
 - ethyl alcohol of agricultural origin, distillate of agricultural origin or spirit,
 - one or more alcoholic drinks,
 - one or more drinks.

However, drinks falling within CN codes 2203 00, 2204, 2205, 2206 00 and 2207 shall not be considered spirit drinks.

3. Preliminary definitions

For the purposes of this Regulation, the following terms shall have the meanings indicated:

(a) sweetening:

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

semi-white sugar, white sugar, refined white sugar, dextrose, fructose, glucose syrup, liquid sugar, invert liquid sugar, invert sugar syrup, rectified concentrated grape must, concentrated grape must, fresh grape must, burned sugar, honey, carob syrup, or using other natural carbohydrate substances having a similar effect to the above products.

'Burned sugar' means the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 11.

⁽²⁾ OJ No L 229, 30. 8. 1980, p. 1.

⁽³⁾ OJ No L 184, 15. 7. 1988, p. 61.

- (b) mixing:
combining two or more different drinks to make a new drink;
- (c) addition of alcohol:
adding ethyl alcohol of agricultural origin to a spirit drink;
- (d) blending:
combining two or more spirit drinks belonging to the same category and distinguished only by minor differences in composition due to one or more of the following factors:
— the methods of preparation themselves,
— the stills employed,
— the period of maturation or ageing,
— the geographical area of production.
The spirit drink so produced belongs to the same category as the original spirit drinks before blending;
- (e) maturation or ageing:
allowing certain reactions to develop naturally in appropriate containers, thereby giving the spirit drink in question organoleptic qualities previously absent;
- (f) flavouring:
using in the preparation of spirit drinks one or more of the flavourings defined in Article 1 (2) (a) of Directive 88/388/EEC;
- (g) colouring:
using one or more colorants in the preparation of spirit drinks;
- (h) ethyl alcohol of agricultural origin:
ethyl alcohol which possesses the properties listed in Annex I to this Regulation and has been obtained by the distillation, after alcoholic fermentation, of agricultural products listed in Annex II to the Treaty, excluding spirit drinks as defined in paragraph 2. Where reference is made to the raw material used, the alcohol must be obtained solely from that raw material;
- (i) distillate of agricultural origin:
an alcoholic liquid which is obtained by the distillation, after alcoholic fermentation, of agricultural products listed in Annex II to the Treaty but which does not have the properties of ethyl alcohol as defined in (h) or of a spirit drink but still retains the aroma and taste of the raw materials used. Where reference is made to the raw material used, the distillate must be obtained solely from that raw material;

- (j) alcoholic strength by volume:
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;
- (k) volatile substances content:
the quantity of volatile substances other than ethyl and methyl alcohol contained in a spirit drink obtained exclusively by distillation, as a result solely of the distillation or redistillation of the raw materials used;
- (l) place of manufacture:
the place or region in which there took place that stage in the process of manufacturing the finished product which conferred on the spirit drink its character and essential definitive qualities;
- (m) category of spirit drinks: all spirit drinks covered by the same definition.

4. Definition of different categories of spirit drinks

For the purposes of this Regulation the following terms shall have the meanings indicated:

- (a) Rum:
- (1) 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.
 - (2) The spirit produced exclusively by alcoholic fermentation and distillation of sugar-cane juice which has the aromatic characteristics specific to rum and a content of volatile substances equal to or exceeding 225 grams per hectolitre of alcohol of 100 % vol. This spirit may be marketed with the word 'agricultural' qualifying the designation 'rum' accompanied by any of the geographical designations of the French Overseas Departments as listed in Annex II.
- (b) *Whisky or whiskey*:
A spirit drink produced by the distillation of a mash of cereals
— saccharified by the diastase of the malt contained therein, with or without other natural enzymes,
— fermented by the action of yeast,
— distilled at less than 94,8 % vol, so that the distillate has an aroma and taste derived from the raw materials used,
and matured for at least three years in wooden casks not exceeding 700 litres capacity.

(c) Grain spirit:

- (1) A spirit drink produced by the distillation of a fermented mash of cereals and having organoleptic characteristics derived from the raw materials used.

'Grain spirit' may be replaced by *Korn* or *Kornbrand*, for the drink produced in Germany and in regions of the Community where German is one of the official languages provided that this drink is traditionally produced in these regions and if the grain spirit is obtained there without any additive:

- either exclusively by the distillation of a fermented mash of whole grains of wheat, barley, oats, rye or buckwheat with all their component parts,
- or by the redistillation of a distillate obtained in accordance with the first subparagraph.

- (2) For a grain spirit to be designated 'grain brandy', it must have been obtained by distillation at less than 95 % vol from a fermented mash of cereals, presenting organoleptic features deriving from the raw materials used.

(d) Wine spirit:

A spirit drink

- 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,
- containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100 % vol alcohol, and
- having a maximum methyl alcohol content of 200 grams per hectolitre of 100 % vol alcohol.

Where this drink has been matured, it may continue to be marketed as 'wine spirit' if it has matured for as long as, or longer than, the period stipulated for the product referred to in (e).

(e) Brandy or Weinbrand:

A spirit drink

- produced from wine spirit, whether or not blended with a wine distillate distilled at less than 94,8 % vol provided that the said distillate does not exceed a maximum of 50 % by volume of the finished product,
- 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,
- 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,
- having a maximum methyl alcohol content of 200 grams per hectolitre of 100 % vol alcohol.

(f) Grape marc spirit or grape marc:

(1) (a) A spirit drink

- produced from grape marc fermented and distilled either directly by water vapour, or after water has been added; a percentage of lees that is to be determined in accordance with the procedure laid down in Article 15 may be added to the marc, the distillation being carried out in the presence of the marc itself at less than 86 % vol. Redistillation at the same alcoholic strength is authorized,
- containing a quantity of volatile substances equal to or exceeding 140 grams per hectolitre of 100 % vol alcohol and having a maximum methyl alcohol content of 1 000 grams per hectolitre of 100 % vol alcohol.

- (b) However, during the transitional period provided for Portugal in the 1985 Act of Accession, subparagraph (a) shall not preclude the marketing in Portugal of grape marc spirit produced in Portugal and having a maximum methyl alcohol content of 1 500 grams per hectolitre of 100 % vol alcohol.

- (2) The name 'grape marc' or 'grape marc spirit' may be replaced by the designation *grappa* solely for the spirit drink produced in Italy.

(g) Fruit marc spirit:

A spirit drink produced by the fermentation and distillation of fruit marc. The distillation conditions, product characteristics and other provisions shall be established in accordance with the procedure laid down in Article 15.

(h) Raisin spirit or *raisin brandy*:

A spirit drink produced by the distillation of the product obtained by the alcoholic fermentation of extract of dried grapes of the 'Corinth Black' or 'Malaga muscat' varieties, distilled at less than 94,5 % vol, so that the distillate has an aroma and taste derived from the raw material used.

(i) Fruit spirits:

(1) (a) Spirit drinks

- produced exclusively by the alcoholic fermentation and distillation of fleshy fruit or must of such fruit, with or without stones,
- distilled at less than 86 % vol so that the distillate has an aroma and taste derived from the fruits distilled,
- having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100 % vol alcohol, and
- having a maximum methyl alcohol content of 1 000 grams per hectolitre of 100 % vol alcohol, and

— in the case of stone-fruit spirits, having a hydrocyanic acid content not exceeding 10 grams per hectolitre of 100 % vol alcohol.

(b) Derogations from the provisions of the third, fourth and fifth indents of subparagraph (a) may be adopted in accordance with the procedure laid down in Article 15, in particular where the manufacture and sale of traditional products provide a substantial proportion of the income of certain fruit producers in the Community.

(c) Drinks thus defined shall be called 'spirit' preceded by the name of the fruit, such as: cherry spirit or *kirsch*, plum spirit or *slivovitz*, mirabelle, peach, apple, pear, apricot, fig, citrus or grape spirit or other fruit spirits. They may also be called *wasser*, with the name of the fruit.

The name *Williams* may be used only to describe pear spirit produced solely from pears of the 'Williams' variety.

Whenever two or more fruits are distilled together, the product shall be called 'fruit spirit'. The name may be supplemented by that of each fruit, in decreasing order of quantity used.

(d) The cases and conditions in which the name of the fruit may replace the name 'spirit' preceded by the name of the fruit in question shall be determined in accordance the procedure laid down in Article 15.

(2) The name 'spirit' preceded by the name of the fruit may also be used for spirit drinks produced by macerating, within the minimum proportion of 100 kilograms of fruit per 20 litres of 100 % vol alcohol, certain berries and other fruit such as raspberries, blackberries, bilberries and others, whether partially fermented or unfermented, in ethyl alcohol of agricultural origin or in spirit or distillate as defined in this Regulation, followed by distillation.

