



EUROPEAN PARLIAMENT

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Plenary sitting

6.3.2013

B7-0091/2013

MOTION FOR A RESOLUTION

pursuant to Rule 88(2), (3) and (4)(c) of the Rules of Procedure

on the draft Commission implementing regulation amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks
(2013/2524(RPS))

Committee on the Environment, Public Health and Food Safety

(Rapporteur: Matthias Groote)

European Parliament resolution on the draft Commission implementing regulation amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (2013/2524(RPS))

The European Parliament,

- having regard to Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89, and in particular Article 26 thereof¹,
 - having regard to the draft Commission Regulation amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (the draft Commission Regulation),
 - having regard to Regulation (EC) No 1334/2008 of the European Parliament and the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC²,
 - having regard to the European Food Safety Authority (EFSA) Compendium of botanicals reported to contain naturally occurring substances of possible concern for human health when used in food and food supplements³,
 - having regard to the opinion of the Commission's Scientific Committee on Food on thujone, of 2 February 2002⁴,
 - having regard to Article 5a(3)(b) of the Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁵,
 - having regard to Rule 88(2), (3) and (4)(c) of its Rules of Procedure,
- A. whereas spirit drinks are classified in categories according to definitions laid down in Annex II of Regulation (EC) No 110/2008;
- B. whereas the Annexes to Regulation (EC) No 110/2008 may be amended by measures

¹ OJ L 39, 13.2.2008, p.16.

² OJ L 354, 31.12.2008, p.34.

³ EFSA Journal 2012; 10(5): 2663.

⁴ The Commission's Scientific Committee on Food existed until 2003 until the formal establishment of EFSA. On 2 December 2002, the Committee adopted an opinion on thujone, which was published on 6 February 2003 under the reference SCF/CS/FLAV/FLAVOUR/23 ADD 2 Final.

⁵ OJ L 184, 17.7.1999, p.23.

adopted by the Commission under the regulatory procedure with scrutiny, in accordance with Article 26 of that Regulation;

- C. whereas according to Recital 2 of Regulation (EC) No 110/2008, measures applicable to the spirit drinks sector should safeguard the reputation which spirit drinks have achieved in the European Union and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks;
- D. whereas according to Recital 6 of Regulation (EC) No 110/2008, whilst definitions of spirit drinks may be completed or updated, inter alia where previous definitions were lacking or insufficient, those definitions should continue to respect traditional quality practices;
- E. whereas absinthe, a spirit drink traditionally produced in several Member States, has not until now been defined as a product category in Annex II of Regulation (EC) No 110/2008;
- F. whereas the Commission proposes in Article 1, point c, of its draft Regulation the insertion of a definition of absinthe in Annex II of Regulation (EC) No 110/2008, which would provide for a minimum anethole level of 0.5 grams per litre;
- G. whereas absinthe is commonly known as a spirit drink produced by flavouring ethyl alcohol of agricultural origin or a distillate of agricultural origin with absinthe wormwood (*Artemisia absinthium* L.), Roman wormwood (*Artemisia pontica* L.), anise (*Pimpinella anisum* L.), fennel (*Foeniculum vulgare* Mill.) and other herbal plants depending on their regional availability;
- H. whereas depending on the regional availability of certain herbal plants and on varying consumer preferences, the traditional practices of absinthe production in many Member States have come to differ to a certain degree in such a way that not all traditional recipes foresee a minimum anethole level, and the anethole level of many products currently available on the market remains below the 0.5 grams per litre proposed by the Commission;
- I. whereas upon the entry into force of the draft Commission Regulation, the producers of these absinthe variations would, as a result of this newly introduced definition of absinthe, be required either to abstain from using the term 'absinthe' as their sales domination or to change their long-standing recipes, notwithstanding their traditional methods of production;
- J. whereas such a change of inherent product characteristics may irritate consumers and may hence undermine consumer confidence;
- K. whereas absinthe as a product category could be defined in a way which ensures respect for regional varieties instead of requiring producers to change traditional methods of production;
- L. whereas absinthe producers could moreover be obliged to include the quantity of anethole in the list of ingredients;

- M. whereas, furthermore, according to Recital 2 of Regulation (EC) No 110/2008, measures applicable to the spirit drinks sector should contribute to the attainment of a high level of consumer protection;
- N. whereas, in addition, the Commission proposes in Article 1, point c, of its draft Regulation that the definition of absinthe include a requirement for a quantity of thujone (alpha and beta) between 5 and 35 milligrams per litre;
- O. whereas the EFSA Compendium of botanicals reported to contain naturally occurring substances of possible concern for human health when used in food and food supplements lists thujone contained in *Artemisia absinthium* L.;
- P. whereas, according to its opinion of 2 February 2002, the Commission's Scientific Committee on Food did not consider it appropriate to use thujone as a chemically identified flavouring substance and supported the application of the upper limits in foods and beverages which were in place at the time of adoption of the opinion and which remain in place pursuant to Annex III to Regulation (EC) No 1334/2008;
- Q. whereas some absinthe producers have started using *Artemisia* plants that are free of thujone or contain only very low levels of this substance;
- R. whereas the stipulation of a minimum thujone level as part of an absinthe definition is therefore in contradiction to the current paradigm for dealing with this potentially harmful substance;
- S. whereas stipulating minimum thujone levels for absinthe does not add an indispensable characteristic to the definition of this spirit drink;
1. Considers that the draft Commission Regulation is not compatible with the aim and content of Regulation (EC) No 110/2008;
 2. Opposes the adoption of the draft Commission Regulation amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks;
 3. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.