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## **\*\*\*I** **REPORT**

on the proposal for a regulation of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks (COM(2005)0125 – C6-0440/2005 – 2005/0028(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Horst Schnellhardt Draftsman (\*): Niels Busk, Committee on Agriculture and Rural Development

(\*): Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks  
(COM(2005)0125 – C6-0440/2005 – 2005/0028(COD))**

**(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0125)<sup>1</sup>,
  - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0440/2005),
  - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
  - having regard to Rules 51 and 35 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Agriculture and Rural Development and the Committee on the Internal Market and Consumer Protection (A6-0035/2007),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

### Amendment 1 Recital 1

(1) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks and Commission Regulation (EEC)

(1) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks and Commission Regulation (EEC)

<sup>1</sup> OJ C ... / Not yet published in OJ.

No 1014/90 of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks have proved successful in regulating the spirit drinks sector. However, in the light of recent experience it is necessary to clarify the rules applicable to the definition, description, presentation and protection of certain spirit drinks. **Regulation** (EEC) No 1576/89 should therefore be repealed and replaced by a new Regulation.

No 1014/90 of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks have proved successful in regulating the spirit drinks sector. However, in the light of recent experience it is necessary to clarify the rules applicable to the definition, description, presentation, **labelling** and protection of certain spirit drinks. **Regulations** (EEC) No 1576/89 **and (EEC) No 1014/90** should therefore be repealed and, **taking account of traditional production methods**, replaced by a new Regulation.

### *Justification*

*A key aspect of the new regulation is the emphasis placed on taking account of traditional production methods, and this must be mentioned in the recitals. In addition, the new regulation replaces the two existing regulations.*

### Amendment 2 Recital 2

(2) The spirit drinks sector is important **both** for consumers and producers in the Community. The measures applicable to that sector should contribute to the attainment of a high level of consumer protection, the prevention of deceptive practices, market transparency and fair competition. By doing so, the measures will safeguard the reputation which Community spirit drinks have achieved in the Community and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account where such innovation serves to improve quality

(2) The spirit drinks sector is important for **farmers**, consumers and producers in the Community. The measures applicable to that sector should contribute to the attainment of a high level of consumer protection, the prevention of deceptive practices, market transparency and fair competition. By doing so, the measures will safeguard the reputation which Community spirit drinks have achieved in the Community and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account where such innovation serves to improve quality.

### *Justification*

*The proposal for a regulation itself stresses the importance of agricultural products. That*

*must be reflected in the new regulation. Moreover, the previous regulation had a dual legal basis (internal market and agriculture).*

Amendment 3  
Recital 3

(3) ***To obtain an increased systematic approach to*** the legislation governing spirit drinks, ***such drinks*** should ***be classified in three categories according to*** well-defined criteria ***of*** production and labelling.

(3) The legislation governing spirit drinks should ***contain*** well-defined criteria ***for*** production and labelling ***of such drinks***.

*Justification*

*The principle underpinning the regulation is the importance of preserving the high quality of all spirit drinks. Under the system of categories proposed, 'the purest form of product' falls within category 1. Such a classification implies that the other two categories are of inferior quality, and it should therefore be rejected.*

Amendment 4  
Recital 5

(5) In particular, the ethyl alcohol used for the production of spirit drinks should be solely of agricultural origin, so as to meet consumer expectations and conform to traditional practices. This will also ensure an outlet for basic agricultural products.

(5) In particular, ***it should be emphasised that*** the ethyl alcohol used for the production of spirit drinks should ***continue to*** be solely of agricultural origin, so as to meet consumer expectations and conform to traditional practices. This will also ensure an outlet for basic agricultural products.

*Justification*

*It should be made clear that pursuant to the current Regulation, ethyl alcohol other than that of agricultural origin may not be used.*

Amendment 5  
Recital 7

(7) In order to allow a high level of quality of spirit drinks and diversity in the sector, Member States should be able to adopt rules stricter than or additional to those laid down in this Regulation on the production, description, presentation and particular labelling of spirit drinks produced in their

(7) In order to allow a high level of quality of spirit drinks and diversity in the sector, Member States should be able to adopt rules stricter than or additional to those laid down in this Regulation on the production, description, presentation and particular labelling of spirit drinks produced in their

territory.

territory, ***provided that such rules are designed to pursue a specific quality policy, are compatible with Community law and relate to spirit drinks with a geographical indication.***

*Justification*

*Should stricter provisions be allowed to be adopted at will, the basic principle of the regulation, namely the approximation of legislation (as clearly set out in the legal basis, Article 95 of the EC Treaty) would be undermined.*

Amendment 6  
Recital 12

(12) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>.

<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

(12) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>.

<sup>1</sup> OJ L 184, 17.7.1999, p. 23. ***Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).***

*Justification*

*New rules on the committee procedure were adopted on 17 July 2006 and must be taken into account.*

Amendment 7  
Article 1, paragraph 1, point (c)

(c) having a minimum alcoholic strength of 15 % vol. ***and a maximum of 80% vol.,***

(c) having a minimum alcoholic strength of 15 % vol., ***subject to the exceptions to these values indicated in the annexes to this Regulation, and in particular in point 41 of Annex II,***

*Justification*

*The definition of spirit drinks must not relate only to this regulation, but must also apply generally to all foodstuffs. Moreover, the proposed maximum limit of 80% vol. would exclude many spirit drinks (for example whisky and rum).*



Amendment 8  
Article 1, paragraph 1, point (d) (i), indent 2

- by the maceration of **vegetable substances**, and/or

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

*Justification*

*This improves the clarity of the text by specifying the liquid medium used for the maceration process.*

Amendment 9  
Article 1, paragraphs 2 a and 2 b (new)

**ANNEX II**

**Annex II shall be incorporated into Article 1, under the following points:**

**Category A: Spirits**

**2a. points 1 - 12a**

**Category B: Specific spirit drinks**

**2b. points 13 - 45b**

**Category C: Other spirit drinks**

*Justification*

*Annex II is being incorporated into Article 1. The definitions of individual spirit drinks must continue to be decided on through the codecision procedure, and therefore belong in the body of the legislative text.*

Amendment 10  
Article 1, paragraph 2 a (new)

**CATEGORIES OF SPIRIT DRINKS**

**2a. Without prejudice to the specific rules laid down for each of the products listed in points 1 to 12a of this paragraph, "spirits" shall:**

**(a) be manufactured by alcoholic fermentation and distillation exclusively from the raw material in accordance with the definitions in points 1 to 12a of this**

*paragraph;*

*(b) not contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);*

*(c) contain no flavourings of any kind;*

*(d) solely be sweetened to round off the final taste of the product, according to the technical definitions and requirements in Annex I to this Regulation and taking into account particular legislation of the Member States.*

#### *Justification*

*The definitions of individual spirit drinks must continue to be decided on through the codecision procedure, and therefore belong in the body of the legislative text.*

#### Amendment 11

Article 1, paragraph 2 a (new), point 1 (a) - (d)

(a) ***Rum is***

(1) a spirit drink exclusively produced by alcoholic fermentation and distillation, either from molasses or syrup produced in the manufacture of cane sugar or from sugar-cane juice itself and distilled at less than 96% vol. so that the distillate has the discernible specific organoleptic characteristics of rum, or

(2) the spirit produced 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.*

(b) The minimum alcoholic strength by volume of rum shall be 37.5%.

(c) Rum shall not contain added ethyl alcohol of agricultural origin.

(a) ***For the purpose of this Regulation, rum shall mean:***

(1) a spirit drink exclusively produced by alcoholic fermentation and distillation, either from molasses or syrup produced in the manufacture of cane sugar or from sugar-cane juice itself and distilled at less than 96% vol. so that the distillate has the discernible specific organoleptic characteristics of rum, or

(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 *100% vol. alcohol.*

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

(c) Rum shall not contain added ethyl alcohol ***or other distillate*** of agricultural origin.

***(d) 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 rum.*** **deleted**

*(See Annex II, Category A, point 1, letters (a) - (d))*

*Justification*

*The quality of products is guaranteed by protecting traditional methods. General authorisation for ethyl alcohol to be added or for flavourings to be added should therefore be rejected, irrespective of whether natural or nature-identical flavourings are used. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

Amendment 12

Article 1, paragraph 2 a (new), point 2 (a), introductory part

(a) ***Whisky*** or *whiskey* is a spirit drink: (a) ***For the purpose of this Regulation, whisky*** or *whiskey shall mean* a spirit drink:

*(See Annex II, Category A, point 1)*

*Justification*

*The quality of products is guaranteed by protecting traditional methods. General authorisation for the addition of ethyl alcohol or the newly introduced method of rounding off should therefore be rejected in this connection. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

Amendment 13

Article 1, paragraph 2 a (new), point 2 (c) and (d)

(c) *Whisky* or *whiskey* shall not contain added ethyl alcohol of agricultural origin. (c) *Whisky* or *whiskey* shall not contain added ethyl alcohol ***or other distillate*** of agricultural origin.

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

(See Annex II, Category A, point 2)

*Justification*

*The quality of products is guaranteed by protecting traditional methods. General authorisation for the addition of ethyl alcohol or the newly introduced method of rounding off should therefore be rejected in this connection. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

Amendment 14

Article 1, paragraph 2 a (new), point 3

(a) Grain spirit *is* a spirit drink produced by the distillation of a fermented mash of cereals and having organoleptic characteristics derived from the raw materials used.

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

(c) Grain spirit shall not contain added ethyl alcohol of agricultural origin.

(d) ***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 grain spirit.***

(e) 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.

(a) ***For the purpose of this Regulation, grain spirit shall mean*** a spirit drink produced by the distillation of a fermented mash ***made from whole grains*** of cereals and having organoleptic characteristics derived from the raw materials used.

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

(c) Grain spirit shall not contain added ethyl alcohol ***or other distillate*** of agricultural origin.

(d) ***Grain spirit shall not be flavoured.***

(e) For a grain spirit to be designated ‘grain ***spirit***’, 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.

(See Annex II, Category A, point 3)

*Justification*

*The quality of products is guaranteed by protecting traditional methods. The restriction requiring grain spirit to be distilled from fermented mash made from whole grains of cereals is intended to prevent the use of residues of cereals or starch. Raising the alcoholic strength to 35% would result in not satisfying consumers' expectations, as the flavour would be*

*completely different. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

#### Amendment 15

##### Article 1, paragraph 2 a (new), point 4

(a) *Wine* spirit *is* a spirit drink:

(1) produced 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.,

(2) containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100% vol. alcohol,

(3) having a maximum methyl alcohol content of 200 grams per hectolitre of 100% vol. alcohol.

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

(c) Wine spirit shall not contain added ethyl alcohol of agricultural origin.

(d) ***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 wine spirit.***

(a) ***For the purpose of this Regulation, wine spirit shall mean*** a spirit drink:

(1) 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.,

(2) containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100% vol. alcohol,

(3) having a maximum methyl alcohol content of 200 grams per hectolitre of 100% vol. alcohol.

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

(c) Wine spirit shall not contain added ethyl alcohol ***or other distillate*** of agricultural origin.

(d) ***Wine spirit shall not be flavoured.***

*(See Annex II, Category A, point 4)*

#### *Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

#### Amendment 16

##### Article 1, paragraph 2 a (new), point 5, (a), introductory part and point 1

(a) **Brandy** or *Weinbrand* is a spirit drink:

1) **produced** from wine spirit, whether or not blended with a wine distillate distilled at less than 94,8% vol., provided that that distillate does not exceed a maximum of 50% by volume of the finished product,

(a) **For the purpose of this Regulation, brandy** or *Weinbrand shall mean* a spirit drink:

1) **obtained** from wine spirit, whether or not blended with a wine distillate distilled at less than 94,8% vol., provided that that distillate does not exceed a maximum of 50% by volume of the finished product,

(See Annex II, Category A, point 5)

#### *Justification*

*The quality of products is guaranteed by protecting traditional methods. Flavouring forms part of the traditional production methods for the products concerned. The types of flavourings and their production must be precisely defined. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

#### Amendment 17

Article 1, paragraph 2 a (new), point 5, (c) - (d)

(c) *Brandy* or *Weinbrand* shall not contain added ethyl alcohol of agricultural origin.

(d) **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 brandy or Weinbrand.**

(c) *Brandy* or *Weinbrand* shall not contain added ethyl alcohol **or other distillate** of agricultural origin.

(d) **Brandy or Weinbrand shall not be flavoured. This shall not exclude traditional production methods. In order to round off the characteristics in terms of aroma and flavour, only extracts produced by**

**- storing wine distillate on oak wood or chips,**

**- storing wine distillate on dried plums, green (unripe) walnuts, which may be dried, or dried almond shells, which may be roasted,**

**may be used.**

(See Annex II, Category A, point 5)

#### *Justification*

*The quality of products is guaranteed by protecting traditional methods. Flavouring forms*

*part of the traditional production methods for the products concerned. The types of flavourings and their production must be precisely defined. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

Amendment 18

Article 1, paragraph 2 a (new), point 6, (a), introductory part

(a) **Grape** marc spirit or grape marc *is* a spirit drink **which meets the following conditions:**

(a) **For the purpose of this Regulation, grape** marc spirit or grape marc **shall mean** a spirit drink:

*(See Annex II, Category A, point 6)*

*Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

Amendment 19

Article 1, paragraph 2 a (new), point 6, (c) - (d)

(c) Grape marc spirit or grape marc shall not contain added ethyl alcohol of agricultural origin.

(c) Grape marc spirit or grape marc shall not contain added ethyl alcohol **or other distillate** of agricultural origin.

(d) **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 grape marc spirit or grape marc.**

(d) **Grape marc shall not be flavoured.**

*(See Annex II, Category A, point 6)*

*Justification*

*See justification relating to point 6, (a)*

Amendment 20

Article 1, paragraph 2 a (new), point 7

(a) **Fruit** marc spirit *is* a spirit drink **which**

(a) **For the purpose of this Regulation,**

*meets the following conditions:*

- (1) *it* is obtained solely by fermentation and distillation at less than 86% vol. of fruit marc except grape marc;
  - (2) *it* contains a minimum quantity of volatile substances of 200g per hectolitre of alcohol at 100% vol.;
  - (3) *the* maximum methyl alcohol content *shall be* 1 500 g per hectolitre of alcohol at 100% vol.;
  - (4) the maximum hydrocyanic acid content shall be **10 g** per hectolitre of alcohol at 100% vol. in the case of stone-fruit marc spirit;
  - (5) redistillation at the same alcoholic strength is authorised.
- (b) The minimum alcoholic strength by volume of fruit marc spirits shall be 37,5%.
- (c) Fruit marc spirits shall not contain added ethyl alcohol of agricultural origin.

**d) 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 fruit marc spirits.**

*fruit marc spirit shall mean* a spirit drink:

- (1) *which* is obtained solely by fermentation and distillation at less than 86% vol. of fruit marc except grape marc;
  - (2) *which* contains a minimum quantity of volatile substances of 200g per hectolitre of alcohol at 100% vol.;
  - (3) *which has a* maximum methyl alcohol content *of* 1 500 g per hectolitre of alcohol at 100% vol.;
  - (4) The maximum hydrocyanic acid content shall be **7 g** per hectolitre of alcohol at 100% vol. in the case of stone-fruit marc spirit;
  - (5) *for which* redistillation at the same alcoholic strength is authorised.
- (b) The minimum alcoholic strength by volume of fruit marc spirits shall be 37,5%.
- (c) Fruit marc spirits shall not contain added ethyl alcohol *or other distillate* of agricultural origin.

**(d) Fruit marc spirit shall not be flavoured.**

*(See Annex II, Category A, point 7))*

#### *Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

#### Amendment 21

Article 1, paragraph 2 a (new), point 8

(a) **Raisin** spirit or raisin *brandy* **is** a spirit drink produced by the distillation of the product obtained by the alcoholic fermentation of extract of dried grapes of

(a) **For the purpose of this Regulation, raisin** spirit or raisin *brandy* **shall mean** a spirit drink produced by the distillation of the product obtained by the alcoholic



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.

(b) The minimum alcoholic strength by volume of raisin spirit or raisin *brandy* shall be 37,5%.

(c) Raisin spirit or raisin *brandy* shall not contain added ethyl alcohol of agricultural origin.

(d) **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 raisin spirit or raisin brandy.**

fermentation of extract of dried grapes of the "Corinth Black" or "**Moscatel of Alexandria**" varieties, distilled at less than 94,5% vol., so that the distillate has an aroma and taste derived from the raw material used.

(b) The minimum alcoholic strength by volume of raisin spirit or raisin *brandy* shall be 37,5%.

(c) Raisin spirit or raisin *brandy* shall not contain added ethyl alcohol **or other distillate** of agricultural origin.

(d) **Raisin spirit or raisin brandy shall not be flavoured.**

(See Annex II, Category A, point 8)

#### *Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

#### Amendment 22

Article 1, paragraph 2 a (new), point 9 (a)

(a) **Fruit** spirits **are** spirit drinks:

(1) produced by the alcoholic fermentation and distillation of fleshy fruit or must of such fruit, with or without stones,

(2) distilled at less than 86% vol. so that the distillate has an aroma and taste derived from the fruits distilled,

(3) having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100% vol. alcohol,

(4) in the case of stone-fruit spirits, having a hydrocyanic acid content not exceeding

(a) **For the purpose of this Regulation, fruit** spirits **shall mean** spirit drinks:

(1) produced **exclusively** by the alcoholic fermentation and distillation of fleshy fruit or must of such fruit, with or without stones,

(2) distilled at less than 86% vol. so that the distillate has an aroma and taste derived from the fruits distilled,

(3) having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100% vol. alcohol,

(4) in the case of stone-fruit spirits, having a hydrocyanic acid content not exceeding

**10 grams** per hectolitre of 100% vol. alcohol,

**7 grams** per hectolitre of 100% vol. alcohol,

(See Annex II, Category A, point 9)

*Justification*

*The quality of products is guaranteed by protecting traditional methods. Flavouring or sweetening of fruit mash should be expressly ruled out. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product. The introduction of apricots and peaches is based on experience in practice.*

Amendment 23

Article 1, paragraph 2 a (new), point 9 (b)

(b) Fruit spirits shall contain at most 1 000 grams per hectolitre of 100% vol. alcohol of methyl alcohol.