The conditions for using the name 'spirit' preceded by the name of the fruit with a view to avoiding confusion with the fruit spirits in point 1 and the fruit in question shall be determined by the procedure laid down in Article 15.

(3) The spirit drinks obtained by macerating unfermented whole fruit such as that referred to in point 2 in ethyl alcohol of agricultural origin, followed by distillation, may be called '*geist*', with the name of the fruit.

(j) Cider spirit, cider *brandy* or perry spirit:

Spirit drinks

— produced exclusively by the distillation of cider or perry, and

— satisfying the requirements of the second, third and fourth indents of subparagraph (i) (1) (a) relating to fruit spirits.

(k) Gentian spirit:

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.

(l) Fruit spirit drinks:

(1) Spirit drinks obtained by macerating fruit in ethyl alcohol of agricultural origin and/or in distillate of agricultural origin and/or in spirit as defined in this Regulation and within a minimum proportion to be determined by means of the procedure laid down in Article 15.

The flavouring of these spirit drinks may be supplemented by flavouring substances and/or flavouring preparations other than those which come from the fruit used. These flavouring substances and flavouring preparations are defined respectively in Article 1 (2) (b) (i) and (c) of Directive 88/388/EEC. However, the characteristic taste of the drink and its colour must come exclusively from the fruit used.

(2) The drinks so defined shall be called 'spirit drinks' or 'spirit' preceded by the name of the fruit. The cases and conditions in which the name of the fruit may replace those names shall be determined by means of the procedure laid down in Article 15.

However, the name *Pacharán* may be used solely for the 'fruit spirit drink' manufactured in Spain and obtained by macerating sloes (*prunus spinosa*) within the minimum proportion of 250 grams of fruit per litre of pure alcohol.

(m) Juniper-flavoured spirit drinks:

(1) (a) Spirit drinks produced by flavouring ethyl alcohol of agricultural origin and/or grain spirit and/or grain distillate with juniper (*juniperus communis*) berries.

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.

- (b) The drinks may be called *Wacholder*, *ginebra*, or *genebra*. Use of these names is to be determined in accordance with the procedure laid down in Article 15.
- (c) The alcohols used for the spirit drinks called *genièvre*, *jenever*, *genever* and *pekret*, must be organoleptically suitable for the manufacture of the aforementioned products and have a maximum methyl content of 5 grams per hectolitre of 100% vol alcohol and a maximum aldehyde content expressed as acetaldehyde of 0,2 grams per hectolitre of 100% vol alcohol. In the case of such products, the taste of juniper berries need not be discernible.
- (2) (a) The drink may be called 'gin' if it is produced by flavouring organoleptically suitable 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 so that the taste is predominantly that of juniper.
- (b) The drink may be called 'distilled gin' if it is produced solely 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 and of other natural botanicals provided that the juniper taste is predominant. The term 'distilled gin' may also apply to a 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 at (a) may also be used to flavour distilled gin. *London gin* is a type of distilled gin.
- Gin* obtained simply by adding essences or flavourings to ethyl alcohol of agricultural origin shall not qualify for the description 'distilled gin'.
- (n) Caraway-flavoured spirit drinks:
- (1) Spirit drinks produced by flavouring ethyl alcohol of agricultural origin with caraway (*Carum carvi* L.).
- 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.
- (2) (a) The spirit drinks defined in point 1 may also be called *akvavit* or *aquavit* if they are flavoured with a distillate of plants or spices.
- Other flavouring substances specified in the second subparagraph of point 1 may be used in addition, but the flavour of these drinks is largely attributable to distillates of caraway and/or dill (*Anethum graveolens* L.) seeds, the use of essential oils being prohibited.
- (b) The bitter substances must not obviously dominate the taste; the dry extract content may not exceed 1,5 grams per 100 millilitres.
- (o) Aniseed-flavoured spirit drinks:
- (1) Spirit drinks produced by flavouring ethyl alcohol of agricultural origin with natural extracts of star anise (*Illicium verum*), anise (*Pimpinella anisum*), fennel (*Foeniculum vulgare*), or any other plant which contains the same principal aromatic constituent, using one of the following processes:
- maceration and/or distillation,
 - redistillation of the alcohol in the presence of the seeds or other parts of the plants specified above,
 - addition of natural distilled extracts of aniseed-flavoured plants,
 - a combination of these three methods.
- Other natural plant extracts or aromatic seed may also be used, but the aniseed taste must remain predominant.
- (2) For an aniseed-flavoured spirit drink to be called 'pastis' it must also contain natural extracts of liquorice root (*Glycyrrhiza glabra*), 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.
- Pastis* contains less than 100 grams of sugar per litre and has a minimum and maximum anethole level of 1,5 and 2 grams per litre respectively.
- (3) For an aniseed-flavoured spirit drink to be called 'ouzo' it must:
- have been produced exclusively in Greece,

- have been produced by blending alcohols flavoured by means of distillation or maceration using aniseed and possibly fennel seed, mastic from a lentiscus indigenous to the island of Chios (*Pistacia lentiscus Chia or latifolia*) and other aromatic seeds, plants and fruits; the alcohol flavoured by distillation must represent at least 20 % of the alcoholic strength of the *ouzo*.

That distillate must:

- have been produced by distillation in traditional discontinuous copper stills with a capacity of 1 000 litres or less,
- have an alcoholic strength of not less than 55 % vol an not more than 80 % vol.

Ouzo must be colourless and have a sugar content of 50 grams or less per litre.

- (4) For an aniseed-flavoured spirit drink to be called *anis*, its characteristic flavour must be derived exclusively from anise (*pimpinella anisum*) and/or star anise (*illicium verum*) and/or fennel (*foeniculum vulgare*). The name 'distilled *anis*' may be used if the drink contains alcohol distilled in the presence of such seeds, provided such alcohol constitutes at least 20 % of the drink's alcoholic strength.

(p) Bitter-tasting spirit drinks or *bitter*:

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.

The drinks may also be marketed as 'amer' or *bitter* with or without another term.

This provision shall not affect the possible use of the terms 'amer' for *bitter* for products not covered by this Article.

(q) Vodka:

A spirit drink produced by either rectifying ethyl alcohol of agricultural origin or filtering it through activated charcoal, possibly followed by straightforward distillation or an equivalent treatment, so that the organoleptic characteristics of the raw materials used are selectively reduced. The product may be given special organoleptic characteristics, such as a mellow taste, by the addition of flavouring.

(r) Liqueur:

(1) A spirit drink:

- having a minimum sugar content of 100 grams per litre expressed as invert sugar, without prejudice to a different decision taken in accordance with the procedure laid down in Article 15,
- produced by flavouring ethyl alcohol of agricultural origin or a distillate of agricultural origin or one or more spirit drinks as defined in this Regulation or a mixture of the above, sweetened and possibly with the addition of products of agricultural origin such as cream, milk or other milk products, fruit, wine or flavoured wine.

- (2) The name 'crème de' followed by the name of a fruit or the raw material used, excluding milk products, shall be reserved for liqueurs with a minimum sugar content of 250 grams per litre expressed as invert sugar.

The name 'crème de cassis' shall, however, be reserved for blackcurrant liqueurs containing at least 400 grams of sugar, expressed as invert sugar, per litre.

(s) Egg liqueur/*advocaat/avocat/Advokat*:

A spirit drink whether or not flavoured, obtained from ethyl alcohol of agricultural origin, 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. The minimum egg yolk content must be 140 grams per litre of the final product.

(t) Liqueur with egg:

A spirit drink whether or not flavoured, obtained from ethyl alcohol of agricultural origin, 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. The minimum egg yolk content must be 70 grams per litre of the final product.

Article 2

Subject to Articles 3, 4 and 12, in order to be marketed for human consumption under one of the names listed in Article 1 (4) a spirit drink must comply with the definition and requirements applicable to the category to which it belongs.

Article 3

1. With the exception of juniper-flavoured spirit drinks as defined in Article 1 (4) (m) (1), for the spirit drinks listed below, the minimum alcoholic strength by volume for release

for human consumption in the Community under one of the names listed in Article 1 (4), with the exception of certain specific products whose alcoholic strength is indicated in Annex III, shall be as follows:

- 40 % *whisky/whiskey*
pastis
 - 37,5 % *rum*
Rum-Verschnitt
wine spirit
grape marc spirit
fruit marc spirit
raisin spirit
fruit spirit
cider spirit, *eider brandy* and perry spirit
gentian spirit
gin/distilled gin
akvavit/aquavit
vodka
grappa
ouzo
Kornbrand
 - 36 % *brandy/Weinbrand*
 - 35 % grain spirit/grain brandy
anis
 - 32 % *Korn*
 - 30 % caraway-flavoured spirit drinks (except
akvavit/aquavit)
 - 25 % fruit spirit drinks
 - 15 % aniseed-flavoured spirit drinks (except *ouzo*,
pastis, *anis*)
- the other products referred to in Article 1 (4) and not listed above.