However the maximum methyl alcohol content shall be:

(i) 1 200 grams per hectolitre of *alcohol at 100% vol.* obtained from the following fruits:

- plum (*Prunus domestica* L.),
- mirabelle (*Prunus domestica* L. var *syriaca*),
- quetsch (*Prunus domestica* L.),
- apple (*Malus domestica* Borkh.),
- pear (*Pyrus communis* L.) except for Williams pears (*Pyrus communis* Williams),
- raspberries (*Rubus idaeus* L.),
- blackberries (*Rubus fruticosus* L.);

(ii) 1 350 grams per hectolitre of *alcohol at 100% vol.* obtained from the following fruits:

- Williams pears (*Pyrus communis* Williams),

(b) Fruit spirits shall contain at most 1 000 grams per hectolitre of 100% vol. alcohol of methyl alcohol.

However, ***for the following fruit spirits***, the maximum methyl alcohol content shall be:

(i) 1 200 grams per hectolitre of *100% vol. alcohol* obtained from the following fruits:

- plum (*Prunus domestica* L.),
- mirabelle (*Prunus domestica* L. var *syriaca*),
- quetsch (*Prunus domestica* L.),
- apple (*Malus domestica* Borkh.),
- pear (*Pyrus communis* L.) except for Williams pears (*Pyrus communis* Williams),
- raspberries (*Rubus idaeus* L.),
- blackberries (*Rubus fruticosus* L.),
- ***peach (*Prunus persica* L.)***
- ***apricot (*Prunus armeniaca* L.)***;

(ii) 1 350 grams per hectolitre of *100% vol. alcohol* obtained from the following fruits ***or berries***:

- Williams pears (*Pyrus communis* Williams),

- redcurrants and blackcurrants (*Ribes* species),
- service berries (*Sorbus aucuparia*),
- elderberries (*Sambucus nigra*).

- redcurrants and blackcurrants (*Ribes* species),
- service berries (*Sorbus aucuparia*),
- elderberries (*Sambucus nigra*).
- **quinces (*Cydonia oblonga*)**

*(See Annex II, Category A, point 9)*

*Justification*

*See justification relating to point 9 (a).*

Amendment 24

Article 1, paragraph 2 a (new), point 9 (d)

(d) Fruit spirits shall not contain added ethyl alcohol of agricultural origin.

(d) Fruit spirits shall not contain added ethyl alcohol **or other distillate** of agricultural origin.

*(See Annex II, Category A, point 9)*

*Justification*

*The provisions governing “Fruit spirit” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

Amendment 25

Article 1, paragraph 2 a (new), point 9, (e)

**(e) 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 fruit spirits.**

**(e) Fruit spirits shall not be flavoured.**

*Justification*

*The traditional production of fruit spirits does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome by the industry.*

Amendment 26  
Article 1, paragraph 2 a (new), point 10

(a) *Cider* spirit, *cider brandy* or *perry* spirit **are** spirit drinks:

(1) produced exclusively by the distillation of *cider* or *perry* distilled at less than 86% vol. so that the distillate has an aroma and taste derived from the fruits distilled,

(2) having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100% vol. alcohol,

(3) having a maximum methyl alcohol content of 1 000 grams per hectolitre of 100% vol. alcohol.

(b) The minimum alcoholic strength by volume of *cider* spirit, *cider brandy* or *perry* spirit shall be 37,5%.

(c) *Cider* spirit, *cider brandy* or *perry* spirit shall not contain added ethyl alcohol of agricultural origin.

(d) **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 *cider* spirit, *cider brandy* or *perry* spirit.**

(a) **For the purpose of this Regulation, *cider* spirit, *cider brandy* or *perry* spirit shall mean** spirit drinks:

(1) produced exclusively by the distillation of *cider* or *perry* distilled at less than 86% vol. so that the distillate has an aroma and taste derived from the fruits distilled,

(2) having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100% vol. alcohol,

(3) having a maximum methyl alcohol content of 1 000 grams per hectolitre of 100% vol. alcohol.

(b) The minimum alcoholic strength by volume of *cider* spirit, *cider brandy* or *perry* spirit shall be 37,5%.

(c) *Cider* spirit, *cider brandy* or *perry* spirit shall not contain added ethyl alcohol **or other distillate** of agricultural origin.

(d) ***Cider* spirit, *cider brandy* or *perry* spirit shall not be flavoured.**

(See Annex II, Category A, point 10)

*Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

Amendment 27  
Article 1, paragraph 2 a (new), point 11

(a) *Hefebrand* **is** a spirit drink produced **from** lees of wine or of fermented fruit.

(a) **For the purpose of this Regulation, *Hefebrand* shall mean** a spirit drink produced **exclusively by the distillation of** lees of wine or of fermented fruit.

(b) The minimum alcoholic strength by volume of *Hefebrand* shall be 38%.

(c) *Hefebrand* shall not contain added ethyl alcohol of agricultural origin.

(d) ***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 Hefebrand.***

(e) The name under which Hefebrand is sold ***may*** be supplemented by the name of the basic material used.

(b) The minimum alcoholic strength by volume of *Hefebrand* shall be 38%.

(c) *Hefebrand* shall not contain added ethyl alcohol ***or other distillate*** of agricultural origin.

(d) ***Hefebrand shall not be flavoured.***

(e) The name under which Hefebrand is sold ***must*** be supplemented by the name of the basic material used.

(see Annex II, Category A, point 11))

#### *Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

#### Amendment 28

##### Article 1, paragraph 2 a (new), point 12

(a) *Bierbrand* or *eau de vie de bière* ***is*** a spirit drink obtained exclusively by direct distillation of fresh beer with an alcoholic strength by volume of less than 86% such that the distillate obtained has organoleptic characteristics resulting from the beer.

(b) The minimum alcoholic strength by volume of *Bierbrand* or *eau de vie de bière* shall be 38%.

(c) *Bierbrand* shall not contain added ethyl alcohol of agricultural origin.

(d) ***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 Bierbrand or eau de vie de***

(a) ***For the purpose of this Regulation, Bierbrand*** or *eau de vie de bière* ***shall mean*** a spirit drink obtained exclusively by direct distillation of fresh beer with an alcoholic strength by volume of less than 86% such that the distillate obtained has organoleptic characteristics resulting from the beer.

(b) The minimum alcoholic strength by volume of *Bierbrand* or *eau de vie de bière* shall be 38%.

(c) *Bierbrand* shall not contain added ethyl alcohol ***or other distillate*** of agricultural origin.

(d) ***Bierbrand shall not be flavoured.***

*bière.*

*(see Annex II, Category A, point 12)*

*Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on adding distillate of agricultural origin is tried and tested, and should be retained in order to guarantee a top quality product.*

Amendment 29

Article 1, paragraph 2 a (new), point 12 a (new)

**45. Topinambur**

(a) *Topinambur* is a spirit drink produced solely by fermentation of Jerusalem artichoke tubers (*Helianthus tuberosus* L.).

(b) The minimum alcoholic strength by volume of *Topinambur* shall be 38%.

(c) **Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of *Topinambur*.**

**12a. Topinambur**

(a) **For the purpose of this Regulation, *Topinambur* shall mean** a spirit drink produced solely by fermentation of Jerusalem artichoke tubers (*Helianthus tuberosus* L.).

(b) The minimum alcoholic strength by volume of *Topinambur* shall be 38%.

(c) ***Topinambur* shall not contain added ethyl alcohol or other distillate of agricultural origin.**

*(see Annex II, Category B, point 45)*

*Justification*

*Topinambur has been wrongly classified. It belongs to the group of spirit drinks in Article 1(2a), points 1 - 12a.*

Amendment 30

Article 1, paragraph 2 b (new)

**2b. Without prejudice to the specific rules laid down for each of the products listed in points 13 to 45b of this paragraph, such products may:**

**(a) be obtained from any agricultural product listed in Annex I to the Treaty;**

***(b) contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);***

***(c) contain natural or nature-identical flavouring substances and preparations as defined in Article 1(2)(b)(i) and (ii) and in Article 1(2)(c) of Directive 88/388/EEC;***

***(d) be sweetened to correspond to particular product characteristics and according to the technical definitions and requirements in Annex I to this Regulation.***

#### *Justification*

*The definitions of individual spirit drinks must continue to be decided on through the codecision procedure, and therefore belong in the body of the legislative text.*

#### Amendment 31

Article 1, paragraph 2 b (new), point 1

(1) 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, followed by distillation.

(1) produced ***exclusively*** 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, followed by distillation.

#### *Justification*

*The addition of the word 'exclusively' will help to safeguard the tradition of distilling these spirits and protect the product against colouring, sweetening or improvement.*

#### Amendment 32

Article 1, paragraph 2 b (new), point 13 'SPIRIT', (a), (2)

(2) cover spirit drinks obtained from the following fruits:

- blackberry (*Rubus fruticosus* L.)
- strawberry (*Fragaria* L.),
- bilberry (*Vaccinium myrtillus* L.),
- raspberry (*Rubus idaeus* L.),

(2) cover spirit drinks obtained from the following fruits:

- blackberry (*Rubus fruticosus* L.)
- strawberry (*Fragaria* L.),
- bilberry (*Vaccinium myrtillus* L.),
- raspberry (*Rubus idaeus* L.),

- redcurrant (*Ribes vulgare* Lam.),
  - sloe (*Prunus spinosa* L.),
  - rowanberry (*Sorbus domestica* L.),
  - service-berry (*Sorbus domestica* L.),
  - hollyberry (*Ilex cassine* L.),
  - checkerberry (*Sorbus turminalis* L.),
  
  - elderberry (*Sambucus nigra* L.),
  - rosehip (*Rosa canina* L.),
  - blackcurrant (*ribes nigrum* L.),
  - banana (*Musa paradisiaca*),
  - passion fruit (*Passiflora edulis*),
  - ambarella (*Spondias dulcis*),
  - hog plum (*spondias mombin*).
- redcurrant (*Ribes vulgare* Lam.),
  - sloe (*Prunus spinosa* L.),
  - rowanberry (*Sorbus domestica* L.),
  - service-berry (*Sorbus domestica* L.),
  - hollyberry (*Ilex cassine* L.),
  - checkerberry (*Sorbus turminalis* L.),
  - **wild service berry (*Sorbus torminalis* L.),**
  - **sorb (*Sorbus domestica* L.),**
  - elderberry (*Sambucus nigra* L.),
  - rosehip (*Rosa canina* L.),
  - blackcurrant (*ribes nigrum* L.),
  - banana (*Musa paradisiaca*),
  - passion fruit (*Passiflora edulis*),
  - ambarella (*Spondias dulcis*),
  - hog plum (*spondias mombin*).
  - **apricot (*Prunus armeniaca*)**
  - **peach (*Prunus persica*).**

(see Annex II, Category B, point 13)

#### *Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on flavouring is tried and tested, and should be retained in order to guarantee a top quality product. The introduction of apricots and peaches is based on tradition.*

#### Amendment 33

Article 1, paragraph 2 b (new), point 13 (c)

(c) ***The flavouring of*** Spirits (preceded by the name of the fruit), produced by maceration and distillation ***may be supplemented by flavouring substances and/or flavouring preparations other than those which come from the fruit used. 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***

(c) Spirits (preceded by the name of the fruit), produced by maceration and distillation ***shall not be flavoured.***



*preparation of Spirits (preceded by the name of the fruit), produced by maceration and distillation. However, the characteristic taste of the drink and its colour must derive exclusively from the fruit used.*

*(see Annex II, Category B, point 13)*

*Justification*

*See justification relating to point 13(a)(2).*

Amendment 34

Article 1, paragraph 2 b (new), point 14

(a) Geist (with the name of the fruit) is a spirit drink obtained by macerating unfermented berries such as ***raspberries, blackberries, bilberries and others*** in ethyl alcohol of agricultural origin, followed by distillation.

(b) The minimum alcoholic strength by volume of Geist (with the name of the fruit) shall be 37,5%.

(c) ***The flavouring of*** Geist (with the name of the fruit) ***may be supplemented by flavouring substances and/or flavouring preparations other than those which come from the fruit used. 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 Geist (with the name of the fruit). However, the characteristic taste of the drink and its colour must derive exclusively from the fruit used.***

(a) Geist (with the name of the fruit) is a spirit drink obtained by macerating unfermented berries, ***fruits and/or vegetables, nuts or other plant material***, such as ***herbs or rose petals***, in ethyl alcohol of agricultural origin, followed by distillation ***at less than 86% vol.***

(b) The minimum alcoholic strength by volume of Geist (with the name of the fruit) shall be 37,5%.

(c) Geist (with the name of the fruit) ***shall not be flavoured.***

*(see Annex II, Category B, point 14)*

*Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on flavouring is tried and tested, and should be retained in order to guarantee a top quality*

*product. The fruits used to produce spirit are traditionally also used to produce Geist.*

Amendment 35

Article 1, paragraph 2 b (new), point 16, (c)

**(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of gentian spirit.**

**(c) Gentian spirit shall not be flavoured.**

*(see Annex II, Category B, point 16)*

*Justification*

*The quality of products is guaranteed by protecting traditional methods. The current ban on flavouring is tried and tested, and should be retained in order to guarantee a top quality product.*

Amendment 36

Article 1, paragraph 2 b (new), point 16 a (new)

**16a. Meisterwurz**

**(a) Meisterwurz is a spirit drink produced from a distillate of meisterwurz (*peucedanum ostruthium*) roots macerated in stone fruit macerate with or without the addition of ethyl alcohol of agricultural origin and/or fruit distillates.**

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

**(c) Meisterwurz shall not be flavoured.**

*Justification*

*'Meisterwurz' has always been produced in this way by distilleries in Alpine countries and due account should be taken of this traditional procedure designed to maintain quality.*

Amendment 37

Article 1, paragraph 2 b (new), point 17 (a) and (b)

**(a) Juniper-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin and/or grain**

**(a) Juniper-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin and/or grain**

spirit and/or grain distillate with juniper (juniperus communis) berries.

(b) The minimum alcoholic strength by volume of juniper-flavoured spirit drinks shall be **15%**.

spirit and/or grain distillate with juniper (juniperus communis **and/or Juniperus oxicedris**) berries.

(b) The minimum alcoholic strength by volume of juniper-flavoured spirit drinks shall be **30%**.

*(see Annex II, Category B, point 17)*

#### Amendment 38

Article 1, paragraph 2 b (new), point 22 (c)

(c) Other flavouring substances 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.

(c) Other flavouring substances may be used in addition, but the flavour of these drinks is largely attributable to distillates of caraway (**Carum carvi L.**) and/or dill (Anethum graveolens L.) seeds, the use of essential oils being prohibited.

*(see Annex II, Category B, point 22)*

#### *Justification*

*The definitions of individual spirit drinks must continue to be decided on through the codecision procedure, and therefore belong in the body of the legislative text.*

#### Amendment 39

Article 1, paragraph 2 b (new), point 23, (a), introductory part

(a) **Aniseed-flavoured** spirit drinks **are** 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 or a combination thereof:

(a) **For the purpose of this Regulation, aniseed-flavoured** spirit drinks **shall mean** 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 or a combination thereof:

*(see Annex II, Category B, point 23)*

#### *Justification*

*The definitions of individual spirit drinks must continue to be decided on through the*

*codecision procedure, and therefore belong in the body of the legislative text.*

Amendment 40

Article 1, paragraph 2 b (new), point 23, (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of aniseed-flavoured spirit drinks.*** ***deleted***

*(see Annex II, Category B, point 23)*

*Justification*

*See justification relating to point 23(a).*

Amendment 41

Article 1, paragraph 2 b (new), point 24 (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of pastis.*** ***deleted***

*(see Annex II, Category B, point 24)*

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 42

Article 1, paragraph 2 b (new), point 25 (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of pastis de Marseille*** ***deleted***

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 43

Article 1, paragraph 2 b (new), , point 26 (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of anis.*** ***deleted***

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 44

Article 1, paragraph 2 b (new), point 27, (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of distilled anis.*** ***deleted***

*(see Annex II, Category B, point 27)*

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 45

Article 1, paragraph 2b (new), Point 29

29. Vodka

(a) Vodka is a spirit drink produced from ethyl alcohol of agricultural origin:

(1) obtained following fermentation, with yeast, from agricultural raw materials,

29. Vodka

(a) Vodka is a spirit drink produced from ethyl alcohol of agricultural origin, ***obtained*** following fermentation with yeast, from ***either:***

***(1) cereals, potatoes and/or molasses; or (2) other agricultural raw materials,***

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

This process may be followed by redistillation and/or treatment with appropriate processing aids, including treatment with activated charcoal, to give it special organoleptic characteristics, Maximum levels of residue shall meet those laid down in Annex I for ethyl alcohol, except that the methanol residue in the final product shall not exceed 10 grams per hectolitre of pure alcohol.

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

(c) The only flavourings which may be added are natural flavouring compounds present in distillate obtained from the fermented raw materials. In addition, the product may be given special organoleptic characteristics, other than a predominant flavour.

(d) Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of vodka shall *indicate* in the same visual field as the sales denomination the raw *materials* utilised to produce the ethyl alcohol of agricultural origin. The characters shall be *no larger than half and no smaller than one third* of the size of the characters used for the sales denomination.

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

This process may be followed by redistillation and/or treatment with appropriate processing aids, including treatment with activated charcoal, to give it special organoleptic characteristics, Maximum levels of residue shall meet those laid down in Annex I for ethyl alcohol, except that the methanol residue in the final product shall not exceed 10 grams per hectolitre of pure alcohol.

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

(c) The only flavourings which may be added are natural flavouring compounds present in distillate obtained from the fermented raw materials. In addition, the product may be given special organoleptic characteristics, other than a predominant flavour.

(d) Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of vodka *not produced from potatoes, cereals or molasses* shall *bear*, in the same visual field as the sales denomination, the *indication 'produced from...'*, *supplemented by* the raw *material* utilised to produce the ethyl alcohol of agricultural origin. *Labelling shall be in accordance with Directive 2000/13/EC.*

The characters shall be no smaller than *two thirds* of the size of the characters used for the sales denomination.

*(da) If the spirit drink vodka consists of ethyl alcohol produced from two or more products of agricultural origin, it shall bear the name 'blended vodka' without prejudice to the provisions of this Regulation.*

#### *Justification*

*This consolidated amendment is meant to reach a compromise with all political groups and*

with the Council.