2. National provisions may set a minimum alcoholic strength by volume which is higher than the values referred to in paragraph 1 for the spirit drinks listed in Annex II. Member States shall notify the Commission of such alcoholic strengths within three months of:

- either the entry into force of this Regulation, in the case of existing provisions,
- or their adoption, in the case of any provisions which may be adopted after this Regulation comes into force.

The Commission shall ensure that they are published in the 'C' series of the *Official Journal of the European Communities*.

3. The Council, acting by a qualified majority on a proposal from the Commission, may fix minimum alcoholic strengths by volume for categories of drinks other than those referred to in paragraph 1.

4. Before 31 December 1992, the Council will review the minimum alcoholic strength of *whisky/whiskey* on the basis of a market study by the Commission.

Article 4

1. Without prejudice to provisions adopted pursuant to paragraphs 2 to 5, if any substance other than those authorized by Community legislation or, failing that, by national provisions is added, the spirit drink in question shall lose the right to the reserved name.

2. The list of authorized food additives, the directions for their use and the spirit drinks concerned shall be determined by the procedure laid down in Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States on the additives which may be used in foodstuffs ⁽¹⁾.

3. The list of authorized processing aids, the directions for their use and the spirit drinks concerned may be determined by the procedure laid down in Article 15.

4. Without prejudice to the more restrictive provisions of Article 1 (4), the colouring of spirit drinks shall be authorized in accordance with the national rules established pursuant to the Council Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorized for use in foodstuffs intended for human consumption ⁽²⁾, as last amended by the Act of Accession of Spain and Portugal.

5. 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 the spirit drinks defined in Article 1 (4), except in the case of those defined in Article 1 (4) (m), (n) and (p).

However, nature-identical flavouring substances and preparations as defined in Article 1 (2) (b) (ii) of Directive 88/388/EEC shall be authorized in liqueurs except those mentioned below:

(a) Fruit liqueurs (or crèmes):

- pineapple,
- blackcurrant,
- cherry,
- raspberry,
- mulberry,
- bilberry,
- citrus fruit;

(b) plant liqueurs:

- mint,
- gentian,
- aniseed,
- *génépi*,
- *vulnérari*.

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27.

⁽²⁾ OJ No 115, 11. 11. 1962, p. 2645/62.

6. In the preparation of spirit drinks, the addition of water, possibly distilled or demineralized, shall be authorized, provided that the quality of the water conforms to the national provisions adopted in implementation of Directives 80/777/EEC and 80/778/EEC and that the water added does not change the nature of the product.

7. (a) The ethyl alcohol used in the preparation of spirit drinks may not be of any origin other than agricultural.

(b) The ethyl alcohol used to dilute or dissolve colorants, flavourings or any other authorized additives used in the preparation of spirit drinks must be ethyl alcohol of agricultural origin.

(c) Without prejudice to more restrictive provisions laid down in Article 1 (4) (m) (1), the quality of the ethyl alcohol of agricultural origin must meet the specifications set out in Annex I.

8. Detailed rules, including the methods to be used for analyzing spirit drinks, shall be adopted in accordance with the procedure laid down in Article 14.

The lists of liqueurs appearing in the second subparagraph of paragraph 5 may be supplemented by the Council acting by a qualified majority on a proposal from the Commission.

Article 5

1. Without prejudice to measures adopted pursuant to Article 6, use of the names referred to in Article 1 (4) shall be restricted to the spirit drinks defined therein, account being taken of the requirements laid down in Articles 2, 3, 4 and 12. These names must be used to describe the said drinks.

Spirit drinks which do not meet the specifications laid down for the products defined in Article 1 (4) may not bear the names assigned therein to those products. They must be described as: 'spirit drinks' or 'spirits'.

2. The names listed in paragraph 1 may be supplemented by geographical indications other than those in paragraph 3, provided that they do not mislead consumers.

3. (a) The geographical designations listed in Annex II may replace the designations referred to in paragraph 1 or supplement them, forming composite designations. These designations, whether composite or not, may if necessary be accompanied by additional particulars provided that the latter are regulated by the Member State of production.

By way of derogation from the preceding subparagraph, the words *marque nationale*

luxembourgeoise shall replace the geographical designation and may supplement the names of the spirits produced in the Grand Duchy of Luxembourg as listed in Annex II.

(b) These geographical designations shall be reserved for spirit drinks in the case of which the production stage during which they acquired their character and definitive qualities took place in the geographical area indicated.

(c) Member States may apply specific national rules on production, movement within a Member State, description and presentation to products manufactured within their territories, in so far as they are compatible with Community law. Where they are applied in pursuit of a quality policy, such rules may restrict production in a given geographical area to quality products complying with the specific rules concerned.

Article 6

1. Special provisions may govern indications used in addition to the sales description, i.e.:

— the use of terms, acronyms or signs,

— the use of compound terms including any of the generic terms defined in Article 1 (2) and (4).

2. Special provisions may govern the names of mixtures of spirit drinks and those of mixtures of drinks and spirit drinks.

3. The provisions referred to in paragraphs 1 and 2 shall be adopted in accordance with the procedure laid down in Article 15. They shall be designed in particular to prevent the creation of confusion by the names referred to in those paragraphs, especially regarding products in existence when this Regulation enters into force.

Article 7

1. In addition to complying with national legislation adopted in accordance with Directive 79/112/EEC, the labelling, presentation and advertising of spirit drinks defined in Article 1 (4) intended for the final consumer shall comply with paragraphs 2 and 3.

2. (a) The name under which the products referred to in Article 1 (2) and (4) are sold shall be one of the names to be used exclusively for such products under Articles 5 and 6 (2).

(b) Where the labelling indicates the raw material used to produce the ethyl alcohol of agricultural origin, each agricultural alcohol used must be mentioned in descending order of quantity used.

- (c) The name under which the spirit drinks referred to in paragraph 1 are sold may be supplemented by the term 'blend' where the product has undergone blending.
- (d) Saving exceptions, a maturation period may be specified only where it refers to the youngest alcoholic component and provided that the product was aged under revenue supervision or supervision affording equivalent guarantees.

3. The following may, in the case of the products referred to in Article 1 (4), be determined in accordance with the procedure laid down in Article 14:

- (a) the conditions under which the labelling may specify a maturation period and those relating to the raw materials used;
- (b) the conditions governing the use of sales descriptions which imply that the product has been matured, together with any exceptions and the conditions for equivalent controls;
- (c) the special provisions governing the use of terms referring to a certain property of the product, such as its history or the method by which it is prepared;
- (d) the rules governing the labelling of products in containers not intended for the final consumer, including any derogations from the labelling rules to take account in particular of warehousing and transport.

4. The particulars provided for in this Regulation shall be given in one or more official languages of the Communities in such a way that the final consumer can readily understand each item, unless purchasers are provided with the information by other means.

5. The geographical designations listed in Annex II, the terms in italics in Article 1 (4) and the designation *Rum-Verschnitt* must not be translated.

However, at the request of the Member State of consumption, it may be decided, by the procedure laid down in Article 14, that the said terms in italics and, in particular, *raisin brandy* shall be supplemented by equivalent terms so that consumers of the said Member State are not misled.

6. In the case of products originating in third countries, use of an official language of the third country in which the product has been made shall be authorized if the particulars provided for in this Regulation are also given in an official language of the Communities in such a way that the final consumer can readily understand each item.

7. Without prejudice to Article 12, in the case of products originating in the Community and intended for export the particulars provided for in this Regulation may be repeated in another language; this does not apply to the particulars referred to in paragraph 5.

8. In accordance with the procedure laid down in Article 15, the Commission may determine the cases and/or the spirit drinks for which a reference to the place of manufacture and/or the origin and/or the source shall be compulsory, as well as the attendant rules.

Article 8

In order to be marketed for human consumption, spirit drinks produced in the Community may not be described by associating word or phrases such as 'like', 'type', 'style', 'made', 'flavour' or any other similar indications with any of the sales descriptions mentioned in this Regulation.

Article 9

1. The spirit drinks listed below:

- rum,
- *whisky* and *whiskey*,
- grain spirit/*grain brandy*,
- wine spirit and *brandy*,
- grape marc spirit,
- raisin spirit,
- fruit spirit other than products defined in Article 1 (4) (i) (2),
- cider spirit, *cider brandy* and perry spirit

may not bear in any form whatsoever in their presentation the generic name reserved for the above drinks if they contain added ethyl alcohol of agricultural origin.

2. However, paragraph 1 shall not prevent marketing, for human consumption in the Community, of the product manufactured in Germany and obtained by mixing rum and alcohol. A minimum proportion of 5% of the alcohol contained in the final product called *Rum-Verschnitt* must come from rum. Where this product is sold outside the German market, its alcoholic composition must appear on the label.

As regards the labelling and presentation of the product *Rum-Verschnitt*, the word *Verschnitt* must appear on the packaging (on the bottle or wrapping) in characters of the same type, size and colour as, and on the same line as, the word *Rum* and, in the case of bottles, on the front label.

Article 10

1. The Member States shall take the measures necessary to ensure that Community provisions relating to spirit drinks

are complied with. They shall appoint one or more agencies to monitor compliance with these provisions.

In the case of the products listed in Annex II, it may be decided in accordance with the procedure laid down in Article 14 that such supervision and protection shall be effected, for the purposes of movement within the Community, by means of commercial documents verified by the administration and by the keeping of appropriate registers.

2. For the spirit drinks listed in Annex II and exported, the Council, acting by a qualified majority on a proposal from the Commission, shall establish a system of authentication documents to eliminate fraudulent practices and counterfeits. This system is intended to replace the existing national system. It must offer at least the same degree of certainty as those national systems, subject to Community rules and in particular those relating to competition.

Until such time as the system referred to in the preceding subparagraph has been introduced, the Member States may retain their own authentication systems provided that these comply with Community rules.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the necessary measures for the uniform application of Community provisions in the spirit drinks sector, particularly with regard to controls and relations between the competent bodies of the Member States.

4. Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Detailed rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 14.

Article 11

1. Subject to paragraph 2, to be marketed for human consumption within the Community, imported spirit drinks bearing a geographical designation or a name other than those referred to in Article 1 (4) may, subject to reciprocal arrangements, qualify for the supervision and protection referred to in Article 10.

The first subparagraph shall be implemented by agreements to be negotiated and concluded with the third countries concerned under the procedure laid down in Article 113 of the Treaty.

Detailed rules and the list of products referred to in the first subparagraph shall be adopted in accordance with the procedure laid down in Article 15.

2. This Regulation shall be without prejudice to the importing and marketing for human consumption within the Community under their names of origin of specific spirit drinks originating in third countries for which tariff

concessions are granted by the Community either under GATT or under bilateral agreements and the conditions for the admission of which have been laid down in Community regulations.

Article 12

1. Spirit drinks intended for export must comply with the provisions of this Regulation.

2. However, the Member States may decide on derogations as regards the provisions of Article 4 (2), (3), (4) and (6) but not in respect of the spirit drinks listed in Annexes II and III or spirit drinks with reserved descriptions.

3. Derogations from the provisions in Article 3 relating to the alcoholic strength for release for human consumption may also be decided on in the case of:

— spirit drinks covered by Article 1 (2) and (4),

— spirit drinks covered by Annex II, in particular where this is required under the law of the importing third country,

at the request of the producer Member State in accordance with the procedure laid down in Article 14.

4. Derogations from rules on designation and presentation, other than the names provided for in Article 1 (2) and (4) and in Annexes II and III and without prejudice to Articles 8 and 9 may be authorized by the Member States:

— where the legislation in force in the importing third country so requires,

— in cases which are not covered by the first indent, with the exception of some indications to be decided on in accordance with the procedure laid down in Article 14.

5. The derogations authorized by the Member States shall be notified to the Commission and to the Member States.

Article 13

1. An Implementation Committee for Spirit Drinks, hereinafter referred to as the committee, shall be set up consisting of representatives of the Member States and chaired by a representative of the Commission.

2. Within the committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

Article 14

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be adopted. The committee shall deliver its opinion on such measures within a period to be set by the chairman according to the urgency of the questions submitted for consideration. An opinion shall be adopted by a majority of 54 votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall forthwith be communicated by the Commission to the Council. In that event, the Commission may defer application of the measures for one month.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 15

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the committee either on his own initiative or at the request of a representative of a Member State.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3.. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

(b) If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months as from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 16

The committee may consider any other question referred to it by its chairman, either on his own initiative or at the request of the representative of a Member State.

Article 17

1. In order to facilitate the changeover from the present arrangements to those introduced by this Regulation, transitional measures shall be adopted in accordance with the procedure laid down in Article 14.

2. Such transitional measures shall be applicable for not more than two years from the date of implementation of this Regulation.

Article 18

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

It shall apply from 15 December 1989, with the exception of Articles 13 to 16, which shall apply as from the entry into force of this Regulation.

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

Done at Brussels, 29 May 1989.

For the Council
The President
C. ROMERO HERRERA

ANNEX I

Characteristics of ethyl alcohol of agricultural origin as referred to in Article 1 (3) (h)

1. Organoleptic characteristics	No detectable taste other than that of the raw material
2. Minimum alcoholic strength by volume	96,0 % vol
3. Maximum level of residues	
— Total acidity, expressed in grams of acetic acid per hectolitre of alcohol at 100 % vol	1,5
— Esters expressed in grams of ethyl acetate per hectolitre of alcohol at 100 % vol	1,3
— Aldehydes expressed in grams of acetaldehyde per hectolitre of alcohol at 100 % vol	0,5
— Higher alcohols expressed in grams of methyl-2 propanol-1 per hectolitre of alcohol at 100 % vol	0,5
— Methanol expressed in grams per hectolitre of alcohol at 100 % vol	50
— Dry extract expressed in grams per hectolitre of alcohol at 100 % vol	1,5
— Volatile bases containing nitrogen expressed in grams of nitrogen per hectolitre of alcohol at 100 % vol	0,1
— Furfural	Not detectable

ANNEX II

SPIRIT DRINKS

Geographical designations referred to in Article 5 (3)

Category	Geographical designation
1. Rum	Rhum de la Martinique Rhum de la Guadeloupe Rhum de la Réunion Rhum de la Guyane (these names may be supplemented by the word 'traditionne') Ron de Malaga Ron de Granada Rum da Madeira
2. (a) <i>Whisky</i>	Scotch Whisky Irish Whisky Whisky español (these designations may be supplemented by the words 'Malt' or 'Grain')
(b) <i>Whiskey</i>	Irish Whiskey Uisce Beatha Eireannach/Irish Whiskey (these designations may be supplemented by the words 'Pot Still')
3. Grain spirit	Eau-de-vie de seigle, marque nationale luxembourgeoise
4. Wine spirit	Eau-de-vie de Cognac Eau-de-vie des Charentes Cognac (this designation may be accompanied by one of the following descriptions: — Fine — Grande Fine Champagne — Grande Champagne — Petite Fine Champagne — Petite Champagne — Fine Champagne — Borderies — Fins Bois — Bons Bois) Fine Bordeaux Armagnac Bas-Armagnac Haut-Armagnac Ténarèse Eau-de-vie de vin de la Marne Eau-de-vie de vin originaire d'Aquitaine Eau-de-vie de vin de Bourgogne Eau-de-vie de vin originaire du Centre-Est Eau-de-vie de vin originaire de Franche-Comté Eau-de-vie de vin originaire du Bugey Eau-de-vie de vin de Savoie Eau-de-vie de vin originaire des Coteaux de la Loire Eau-de-vie de vin des Côtes-du-Rhône Eau-de-vie de vin originaire de Provence Faugères or eau-de-vie de Faugères Eau-de-vie de vin originaire du Languedoc Aguardente do Minho Aguardente do Douro Aguardente da Beira Interior Aguardente da Bairrada Aguardente do Oeste Aguardente do Ribatejo Aguardente do Alentejo Aguardente do Algarve