Amendment 46

Article 1, paragraph 2 b (new), point 31 'LIQUEUR', (c) (1) indents 11 a to 11 c (new)

- *pineapple*,
- *blackberry*,
- *banana*;

*(See Annex II, Category B, point 31)*

Amendment 47

Article 1, paragraph 2 b (new), point 31, (d), introductory part

(d) The following compound terms *may* be used in the presentation of liqueurs produced in the Community in the case of use of ethyl alcohol of agricultural origin to mirror traditional production methods:

(d) The following compound terms *shall* be used in the presentation of liqueurs produced in the Community in the case of use of ethyl alcohol of agricultural origin to mirror traditional production methods:

*(See Annex II, Category B, point 31)*

*Justification*

*The definitions of individual spirit drinks must continue to be decided on through the codecision procedure, and therefore belong in the body of the legislative text.*

Amendment 48

Article 1, paragraph 2 b (new), point 32, (c) and (c a) (new)

(c) The rules on flavouring substances and preparations for liqueurs laid down *under* point 31 shall apply to this product.

(c) The rules on flavouring substances and preparations for liqueurs laid down *in* point 31 shall apply to this product.

*(ca) The sales denomination may be supplemented by the term 'liqueur'.*

*(see Annex II, Category B, point 32)*

*Justification*

*The definitions of individual spirit drinks must continue to be decided on through the codecision procedure, and therefore belong in the body of the legislative text.*

Amendment 49

Article 1, paragraph 2 b (new), point 33, (c) and (c a) (new)

(c) The rules on flavouring substances and preparations for liqueurs laid down **under** point 31 shall apply to *crème de cassis*.

(c) The rules on flavouring substances and preparations for liqueurs laid down **in** point 31 shall apply to *crème de cassis*.

**(ca) The sales denomination may be supplemented by the term 'liqueur'.**

*(see Annex II, Category B, point 33)*

*Justification*

*The definitions of individual spirit drinks must continue to be decided on through the codecision procedure, and therefore belong in the body of the legislative text.*

Amendment 50

Article 1, paragraph 2 b (new), point 34, (c) and (c a) (new)

(c) The rules on flavouring substances and preparations for liqueurs laid down **under** point 31 shall apply to *Guignolet*.

(c) The rules on flavouring substances and preparations for liqueurs laid down **in** point 31 shall apply to *Guignolet*.

**(ca) The sales denomination may be supplemented by the term 'liqueur'.**

*(See Annex II, Category B, point 34)*

*Justification*

*The definitions of individual spirit drinks must continue to be decided on through the codecision procedure, and therefore belong in the body of the legislative text.*

Amendment 51

Article 1, paragraph 2 b (new), point 35, (c) and (c a) (new)

(c) The rules on flavouring substances and preparations for liqueurs laid down **under** point 31 shall apply to *punch au rhum*.

(c) The rules on flavouring substances and preparations for liqueurs laid down **in** point 31 shall apply to *punch au rhum*.

**(ca) The sales denomination may be supplemented by the term 'liqueur'.**



(See Annex II, Category B, point 35)

*Justification*

*The addition of the term liqueur is current common practice.*

Amendment 52

Article 1, paragraph 2 b (new), point 36, (c) and (c a) (new)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of sloe gin.*** ***deleted***

***(ca) The sales denomination may be supplemented by the term 'liqueur'.***

(See Annex II, Category B, point 36)

*Justification*

*The addition of the term liqueur is current common practice.*

Amendment 53

Article 1, paragraph 2 b (new), point 37, (c) and (c a) (new)

***(c) The rules on flavouring substances and preparations for liqueurs laid down **under** point 31 apply to Sambuca.***

***(c) The rules on flavouring substances and preparations for liqueurs laid down **in** point 31 apply to Sambuca.***

***(ca) The sales denomination may be supplemented by the term 'liqueur'.***

(See Annex II, Category B, point 37)

*Justification*

*The addition of the term liqueur is current common practice.*

Amendment 54

Article 1, paragraph 2 b (new), point 38, (c)

***(c) The rules on flavouring substances and preparations for liqueurs laid down***

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of***

*under point 31 apply to Mistrà.*

*Directive 88/388/EEC may be used in the preparation of Mistrà.*

*(See Annex II, Category B, point 38)*

*Justification*

*The general principle of prohibiting or reducing the use of flavourings should also apply to the spirit drink Mistrà.*

Amendment 55

Article 1, paragraph 2 b (new), point 39, (c) and (c a) (new)

(c) The rules on flavouring substances and preparations for liqueurs laid down **under** point 31 shall apply to *Maraschino* or *Marrasquino*.

(c) The rules on flavouring substances and preparations for liqueurs laid down **in** point 31 shall apply to *Maraschino* or *Marrasquino*.

***(ca) The sales denomination may be supplemented by the term 'liqueur'.***

*(See Annex II, Category B, point 39)*

*Justification*

*The addition of the term liqueur is current common practice.*

Amendment 56

Article 1, paragraph 2 b (new), point 40 (a)

a) *Nocino* is a liqueur the flavour of which is given mainly by maceration and/or distillation of whole green walnut **kernel**s (*Jugians regia* L.) with a minimum sugar content equivalent to 100 grams per litre of invert sugar

a) *Nocino* is a liqueur the flavour of which is given mainly by maceration and/or distillation of whole green walnut (**Juglans** *regia* L.) with a minimum sugar content equivalent to 100 grams per litre of invert sugar.

*Justification*

*The English text of the definition of 'nocino' contains an error, in that the product is obtained by means of the maceration and/or distillation of whole walnuts, and not just the kernels. In addition, there is a misprint in the scientific name for the walnut.*

Amendment 57

Article 1, paragraph 2 b (new), point 40, (c) and (c a) (new)

(c) The rules on flavouring substances and preparations for liqueurs laid down ***under*** point 31 shall apply to *Nocino*.

(c) The rules on flavouring substances and preparations for liqueurs laid down ***in*** point 31 shall apply to *Nocino*.

***(ca) The sales denomination may be supplemented by the term 'liqueur'.***

*(See Annex II, Category B, point 40)*

*Justification*

*The addition of the term liqueur is current common practice.*

Amendment 58

Article 1, paragraph 2 b (new), point 41 (c)

(c) ***Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may*** be used in the preparation of egg liqueur or *advocaat* or *avocat* or *Advokat*.

(c) ***Dried egg products shall not*** be used in the preparation of egg liqueur or *advocaat* or *avocat* or *Advokat*.

*(See Annex II, Category B, point 41)*

*Justification*

*In order to prevent legal uncertainty, it is necessary to precisely define what is meant by quality egg yoke. In order to ensure that legislation is consistent, existing EU rules are taken as the basis.*

*The use of dried egg products must be prohibited in high-quality products, in accordance with traditional production methods.*

Amendment 59

Article 1, paragraph 2 b (new), point 42, (c)

(c) ***Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of liqueur with egg.***

***deleted***

*(See Annex II, Category B, point 42)*

Amendment 60

Article 1, paragraph 2 b (new), point 43, (d)

(d) The content of wine or wine products shall not exceed 50%.

(d) The content of wine or wine products shall not exceed 50% ***of the end product.***

*(See Annex II, Category B, point 43)*

Amendment 61

Article 1, paragraph 2 b (new), point 44, (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of Berenburg or Beerenburg.*** ***deleted***

*(See Annex II, Category B, point 44)*

Amendment 62

Article 1, paragraph 2 b (new), point 44 a (new)

***44a. 'Vruchtenjenever' or 'Jenever met vruchten'***

***(a) 'Vruchtenjenever' or 'Jenever met vruchten' shall mean a liqueur or other spirit drink which meets the following conditions:***

***1. the drink is obtained either by flavouring 'jenever' with fruit or plants and/or parts of fruit or plants or by adding fruit juice and/or distillates of fruit or plants or distillates of concentrated flavours extracted from fruit or plants;***

***2. it may be given additional flavouring by natural and/or nature-identical flavours;***

***3. the drink may be sweetened;***

***4. the drink possesses the organoleptic characteristics of the fruit concerned;***

***(b) The minimum alcoholic strength by***

***volume of 'Vruchtenjenever' or 'Jenever met vruchten' shall be 20%.***

***The name of the fruit concerned may replace 'vruchten'.***

*Justification*

*The definition of 'vruchtenjenever' should be retained (see annex to Regulation (EC) No 1014/90), as the characteristics of this drink do not fully coincide with those of jenever. Vruchtenjenever can therefore not be regarded as a product the protection of whose name is guaranteed by means of the geographical indication for jenever listed in Annex III.*

**Amendment 63**

Article 1, paragraph 2 b (new), point 45 a (new), title

***Category C: Other spirit drinks*** ***deleted***

**Amendment 64**

Article 1, paragraph 2 b (new), point 45 a (new)

***1. All spirit drinks which meet the definition of Article 1 but do not qualify for inclusion in category A or B shall be described, presented and labelled with the sales denomination "spirit drink".*** ***deleted***

**Amendment 65**

Article 1, paragraph 2 b (new), point 45 a (new)

***(a) Rum-Verschnitt is a spirit drink:***

***(1) produced in Germany,***

***(2) obtained by mixing rum and alcohol.***

***(b) Rum-Verschnitt may be obtained from any agricultural product listed in Annex I to the Treaty and/or foodstuff intended for human consumption;***

***(c) A minimum proportion of 5% of the alcohol contained in the final product must come from rum.***

***(d) Rum-Verschnitt may contain flavouring substances and preparations as defined in Directive 88/388/EEC;***

***(e) As regards the labelling and***

***presentation of the product  
Rum-Verschnitt, the word Verschnitt must appear in the description, presentation or labelling (on the bottle, packaging 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.***

***(f) Where this product is sold outside the German market, its alcoholic composition must appear on the label.***

*Justification*

*Rum-Verschnitt must continue to be a sales denomination in its own right. The current regulation recognises it as a sales denomination. Removing its status as a sales denomination would be an unjustifiable break with Regulation (EC) No 1576/89.*

Amendment 66

Article 1, paragraph 2 b (new), point 45 b (new)

***(a) Slivovice is a spirit drink:***

***(1) produced in the Czech Republic,***

***(2) obtained by the addition to the plum distillate, before the final distillation, of a maximum proportion of 30% by volume of ethyl alcohol of agricultural origin.***

***(b) This product may be described as "spirit drink" and may also use the name Slivovice in the same visual field on the front label.***

***(c) Slivovice may contain flavouring substances and preparations as defined in Directive 88/388/EEC;***

***(d) If this Czech Slivovice is marketed in the Community, its alcoholic composition must appear on the label.***

*Justification*

*Slivovice must continue to be a sales denomination in its own right. The current regulation recognises it as a sales denomination. Removing its status as a sales denomination would be an unjustifiable break with Regulation (EC) No 1576/89.*

Amendment 67  
Article 2, paragraph 1

The ethyl alcohol used in the preparation of spirit drinks and all of their components shall not be of any origin other than agricultural.

The ethyl alcohol used in the preparation of spirit drinks and all of their components shall not be of any origin other than agricultural **and shall have been obtained in accordance with Annex I to the Treaty.**

*Justification*

*It is not enough merely to restrict the ethyl alcohol used to ethyl alcohol of agricultural origin. A more precise definition is needed, in order, for example, to prevent the use of beer alcohol.*

Amendment 68  
Article 2, paragraph 2

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

The ethyl alcohol used to dilute or dissolve colorants, flavourings or any other authorised additives used in the preparation of spirit drinks shall **have been obtained from agricultural raw materials listed in Annex I to the Treaty.**

*Justification*

*It is not enough merely to restrict the ethyl alcohol used to ethyl alcohol of agricultural origin. A more precise definition is needed, in order, for example, to prevent the use of beer alcohol.*

Amendment 69  
Article 2, paragraph 3

Subject to limitations laid down for specific products in **Annex II** to this Regulation, the ethyl alcohol shall **have been obtained from agricultural products listed** in Annex I to the Treaty.

Subject to limitations laid down for specific products in **Article 1(2a) and (2b)** of this Regulation, the ethyl alcohol **of agricultural origin** shall **comply with the criteria laid down** in Annex I to the Treaty.

*Justification*

*It is not enough merely to restrict the ethyl alcohol used to ethyl alcohol of agricultural origin. In order to prevent the practices in question from the outset, it is necessary to impose a ban.*

Amendment 70  
Article 2, paragraph 3 a (new)

***Alcoholic drinks shall not contain ethyl alcohol of synthetic origin.***

*Justification*

*It is not enough merely to restrict the ethyl alcohol used to ethyl alcohol of agricultural origin. In order to prevent the practices in question from the outset, it is necessary to impose a ban.*

Amendment 71  
Article 2, paragraph 3 b (new)

***Products comprising ethyl alcohol and a denaturant, irrespective of the ethyl alcohol concentration, shall be classified under the EU customs nomenclature as 'ethyl alcohol and other spirits, denatured, of any strength' and may not be used for the production of spirit drinks.***

*Justification*

*It is not enough merely to restrict the ethyl alcohol used to ethyl alcohol of agricultural origin. In order to prevent the practices in question, it is necessary to impose a ban.*

Amendment 72  
Article 3

*Article 3*

*deleted*

***Categories of spirit drinks***

***Spirit drinks shall be classified as follows:***

- (a) "spirits": the products listed in category A of Annex II;***
- (b) "specific spirit drinks": the products listed in category B of Annex II;***
- (c) "other spirit drinks": the products listed in category C of Annex II.***

*Justification*

*The principle underpinning the regulation is the importance of preserving the high quality of*



*all spirit drinks. Under the system of categories proposed, 'the purest form of product' falls within category 1. Such a classification implies that the other two categories are of inferior quality, and it should therefore be rejected.*

Amendment 73  
Article 4

*Article 4*

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

***1. Without prejudice to the specific rules  
laid down for each of the products listed  
in category A of Annex II, "spirits" shall:*** ***deleted***

***(a) be manufactured by alcoholic  
fermentation and distillation exclusively  
obtained from the raw material according  
to the definitions in Annex II;***

***(b) not contain added ethyl alcohol of  
agricultural origin or distillate (of  
agricultural origin);***

***(c) not contain flavouring substances  
other than natural flavouring substances  
and preparations as defined in Article  
1(2)(b)(i) and Article 1(2)(c) of Directive  
88/388/EEC;***

***(d) solely be sweetened to round off the  
final taste of the product, according to  
technical definitions and requirements in  
Annex I to this Regulation and taking into  
account particular legislation of the  
Member States.***

***2. Without prejudice to the specific rules  
laid down for each of the products listed  
in category B of Annex II, "specific spirit  
drinks" may:***

***(a) be obtained from any agricultural  
product listed in Annex I to the Treaty;***

***(b) contain added ethyl alcohol of  
agricultural origin or distillate (of  
agricultural origin);***

***(c) contain natural or nature-identical  
flavouring substances and preparations as***

*defined in Article 1(2)(b)(i) and (ii) and in Article 1(2)(c) of Directive 88/388/EEC;*

*(d) be sweetened to correspond to particular product characteristics and according to the technical definitions and requirements in Annex I to this Regulation.*

*3. Without prejudice to the specific rules laid down for the products in category C of Annex II, "other spirit drinks" may:*

*(a) be obtained from any agricultural product listed in Annex I to the Treaty and/or foodstuff destined for human consumption;*

*(b) contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);*

*(c) contain flavouring substances and preparations as defined in Directive 88/388/EEC;*

*(d) be sweetened corresponding to particular product characteristics and according to technical definitions and requirements in Annex I to this Regulation.*

#### *Justification*

*Given the new system under which the provisions of Annex II have been moved to Article 1, the provisions of Article 4 also need to come under Article 1, in order to preserve the clarity of the legal text.*

#### Amendment 74 Article 5

Member States may lay down rules stricter than or additional to those in *Annex II* on the production, description, labelling, packaging and presentation of spirit drinks which are produced on their own territory in so far as they are compatible with Community law.

*In order to pursue a specific quality policy*, Member States may lay down rules stricter than or additional to those in *Article 1(2a) and (2b)* on the production, description, labelling, packaging and presentation of spirit drinks which are produced on their own territory in so far as they are compatible with Community law.

### *Justification*

*The general possibility for Member States to adopt rules must be restricted in the interests of the proper functioning of the internal market, and should only apply in relation to issues of quality.*

#### Amendment 75 Article 7, paragraph 1

1. Spirit drinks which meet the specifications for the products defined in **categories A and B of Annex II** shall bear the sales denomination assigned therein to those products.

1. Spirit drinks which meet the specifications for the products defined in **Article 1(2a) and (2b)** shall bear the sales denomination assigned therein to those products.

### *Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

#### Amendment 76 Article 7, paragraph 2

2. *Spirits* drinks which meet the specifications for the products defined in **category C of Annex II** shall bear the **sales denomination** "spirit drink". That sales denomination shall not be complemented, supplemented or altered.

2. *Spirit* drinks which **do not** meet the specifications for the products defined in **Article 1(2a) and (2b)** **may not** bear the **names assigned therein to those products**. **They must be described as a** "spirit drink" **or "alcoholic drink"**. **Without prejudice to the provisions of Article 5**, that sales denomination shall not be complemented, supplemented or altered.

### *Justification*

*As the proposed classification into categories is rejected, the rules on sales denominations should also be rejected. The status quo should be maintained.*

*The amendment to paragraph 2 is merely for purposes of clarification.*

#### Amendment 77 Article 7, paragraph 4

4. Without prejudice to paragraph 8, the names referred to in paragraphs 1 and 2

4. Without prejudice to paragraph 8, the names referred to in paragraphs 1 and 2

shall not be used to describe or present in any way whatsoever any drink other than the spirit drink for which those names are listed in *Annex II*.

shall not be used to describe or present in any way whatsoever any drink other than the spirit drink for which those names are listed in *Article 1(2a) and (2b)*.

*Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

Amendment 78  
Article 7, paragraph 5

5. Sales denominations may be supplemented or replaced by a geographical indication listed in Annex III and in accordance with Chapter III, provided that this does not mislead the consumer.

5 (a) Sales denominations may be supplemented or replaced by a geographical indication listed in Annex III and in accordance with Chapter III, provided that this does not mislead the consumer.

***(b) The geographical indications listed in Annex III may be accompanied by additional particulars provided that these are regulated by the national or regional authorities in the Member States, or according to the relevant technical file provided for under the second paragraph of Article 16.***

***(c) The names of spirit drinks listed in Article 1(2a) and (2b) may be supplemented by geographical indications other than those in Annex III, provided that they do not mislead consumers.***

*Justification*

*New paragraph (b) ensures that geographical indications in Annex III (GIs) can be supplemented by additional details provided that either a) they are regulated at the national or regional level or b) if they are set out in the technical file. E.g. terms such as 'single malt' and/or 'Highland' for Scotch whisky.*

*New paragraph (c) allows spirit drinks listed in Annex II to use geographical terms (e.g. in the case of Scotch Whisky, 'Orkney' or 'Dufftown') provided that these terms are not formally registered as geographical indications in Annex III and they do not mislead consumers.*

Amendment 79  
Article 7, paragraph 8

8. The names referred to in **Annex II** may be included in a list of ingredients if used in accordance with **the national measures adopted to implement** Directive 2000/13/EC.