Category	Geographical designation
5. Brandy	<p>Brandy de Jerez Brandy de Penedés Brandy italiano <i>Brandy Αττικής/Attica Brandy</i> <i>Brandy Πελοποννήσου/Peloponnese Brandy</i> <i>Brandy Κεντρικής Ελλάδας/Brandy from Central Greece</i> Deutscher Weinbrand</p>
6. Grape marc spirit	<p>Eau-de-vie de marc de Champagne ou marc de Champagne Eau-de-vie de marc originaire d'Aquitaine Eau-de-vie de marc de Bourgogne Eau-de-vie de marc originaire du Centre-Est Eau-de-vie de marc originaire de Franche-Comté Eau-de-vie de marc originaire de Bugey Eau-de-vie de marc originaire de Savoie Marc de Bourgogne Marc de Savoie Marc d'Auvergne Eau-de-vie de marc originaire des Coteaux de la Loire Eau-de-vie de marc des Côtes du Rhône Eau-de-vie de marc originaire de Provence Eau-de-vie de marc originaire du Languedoc Marc d'Alsace Gewürztraminer Marc de Lorraine Bagaceira do Minho Bagaceira do Douro Bagaceira da Beira Interior Bagaceira da Bairrada Bagaceira do Oeste Bagaceira do Ribatejo Bagaceira do Alentejo Bagaceira do Algarve Orujo gallego Grappa di Barolo Grappa piemontese or del Piemonte Grappa lombarda or di Lombardia Grappa trentina or del Trentino Grappa friulana or del Friuli Grappa veneta or del Veneto Südtiroler Grappa/Grappa dell'Alto Adige Τσικουδιά Κρήτης/Tsikoudia from Crete Τσίπουρο Μακεδονίας/Tsipouro from Macedonia Τσίπουρο Θεσσαλίας/Tsipouro from Thessaly Τσίπουρο Τυρνάβου/Tsipouro from Tyrnavos Eau-de-vie de marc marque nationale luxembourgeoise</p>
7. Fruit spirit	<p>Schwarzwälder Kirschwasser Schwarzwälder Himbeergeist Schwarzwälder Mirabellenwasser Schwarzwälder Williamsbirne Schwarzwälder Zwetschgenwasser Fränkisches Zwetschgenwasser Fränkisches Kirschwasser Fränkischer Obstler Mirabelle de Lorraine Kirsch d'Alsace Quetsch d'Alsace Framboise d'Alsace Mirabelle d'Alsace Kirsch de Fougerolles Südtiroler Williams/Williams dell'Alto Adige Südtiroler Aprikot or Südtiroler Marille/Aprikot dell'Alto Adige or Marille dell'Alto Adige Südtiroler Kirsch/Kirsch dell'Alto Adige Südtiroler Zwetschgeler/Zwetschgeler dell'Alto Adige Südtiroler Obstler/Obstler dell'Alto Adige Südtiroler Gravensteiner/Gravensteiner dell'Alto Adige Südtiroler Golden Delicious/Golden delicious dell'Alto Adige</p>

Category	Geographical designation
7. Fruit spirit (<i>cont'd</i>)	Williams friulano or del Friuli Sliwovitz del Veneto Sliwovitz del Friuli-Venezia Giulia Sliwovitz del Trentino-Alto Adige Distillato di mele trentino or del Trentino Williams trentino or del Trentino Sliwovitz trentino or del Trentino Aprikot trentino or del Trentino Medronheira do Algarve Medronheira do Buçaco Kirsch or Kirschwasser Friulano Kirsch or Kirschwasser Trentino Kirsch or Kirschwasser Veneto Aguardente de pêra da Lousa Eau-de-vie de pommes marque nationale luxembourgeoise Eau-de-vie de poires marque nationale luxembourgeoise Eau-de-vie de kirsch marque nationale luxembourgeoise Eau-de-vie de quetsch marque nationale luxembourgeoise Eau-de-vie de mirabelle marque nationale luxembourgeoise Eau-de-vie de prunelles marque nationale luxembourgeoise
8. Cider spirit and perry spirit	Calvados du Pays d'Auge Calvados Eau-de-vie de cidre de Bretagne Eau-de-vie de poiré de Bretagne Eau-de-vie de cidre de Normandie Eau-de-vie de poiré de Normandie Eau-de-vie de cidre du Maine Aguardiente de sidra de Asturias Eau-de-vie de poiré du Maine
9. Gentian spirit	Bayerischer Gebirgsenzian Südtiroler Enzian/Genziana dell'Alto Adige Genziana trentina or del Trentino
10. Fruit spirit drinks	Pacharán navarro
11. Juniper-flavoured spirit drinks	Ostfriesischer Korngenever Genièvre Flandres Artois Hasseltse jenever Balegemse jenever Péket de Wallonie Steinhäger Plymouth Gin Gin de Mahón
12. Caraway-flavoured spirit drinks	Dansk Akvavit/Dansk Aquavit
13. Aniseed-flavoured spirit drinks	Anís español Évora anisada Cazalla Chinchón Ojén Rute
14. Liqueur	Berliner Kümmel Hamburger Kümmel Münchener Kümmel Chiemseer Klosterlikör Bayerischer Kräuterlikör Cassis de Dijon Cassis de Beaufort Irish Cream Palo de Mallorca Ginjinha portuguesa Licor de Singeverga

Category	Geographical designation
14. Liqueur (<i>cont'd</i>)	Benediktbeurer Klosterlikör Ettaler Klosterlikör Ratafia de Champagne Ratafia catalana Anís portugués
15. Spirit drinks	Pommeau de Bretagne Pommeau du Maine Pommeau de Normandie

ANNEX III

Exceptions to the general rules of:

- Article 1 (2):
egg liqueur/*advocaat/avocat/Advokat*: minimum alcoholic strength: 14 % vol.
- Article 5 (3) (non-complying geographical designations):
Königsberger Bärenfang,
Ostpreußischer Bärenfang.

I

(Acts whose publication is obligatory)

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Articles 43 and
100a thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social
Committee ⁽³⁾,

Whereas there are at present no specific Community rules
governing aromatized wines, aromatized wine-based
drinks and aromatized wine-product cocktails hereinafter
called 'aromatized drinks', in particular with regard to the
definition of such drinks and the requirements concern-
ing their description and presentation; whereas, given
the economic importance of these drinks, it is necessary,
in order to assist the functioning of the common market,
to lay down common provisions on this subject;

Whereas these aromatized drinks constitute a major outlet
for Community agriculture; whereas this outlet is largely
the result of the reputation which certain of these drinks
have acquired throughout the Community and on the
world market; whereas this reputation can be attributed
to the quality of the drinks in question; whereas a certain
quality standard should therefore be maintained for the
drinks in question if this outlet is to be preserved;
whereas the appropriate means of maintaining this quality
standard is to define the said drinks, taking into account
the traditional practices on which their reputation is
based; whereas, moreover, the terms thus defined should
be used only for drinks of the same quality as traditional
drinks so as to prevent their being devalued;

Whereas it is appropriate that an appropriate framework be
created for aromatized drinks which are composed for

the major part of wine or musts, while allowing for devel-
opment and innovation as regards such drinks; whereas
this objective can be achieved the more easily by creating
three categories of drinks on the basis of their wine
content, alcoholic strength and whether or not alcohol
has been added to them;

Whereas it is appropriate that Community rules should
reserve, for certain territories, the use of geographical
ascriptions referring thereto, provided that the stages of
production during which the finished product acquires its
characteristics and definitive properties are completed in
the geographical area in question;

Whereas the customary means of informing the consumer
is to include certain information on the label; whereas
the labelling of aromatized drinks is subject to the general
rules laid down in Council Directive 79/112/EEC of 18
December 1978 on the approximation of the laws of the
Member States relating to the labelling, presentation and
advertising of foodstuffs for sale to the ultimate consu-
mer ⁽⁴⁾, as last amended by Directive 89/395/EEC ⁽⁵⁾;
whereas, in view of the nature of the drinks in question
and so that the consumer may have fuller information,
provisions additional to these general rules should be
adopted;

Whereas, in the mind of the consumer, the reputation of
certain aromatized drinks is closely linked to a traditional
origin; whereas, in order to ensure that the consumer is
appropriately informed and to take account of these
specific cases, it is appropriate to make it compulsory to
indicate the origin in cases where the drink does not
come from the traditional region of production;

Whereas, in order to enable appropriate information to be
given on the composition of the drink, certain labelling
rules relating to the nature of the alcohol used should be
adopted;

⁽¹⁾ OJ No C 269, 25. 10. 1986, p. 15.

⁽²⁾ OJ No C 127, 14. 5. 1984, p. 185 and
OJ No C 129, 20. 5. 1991.

⁽³⁾ OJ No C 124, 9. 5. 1983, p. 16.

⁽⁴⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽⁵⁾ OJ No L 186, 30. 6. 1989, p. 17.

Whereas Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption⁽¹⁾, as last amended by Directive 81/858/EEC⁽²⁾, and 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⁽³⁾, as last amended by Directive 85/7/EEC⁽⁴⁾, lay down the characteristics of the water which may be used in foodstuffs; whereas reference should be made thereto;

Whereas 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⁽⁵⁾ puts forward definitions of various terms liable to be used in connection with flavouring; whereas the same terminology should be used in this Regulation;

Whereas specific provisions should be adopted concerning description and presentation for imported aromatized drinks, bearing in mind the Community's commitments in its relations with third countries;

Whereas, in order to defend the reputation of Community aromatized drinks on the world market, the same rules should be extended to exported drinks, except where there are contrary provisions, bearing in mind traditional habits and practices;

Whereas it is preferable to act by way of a Regulation in order to ensure the uniform and simultaneous implementation of the measures in question;

Whereas, in order to simplify and expedite the procedure, the Commission should be instructed to adopt implementing measures of a technical nature; whereas, for this purpose, provision should be made for a procedure whereby the Member States and the Commission can cooperate closely within an Implementation Committee;

Whereas transitional measures are necessary to facilitate the dangeover to the system introduced by this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the general rules on the definition, description and presentation of aromatized wines,

aromatized wine-based drinks and aromatized wine-product cocktails.