8. The names referred to in **Article 1(2a) and (2b)** may be included in a list of ingredients if used in accordance with Directive 2000/13/EC.

*Justification*

*Since all other references to Directive 2000/13/EC refer directly to the Directive, not to national implementing measures, a direct reference should also be given here, for the sake of consistency and clarity.*

Amendment 80  
Article 8, paragraph 1

1. **Without prejudice to Directive 2000/13/EC, the use of a term listed in category A or B of Annex II, or of a geographical indication listed in Annex III in a compound term or the allusion in the presentation of a foodstuff to any of them shall be prohibited unless the alcohol originates exclusively from the spirit drink referred to.**

1. **The use of a sales denomination in accordance with Article 1(2a) and (2b) or of a geographical indication listed in Annex III or the allusion thereto in a compound term shall only be permitted if the alcohol originates 100% from the spirit drink referred to in the compound term.**

***The use of such compound terms shall also be prohibited where a spirit drink has been diluted with water in such a way that the alcoholic strength is less than the minimum strength laid down in the definition of that spirit drink.***

*Justification*

*Special rules are needed on the mixing of spirit drinks. For reasons of innovation, the use of known names must be permitted in the case of mixtures. However, in order to protect consumers, a high level of quality must be guaranteed. The reference to mixing with water takes account of the most recent case law.*

Amendment 81  
Article 8, paragraph 3

3. By way of derogation from paragraph 1 and in order to take account of traditional production methods, the compound terms listed in point 31(d) of **Annex II** may be

3. By way of derogation from paragraph 1 and in order to take account of traditional production methods, the compound terms listed in point 31 of **Article 1(2b)** may be

used in the presentation of liqueurs produced in the Community under the conditions set out in that point.

used in the presentation of liqueurs produced in the Community under the conditions set out in that point.

*Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

Amendment 82

Article 9, paragraph 1, introductory part

1. The sales denomination ‘spirit drink’ shall be shown clearly and visibly in a prominent position on the label where a spirit drink listed in **category A of Annex II** is mixed with:

1. The sales denomination ‘spirit drink’ shall be shown clearly and visibly in a prominent position on the label where a spirit drink listed in **Article 1(2a)** is mixed with:

*Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

Amendment 83

Article 9, paragraph 1, subparagraph 2

That sales denomination shall not be **complemented**, supplemented or altered.

That sales denomination shall not be **replaced**, supplemented or altered.

*Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

Amendment 84

Article 9, paragraph 2

**2. Paragraph 1 shall not apply to the description, presentation or labelling of mixtures referred to in that paragraph if they meet one of the definitions laid down in category A or B of Annex II.**

**deleted**

*Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

Amendment 85  
Article 9, paragraph 3

3. Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of the products resulting from the mixtures referred to in paragraph 1 may only show one of the terms listed in **category A or B of Annex II** to this Regulation if that term does not form part of the sales denomination but is solely listed in the same visual field with the listing of all the alcoholic ingredients contained in the mixture, preceded by the terms ‘mixed spirit drink’.

3. Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of the products resulting from the mixtures referred to in paragraph 1 may only show one of the terms listed in **Article 1(2a) or (2b) of** this Regulation if that term does not form part of the sales denomination but is solely listed in the same visual field with the listing of all the alcoholic ingredients contained in the mixture, preceded by the terms ‘mixed spirit drink’.

*Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

Amendment 86  
Article 10, paragraph 2

2. The description, presentation or labelling of a spirit drink may be supplemented by the term 'blend' only where the product has undergone blending.

2. The description, presentation or labelling of a spirit drink may be supplemented by the term 'blend', **‘blended’ or ‘blending’** only where the product has undergone blending.

*Justification*

*The wording of the proposal could lead to arguments that, in relation to spirit drinks, the term ‘blend’ is somehow different from ‘blended’ or ‘blending’, when in reality they all relate to the same process.*

Amendment 87  
Article 10, paragraph 3

**3. If a maturation period or age is specified or suggested in the description, presentation or labelling of a spirit drink it shall refer** to the youngest alcoholic **component**, provided that the product was aged under revenue supervision or supervision affording equivalent guarantees.

**3. Save where an exception is made according to Article 19, the age may be indicated only where it refers** to the youngest **of the** alcoholic **components and** provided that the product was aged under revenue supervision or supervision affording equivalent guarantees.

### *Justification*

*The status quo should be maintained. The current wording does not take into account the ageing methods used in the case of criaderas y soleras Jerez brandy.*

#### Amendment 88 Article 12, paragraph 2

2. The terms in italics in *Annex II* and the geographical indications listed in Annex III shall **not** be translated on the label.

2. The terms in italics in *Article 1(2a) and (2b)* and the geographical indications listed in Annex III shall be translated **neither** on the label **nor in the presentation**.

### *Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

#### Amendment 89 Article 13, paragraph 3

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

3. ***If a geographical indication becomes generic, it shall lose the status of a geographical indication and be deleted from*** Annex III.

Geographical indications listed in Annex III may not become generic.

Geographical indications listed in Annex III may not become generic.

A name that has become generic means the name of a spirit **product** which, although it relates to the place or region where this **product** was originally produced or marketed, has become the common name of a **product**.

A name that has become generic means the name of a spirit **drink** which, although it relates to the place or region where this **drink** was originally produced or marketed, has become the common name of a **spirit drink within the Community**.

### *Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1. In addition, the term 'spirit drink' is more precise than 'product'.*

#### Amendment 90 Article 14, paragraph 1, introductory part and point (a)

1. ***Without prejudice to Article 8,*** **geographical** indications listed in Annex

1. **Geographical** indications listed in Annex III shall be protected against:



III shall be protected against:

a) any direct or indirect commercial use in respect of *products* not covered by *the registration in so far as those products are comparable to the product registered under that geographical indication* or insofar as such use exploits the reputation of the registered geographical indication;

a) any direct or indirect commercial use *thereof* in respect of *any spirit drink* not covered by *relevant national or regional provisions or the technical file referred to in Article 15, or in respect of any other product* insofar as such use exploits the reputation of the registered geographical indication;

*Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

Amendment 91  
Article 14, paragraph 2 a (new)

***2a. Spirit drinks bearing a geographical indication listed in Annex III shall comply with all production, labelling, presentation and other specifications of the technical file provided for under Article 15(2) and/or national or regional provisions.***

*Justification*

*Spirits bearing a protected geographical indication should only be permitted to be sold if they comply with contents of the technical file, and/or national and/or regional provisions. This is to ensure consistent enforcement throughout the EU of all labelling, production and presentation rules.*

Amendment 92  
Article 15, paragraph 1, subparagraph 1

1. Applications for a geographical indication to be included in Annex III shall be submitted to the Commission in one of the official Community languages or accompanied by a translation into one of the official Community languages. Such applications shall be ***accompanied by*** a technical file ***including*** the specifications with which the spirit drink concerned must comply. The technical file shall be published in the Official Journal of the European Union, Series C.

1. Applications for a geographical indication to be included in Annex III shall be submitted to the Commission in one of the official Community languages or accompanied by a translation into one of the official Community languages. Such applications shall be ***duly substantiated by the Member State and shall include*** a technical file ***setting out*** the specifications with which the spirit drink concerned must comply. The ***main elements of the specifications in the*** technical file, ***referred to in paragraph 2***, shall be published in the

*Justification*

*The new text will make clear that applications for geographical indications must be substantiated, by the Member State of origin. This approach is also in line with that used for GI rules on wines.*

Amendment 93

Article 15, paragraph 1, subparagraph 2

***Within three months of the date of that publication any natural or legal person that has a legitimate interest may object to the geographical indication to be included in Annex III on the grounds that the conditions provided for in this Regulation are not fulfilled. The objection must be duly substantiated.***

***As regards geographical indications for spirit drinks originating in the Community, the application shall be submitted via the Member State in which the spirit drink is produced.***

***As regards geographical indications for spirit drinks originating in third countries, the application shall either be sent direct to the Commission or submitted via the competent authorities in the third country. The application must include proof that the name is in fact protected in the country of origin.***

*Justification*

*Rules on the formalities involved in registering geographical indications should be clearly laid down in the text.*

Amendment 94

Article 15, paragraph 2, point (b)

(b) a description of the spirit drink including principal physical, chemical, ***microbiological*** and/or organoleptic characteristics of the product or the foodstuff;

(b) a description of the spirit drink including principal physical, chemical and/or organoleptic characteristics of the product or the foodstuff;

*Justification*

*Microbiological characteristics are not important in describing a spirit drink.*

Amendment 95  
Article 15, paragraph 2, point (f)

(f) any requirements laid down by  
Community and/or national provisions;

(f) any requirements laid down by  
Community and/or national **or regional**  
provisions;

*Justification*

*Some spirit drinks also rely on legislation made at the regional level so this should also be covered.*

Amendment 96  
Article 15, paragraph 2, subparagraph 1 a (new)

***Member States may also require spirit drinks produced on their territory which are listed in Annex III and exported to be supported by a system of authentication documentation.***

*Justification*

*Reg 1576/89 Art. 10.2 enables Member States to retain their own systems of authentication documents in respect of exports of GI spirits. It is important to maintain such a provision, in recognition of the value of such national authentication systems in preventing fraudulent practices and counterfeits.*

Amendment 97  
Article 15, paragraph 3

3. The decision to include the geographical indication in Annex III shall be taken in accordance with the procedure referred to in Article 19(2), taking into account any objection raised in accordance with **paragraph 1** of this Article.

3. The decision to include the geographical indication in Annex III shall be taken **by the Commission** in accordance with the procedure referred to in Article 19(2), taking into account any objection raised in accordance with **paragraph 5** of this Article.

*Justification*

*Editorial amendment, resulting from Annex II being moved to Article 1.*

Amendment 98  
Article 15, paragraph 5

**5. Disputes concerning the registration of a particular geographical indication shall be formally addressed to the Commission. Such disputes shall be solved on the basis of the provisions of this Chapter and the traditional rights, in accordance with the procedure referred to in Article 19(2).**

**5. Within six months of the date of publication pursuant to paragraph 1 any natural or legal person that has a legitimate interest may object to the inclusion of the geographical indication in Annex III on the grounds that the conditions provided for in this Regulation are not fulfilled. The objection must be duly substantiated.**

*Justification*

*The deadline for lodging objections to the registration of geographical indications should be extended to six months.*

Amendment 99  
Article 15, paragraph 5 a (new)

**5a. If the Commission reaches the view that the conditions for using a geographical indication are no longer met, the procedure referred to in Article 19(2a) shall be instituted.**

*Justification*

*It must be possible to end the registration of a traditional product through a regular procedure.*

Amendment 100  
Article 16

**For each geographical indication protected under Regulation (CE) No 1576/89 at the time of the entry into force of this Regulation a technical file shall be submitted to the Commission not later than seven years from the date of entry**

**Geographical indications protected under Regulation (EC) No 1576/89 shall continue to be valid. No re-application shall be made or re-examination carried out. Member States shall examine whether geographical indications previously protected under Regulation**

*into force of this Regulation.*

*The technical file shall be published in the Official Journal of the European Union, Series C, after examination by the Commission.*

*In case no technical file is published within seven years from entry into force of this Regulation the geographical indication will cease to be protected.*

*(EC) No 1576/89 are subject to the provisions of Article 13(3).*

*If existing geographical indications are not in accordance with this Regulation, the spirit drink shall either be deleted from Annex III or an application procedure shall be followed in accordance with Article 15.*

#### *Justification*

*Geographical indications protected under the existing regulation must continue to be valid. Re-registration would entail unnecessary bureaucracy, without bringing any identifiable advantages. See also the possibilities provided for under Article 15(6).*

#### Amendment 101 Article 17, paragraph 2 a (new)

***2a. The Commission shall, in consultation with Member States, ensure that this Regulation is applied in a uniform way and, if necessary, adopt measures in accordance with the procedure referred to in Article 19(2a).***

#### Amendment 102 Article 18

Spirit drinks exported from the Community shall comply with the provisions of this Regulation, ***except where derogations have been adopted***, in accordance with the procedure referred to in Article 19(2), on the basis of duly justified applications.

Spirit drinks exported from the Community shall comply with the provisions of this Regulation. ***In exceptional cases where the law of the importing third country so requires, a derogation may be granted from the provisions of Article 1(2a) and (2b) and Annex I*** in accordance with the procedure referred to in Article 19(2), on the basis of duly justified applications.

*Justification*

*It is crucial that spirit drinks exported from the EU comply with this Regulation in order to maintain the reputation and quality of EU spirits in world markets. In exceptional circumstances, however, requests for derogations should be possible when this is to meet legislative requirements in third countries.*

Amendment 103  
Article 19, paragraph 1

1. The Commission shall be assisted by the **Management** Committee for Spirit Drinks, hereinafter referred to as "the Committee".

1. The Commission shall be assisted by the **Regulatory** Committee for Spirit Drinks, hereinafter referred to as "the Committee".

Amendment 104  
Article 19, paragraph 2, subparagraph 1

2. Where reference is made to this paragraph, **Articles 4** and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

Amendment 105  
Article 19, paragraph 2 a (new)

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

Amendment 106  
Article 20

**The** Annexes shall be amended in accordance with the procedure referred to in Article 19(2).

Annexes **I and III** shall be amended in accordance with the procedure referred to in Article 19(2a).

Amendment 107  
Article 21

The **detailed rules** for the implementation

The **measures necessary** for the **efficient**

of this Regulation shall be adopted in accordance with the procedure referred to in Article 19(2).

implementation of this Regulation, *other than those of general scope designed to amend non-essential elements thereof within the meaning of Decision 2006/512/EC*, shall be adopted in accordance with the procedure referred to in Article 19(2).

Amendment 108  
Article 22, point (a)

(a) to facilitate the transition from the rules provided for in **Regulation** (EEC) No 1576/89 to those established by this Regulation;

(a) to facilitate the transition - *over a period not exceeding two years* - from the rules provided for in **Regulations** (EEC) No 1576/89 *and (EEC) No 1014/90* to those established by this Regulation;

*Justification*

*In the case of transitional measures a maximum period should be established in order to prevent undesirable situations from going on indefinitely. Two years is the time limit laid down when Regulation 1576/89 was drawn up.*

Amendment 109  
Article 22, point (c)

**(c) to derogate from certain provisions of this Regulation, in duly justified cases.** *deleted*

*Justification*

*Although the committee procedure is appropriate for the adoption of implementing provisions and any transitional provisions, parliamentary control is required in order for the regulation itself to be wholly or partially waived.*

Amendment 110  
Article 23

**Regulation** (EEC) No 1576/89 *is* hereby repealed.

**Regulations** (EEC) No 1576/89 *and (EEC) No 1014/90 are* hereby repealed.

*Justification*

*The regulation replaces both of the existing regulations.*

Amendment 111  
Annex I, point 1 (g)

*(g) sweeteners as defined in Directive 94/35/EC of the European Parliament and of the Council.*

*A maximum level shall be laid down in accordance with Article 19 of this Regulation for the products used for rounding off listed under (a) to (f).*

*Justification*

*The addition of sweeteners should be indicated on the label in order to improve information to consumers. Measures are also needed to limit the addition of sugar. It is essential to prevent the practice of sweetening more heavily to compensate for poor quality.*

Amendment 112  
Annex I, point 1, subparagraph 1 a (new)

*Any sweetening carried out shall be indicated on the label, stating the product used for sweetening.*

*Justification*

*See amendment to point 1, (g).*

Amendment 113  
Annex I, point 4 'ADDITION OF WATER', first subparagraph

In the preparation of spirit drinks, the addition of water, possibly distilled or demineralised, shall be authorised, provided that the quality of the water conforms to the national provisions adopted in implementation of Council Directive 80/777/EEC<sup>1</sup> and Council Directive **80/778/EEC**<sup>2</sup> and that the water added does not change the nature of the product.

<sup>1</sup> OJ L 229, 30.8.1980, p. 1.

<sup>2</sup> **OJ L 229, 30.8.1980, p. 11.**

In the preparation of spirit drinks, the addition of water, possibly distilled or demineralised, shall be authorised, provided that the quality of the water conforms to the national provisions adopted in implementation of Council Directive 80/777/EEC<sup>1</sup> and Council Directive **98/83/EEC of 3 November 1998 on the quality of water intended for human consumption**<sup>2</sup> and that the water added does not change the nature of the product.

<sup>1</sup> OJ L 229, 30.8.1980, p. 1.

<sup>2</sup> **OJ L 330, 5.12.1998, p. 32.**



*Justification*

*See amendment to point I, (g).*

Amendment 114  
Annex I, point 13

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

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

*Justification*

*To avoid potential loopholes as a result of ambiguity, the definition of ‘description’ should be as wide as possible, including terms used not only on labels but also packaging and presentation. (Note: under the terms of Annex I (15), ‘presentation’ includes advertising and sales promotion.)*

Amendment 115  
Annex I, point 16

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

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

*Justification*

*For the protection of consumers, it must be made clear that not only transport but also sales packaging is covered.*

Amendment 116  
Annex I, point 16 a (new)

***(16a) Authenticity indicators***

***Spirit drinks may contain traces of authenticity indicators, provided that the substances concerned are ones originally contained in the product.***

*Justification*

*The possibility of using authenticity indicators must be allowed, in order to prevent falsification and unauthorised imitation.*

Amendment 117  
Annex III, subtitle A

**A. Spirits** *deleted*

Amendment 118  
Annex III, point 1, table

Rhum de la Martinique / <b><i>Rhum de la Martinique traditionnel</i></b>	Rhum de la Martinique
Rhum de la Guadeloupe / <b><i>Rhum de la Guadeloupe traditionnel</i></b>	Rhum de la Guadeloupe
Rhum de la Réunion / <b><i>Rhum de la Réunion traditionnel</i></b>	Rhum de la Réunion
Rhum de la Guyane / <b><i>Rhum de la Guyane traditionnel</i></b>	Rhum de la Guyane
	<b><i>Rhum de sucrerie de la Baie du Galion</i></b>
	<b><i>Rhum des Antilles françaises</i></b>
	<b><i>Rhum des départements français d'outre-mer</i></b>
Ron de Malaga	Ron de Malaga
Ron de Granada	Ron de Granada
Rum da Madeira	Rum da Madeira

*Justification*

*Provision must be made for new geographical indications to take account of both the diversity and the specific nature of rum production in the French overseas departments.*

Amendment 119  
Annex III, point 2, table

***Scotch Whisky / Scotch***

Irish Whisky	Irish Whisky
Whisky español	Whisky español
(These denominations may be supplemented	(These denominations may be supplemented

by the terms 'malt' or 'grain')

Irish Whiskey

Uisce Beatha Eireannach / Irish Whiskey

(These denominations may be supplemented by the words 'Pot Still' or 'malt' or 'grain')

by the terms 'malt' or 'grain')

Irish Whiskey

Uisce Beatha Eireannach / Irish Whiskey

(These denominations may be supplemented by the words 'Pot Still' or 'malt' or 'grain')

**Scotch Whisky / Scotch**

*(the entry changed place)*

#### *Justification*

*Current provisions needs to be maintained permitting geographical indications to be accompanied by additional particulars, subject to regulation by the relevant authority of the country in question. While the terms 'malt' and 'grain' are commonly used for Scotch Whisky, they are not the only permitted additional terms. It is important to remove any ambiguity that permitted supplementary terms for Scotch Whisky should be determined by the relevant UK authority.*

Amendment 120  
Annex III, point 3

#### Text proposed by the Commission

Grain spirits

Eau-de-vie de seigle de marque nationale luxembourgeoise

Luxembourg

Korn / Kornbrand

Austria, **Germany**

#### Amendments by Parliament

Grain spirits

**Grain brandy**, Eau-de-vie de seigle de marque nationale luxembourgeoise

Luxembourg

Korn / Kornbrand<sup>16 a</sup> **aus Österreich**

Austria

**Korn / Kornbrand<sup>16 a</sup> aus Deutschland**

**Germany**

**<sup>16a</sup> Korn and Kornbrand are grain spirits traditionally produced in Germany and in regions of the Community where German is one of the official languages, 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 indent.**

**The minimum alcoholic strength by volume of Korn shall be 32%.**

**The minimum alcoholic strength by volume of Kornbrand shall be 37,5%.**

*Justification*

*Korn and Kornbrand are grain spirits and should come under that category of products. Korn traditionally meets the distillation requirements for a grain spirit and should not fall within the grain brandy category.*

Amendment 121  
Annex III, point 5, title

5. Brandy

5. Brandy/**Weinbrand**

Amendment 122  
Annex III, subtitle B

**B. Specific spirit drinks**

**deleted**

Amendment 123  
Annex III, point 31, table, entry 26

**Jägertee** / Jagertee / Jagatee    Austria

Jagertee/Jagatee  
**Jägertee**

Austria  
**Austria,  
Germany**

*Justification*

*In Austria's Act of Accession the terms Jägertee, Jagertee and Jagatee were reserved by mistake for Austrian products, even though there is a similar tradition in Germany. The amendment reflects pledges given by the Commission and the actual use of linguistic variants in Germany and Austria.*

## OPINION FROM THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

12.12.2006

Mr Karl-Heinz Florenz  
Chairman  
Committee on the Environment, Public Health and Food Safety  
BRUSSELS

Subject: Opinion on the legal basis of the proposal for a regulation of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks (COM(2005)0125 – C6-0440/2005 – 2005/0028(COD))<sup>1</sup>

Dear Mr Chairman,

By letter of 4 October 2006 the Chairman of the Committee for Agriculture and Regional Development asked the Committee on Legal Affairs to consider whether the legal basis for the above Commission proposal was valid and appropriate. He pointed out that his committee had adopted an amendment changing the legal basis for the draft regulation so as to add to the present legal basis of Article 95 also Article 37 of the EC Treaty.

The committee considered the above question pursuant to Rule 35(3) at its meeting of 11 December 2006.

*Relevant provisions of the EC Treaty*

### *Article 95*

1. By way of derogation from Article 94 and save where otherwise provided in this Treaty, the following provisions shall apply for the achievement of the objectives set out in Article 14. The Council shall, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.

2. Paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons.

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<sup>1</sup> Not yet published in the OJ.

3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.
4. If, after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to maintain national provisions on grounds of major needs referred to in Article 30, or relating to the protection of the environment or the working environment, it shall notify the Commission of these provisions as well as the grounds for maintaining them.
5. Moreover, without prejudice to paragraph 4, if, after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions as well as the grounds for introducing them.
6. The Commission shall, within six months of the notifications as referred to in paragraphs 4 and 5, approve or reject the national provisions involved after having verified whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they shall constitute an obstacle to the functioning of the internal market.

In the absence of a decision by the Commission within this period the national provisions referred to in paragraphs 4 and 5 shall be deemed to have been approved.

When justified by the complexity of the matter and in the absence of danger for human health, the Commission may notify the Member State concerned that the period referred to in this paragraph may be extended for a further period of up to six months.
7. When, pursuant to paragraph 6, a Member State is authorised to maintain or introduce national provisions derogating from a harmonisation measure, the Commission shall immediately examine whether to propose an adaptation to that measure.
8. When a Member State raises a specific problem on public health in a field which has been the subject of prior harmonisation measures, it shall bring it to the attention of the Commission which shall immediately examine whether to propose appropriate measures to the Council.
9. By way of derogation from the procedure laid down in Articles 226 and 227, the Commission and any Member State may bring the matter directly before the Court of Justice if it considers that another Member State is making improper use of the powers provided for in this Article.
10. The harmonisation measures referred to above shall, in appropriate cases, include a safeguard clause authorising the Member States to take, for one or more of the non-economic

reasons referred to in Article 30, provisional measures subject to a Community control procedure.

#### *Article 37*

1. In order to evolve the broad lines of a common agricultural policy, the Commission shall, immediately this Treaty enters into force, convene a conference of the Member States with a view to making a comparison of their agricultural policies, in particular by producing a statement of their resources and needs.
2. Having taken into account the work of the Conference provided for in paragraph 1, after consulting the Economic and Social Committee and within two years of the entry into force of this Treaty, the Commission shall submit proposals for working out and implementing the common agricultural policy, including the replacement of the national organisations by one of the forms of common organisation provided for in Article 34(1), and for implementing the measures specified in this title.

These proposals shall take account of the interdependence of the agricultural matters mentioned in this title.

The Council shall, on a proposal from the Commission and after consulting the European Parliament, acting by a qualified majority, make regulations, issue directives, or take decisions, without prejudice to any recommendations it may also make.

3. The Council may, acting by a qualified majority and in accordance with paragraph 2, replace the national market organisations by the common organisation provided for in Article 34(1) if:
  - (a) the common organisation offers member States which are opposed to this measure and which have an organisation of their own for the production in question equivalent safeguards for the employment and standard of living of the producers concerned, account being taken of the adjustments that will be possible and the specialisation that will be needed with the passage of time;
  - (b) such an organisation ensures conditions for trade within the Community similar to those existing in a national market.
4. If a common organisation for certain raw materials is established before a common organisation exists for the corresponding processed products, such raw materials as are used for processed products intended for export to third countries may be imported from outside the Community.

#### *Content of the draft Regulation*

The Commission has adopted the present proposal in order to update Community legislation on spirits. The proposed regulation seeks in particular to:

- enhance applicability, readability and clearness of the regulation based on the present legislation on spirit drinks;
- combine the two spirit drinks regulations into one regulation;

- introduce a well-defined policy for spirit drinks based on three product categories rooted in the present definitions of products;
- introduce flexibility by shifting the competence to amend Annexes from the European Parliament and Council under the codecision procedure to the Commission, supported by the Management Committee on Spirit Drinks;
- adapt the regulations to new technical requirements;
- adapt the regulations to WTO requirements, including TRIPs;
- define criteria for the recognition of new geographical indications.

The proposed regulation consists of four chapters and three annexes:

Chapter I, "Definition of spirit drinks", lays down the principles for the definition and classification of spirit drinks.

Three categories of spirit drinks are established:

- "Spirits": An exclusive group of spirit drinks which include only the purest form of product not containing ethyl alcohol of agricultural origin and solely admitting natural flavouring, e.g. rum, whisky, brandy, etc.
- "Specific spirit drinks": A distinct group of spirit drinks which may contain ethyl alcohol of agricultural origin and nature-identical flavouring, although only in a well- defined and limited form, e.g. gin, vodka, liqueur, etc.
- "Other spirit drinks": An open group of products which may contain ethyl alcohol of agricultural origin as well as flavouring, sweeteners and others.

Chapter II deals with the description, presentation and labelling of spirit drinks.

The proposed regulation would establish a coherent system based on traditional habits and the categories established. It aims at providing clear information to the consumer on the nature of the product and obliges producers to provide all information necessary to avoid misleading the consumer.

Chapter III lays down the rules on geographical indications based on the international obligations of the European Community.

The geographical indications at present listed in Annex II to Regulation (EEC) No 1576/89 are taken over in the present regulation, including geographical indications which are presently regulated in the body of Regulation (EEC) No 1576/89 as Grappa, Korn, Pacharan, Ouzo, etc. However, in order to take account of the recent case-law of the Court of Justice, the regulation provides that technical files for these indications are to be published within seven years of the entry into force of the regulation.

The criteria laid down in the TRIPs Agreement are mirrored in the new regulation and will serve as a basis for the introduction of new geographical indications into Annex III of the regulation.

Chapter III also refers to Annex III, where the recognised geographical indications are listed individually.



Chapter IV closes with general, transitional and final measures.

Annex I sets out the technical definitions for the production of spirit drinks.

Annex II sets out the individual spirit drinks classified within the categories established by the regulation. It lists the characteristics of the products in a systematic and consistent form.

Annex III lists the geographical indications as described above.

### *The problem*

The letter from the Chairman of the Committee on Agriculture and Rural Development states that an amendment has been adopted in committee changing the legal basis so as to include Article 37 of the Treaty. This reflects the importance of spirits as an agricultural product and the fact that the preceding regulation on the same subject-matter was based on Articles 43 and 100 of the EEC Treaty.

### *Appraisal*

The Court of justice has consistently held that in the context of the organisation of the powers of the Community the choice of the legal basis for a measure must be based on objective factors which are amenable to judicial review. Those factors include in particular the aim and the content of the measure<sup>1</sup>.

It appears from the provisions of the proposal for a regulation that it is mainly concerned with clarifying the rules on the definition, description, presentation and labelling of spirit drinks, with the view to improving the applicability and readability of the existing legislation and introducing a well-grounded policy for spirit drinks.

However, it is clear that such legislation also affects agriculture, since the proposed regulation establishes that the ethyl alcohol used for the production of spirit drinks must be exclusively of agricultural origin.

It therefore has to be determined whether Article 37 of the EC Treaty may be inserted as an additional legal basis. In particular, it is necessary to consider whether the proposed measure relates principally to one field of action, having only incidental effects on other policies, or whether all aspects of the measure are equally essential. In the first case, only one legal basis should be used, in the other one the institution should adopt the act in accordance with the provisions on which its competence is based. In any case, where the procedures stemming from the provisions concerned are incompatible, a dual legal basis is impossible and a choice has to be made between them<sup>2</sup>.

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<sup>1</sup> Case C-155/91 *Commission v. Council* [1993] ECR I-939, para 7

<sup>2</sup> Joined Cases C-164/97 & C-165/97 *European Parliament v. Council* [1999] ECR I-1139, para 14.

In the present case, the procedures for the adoption of an act resulting from Articles 37 and 95 of the EC Treaty are not incompatible in so far as they provide that the Council is to act by a qualified majority. However, Article 37 provides for the consultation procedure and Article 95 for codecision. The fact that preceding legislation in this field was based on a similar combination of Treaty articles does not amount to a binding precedent, particularly in the absence of any decision of the Court of Justice on that combined legal basis.

However, in this context Article 37 of the EC Treaty cannot serve as the legal basis for the proposed act concerned for the following reasons.

First of all, the provisions of Article 37 relate exclusively to the products listed in Annex I to the EC Treaty, which excludes "brandies, liqueurs and other spirituous beverages", the subject-matter of the present proposal.

Secondly, although the measures contained in the draft regulation are liable to have a positively effect on the production and the marketing of ethyl alcohol, it seems that this effect is secondary and incidental in relation to the principal aim consisting of the improvement of the existing legislation on spirit drinks in order to ensure the proper functioning of the internal market.

Lastly, the fact that EEC Regulation No 1576/89 is based on Articles 95 and 37 of the EC Treaty has no bearing on the choice of the proper legal basis for the present proposal for a regulation. According to settled case-law of the Court of Justice, the correct legal basis of an act is to be chosen on the basis of the content and the aim of the measure concerned and not on the basis of the objectives achieved by previous acts dealing with the same subject<sup>1</sup>.

### *Conclusions*

It must be concluded that the proposed regulation should be based on Article 95 of the EC Treaty since the conditions justifying the insertion of Article 37 of the EC Treaty as an additional legal basis are not satisfied.

At its meeting of 11 December 2006 the Committee on Legal Affairs accordingly decided, unanimously<sup>2</sup>, to recommend that you that the proposal for a regulation be based solely on Article 95 of the EC Treaty..

Yours sincerely,

Giuseppe Gargani</RepeatBlock-Amend>

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<sup>1</sup> Case C-187/93 *Parliament v Council* ECR I-2857, para 28

<sup>2</sup> The following were present for the final vote: Giuseppe Gargani (chairman), Rainer Wieland (vice-chairman), Maria Berger, Carlo Casini, Rosa Díez González, Kurt Lechner, Antonio López-Istúriz White, Aloyzas Sakalas, Gabriele Stauner and Jaroslav Zvěřina..

16.10.2006

## **OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT (\*)**

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a European Parliament and Council regulation on the definition, description, presentation and labelling of spirit drinks  
(COM(2005)0125 – C6-0440/2005 – 2005/0028(COD))

Draftsman: Niels Busk

### **SHORT JUSTIFICATION**

The Commission proposal seeks to revise and merge the existing regulations on spirit drinks together with their implementing provisions, to improve the readability of the regulation text and adapt it to new technical developments and the rules of the WTO.

The proposal introduces a 3-way categorisation of various types of spirit drinks according to the raw materials each type of drink is made from and on the flavourings added. However, there are problems with the proposed categorisation, as it could create confusion: some types of spirit drink could be included in more than one category. A sensible and appropriate alternative to the proposed categorisation would be to label all spirits with a list of ingredients corresponding to the lists of ingredients required for other foodstuffs under the Labelling Directive.

The Commission also proposes to alter the procedure for future amendments to the legislation in this field so as to make it possible for the annexes to the regulation to be amended under the management committee procedure.

The area of spirit drinks is not covered by the EU regulation on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (Council Regulation (EEC) 2081/92 of 14 July 1992). Accordingly, the Commission proposal contains separate provisions on the definition, protection and registration of geographical designations, which it brings into line with international standards.

The updating and amendment of the system of geographical designations to bring it into line with the WTO is a positive step, as is the proposal for a simple and transparent procedure for the amendment of Annexes I and III. The task of the spirits regulation committee is to adapt and update legislation, and your draftsman is therefore of the opinion that the regulatory committee procedure is the most appropriate one to use.

The current rules contain no special requirements as to the raw materials to be used for the production of vodka, which may be produced from ethyl alcohol of agricultural origin. The Commission proposal retains this definition and proposes as a new element that the raw materials used should be mentioned on the product label.

There has long been a strong feeling in favour of creating a narrower definition of vodka, which is traditionally produced from grain and/or potatoes. This would correspond to the specific raw material requirements applying to a long list of other types of spirits such as rum, whisky etc. Rather than proposing a list of ingredients just for vodka, horizontal rules should apply for the labelling of all types of spirits, so that consumers are given clear and precise information on the ingredients used.

## AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission <sup>1</sup>	Amendments by Parliament
	Amendment 1 Citation 1
Having regard to the Treaty establishing the European Community, and in particular <i>Article 95</i> thereof,	Having regard to the Treaty establishing the European Community, and in particular <i>Articles 37 and 95</i> thereof,
<i>Justification</i>	
<i>Spirits are an important agricultural product of the Community and Article 37 should therefore also be included as part of the legal basis.</i>	
	Amendment 2 Recital 1 a (new)
	<i>(1a) Spirit drinks provide a major Community agricultural outlet which largely owes its existence to the excellent reputation they have acquired on Community and world markets thanks to the quality standards associated with traditional products whose properties must therefore be conserved in order to keep this</i>

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<sup>1</sup> Not yet published in OJ.

**outlet open.**

*Justification*

*It is necessary to protect the reputation and traditional nature of products, given that they are a badge of quality, taking into account the market orientation of the CAP and increased globalisation, making it necessary to take advantage of every possible agricultural production outlet.*

Amendment 3

Recital 3

**(3) To obtain an increased systematic approach to the legislation governing spirit drinks, such drinks should be classified in three categories according to well-defined criteria of production and labelling** *deleted*

*Justification*

*The categorisation is neither logical nor helpful, and merely creates confusion, since the term 'spirit' (in English) appears in all three categories.*

Amendment 4

Recital 5

(5) In particular, the ethyl alcohol used for the production of spirit drinks should be solely of agricultural origin, so as to meet consumer expectations and conform to traditional practices. This will also ensure an outlet for basic agricultural products.

(5) In particular, ***it should be emphasised that*** the ethyl alcohol used for the production of spirit drinks should ***continue to*** be solely of agricultural origin, so as to meet consumer expectations and conform to traditional practices. This will also ensure an outlet for basic agricultural products.

*Justification*

*It should be made clear that pursuant to the current Regulation, ethyl alcohol other than that of agricultural origin may not be used.*

Amendment 5

Recital 7

**(7) In order to allow a high level of quality of spirit drinks and diversity in the sector, Member States should be able to adopt rules stricter than or additional to those** *deleted*

***laid down in this Regulation on the production, description, presentation and particular labelling of spirit drinks produced in their territory.***

*Justification*

*This section of the Commission proposal runs counter to the purpose of the Regulation (which is to harmonise rules in the Member States) and may also cause competition to be distorted.*

Amendment 6  
Recital 13

(13) The transition from the rules provided for in Regulation (EEC) No 1576/89 to those in this Regulation could give rise to difficulties which are not dealt with in this Regulation. Provision should therefore be made for the Commission to adopt the necessary transitional measures.