Article 2

1. For the purposes of this Regulation:

(a) aromatized wine shall mean:

a drink:

- obtained from wines defined in points 12 to 18 of Annex I to Regulation (EEC) No 822/87⁽⁶⁾, as last amended by Regulation (EEC) No 1325/90⁽⁷⁾, with the exception of retsina table wine, and possibly with added grape must, grape must in fermentation and/or fresh grape must with fermentation arrested by the addition of alcohol, as defined by Community legislation,
- to which alcohol has been added as defined in Article 3 (d), and
- which has been flavoured with the aid of:
 - natural flavouring substances and/or natural flavouring preparations as defined in Article 1 (2) (b) (i) and (c) of Directive 88/388/EEC. Without prejudice to the more restrictive provisions in paragraph 2, the use of substances and preparations identical to natural substances and preparations, as defined in Article 1 (2) (b) (ii) of that Directive, may be authorized in certain cases and under certain conditions, in accordance with the procedure laid down in Article 14, and/or
 - aromatic herbs and/or spices and/or flavouring foodstuffs,
- which has generally been sweetened and, subject to the exceptions provided for in paragraph 2, has possibly been coloured with caramel,
- which has a minimum actual alcoholic strength by volume of 14,5 % vol or more and a maximum actual alcoholic strength by volume of less than 22 % vol and a minimum total alcoholic strength by volume of 17,5 % vol or more; however, for those products which, pursuant to paragraph 5, bear the description 'dry' or 'extra dry', the minimum total alcoholic strength by volume shall be set at 16 % vol and 15 % vol respectively.

The wine used in the preparation of an aromatized wine must, before enrichment, be present in the finished product in a proportion of not less than 75 %. Without prejudice to the provisions of Article 5, the minimum natural alcoholic strength by volume of the products used shall be that provided for by Article 18 (1) of Regulation (EEC) No 822/87.

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 11.

⁽²⁾ OJ No L 319, 7. 11. 1981, p. 19.

⁽³⁾ OJ No L 229, 30. 8. 1980, p. 1.

⁽⁴⁾ OJ No L 2, 3. 1. 1985, p. 22.

⁽⁵⁾ OJ No L 184, 15. 7. 1988, p. 61.

⁽⁶⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁷⁾ OJ No L 132, 23. 5. 1990, p. 19.

The description 'aromatized wine' may be replaced by 'wine-based aperitif'. The use of the term 'aperitif' in this connection is without prejudice to the use of the term to define products which do not fall within the scope of this Regulation;

(b) aromatized wine-based drink shall mean:

a drink

- obtained from wines defined in points 11 to 13 and 15 to 18 of Annex I to Regulation (EEC) No 822/87, with the exception of wines produced with the addition of alcohol and retsina table wine, and possibly with added grape must and/or partially fermented grape must,
- which has been flavoured with the aid of:
 - natural flavouring substances and/or natural flavouring preparations and/or substances or preparations identical thereto as defined in Article 1 (2) (b) (i) and (ii) and (c) of Directive 88/388/EEC; the use of artificial substances as defined in Article 1 (2) (b) (iii) of that Directive may be authorized in certain cases and under certain conditions, in accordance with the procedure laid down in Article 14, and/or
 - aromatic herbs and/or spices and/or flavouring foodstuffs,
- which has possibly been sweetened,
- to which no alcohol has been added, subject to the exceptions referred to in the product definition given in this Regulation or decided upon in accordance with the procedure laid down in Article 14,
- which has an actual alcoholic strength by volume of 7 % vol or more and less than 14,5 % vol.

The wines used in the preparation of an aromatized wine-based drink must be present in the finished product in a proportion of not less than 50 %. Without prejudice to Article 5, the minimum natural alcoholic strength by volume of the products used shall be that provided for in Article 18 (1) of Regulation (EEC) No 822/87;

(c) aromatized wine-product cocktail

shall mean a drink:

- obtained from wine and/or grape must;
- which has been flavoured with the aid of:
 - natural flavouring substances and/or natural flavouring preparations and/or substances or preparations identical thereto as defined in Article 1 (2) (b) (i), (ii) and (c) of Directive 88/388/EEC; the use of artificial substances as defined in Article 1 (2) (b) (iii) of that Directive may be authorized in certain cases and under

certain conditions, in accordance with the procedure laid down in Article 14, and/or

aromatic herbs and/or spices and/or flavouring foodstuffs,

- has possibly been sweetened and possibly been coloured,
- to which no alcohol has been added,
- which has an actual alcoholic strength by volume of 7 % vol.

The wine and/or grape must used in the preparation of an aromatized wine-product cocktail must be present in the finished product in a proportion of not less than 50 %. Without prejudice to Article 5, the minimum natural alcoholic strength by volume of the products used shall be that provided for in Article 18 (1) of Regulation (EEC) No 822/87.

Specific descriptions may be decided upon in accordance with the procedure laid down in Article 13.

The use of the term 'cocktail' in this connection shall be without prejudice to its use to define products which do not fall within the scope of this Regulation.

2. Definition of the various categories of aromatized wine the description of which may replace 'aromatized wine':

(a) *Vermouth*:

aromatized wine which has been prepared from wine as referred to in paragraph 1 (a), the characteristic taste of which is obtained by the use of appropriate derived substances, in particular of the *Artemisia* species, which must always be used; this drink may be sweetened only by means of caramelized sugar, sucrose, grape must, rectified concentrated grape must and concentrated grape must.

(b) *Bitter aromatized wine*:

aromatized wine with a characteristic bitter flavour. The description 'bitter aromatized wine' shall be followed by the name of the main bitter-flavouring substance, without prejudice to Article 8 (3).

The following expressions, or equivalent expressions in other official languages of the Communities, may be used to supplement or replace this description:

- 'Quinquina wine', where the main flavouring is natural quinine flavouring,
- 'Bitter vino', where the main flavouring is natural gentian flavouring and the drink has been coloured with authorized yellow and/or red colouring matter; the use of the word 'bitter' in this connection shall be without prejudice to its use to define products which do not fall within the scope of this Regulation,

— 'Americano', where the flavouring is due to the presence of natural flavouring substances derived from wormwood and gentian and the drink has been coloured with authorized yellow and/or red colouring matter.

(c) *Egg-based aromatized wine*:

Aromatized wine to which good-quality egg yolk or extracts thereof have been added and which has a sugar content expressed in terms of invert sugar of more than 200 grams and a minimum egg yolk content of 10 grams per litre of finished product.

The term 'cremovo' may accompany the term 'egg-based aromatized wine' where such wine contains Marsala wine in a proportion of not less than 80 %.

The term 'cremovo zabaione' may accompany the term 'egg-based aromatized wine' where such wine contains Marsala wine in a proportion of not less than 80 % and has an egg yolk content of not less than 60 grams per litre.

3. Definitions of the various categories of aromatized wine-based drinks the description of which may:

- replace the description 'aromatized wine-based drink' in the Member State of production,
- be used to supplement 'aromatized wine-based drink' in the other Member States:

(a) *Sangria*:

a drink obtained from wine, aromatized with the addition of natural citrus-fruit extracts or essences, with or without the juice of such fruit and with the possible addition of spices, sweetened and with CO₂ added, having an acquired alcoholic strength by volume of less than 12 % vol.

The drink may contain solid particles of citrus-fruit pulp or peel and its colour must come exclusively from the raw materials used.

The description 'Sangria' must be accompanied by the words 'produced in ...' followed by the name of the Member State of production or of a more restricted region except where the product is produced in Spain or Portugal.

The description 'Sangria' may replace the description 'aromatized wine-based drink' only where the drink is manufactured in Spain or Portugal;

(b) *Clarea*:

a drink obtained from white wine under the same conditions as in (a).

The description 'Clarea' must be accompanied by the words 'produced in ...' followed by the name of the Member State of production or of a more

restricted region except where the product is produced in Spain.

The description 'Clarea' may replace the description 'aromatized wine-based drink' only where the drink is manufactured in Spain;

(c) *Zurra*:

a drink obtained by adding brandy or wine spirits as defined in Regulation (EEC) No 1576/89⁽¹⁾ to the drinks defined in (a) and (b), possibly with the addition of pieces of fruit. The actual alcoholic strength by volume must be 9 % vol or more and less than 14 % vol;

(d) *Bitter soda*:

an aromatized drink obtained from bitter vino the content of which in the finished product must not be less than 50 % by volume, with added CO₂ or carbonated water and possibly the same colourants as bitter vino. The actual alcoholic strength by volume must be 8 % vol or more and less than 10,5 % vol. The use of the word 'bitter' in this connection shall be without prejudice to its use to define products which do not fall within the scope of this Regulation;

(e) *Kalte Ente*:

an aromatized wine-based drink obtained by mixing wine, semi-sparkling wine or semi-sparkling wine with added CO₂ with sparkling wine or sparkling wine with added CO₂, and adding natural lemon substances or extracts thereof, the taste of which must be predominant. The finished product must contain not less than 25 % by volume of the sparkling wine or sparkling with with added CO₂;

(f) *Glühwein*:

an aromatized drink obtained exclusively from red or white wine and sugar, flavoured mainly with cinnamon and cloves. Where it has been prepared from white wine, the sales description 'Glühwein' must be supplemented by the words 'white wine';

(g) *Maiwein*:

an aromatized drink obtained from wine with added *asperula odorata* plants or extracts thereof so as to ensure a predominant taste of *asperula odorata*;

(h) *Maitrank*:

an aromatized drink obtained from dry white wine in which *asperula odorata* plants have been macerated or to which extracts of *asperula odorata* have been added, with the addition of

⁽¹⁾ OJ No L 160, 12. 6. 1989, p. 1.

oranges and/or other fruits, possibly in the form of juice, concentrated or extracts, and with maximum 5 % sugar sweetening ;

(i) *Other definitions :*

other definitions shall be adopted in accordance with the procedure laid down in Article 13.

4. Definition of the categories of aromatized wine-product cocktails the description of which may :

- replace the description 'aromatized wine-product cocktail' in the State of production,
- be used to supplement 'aromatized wine-product cocktail' in the other Member States ;

(a) *Wine-based cocktail :*

an aromatized drink in which :

- the proportion of concentrated grape must does not exceed 10 % of the total volume of the finished product,
- the sugar content, expressed as invert sugar, is less than 80 grams per litre ;

(b) *Aromatized semi-sparkling grape-based cocktail :*

a drink :

- prepared exclusively from grape must,
- the actual alcoholic strength by volume of which is less than 4 % vol,
- containing carbon dioxide obtained exclusively from fermentation of the products used ;

(c) *Other definitions :*

other definitions shall be adopted in accordance with the procedure laid down in Article 13.

5. The descriptions referred to in paragraphs 1 (a) and (b), 2 and 3 may also include the following particulars, with the sugar content indicated in each respective subparagraph being expressed as invert sugar :

- (a) 'extra-dry' : in the case of products with a sugar content of less than 80 grams per litre ;
- (b) 'dry' : in the case of products with a sugar content of less than 50 grams per litre ;
- (c) 'semi-dry' : in the case of products with a sugar content of between 50 and 90 grams per litre ;
- (d) 'semi-sweet' : in the case of products with a sugar content of between 90 and 130 grams per litre ;
- (e) 'sweet' : in the case of products with a sugar content of more than 130 grams per litre.

The terms 'semi-sweet' and 'sweet' may be replaced by an indication of the sugar content, expressed in grams of invert sugar per litre.

6. Where the sales description of aromatized wine-based drinks includes the term 'sparkling', the quantity of sparkling wine used must be not less than 95 %.

7. Detailed rules for the application of this Article shall be adopted in accordance with the procedures laid down in Article 14.

Article 3

Subsidiary definitions

For the purposes of this Regulation :

(a) 'sweetening' shall mean :

using one or more of the following products in the preparation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails :

semi-white sugar, white sugar, refined white sugar, dextrose, fructose, glucose syrup, liquid sugar, invert liquid sugar, invert sugar syrup, rectified concentrated grape must, concentrated grape must, fresh grape must, burned sugar, honey, carob syrup, or other natural carbohydrate substances having a similar effect to the above products.

'Burned sugar' means the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives ;

(b) 'flavouring' shall mean :

using one or more of the flavourings defined in Article 1 (2) (a) of Directive 88/388/EEC and/or aromatic herbs and/or spices and/or flavouring food-stuffs in the preparation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails.

Addition of such substances confers on the final product organoleptic characteristics other than those of wine ;

(c) 'colouring' shall mean :

using one or more colorants in the preparation of aromatized wines or aromatized wine-product cocktails ;

(d) 'adding alcohol' shall mean :

using one or more of the following products in the preparation of aromatized wines and, where appropriate, aromatized wine-based drinks :

- ethyl alcohol of viticultural origin,
- wine alcohol or dried grape alcohol,
- ethyl alcohol of agricultural origin,
- wine distillate or dried grape distillate,
- distillate of agricultural origin,
- wine spirit or grape-marc spirit,
- dried grape spirit,

which comply with the characteristics laid down by Community provisions, in particular, the characteristics of ethyl alcohol must comply with those set out in Annex I;

(e) 'actual alcoholic strength by volume' shall mean:

the number of volumes of pure alcohol at 20° C contained in 100 volumes of the product at the same temperature;

(f) 'potential alcoholic strength by volume' shall mean:

the number of volumes of pure alcohol at 20 °C which would be produced by total fermentation of the sugar contained in 100 volumes of the product at the same temperature;

(g) 'total alcoholic strength by volume' shall mean:

the sum of the actual and potential alcoholic strengths by volume;

(h) 'natural alcoholic strength by volume' shall mean:

the total alcoholic strength by volume of the product before any enrichment.

Article 4

1. For the drinks referred to in this Regulation the list of authorized food additives, the directions for their use and the products concerned shall be determined in accordance with the procedure laid down in Directive 89/107/EEC⁽¹⁾.

2. For the preparation of these drinks, the addition of water, possibly distilled or demineralized, shall be authorized provided that the quality of the water conforms to the national provisions adopted pursuant to Directives 90/777/EEC and 80/778/EEC and that the water added does not change the nature of the drink.

3. Ethyl alcohol used to dilute or dissolve colorants, flavourings or any other authorized additives used in the preparation of the said aromatized products must be of agricultural origin and be used in the dose strictly necessary to dilute or dissolve colorants, flavourings or any other authorized additive.

4. Detailed rules, including the methods to be used for analysing the products covered by this Regulation, shall be adopted in accordance with the procedure laid down in Article 13.

Article 5

1. The oenological processes and practices authorized for wines and musts shall be as laid down by Regulation (EEC) No 822/87.

2. Processes for finished products and raw materials other than those referred to in paragraph 1 may be deter-

mined in accordance with the procedure laid down in Article 14.

Article 6

1. The use of the descriptions referred to in Article 2 and in this Article shall be restricted to the drinks defined therein, account being taken of the requirements laid down in Articles 2 and 4. The descriptions in question must be used to describe the said drinks in the Community.

Drinks which do not meet the requirements laid down for the drinks defined in Article 2 may not bear the descriptions assigned to the latter therein.

2. (a) The geographical designations listed in Annex II may replace the descriptions referred to in paragraph 1 or supplement them, forming composite descriptions.

(b) These geographical designations shall be reserved for drinks in respect of which the production stage during which they acquired their character and definitive qualities took place in the geographical area indicated, provided that the consumer is not misled as to the raw material used.

3. The sales descriptions referred to in paragraph 1 may not be supplemented by geographical ascriptions allowed for wine products.

4. Member States may apply specific national rules on production, movement within a Member State, description and presentation of the drinks referred to in Annex II manufactured within their territories, in so far as such rules are compatible with Community law.

Article 7

1. The sales description of aromatized drinks containing wine products and flavourings and with a minimum alcohol strength by volume of 1,2 % vol which do not comply with this Regulation shall contain no reference to wine-sector products.

2. Aromatized drinks which do not comply with this Regulation may not be marketed for human consumption by associating words or phrases such as 'like', 'type', 'style', 'make', 'flavour' or any other similar indications with any of the descriptions mentioned in this Regulation.

3. At the latest six months following the entry into force of this Regulation, the Commission shall present to the Council an appropriate proposal concerning aromatized drinks which contain wine-sector products, are obtained by adding alcohol and which are not covered by this Regulation.

Use of the words used to describe drinks known as 'wine cooler' shall be authorized for such drinks until the Council has taken a decision on the aforementioned proposal.

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27.

Article 8

1. In addition to complying with national rules adopted in accordance with Directive 79/112/EEC, the labelling, presentation and advertising of the drinks referred to in Article 2 shall comply with this Article.

2. The sales description of the products referred to in Article 2 shall be one of the descriptions to be used exclusively for such products under Article 6.

3. The descriptions referred to in Article 2 may be supplemented by a reference to the main flavouring used.

4. Where the alcohol used in the manufacture of the drinks covered by this Regulation comes from one sole raw material (for example, solely wine alcohol, molasses alcohol or grain alcohol), the nature of the alcohol may be indicated on the label.

Should the alcohol come from several raw materials, no special indication relating to the nature of the alcohol shall appear on the label.

Ethyl alcohol used in the preparation of drinks covered by this Regulation to dilute or dissolve colorants, flavourings or any other authorized additives shall not be regarded as an ingredient.

5. The geographical designations listed in Annex II may not be translated.

6. The particulars provided for in this Regulation shall be given in one or more official languages of the Community in such a way that the final consumer can readily understand each item, unless purchasers are provided with the information by other means.