***Furthermore, the Commission should be authorised to solve practical problems specific to the spirit drinks sector.***

(13) The transition from the rules provided for in Regulation (EEC) No 1576/89 to those in this Regulation could give rise to difficulties which are not dealt with in this Regulation. Provision should therefore be made for the Commission to adopt the necessary transitional measures.

*Justification*

*The Commission has granted itself unlimited power to solve what it describes as 'practical problems'. The sentence at issue leaves the scope of the Commission's activities totally undefined and it should therefore be deleted.*

Amendment 7  
Article 1, paragraph 1, point (c)

(c) having a minimum alcoholic strength of 15 % vol. and a maximum of **80** % vol.,

(c) having a minimum alcoholic strength of 15% vol. and a maximum of **below 96** % vol., ***subject to the exceptions to these values indicated in the annexes to this regulation, and in particular in point 41 of Annex II,***

*Justification*

*The annexes contain exceptions to these values, as in the case of egg liqueur.*

Amendment 8  
Article 1, paragraph 1, point (d), subpoint (i), indent 2

- by the maceration of vegetable substances, and/or

- by the maceration of vegetable substances ***in ethyl alcohol of agricultural origin***

***and/or distillates of agricultural origin  
and/or spirit drinks within the meaning of  
this Regulation, and/or***

*Justification*

*'Maceration' is the process of softening by soaking in a liquid but, unless this liquid medium is specified in the terms proposed, the phrase on its own is not an adequate or meaningful definition of a 'spirit drink'. (Regulation 1576/89 Article 1.2 achieves a similar effect by combining the provisions of the proposed 2nd and 3rd indents.)*

Amendment 9  
Article 2, paragraph 1

The ethyl alcohol used in the preparation of spirit drinks and all of their components shall ***not*** be ***of any origin other than*** agricultural.

The ethyl alcohol used in the preparation of spirit drinks and all of their components shall be ***obtained from*** agricultural ***products listed in Annex I to the Treaty.***

*Justification*

*It is not sufficient simply to restrict ethyl alcohol to that of agricultural origin. A precise restriction is needed in order to prevent the use of beer alcohol, for example.*

Amendment 10  
Article 2, paragraph 2

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

The ethyl alcohol used to dilute or dissolve colorants, flavourings or any other authorised additives used in the preparation of spirit drinks shall be ethyl alcohol ***obtained from*** agricultural ***products listed in Annex I to the Treaty.***

*Justification*

*It is not sufficient simply to restrict ethyl alcohol to that of agricultural origin. A precise restriction is needed in order to prevent the use of beer alcohol, for example.*

Amendment 11  
Article 2, paragraph 3

Subject to limitations laid down for specific products in Annex II to this Regulation, the ethyl alcohol shall ***have been obtained from*** agricultural ***products*** listed in Annex I to

Subject to limitations laid down for specific products in Annex II to this Regulation, the ethyl alcohol ***of agricultural origin*** shall ***comply with the criteria*** listed in ***point 3 of***

*the Treaty.*

Annex I to *this Regulation.*

*Justification*

*A reference to Annex I is required in order to maintain a uniformly high standard of quality.*

Amendment 12

Article 3

*Article 3*

*deleted*

*Categories of spirit drinks*

*Spirit drinks shall be classified as follows:*

- (a) "spirits": the products listed in category A of Annex II;*
- (b) "specific spirit drinks": the products listed in category B of Annex II;*
- (c) "other spirit drinks": the products listed in category C of Annex II.*

*Justification*

*The categorisation is neither logical nor helpful, and merely creates confusion, since the term 'spirit' (in English) appears in all three categories.*

Amendment 13

Article 4

*Article 4*

*deleted*

*General rules concerning the categories of spirit drinks*

*1. Without prejudice to the specific rules laid down for each of the products listed in category A of Annex II, "spirits" shall:*

- (a) be manufactured by alcoholic fermentation and distillation exclusively obtained from the raw material according to the definitions in Annex II;*
- (b) not contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);*
- (c) not contain flavouring substances other than natural flavouring substances and*



*preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC;*

*(d) solely be sweetened to round off the final taste of the product, according to technical definitions and requirements in Annex I to this Regulation and taking into account particular legislation of the Member States.*

**2. Without prejudice to the specific rules laid down for each of the products listed in category B of Annex II, "specific spirit drinks" may:**

*(a) be obtained from any agricultural product listed in Annex I to the Treaty;*

*(b) contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);*

*(c) contain natural or nature-identical flavouring substances and preparations as defined in Article 1(2)(b)(i) and (ii) and in Article 1(2)(c) of Directive 88/388/EEC;*

*(d) be sweetened to correspond to particular product characteristics and according to the technical definitions and requirements in Annex I to this Regulation*

**3. Without prejudice to the specific rules laid down for the products in category C of Annex II, "other spirit drinks" may:**

*(a) be obtained from any agricultural product listed in Annex I to the Treaty and/or foodstuff destined for human consumption;*

*(b) contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);*

*(c) contain flavouring substances and preparations as defined in Directive 88/388/EEC;*

*(d) be sweetened corresponding to particular product characteristics and according to technical definitions and requirements in Annex I to this Regulation.*

### *Justification*

*The categorisation is neither logical nor helpful, and merely creates confusion, since the term 'spirit' (in English) appears in all three categories.*

#### Amendment 14 Article 5

Member States may lay down rules stricter than or additional to those in **Annex II** on the production, description, labelling, packaging and presentation of spirit drinks which are produced on their own territory in so far as they are compatible with Community law.

Member States may lay down rules stricter than or additional to those in **Annex III** on the production, description, labelling, packaging and presentation of spirit drinks which are produced on their own territory in so far as they are compatible with Community law.

### *Justification*

*The principle of establishing common, uniform provisions concerning spirit drinks produced in the EU should be retained in the new EU legislation on spirit drinks. The possibility proposed under Article 5 of freely regulating these provisions by means of national legislation will soon lead to the emergence of many different definitions of spirit drinks, depending on their country of origin. This is incompatible with the idea of creating uniform, common provisions on the definition, description, presentation and labelling of spirit drinks as set out in Council Regulation (EEC) No 1576/89. The Member States should be responsible only for rules on spirit drinks with geographical indications.*

#### Amendment 15 Article 7, paragraph 1

1. Spirit drinks which meet the specifications for the products defined in **categories A and B of Annex II** shall bear the sales denomination assigned therein to those products.

1. Spirit drinks which meet the specifications for the products defined in Annex II shall bear the sales denomination assigned therein to those products.

#### Amendment 16 Article 7, paragraph 2

**2. Spirits drinks which meet the specifications for the products defined in category C of Annex II shall bear the sales denomination 'spirit drink'. That sales denomination shall not be complemented,**

*deleted*

*supplemented or altered.*

Amendment 17  
Article 7, paragraph 3

**3. Where a spirit drink meets the definition of more than one specific type of spirit drink, it may be sold under one or more of the names listed for those specific types of spirit drink in Annex II.** *deleted*

Amendment 18  
Article 7, paragraph 4

4. Without prejudice to paragraph 8, the names referred to in **paragraphs 1 and 2** shall not be used to describe or present in any way whatsoever any drink other than the spirit drink for which those names are listed in Annex II.

4. Without prejudice to paragraph 8, the names referred to in **paragraph 1** shall not be used to describe or present in any way whatsoever any drink other than the spirit drink for which those names are listed in Annex II.

Amendment 19  
Article 7, paragraph 5

Sales denominations may be supplemented or replaced by a geographical indication listed in Annex III and in accordance with Chapter III, provided that this does not mislead the consumer.

Sales denominations may be supplemented or replaced by a geographical indication listed in Annex III and in accordance with Chapter III. **Other geographical indications may be used**, provided that this does not mislead the consumer.

*Justification*

*As indicated in Article 7(5), the decisive question is whether or not the consumer will be misled. Therefore, there is no reason not to apply the same procedure here as before and to permit the use of all geographical indications, including those not listed in Annex III, provided that they do not mislead the consumer.*

Amendment 20  
Article 7, paragraph 5 a (new)

**5a. The geographical indications listed in Annex III may be accompanied by additional particulars, provided that these**

**are regulated by the relevant authorities in the country of production.**

*Justification*

*Current legislation (Regulation 1576/89, Article 5.3(a) 2nd sentence) provides for geographical designations to be accompanied by additional particulars, subject to regulation by the Member State of production. It is important that this provision should be maintained in the new Regulation since it reinforces the principle of subsidiarity, whereby the EU is responsible for legislating on generic definitions while individual Member States may make specific and more detailed laws regarding their own GI products. For example, retention of such a provision will be essential to ensure the UK can legislate to introduce new definitions and labelling rules in respect of Scotch Whisky which seek to include various qualifying terms such as 'Single Malt', 'Highland', 'Speyside'.*

Amendment 21  
Article 7, paragraph 5 b (new)

***5b. The names of spirit drinks listed in Annex II may be supplemented by geographical indications other than those in Annex III, provided that they do not mislead consumers.***

*Justification*

*The current legislation (Regulation 1576/89, Article 5.2) provides for the possibility of using supplementary geographical indications other than those in its Annex II, provided they do not mislead consumers. This is important in permitting non-contentious terms which are useful for consumers in identifying the region or locality of a product's origin (e.g. in the case of Scotch Whisky, 'Orkney' or 'Dufftown'). It is also helpful in preventing misleading indications. This provision should therefore be maintained in the new Regulation.*

Amendment 22  
Article 7, paragraph 8

8. The names referred to in Annex II may be included in a list of ingredients if used in accordance with ***the national measures adopted to implement*** Directive 2000/13/EC.

8. The names referred to in Annex II may be included in a list of ingredients if used in accordance with Directive 2000/13/EC.

*Justification*

*All other references to Directive 2000/13 (Articles 6, 8.1, 9.3, and 29(d)) make no such qualification referring to national implementing rules. For consistency and to avoid*

*confusion, Article 7.8 should similarly refer directly to Directive 2000/13/EC.*

Amendment 23  
Article 8, paragraph 1

1. ***Without prejudice to Directive 2000/13/EC***, the use of a term listed in ***category A or B of Annex II***, or of a geographical indication listed in Annex III in a compound term or the allusion in the presentation of a foodstuff to any of them shall be prohibited unless the alcohol originates exclusively from the spirit drink referred to.

1. The use of a term listed in Annex II, or of a geographical indication listed in Annex III in a compound term or the allusion in the presentation of a foodstuff to any of them shall be prohibited unless the alcohol originates exclusively from the spirit drink referred to.

*Justification*

*Both the current legislation (Regulations 1576/89 and 1014/90) and proposed new Regulation contain important labelling rules specifically designed to cater for particular circumstances in the spirit drinks sector. To ensure that the new Regulation continues to take precedence over Directive 2000/13/EC, and in particular that the labelling provisions under Article 8.1 could not be undermined by different rules established by Directive 2000/13, the phrase 'Without prejudice to Directive 2000/13/EC' should be removed.*

Amendment 24  
Article 9, paragraph 1, introductory phrase

1. The sales denomination 'spirit drink' shall be shown clearly and visibly in a prominent position on the label where a spirit drink listed in ***category A of Annex II*** is mixed with:

1. The sales denomination 'spirit drink' shall be shown clearly and visibly in a prominent position on the label where a spirit drink listed in Annex II is mixed with:

Amendment 25  
Article 9, paragraph 2

2. ***Paragraph 1 shall not apply to the description, presentation or labelling of mixtures referred to in that paragraph if they meet one of the definitions laid down in category A or B of Annex II.***

***deleted***

Amendment 26  
Article 9, paragraph 3, subparagraph 1

3. *Without prejudice to Directive 2000/13/EC*, the description, presentation or labelling of the products resulting from the mixtures referred to in paragraph 1 may only show one of the terms listed in **category A or B** of Annex II to this Regulation if that term does not form part of the sales denomination but is solely listed in the same visual field with the listing of all the alcoholic ingredients contained in the mixture, preceded by the terms ‘mixed spirit drink’.

3. The description, presentation or labelling of the products resulting from the mixtures referred to in paragraph 1 may only show one of the terms listed in Annex II to this Regulation if that term does not form part of the sales denomination but is solely listed in the same visual field with the listing of all the alcoholic ingredients contained in the mixture, preceded by the terms ‘mixed spirit drink’.

#### *Justification*

*Both the current legislation (Regulations 1576/89 and 1014/90) and proposed new Regulation contain important labelling rules specifically designed to cater for particular circumstances in the spirit drinks sector. To ensure that the new Regulation takes precedence over Directive 2000/13/EC, and in particular that the labelling provisions under Article 8.1 could not be undermined by different rules established by Directive 2000/13, the phrase ‘Without prejudice to Directive 2000/13/EC’ should be removed.*

#### Amendment 27 Article 10, paragraph 2

2. The description, presentation or labelling of a spirit drink may be supplemented by the term ‘blend’ only where the product has undergone blending.

2. The description, presentation or labelling of a spirit drink may be supplemented by the term ‘blend’, **‘blended’ or ‘blending’** only where the product has undergone blending.

#### *Justification*

*The wording of the proposal could lead to arguments that, in relation to spirit drinks, the term ‘blend’ is somehow different from ‘blended’ or ‘blending’, when in reality they all relate to the same process. For the avoidance of doubt that the new Regulation covers all variations of the term ‘blend’, the wording should be revised accordingly.*

#### Amendment 28 Article 10, paragraph 3

3. If a maturation period or age is specified or suggested in the description, presentation or labelling of a spirit drink it shall refer to the youngest alcoholic component, **provided that the product was aged** under revenue supervision or supervision affording

3. If a maturation period or age is specified or suggested in the description, presentation or labelling of a spirit drink it shall refer to the youngest alcoholic component, **and the product must have been aged** under revenue supervision or supervision affording

equivalent guarantees.

equivalent guarantees.

***In cases in which a system of graduated ageing has been employed, an average age or ageing period may be shown on the label only if a monitoring system affording sufficient guarantees and recognised by the corresponding Member State exists.***

*Justification*

*The wording of the proposed new Regulation is potentially ambiguous compared with Regulation 1576/89, Art 7.2(d) which makes clear that '...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'. This ambiguity should be removed.*

*Furthermore, in view of the fact that for over 100 years, major spirit drinks have been produced in the EU by means of a graduated ageing system (known as 'criaderas y soleras'), advantage should be taken of the proposed revision in order to incorporate a specific reference to that system.*

Amendment 29

Article 12, paragraph 1

1. 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 easily understand each of those items of information, unless consumers are provided with the information by other means.***

1. The particulars provided for in this Regulation shall be given in one or more official languages of the Community ***in accordance with Article 16 of Directive 2000/13/EC.***

*Justification*

*The rules for the labelling of foodstuffs are already covered by the general labelling directive 2000/13/EC.*

Amendment 30

Article 15, paragraph 1, subparagraph 1

1. Applications for a geographical indication to be included in Annex III shall be submitted to the Commission in one of the official Community languages or accompanied by a translation into one of the official Community languages. Such

1. Applications for a geographical indication to be included in Annex III shall be submitted to the Commission ***by the relevant authority of the Member State of origin of the spirit drink in question,*** in one of the official Community languages or

applications shall be accompanied by a technical file including the specifications with which the spirit drink concerned must comply. The technical file shall be published in the Official Journal of the European Union, Series C.

accompanied by a translation into one of the official Community languages. Such applications shall be accompanied by a technical file including the specifications with which the spirit drink concerned must comply. The technical file shall be published in the Official Journal of the European Union, Series C.

*Justification*

*For the avoidance of doubt, and consistent with the rules which apply in respect of quality wines, it should be made clear that applications for GI status must have the support of, and be submitted by, the relevant authority of the Member State of origin of the spirit drink(s) in question.*

Amendment 31

Article 15, paragraph 2, point (b)

(b) a description of the spirit drink including principal physical, chemical, microbiological and/or organoleptic characteristics of the product **or the foodstuff**;

(b) a description of the spirit drink including *the* principal physical **and/or** chemical **and/or** microbiological and/or organoleptic characteristics of the product;

*Justification*

*Given that national authorities will be responsible for determining the specifications with which a spirit drink must comply in order to be considered a geographical indication, it is assumed that, for the purposes of an application for registration, the description of the spirit drink in question should be supported by one or more of the optional characteristics listed. For the avoidance of doubt, this should be clarified in the proposed wording.*

*Also, since the registration clearly only relates to spirit drinks, the reference to a possible other 'foodstuff' should be removed.*

Amendment 32

Article 15, paragraph 2, point (g)

(g) the name and contact address of the applicant.

(g) the name and contact address **of the relevant authority** of the applicant **country**.

*Justification*

*For the avoidance of doubt, and consistent with the approach proposed in Article 15.1, it should be made clear that the relevant national authority will be responsible for the technical*



*file in support of applications for GI status.*

Amendment 33  
Article 16

*deleted*

*Article 16*

***Geographical indications protected under  
Regulation (EC) No 1576/89***

***For each geographical indication protected under Regulation (EC) No 1576/89 at the time of the entry into force of this Regulation a technical file shall be submitted to the Commission not later than seven years from the date of entry into force of this Regulation.***

***The technical file shall be published in the Official Journal of the European Union, Series C, after examination by the Commission.***

***In case no technical file is published within seven years from entry into force of this Regulation the geographical indication will cease to be protected.***

*Justification*

*Such a measure will impose an additional administrative burden on both the Member States and the Commission without any additional benefit.*

Amendment 34  
Article 19

1. The Commission shall be assisted by the ***Management*** Committee for Spirit Drinks, hereinafter referred to as "the Committee".
2. Where reference is made to this paragraph, ***Articles 4*** and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in ***Article 4(3)*** of Decision 1999/468/EC shall be set at ***one***

1. The Commission shall be assisted by the ***Regulatory*** Committee for Spirit Drinks, hereinafter referred to as "the Committee".
2. Where reference is made to this paragraph, ***Articles 5*** and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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

**month.**

3. The Committee shall adopt its rules of procedure.

**months.**

3. The Committee shall adopt its rules of procedure.

*Justification*

*The Commission proposes to make use of a management committee in spite of the fact that this regulation does not seek to ensure the proper functioning of the organisation of a market. The task of the spirits regulation committee is to adapt and update legislation, for which a regulatory committee would be more appropriate.*

Amendment 35  
Article 20

**The** Annexes shall be amended in accordance with the procedure referred to in Article 19(2).

Annexes **I and III** shall be amended in accordance with the procedure referred to in Article 19(2).