7. In the case of drinks originating in third countries, use of an official language of the third country in which the product has been made shall be authorized if the particulars provided for in this Regulation are also given in an official language of the Community in such a way that the final consumer can readily understand each item.

8. Without prejudice to Article 11, in the case of drinks originating in the Community and intended for export, the particulars provided for in this Regulation may be repeated in another language; this does not apply to the designations referred to in paragraph 5.

9. In the case of the drinks referred to in Article 2, the following may be determined in accordance with the procedure laid down in Article 13:

- (a) the special provisions governing the use of terms referring to a certain property of the product, such as its history or the method by which it is prepared;
- (b) the rules governing the labelling of products in containers not intended for the final consumer.

Article 9

1. Member States shall take the measures necessary to ensure that Community provisions relating to aromatized wines, aromatized wine-based drinks and aromatized

wine-product cocktails are complied with. They shall appoint one or more agencies to monitor compliance with these provisions.

In the case of the drinks listed in Annex II, it may be decided in accordance with the procedure laid down in Article 13 that such supervision and protection shall be effected, for the purposes of movement within the Community, by means of commercial documents verified by the administration and by the keeping of appropriate registers.

2. For drinks listed in Annex II which are exported, a system of authentication documents to eliminate fraudulent practices and counterfeits may be established in accordance with the procedure laid down in Article 13.

If the system referred to in the first subparagraph is not introduced, the Member States shall implement their own authentication systems, provided that these comply with Community rules.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the necessary measures for the uniform application of Community provisions in the aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails sector, particularly with regard to controls and relations between the competent bodies of the Member States.

4. Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Detailed rules for the communication and dissemination of such information shall be adopted in accordance with the procedure laid down in Article 13.

Article 10

In order to be marketed for human consumption within the Community, imported drinks defined by this Regulation and bearing a geographical ascription may, subject to reciprocal arrangements, qualify for the supervision and protection referred to in the second subparagraph of Article 9 (1).

The first subparagraph shall be implemented by agreements to be negotiated and concluded with the third countries concerned under the procedure laid down in Article 113 of the Treaty.

The implementing rules and the list of products referred to in the first subparagraph shall be adopted in accordance with the procedure laid down in Article 14.

Article 11

Other than in the case of exceptions to be decided in accordance with the procedure laid down in Article 13, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails intended for export must comply with the provisions of this Regulation.

Article 12

1. An Implementation Committee for the drinks covered by this Regulation, hereinafter referred to as the 'Committee', shall be set up, consisting of representatives of the Member States and chaired by a representative of the Commission.
2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

Article 13

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the questions submitted for consideration. An opinion shall be adopted by a majority of 54 votes. The votes of the Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.
3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event, the Commission may defer application of the measures for one month from the date of communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 14

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according

to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.
- (b) If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months as from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 15

The Committee may consider any other question referred to it by its chairman, either on his own initiative or at the request of the representative of a Member State.

Article 16

1. In order to facilitate the changeover from the present arrangements to those introduced by this Regulation, transitional measures shall be adopted in accordance with the procedure laid down in Article 13.
2. Such transitional measures shall be applicable for not more than two years from the date of implementation of this Regulation.

Article 17

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

It shall apply from 17 December 1991 with the exception of Articles 12 to 15, which shall apply as from the entry into force of this Regulation. However, drinks produced and labelled before that date may be disposed of until stocks run out.

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

Done at Luxembourg, 10 June 1991.

For the Council
The President
J.-C. JUNKER

ANNEX I

Characteristics of ethyl alcohol as referred to in Article 3 (d)

1. Organoleptic characteristics :	No detectable taste other than that of the raw material
2. Minimum alcoholic strength by volume :	96,0 % vol
3. Maximum level of residues	
— Total acidity expressed in g of acetic acid per hl of alcohol at 100 % vol :	1,5
— Esters expressed in g of ethyl acetate per hl of alcohol at 100 % vol :	1,3
— Aldehydes expressed in g of acetaldehyde per hl of alcohol at 100 % vol :	0,5
— Higher alcohols expressed in g of methyl-2 propanol-1 per hl of alcohol at 100 % vol :	0,5
— Methanol expressed in g per hl of alcohol at 100 %— vol :	50
— Dry extract expressed in g per hl of alcohol at 100 % vol :	1,5
— Volatile bases containing nitrogen expressed in g of nitrogen per hl of alcohol at 100 % vol :	0,1
— Furfural :	Not detectable

ANNEX II

Aromatized drinks based on wine products
geographical designations
referred to in Article 6 (2)

Nürnberger Glühwein
Vermouth de Chambéry
Vermouth di Torino

REGULATION (EC) No 3378/94 OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL

of 22 December 1994

amending Regulation (EEC) No 1576/89⁽¹⁾ laying down general rules on the definition, description and presentation of spirit drinks and Regulation (EEC) No 1601/91⁽²⁾ laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails following the Uruguay Round of the multilateral trade negotiations

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular, Articles 43 and 100a thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Acting in accordance with the procedure referred to in Article 189b of the Treaty⁽⁴⁾,

Whereas Regulation (EEC) No 1576/89⁽⁵⁾ and Regulation (EEC) No 1601/91⁽⁶⁾ lay down general rules for the definition, description and presentation of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails; whereas in order to take account in the said Regulations of the obligations arising, in particular, from Articles 23 and 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, which forms an integral

part of the Agreement establishing the World Trade Organization, provision should be made therein for the parties concerned to prevent, under certain conditions, the unlawful use of geographical designations protected by a third country member of the World Trade Organization,

HAVE ADOPTED THIS REGULATION:

Article 1

1. The following Article shall be inserted after Article 11 of Regulation (EEC) No 1576/89:

'Article 11a

1. Member States shall adopt all measures necessary to permit those concerned to prevent, under the conditions laid down in Articles 23 and 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, the use within the Community of a geographical designation identifying products covered by this Regulation for products which do not originate in the place referred to by the geographical designation in question, including in cases where the actual origin of the product is indicated or where the geographical designation is given in translation or accompanied by expressions such as 'like', 'type', 'style', 'imitation' or other.

For the purposes of this Article, 'geographical designation' shall mean any indication identifying a product as originating in the territory of a third country which is a member of the World Trade Organization, or in a region or locality of that territory, where a quality, reputation or other specific characteristic of that product can essentially be attributed to that geographical origin.

(¹) Opinion delivered on 24 November 1994 (not yet published in the Official Journal).

(²) Opinion of the European Parliament of 13 December 1995 (OJ No C 369, 24. 12. 1995, p. 1), Council common position of 13 December 1994 (not yet published in the Official Journal) and Decision of the European Parliament of 15 December 1994 (not yet published in the Official Journal).

(³) OJ No L 160, 12. 6. 1989, p. 1. Regulation as last amended by Regulation (EEC) No 3280/92 (OJ No L 327, 13. 11. 1992, p. 3).

(⁴) OJ No L 149, 14. 6. 1991, p. 1. Regulation as last amended by Regulation (EEC) No 3279/92 (OJ No L 327, 13. 11. 1992, p. 1.).

2. Paragraph 1 shall apply notwithstanding Article 11 of this Regulation and other provisions of Community legislation laying down rules for the description and presentation of products covered by this Regulation.

3. Detailed rules for the application of this Article, where necessary, shall be adopted in accordance with the procedure laid down in Article 15.'

2. The following Article is inserted after Article 10 of Regulation (EEC) No 1601/91:

'Article 10a

1. Member States shall adopt all measures necessary to permit those concerned to prevent, under the conditions laid down in Articles 23 and 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, the use within the Community of a geographical designation identifying products covered by this Regulation for products which do not originate in the place referred to by the geographical designation in question, including in cases where the actual origin of the product is indicated or where the geographical designations given in translation or accompanied by expressions such as 'like', 'type', 'style', 'imitation' or other.

For the purposes of this Article, 'geographical designation' shall mean any indication identifying a product as originating in the territory of a third country which is a member of the World Trade Organization, or in a region or locality of that territory, where a quality, reputation or other specific characteristic of that product can essentially be attributed to that geographical origin.

2. Paragraph 1 shall apply notwithstanding Article 10 of this Regulation and other provisions of Community legislation laying down rules for the description and presentation of products covered by this Regulation.

3. Detailed rules for the application of this Article, where necessary, shall be adopted in accordance with the procedure laid down in Article 14.'

Article 2

The Commission shall submit each year to the European Parliament and to the Council a report on the application of the instruments in force, backed up by appropriate statistical data.

Article 3

1. This Regulation shall enter into force on 1 January 1995.

2. It shall apply from 1 January 1996.

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

Done at Brussels, 22 December 1994.

For the European Parliament

The President

K. HÄNSCH

For the Council

The President

H. SEEHOFER