*Justification*

*Amendments to the definitions of the various types of spirit drink are such a crucial part of the regulation that it should only be possible for such amendments to be made by the European Parliament and the Council acting jointly under the codecision procedure, and not by a committee as proposed by the Commission.*

Amendment 36  
Article 22, point (c)

**(c) to derogate from certain provisions of this Regulation, in duly justified cases.**

**deleted**

*Justification*

*Although the committee procedure is appropriate for the adoption of implementing provisions and any transitional provisions, parliamentary control is required in order for the regulation itself to be wholly or partially waived.*

Amendment 37  
Annex I, point 4, first paragraph

In the preparation of spirit drinks, the addition of water, possibly distilled or demineralised, shall be authorised, provided that the quality of the water conforms to the national provisions adopted in

In the preparation of spirit drinks, the addition of water, possibly distilled or demineralised, shall be authorised, provided that the quality of the water conforms to the national provisions adopted in

implementation of Council Directive 80/777/EEC and Council Directive **80/778/EEC** and that the water added does not change the nature of the product.

implementation of Council Directive 80/777/EEC and Council Directive **98/83/EC** and that the water added does not change the nature of the product.

*Justification*

*The reference to the Drinking Water Directive should be updated.*

Amendment 38  
Annex I, point 5, second paragraph

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

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

Amendment 39  
Annex I, point 5 a (new)

***(5a) Authenticity indicators:***

***For the purposes of consumer and trademark protection, spirit drinks may contain trace substances serving as indicators of the authenticity of the trademark, where provided for in the spirit drink definition. Such substances shall be food derivatives and shall be present in concentrations of less than 0,1% by weight/volume of product, without altering the taste and characteristics of the final product.***

*Justification*

*Authenticity indicators provide consumers with a guarantee as to the authenticity of the product and the trademark.*

Amendment 40  
Annex I, point 13

Description means the terms used on the

Description means the terms used on the

labelling, on the documents accompanying the transport of a drink, on the commercial documents, particularly the invoices and delivery notes, and in advertising.

labelling, ***presentation and packaging***, on the documents accompanying the transport of a drink, on the commercial documents, particularly the invoices and delivery notes, and in advertising.

*Justification*

*To avoid potential loopholes as a result of ambiguity, the definition of 'description' should be as wide as possible, including terms used not only on labels but also packaging and presentation. (Note: under the terms of Annex I (15), 'presentation' includes advertising and sales promotion.)*

Amendment 41  
Annex I, point 16

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

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

*Justification*

*For the protection of consumers, it must be made clear that not only transport but also sales packaging is covered.*

*The equivalent 'packaging' definition in the EU Wine Regulation (No 1493/1999, Annex VII, paragraph 1, 2nd indent) refers to '...protective wrappings, such as paper, straw envelopes of all kinds, cartons and cases, used in the transport of one or more containers and/or for presenting them with a view to sale to the final consumer'.*

Amendment 42  
Annex II, subheading 1

***Category A: Spirits***

***deleted***

Amendment 43  
Annex II, point 1(d)

***(d) 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 rum.***

***deleted***

*Justification*

*General authorisation of flavourings should be rejected, regardless of whether they are made*

*using natural or nature-identical flavouring substances. Otherwise, it can be assumed that lower-quality spirit drinks may be enhanced with natural flavouring substances. This would place producers who follow traditional working methods at a disadvantage and would mislead consumers. The protection of traditional processes guarantees the quality of products. This is necessary in order to continue to uphold the reputation of spirit drinks from the Community on the internal and world markets and to maintain a high level of consumer protection and market transparency.*

Amendment 44  
Annex II, point 2 (c)

(c) *Whisky* or *whiskey* shall not contain added ethyl alcohol of agricultural origin.

(c) *Whisky* or *whiskey* shall not contain added ethyl alcohol of agricultural origin **or distillate of agricultural origin.**

*Justification*

*The provisions governing ‘whisky’ in the current Regulations (1576/89 and 1014/90) do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

Amendment 45  
Annex II, point 3 (a)

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

(a) Grain spirit is a spirit drink produced by the distillation of a fermented mash of **whole grains of** cereals and having organoleptic characteristics derived from the raw materials used.

*Justification*

*Limiting distillation to that of a fermented mash of whole grains of cereals should prevent the use of cereal or starch waste materials.*

Amendment 46  
Annex II, point 3(b)

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

(b) The minimum alcoholic strength by volume of grain spirit shall be **32%**.

*Justification*

*The value of 35 % is clearly a drafting error. Raising the alcohol strength to 35 % would confound consumers’ expectations. The taste would be completely different.*

Amendment 47  
Annex II, point 3 (e)

(e) 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.

(e) For a grain spirit to be designated ‘grain **spirit**’, 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.

*Justification*

*The word ‘brandy’ has a very clear etymological origin (brand wijn, vino quemado) and there is a need for consistency with the definition of brandy contained in the proposal for a Regulation, which leaves no room for doubt regarding the fact that the word should be used exclusively in respect of spirit drinks produced entirely from wine spirits or wine distillates.*

Amendment 48  
Annex II, point 5 (a) (1)

(1) produced from wine spirit, whether or not blended with a wine distillate distilled at less than 94,8% vol., provided that that distillate does not exceed a maximum of 50% by volume of the finished product,

*(Does not affect English version.)*

Amendment 49  
Annex II, point 8

8. Raisin spirit *or* **raisin brandy**

(a) Raisin spirit *or* **raisin brandy** is 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.

(b) The minimum alcoholic strength by volume of raisin spirit *or* **raisin brandy** shall be 37,5%.

(c) Raisin spirit *or* **raisin brandy** shall not contain added ethyl alcohol of agricultural origin.

(d) Only natural flavouring substances and

8. Raisin spirit

(a) Raisin spirit is 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.

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

(c) Raisin spirit shall not contain added ethyl alcohol of agricultural origin.

(d) 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 raisin spirit **or raisin brandy**.

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 raisin spirit.

*Justification*

*The word 'brandy' has a very clear etymological origin (brand wijn, vino quemado) and there is a need for consistency with the definition of brandy contained in the proposal for a Regulation, which leaves no room for doubt regarding the fact that the word should be used exclusively in respect of spirit drinks produced entirely from wine spirits or wine distillates.*

Amendment 50  
Annex II, point 9 (a) (1)

(1) produced by the alcoholic fermentation and distillation of fleshy fruit or must of such fruit, with or without stones,

(1) produced **exclusively** by the alcoholic fermentation and distillation of fleshy fruit or must of such fruit, with or without stones,

*Justification*

*This amendment is necessary in order to prevent the addition of flavouring or sugar to the fruit mash.*

Amendment 51  
Annex II, point 9 (b) (i), indents 7 a and 7 b (new)

- **peach,**
- **apricot;**

*Justification*

*Apricots and peaches should be included on the basis of practical experience from food checks.*

Amendment 52  
Annex II, subheading 2

**Category B: Specific spirit drinks**

**deleted**

Amendment 53  
Annex II point 23 a (new)

**23a. Ouzo**

**(a) Ouzo is an aniseed-flavoured spirit drink which**

**(1) is produced exclusively in Greece,**

**(2) is 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 by volume of Ouzo.**

**(b) The distillate must:**

**(1) have been produced by distillation in traditional discontinuous copper stills with a capacity of 1000 litres or less;**

**(2) have an alcoholic strength by volume of not less than 55% vol. and not more than 80% vol.**

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

#### Amendment 54

Annex II, point 29 (a), fparagraph 1, introductory phrase

(a) Vodka is a spirit drink produced from ethyl alcohol **of agricultural origin**:

(a) Vodka is a spirit drink produced from ethyl alcohol **from grain, potatoes and/or sugar beet molasses**:

#### Justification

*Vodka is a drink which is traditionally produced from grain, potatoes and/or sugar beet molasses, and it is therefore very important that vodka should be accorded the same protection as other spirit drinks such as rum, whisky, etc. The choice of ingredients affects the organoleptic (taste) characteristics, and they must therefore be restricted to grain, potatoes and/or sugar beet molasses, in conjunction with which it will also be unnecessary to compel vodka producers to accept an additional burden in the form of a requirement to indicate the ingredients on the label. If the aim of this requirement is to provide consumers with information about the ingredients used to produce a spirit drink, this should apply across the board to all spirit drinks in accordance with the labelling directive, which already requires lists of ingredients for other foodstuffs.*



Amendment 55  
Annex II, point 29 (a), paragraph 1 (1)

(1) obtained following fermentation, with yeast, from **agricultural raw materials**,

(1) obtained following fermentation, with yeast, from **grain, potatoes and/or sugar beet molasses**,

*Justification*

*The spirit drink processing industry is still an important outlet for sugar, in particular after the sugar reform. It is necessary to ensure that only molasses made of sugar beet should be allowed to be used in order to prevent imports of alcohol obtained from sugar cane as raw material.*

Amendment 56  
Annex II, point 29 (a), paragraph 1 (2)

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

(2) distilled and/or rectified **to a minimum alcoholic strength by volume of 96.0%** so that the organoleptic characteristics of the raw materials used and by-products formed in fermentation are selectively reduced, **and in which maximum levels of residue are those laid down in Annex I for ethyl alcohol, except that the methanol residue in the final product shall not exceed 30 grams per hectolitre of pure alcohol**,

Amendment 57  
Annex II, point 29 (a), paragraph 2

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

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

Amendment 58  
Annex II, point 29 (a), paragraph 3

*Maximum levels of residue shall meet those laid down in Annex I for ethyl alcohol, except that the methanol residue in the final product shall not exceed 10 grams per hectolitre of pure alcohol.* **deleted**

Amendment 59  
Annex II, point 29 (d)

*(d) Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of vodka shall indicate in the same visual field as the sales denomination the raw materials utilised to produce the ethyl alcohol of agricultural origin. The characters shall be no larger than half and no smaller than one third of the size of the characters used for the sales denomination.* **deleted**

Amendment 60  
Annex II, point 44 a (new)

**44a. "Vruchtenjenever" or "Jenever met vruchten"**

**(a) "Vruchtenjenever" or "Jenever met vruchten" is a liqueur or other spirit drink:**

**(1) obtained by flavouring "jenever" with fruit or plants and/or parts of fruit or plants or by adding fruit juice and/or distillates of fruit or plants or distillates of concentrated flavours extracted from fruit or plants,**

**(2) that may be given additional flavouring by natural and/or nature-identical flavours,**

**(3) that may be sweetened,**

**(4) having the organoleptic characteristics**

*of the fruit concerned.*

*(b) The minimum alcoholic strength by volume of "Vruchtenjenever" or "Jenever met vruchten" shall be 20%.*

*(c) The name of the fruit concerned may replace 'vruchten'.*

*Justification*

*The definition of 'vruchtenjenever' should be retained (see annex to Regulation (EC) No 1014/90), as the characteristics of this drink do not fully coincide with those of jenever. Vruchtenjenever can therefore not be regarded as a product the protection of whose name is guaranteed by means of the geographical indication for jenever listed in Annex III.*

Amendment 61  
Annex II, subheading 3

***Category C: Other spirit drinks*** ***deleted***

Amendment 62  
Annex II, Category C, point 1

***1. All spirit drinks which meet the definition of Article 1 but do not qualify for inclusion in category A or B shall be described, presented and labelled with the sales denomination "spirit drink".*** ***deleted***

Amendment 63  
Annex II, Category C, point 3

3. *Slivovice* is produced in the Czech Republic and obtained by the addition to the plum distillate, before the final distillation, of a maximum proportion of 30% by volume of ethyl alcohol of agricultural origin. This product must be described as 'spirit drink' and may also use the name *Slivovice* in the same visual field on the front label. If this Czech *Slivovice* is marketed in the Community, its alcoholic composition must appear on the label. This provision is without prejudice to the use of the name *Slivovice* for fruit spirits according to point 9

3. *Slivovice* is produced in the Czech Republic and obtained by the addition to the plum distillate, before the final distillation, of a maximum proportion of 30% by volume of ethyl alcohol of agricultural origin. This product must be described as "spirit drink" and may also use the name *Slivovice* in the same visual field on the front label. If this Czech *Slivovice* is marketed in the Community, its alcoholic composition must appear on the label. This provision is without prejudice to the use of the name *Slivovice* for fruit spirits according to

*of category A.*

point 9.

Amendment 64  
Annex III, subtitle A

*A. Spirits*

*deleted*

Amendment 65  
Annex III, point 3, column 2, line 2, footnote 16 a (new)

Korn / Kornbrand

Korn / Kornbrand<sup>16 a</sup>

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***<sup>16a</sup> Korn and Kornbrand are grain spirits traditionally produced in Germany and in regions of the Community where German is one of the official languages, 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 indent.***

***The minimum alcoholic strength by volume of Korn shall be 32%.***

***The minimum alcoholic strength by volume of Kornbrand shall be 37,5%.***

*Justification*

*According to Recital 2 of the preamble to the Commission proposal, account should continue to be taken of traditional production practices. In Germany, Korn is traditionally produced with a minimum alcohol strength of 32 %, in line with Regulation (EEC) No 1576/89.*

Amendment 66  
Annex III, point 5, column 3, line 1

...

***Spain***

Amendment 67  
Annex III, point 6, columns 2 and 3, lines 34 a and 35 (new)

<i>Τσικουδιά/Tsikoudia</i>	<i>Greece</i>
<i>Τσίπουρο/Tsipouro</i>	<i>Greece</i>

Amendment 68  
Annex III, subtitle B

*B. Specific spirit drinks* *deleted*

Amendment 69  
Annex III, point 23, column 2, line 7, footnote 17(a) (new)

Ouzo / Ούζο	Ouzo / Ούζο <sup>17a</sup> <i><b>17a Ouzo is an aniseed-flavoured spirit drink produced exclusively in Greece and Cyprus.</b></i>  <i><b>It is 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 minimum alcoholic strength by volume of Ouzo is 37,5%.</b></i>
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Amendment 70  
Annex III point 23, columns 2 and 3, lines 7 a and 7 b (new)

(...)	<i><b>Ouzo Μυτιλήνης/Ouzo of Mitilene</b></i> ...
	<i><b>Ouzo πλωμαρίου/Ouzo of Plomari</b></i> ...

Amendment 71  
Annex III, point 31, columns 2 and 3, lines 31 a, 31 b, 31 c and 31 d (new)

*Μαστίχα Χίου/Masticha of Chios* ...

*Κίτρο Νάξου/Kitro of Naxos* ...

*Κουμ Κουάτ Κέρκυρας/ Koum Kouat of  
Corfu* ...

*Τεντούρα / Tentoura* ...

Amendment 72  
Annex III , last subtitle

*Other spirit drinks*

*deleted*

## PROCEDURE

<b>Title</b>	Proposal for a European Parliament and Council regulation on the definition, description, presentation and labelling of spirit drinks
<b>References</b>	COM(2005)0125 – C6-0440/2005 – 2005/0028(COD)
<b>Committee responsible</b>	ENVI
<b>Opinion by</b> Date announced in plenary	AGRI 17.1.2006
<b>Draftsman</b> Date appointed	Niels Busk 26.1.2006
<b>Discussed in committee</b>	20.2.2006      21.3.2006      12.7.2006      3.10.2006
<b>Date adopted</b>	3.10.2006
<b>Result of final vote</b>	+:                      31 -:                      2 0:                      2
<b>Members present for the final vote</b>	Katerina Batzeli, Sergio Berlato, Thijs Berman, Niels Busk, Luis Manuel Capoulas Santos, Giuseppe Castiglione, Joseph Daul, Albert Deß, Duarte Freitas, Jean-Claude Fruteau, Ioannis Gklavakis, Lutz Goepel, Bogdan Golik, Friedrich-Wilhelm Graefe zu Baringdorf, Esther Herranz García, Elisabeth Jeggle, Heinz Kindermann, Albert Jan Maat, Diamanto Manolakou, Mairead McGuinness, María Isabel Salinas García, Agnes Schierhuber, Willem Schuth, Czesław Adam Siekierski, Brian Simpson, Csaba Sándor Tabajdi, Witold Tomczak, Kyösti Virrankoski, Andrzej Tomasz Zapałowski
<b>Substitute(s) present for the final vote</b>	Pilar Ayuso, Bernadette Bourzai, Ilda Figueiredo, Stefan Kuc, James Nicholson, Markus Pieper, Zdzisław Zbigniew Podkański,
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Zbigniew Krzysztof Kuźmiuk
<b>Comments (available in one language only)</b>	...

11.10.2006

## **OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION**

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks (COM(2005)0125 – C6-0440/2005 – 2005/0028(COD))

Draftsman: Gary Titley

### **EXPLANATORY STATEMENT**

The Commission proposal brings together two existing regulations, clarifying the definition and presentation of spirit drinks. This adapts existing legislation to new technical and World Trade Organisation (WTO) requirements. It will bring a higher level of consumer protection, prevent deceptive practices and ensure transparency in the market.

The four chapters deal with the main provisions including the type of spirit drink. The annexes deal with technical definitions.

The proposal introduces three categories of spirit drink. Category A contains a list of pure "spirits." Category B lists "specific spirit drinks," which may contain ethyl alcohol of agricultural origin. Category C covers "other spirit drinks" which contain ethyl alcohol of agricultural origin and flavouring.

Stakeholders are concerned that these categories suggest some form of hierarchy and cause confusion as spirit drinks could fall into more than one category.

Traditional spirit production methods are guaranteed by "Geographical Indications" (GIs) which are based on a technical file. The technical file has to be submitted to the Commission. However, it should be up to national authorities to submit the technical file.

The proposal maintains the current EU vodka definition which states that vodka can be produced from ethyl alcohol of agricultural origin. A number of Member States argue that this will undermine their traditional production methods. They would like vodka to be restricted to spirit produced from potatoes and grain.



It is necessary that traditions are respected. However there is considerable debate about what represents traditional production of vodka. If a restrictive definition is adopted there will be inevitable legal challenges from countries which use other raw materials to produce vodka. The proposal requires the ingredients of vodka to be labelled on the bottle. It also provides for GI status for vodkas, e.g. Swedish vodka,

The Commission aims to give greater flexibility by shifting the competence to amend annexes from the co-decision procedure to a management committee.

Finally, the use of Authenticity Indicators (AIs) needs to be agreed on. AIs are trace elements detectable by chemical analysis. They allow products to be identified as authentic and play an essential role in the fight against counterfeit products.

## AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission <sup>1</sup>	Amendments by Parliament
Amendment 1 Recital 1	
(1) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks and Commission Regulation (EEC) No 1014/90 of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks have proved successful in regulating the spirit drinks sector. However, in the light of recent experience it is necessary to clarify the rules applicable to the definition, description, presentation and protection of certain spirit drinks. Regulation (EEC) No 1576/89 should therefore be repealed and replaced by a new Regulation.	(1) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks and Commission Regulation (EEC) No 1014/90 of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks have proved successful in regulating the spirit drinks sector. However, in the light of recent experience it is necessary to clarify the rules applicable to the definition, description, presentation, <b>labelling</b> and protection of certain spirit drinks. Regulation (EEC) No 1576/89 <b>and Regulation (EEC) No 1014/90</b> should therefore be repealed and replaced by a new Regulation

<sup>1</sup> Not yet published in OJ.

*Justification*

*The provisions of both Regulations 1576/89 and 1014/90, as amended, should be incorporated into the proposed new Regulation. To remove any ambiguity, both these Regulations should therefore be repealed on the entry into force of the new law.*

Amendment 2

Recital 2

(2) The spirit drinks sector is important both for consumers and producers in the Community. The measures applicable to that sector should contribute to the attainment of a high level of consumer protection, the prevention of deceptive practices, market transparency and fair competition. By doing so, the measures will safeguard the reputation which Community spirit drinks have achieved in the Community and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account where such innovation serves to improve quality.

(2) The spirit drinks sector is important both for consumers and producers in the Community. The measures applicable to that sector should contribute to the attainment of a high level of consumer protection, the prevention of deceptive practices, market transparency and fair competition. By doing so, the measures will safeguard the reputation which Community spirit drinks have achieved in the Community and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account ***in definitions*** where such innovation serves to improve quality ***without affecting the traditional character of the spirit drink in question.***

*Justification*

*While it is appropriate to make provision for changes to production methods, where supported by the relevant industry, to take into account technological innovation, it is essential that such innovation does not undermine the traditionality on which the quality and reputation of the spirit drink is based. It is therefore important to ensure that innovations must be agreed and adopted as changes to the definition in question, particularly if they could affect the traditional character of the spirit.*

Amendment 3

Recital 3

***(3) To obtain an increased systematic approach to the legislation governing spirit drinks, such drinks should be classified in three categories according to well-defined***

***deleted***

***criteria of production and labelling.***

*Justification*

*This classification is neither logical nor transparent. Furthermore, it wrongly assigns some products to a certain group and misleads consumers with regard to quality, as it differs from existing practices. It also falsely suggests that there is a quality hierarchy in relation to these products.*

Amendment 4  
Article 1, point (c)

(c) having a minimum alcoholic strength of 15 % vol. and a maximum of 80% vol.,

(c) having a minimum alcoholic strength of 15 % vol. and, ***where for direct human consumption***, a maximum of 80% vol.,

*Justification*

*This is to clarify that the 80% alcohol limit applies to spirit drinks at the point of sale. And ensures that the drinks defined in Annex II that have a distillation level higher than 80% can continue to be produced and to provide for Advocaat (category 41) which has a minimum strength below 15%.*

Amendment 5  
Article 1, point (d), point (i), indent 2

- by the maceration of vegetable substances, and/or

- by the maceration, ***or a similar process***, of vegetable substances ***in ethyl alcohol of agricultural origin and/or distillates of agricultural origin***, and/or

*Justification*

*This provides greater clarification, and specifies the liquid medium used for the maceration process.*

Amendment 6  
Article 1, paragraph 2 a (new)

***The minimum alcoholic strength provided for in point (c) shall be without prejudice to the definition of the product set out in category 41 in Annex II.***

*Justification*

*This is to clarify that the 80% alcohol limit applies to spirit drinks at the point of sale. And ensures that the drinks defined in Annex II that have a distillation level higher than 80% can continue to be produced and to provide for Advocaat (category 41) which has a minimum strength below 15%.*

Amendment 7  
Article 3

***Spirit drinks shall be classified as follows:***                      ***deleted***

- a) "spirits": the products listed in category A of Annex II;***
- b) "specific spirit drinks": the products listed in category B of Annex II;***
- c) "other spirit drinks": the products listed in category C of Annex II.***

*Justification*

*This classification is neither logical nor transparent. Furthermore, it wrongly assigns some products to a certain group and misleads consumers with regard to quality, as it differs from existing practices. It also falsely suggests that there is a quality hierarchy in relation to these products.*

Amendment 8  
Article 4

1. Without prejudice to the specific rules laid down for each of the products listed in ***category A of Annex II, "spirits" shall:***

1. Without prejudice to the specific rules laid down for each of the products listed in Annex II, "spirits" ***may:***

*(a) be manufactured by alcoholic fermentation and distillation exclusively obtained from the raw material according to the definitions in Annex II;*

*(b) not contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);*

*(c) not contain flavouring substances other than natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC;*

*(d) solely be sweetened to round off the final taste of the product, according to technical definitions and requirements in Annex I to this Regulation and taking into account particular legislation of the Member States.*

*2. Without prejudice to the specific rules laid down for each of the products listed in category B of Annex II, "specific spirit drinks" may:*

*a) be obtained from any agricultural product listed in Annex I to the Treaty;*

*b) contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);*

*c) contain natural or nature-identical flavouring substances and preparations as defined in Article 1(2)(b)(i) and (ii) and in Article 1(2)(c) of Directive 88/388/EEC;*

*(a) undergo rounding off according to the technical definitions and requirements in Annex I and to the legislation of Member States;*

*(b) be sweetened to correspond to particular product characteristics and according to the technical definitions and requirements in Annex I. However, sweeteners as defined in Directive 94/35/EC of the European Parliament and of the Council<sup>1</sup> may only be used for the production of spirit drinks which do not correspond to any technical definition set out in Annex II;*

*(c) be flavoured according to technical definitions and requirements set out in Annex I;*

*(d) contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);*

*(da) be coloured according to the technical definitions and requirements set out in Annex I.*

*2. The practices listed in paragraph 1 shall be permissible for all spirit drinks without prejudice to the provisions laid down in Annex II.*

*d) be sweetened to correspond to particular product characteristics and according to the technical definitions and requirements in Annex I to this Regulation.*

*3. Without prejudice to the specific rules laid down for the products in category C of Annex II, "other spirit drinks" may:*  
*a) be obtained from any agricultural product listed in Annex I to the Treaty and/or foodstuff destined for human consumption;*  
*b) contain added ethyl alcohol of agricultural origin or distillate (of agricultural origin);*  
*c) contain flavouring substances and preparations as defined in Directive 88/388/EEC;*  
*d) be sweetened corresponding to particular product characteristics and according to technical definitions and requirements in Annex I to this Regulation.*

*3. The practices listed in paragraph 1 shall respect existing traditional methods for the production of spirits.*

<sup>1</sup> OJ L 237, 10.9.1994, p. 3. Directive as last amended by Directive 2006/52/EC (OJ L 204, 26.7.2006, p. 10).

#### *Justification*

*The classification is neither logical nor transparent. Furthermore, it wrongly assigns some products to a certain group and may mislead consumers. It also falsely suggests that there is a quality hierarchy in relation to these products. This amendment would lay down general rules for spirits production irrespective of the categories.*

#### Amendment 9 Article 7, paragraph 1

1. Spirit drinks which meet the specifications for **the** products defined in **categories A and B** of Annex II shall bear the **sales denomination** assigned therein to those products.

**1. In order to be marketed for human consumption under one of the names listed in Annex II to this Regulation, a spirit drink shall comply with the definition and requirements applicable to the category to which it belongs.** Spirit drinks which **do not** meet the specifications **laid down** for products defined in Annex II shall **not** bear the **names** assigned therein to those products. **They shall be described as "spirit drinks" or "spirits". That description shall not be complemented, substituted or altered.**

*Justification*

*As the three-fold classification should be deleted it is inappropriate to talk about sales denominations in relation to those categories, but rather maintain the status quo.*

Amendment 10  
Article 7, paragraph 2

**2. Spirits drinks which meet the specifications for the products defined in category C of Annex II shall bear the sales denomination "spirit drink". That sales denomination shall not be complemented, supplemented or altered.** *deleted*

*Justification*

*These provisions are covered in the revised Article 7 paragraph 1, which covers sales denominations in the absence of the three categories*

Amendment 11  
Article 7, paragraph 3

**3. Where a spirit drink meets the definition of more than one *specific type* of spirit drink, it may be sold under one or more of the names listed for those *specific types of spirit drink in Annex II*.** *3. Where a spirit drink meets the definition of more than one **category** of spirit drink in **Annex II**, it may be sold under one or more of the names listed for those **categories**.*

*Justification*

*The use of "specific type of spirit drink" here creates confusion.*

Amendment 12  
Article 7, paragraph 4

**4. Without prejudice to paragraph 8, the names referred to in paragraphs 1 and 2 shall not be used to describe or present in any way whatsoever any drink other than the spirit drink for which those names are listed in Annex II.** *4. Without prejudice to paragraph 8 **and Article 8(1)**, the names referred to in paragraphs 1 and 2 shall not be used to describe or present in any way whatsoever any drink other than the spirit drink for which those names are listed in Annex II.*

*Justification*

*Both Article 7.8 (concerning the use of generic names in a list of ingredients) and Article 8.1*

*(concerning reference to certain spirit drinks in a compound name or a foodstuff's presentation) make exceptions from the general rule that the name of a defined spirit can only be used on a spirit meeting the relevant definition. The wording of Article 7.4 needs to be amended to ensure that it does not contradict or compromise these subsequent provisions.*

Amendment 13  
Article 7, paragraph 5 a (new)

***5a. The geographical indications listed in Annex III may only be supplemented in accordance with the information contained in the relevant technical file provided for under Article 15(1).***

*Justification*

*It is important that any terms used to supplement geographical indications (GIs) should be covered in the technical file that will be required for all GIs. This will ensure protection for the GIs.*

Amendment 14  
Article 7, paragraph 5 b (new)

***5b. The names of spirit drinks listed in Annex II may be supplemented by geographical indications other than those listed in Annex III, provided that they do not mislead consumers.***

*Justification*

*The current legislation (Regulation 1576/89, Article 5.2) provides for the possibility of using supplementary geographical indications other than those in its Annex II, provided they do not mislead consumers. This is important in permitting non-contentious terms which are useful for consumers in identifying the region or locality of a product's origin (e.g. in the case of Scotch Whisky, 'Orkney' or 'Dufftown'). It is also helpful in preventing misleading indications. This provision should therefore be maintained in the new Regulation.*

Amendment 15  
Article 7, paragraph 8

8. The names referred to in Annex II may be included in a list of ingredients if used in accordance with ***the national measures adopted to implement*** Directive

8. The names referred to in Annex II may be included in a list of ingredients if used in accordance with Directive 2000/13/EC.



*Justification*

*All other references to Directive 2000/13 (Articles 6,8.1,9.3 and 29(d) make no such qualification referring to national implementing rules. For consistency and to avoid confusion, Article 7.8 should similarly refer directly to Directive 2000/13/EC.*

Amendment 16  
Article 8, paragraph 1

1. ***Without prejudice to Directive 2000/13/EC***, the use of a term listed in category A or B of Annex II, or of a geographical indication listed in Annex III in a compound term ***or the allusion in the presentation of a foodstuff to any of them*** shall be prohibited unless the alcohol originates exclusively from the spirit drink referred to.

1. The use of ***or allusion to*** a term listed in category A or B of Annex II, or of a geographical indication listed in Annex III, in a compound term shall be prohibited ***in the presentation of a foodstuff*** unless the alcohol originates exclusively from the spirit drink referred to. ***Such compound terms shall appear in addition to the sales description.***

*Justification*

*The amendment clarifies the proposed prohibition on use of, or allusion to, defined terms for certain spirit drinks in a compound term (e.g. 'Brandy Cream') unless that spirit is the sole alcoholic constituent, and maintains the current requirement of Regulation 1576/89 that compound terms may only be used in addition to the compulsory sales denomination.*

Amendment 17  
Article 8, paragraph 1, subparagraph 1 a (new)

***As regards spirit drinks, such compound terms shall only be permitted in the description, presentation or labelling of liqueurs, and shall appear in addition to the sales description.***

*Justification*

*Current legislation (Regulations 1576/89 and 1014/90, confirmed by a 1998 European Court judgement (Case C-136/96)), permits compound terms referring to a defined spirit name only (i) in respect of liqueurs (e.g. 'Whisky Cream') and (ii) in addition to the sales description. It is important to maintain this provision to ensure consumers and producers continue to be protected against misleading labelling, such as spirit drinks comprising whisky diluted below its minimum alcoholic strength being sold as 'whisky spirits' or 'whisky water'.*

Amendment 18  
Article 8, paragraph 1 a (new)

***1a. Use of the compound terms referred to in paragraph 1 shall not be permitted where a spirit drink defined in category A or B of Annex II, or listed in Annex III, has been diluted with water so that the alcoholic strength of the product is below the minimum strength for the spirit in question.***

*Justification*

*This amendment is essential to safeguard the essential principles concerning the use of defined terms and to protect consumers and producers from misleading labelling (e.g. by ensuring a defined spirit diluted below its minimum alcoholic strength cannot be described as, for example, 'Rum Water', 'Brandy Water' or 'Whisky Water').*

Amendment 19  
Article 9, paragraph 1

1. The sales denomination 'spirit drink' shall be shown clearly and visibly in a prominent position on the label where ***a spirit drink listed in category A of Annex II is mixed with:***

- a) one or more spirit drinks, and/or
- b) one or more distillates (of agricultural origin), and/or
- c) ethyl alcohol of agricultural origin.

1. The sales denomination 'spirit drink' shall be shown clearly and visibly in a prominent position on the label where ***one of the following spirit drinks:***

- ***rum,***
- ***whisky or whiskey,***
- ***grain spirit/grain brandy,***
- ***wine spirit or brandy,***
- ***grape marc spirit,***
- ***raisin spirit,***
- ***fruit spirit other than products defined in this paragraph as spirit drinks (preceded by the name of the fruit) produced by maceration and distillation,***
- ***cider spirit, cider brandy and perry spirit (Article 7c of Commission Regulation (EEC) No 1014/90)***  
***is mixed with***

- a) one or more spirit drinks, and/or
- b) one or more distillates (of agricultural origin), and/or
- c) ethyl alcohol of agricultural origin.

That sales denomination shall not be complemented, *supplemented* or altered.

That sales denomination shall not be complemented, *substituted* or altered.

*Justification*

*The suggested wording follows on from the deletion to the three-fold classification in general terms and maintains the status quo.*

*It is also suggested replacing the word “supplemented” by “substituted” as it is believed this was the Commission’s intention.*

Amendment 20  
Article 9, paragraph 2

2. Paragraph 1 shall not apply to the description, presentation or labelling of mixtures referred to in that paragraph if they meet one of the definitions laid down in **category A or B** of Annex II.

2. Paragraph 1 shall not apply to the description, presentation or labelling of mixtures referred to in that paragraph if they meet one of the definitions laid down in Annex II.

*Justification*

*The suggested wording follows on from the deletion of the three-fold classification of spirit drinks.*

Amendment 21  
Article 9, paragraph 3, subparagraph 1

3. Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of the products resulting from the mixtures referred to in paragraph 1 may only show one of the terms listed in **category A or B** of Annex II to this Regulation if that term does not form part of the sales denomination but is solely listed in the same visual field with the listing of all the alcoholic ingredients contained in the mixture, preceded by the term ‘mixed spirit drink’.

3. Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of the products resulting from the mixtures referred to in paragraph 1 may only show one **or more** of the terms listed in Annex II to this Regulation if that term does not form part of the sales denomination but is solely listed in the same visual field with the listing of all the alcoholic ingredients contained in the mixture, preceded by the terms ‘mixed spirit drink’.

*Justification*

*The wording is ambiguous in referring to “one” of the defined terms when the intention is clearly that, if any such reference is made, it must be listed along with all other alcoholic ingredients, which could include more than one spirit drink.*

Amendment 22  
Article 10, paragraph 2

2. The description, presentation or labelling of a spirit drink may be supplemented by the term 'blend' only where the product has undergone blending.

2. The description, presentation or labelling of a spirit drink may be supplemented by the term 'blend', **'blended' or 'blending'** only where the product has undergone blending.

*Justification*

*The wording of the proposal could lead to arguments that, in relation to spirit drinks, the term 'blend' is somehow different from 'blended' or 'blending', when in reality they all relate to the same process. For the avoidance of doubt that the new Regulation covers all variations of the term 'blend', the wording should be revised accordingly*

Amendment 23  
Article 10, paragraph 3

3. If a maturation period or age is specified or suggested in the description, presentation or labelling of a spirit drink it shall refer to the youngest alcoholic component, **provided that the product was** aged under revenue supervision or supervision affording equivalent guarantees.

3. If a maturation period or age is specified or suggested in the description, presentation or labelling of a spirit drink it shall refer to the youngest alcoholic component, **and the product must have been** aged under revenue supervision or supervision affording equivalent guarantees.

*Justification*

*The wording of the proposed new Regulation is potentially ambiguous compared with Regulation 1576/89, Art 7.2(d) which makes clear that "...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". This ambiguity should be removed.*

Amendment 24  
Article 14, paragraph 1, point (a)

(a) any direct or indirect commercial use in respect of **products** not covered by the registration **in so far as those products are comparable to the product registered under that geographical indication or** insofar as such use exploits the reputation of the registered geographical indication;

(a) any direct or indirect commercial use **thereof** in respect of **any spirit drink** not covered by the registration **and relevant national rules, or in respect of any other product**, insofar as such use exploits the reputation of the registered geographical indication;

### *Justification*

*The proposed wording of Article 14.1(a) leaves room for doubt regarding the extent of the protection from non-complying products. It is essential to ensure that (i) ‘comparable products’ would cover all spirit drinks (and not just, as might be inferred, only the same type of spirit as the GI in question), and (ii) the reference to ‘the registration’ takes into account all the requisites of the technical file listed under Article 15.2, including national rules relating to GI products, to ensure the enforceability of the latter in all EU Member States.*

### Amendment 25 Article 14, paragraph 1 a (new)

***1a. Spirits sold under a geographical indication shall comply with all production, labelling and presentation provisions under the national legislation relating to the geographical indication in its country or countries of origin.***

### *Justification*

*The preceding proposed Amendment to Article 14.1(a) clarifies the situation for protection against misuse of a geographical indication by a non-complying product. However, provisions should also require, in a new point 2, to oblige spirit drinks with a geographical indication, such as Cognac, Brandy de Jerez etc, to comply with all the production, labelling and presentation rules in the technical file which justifies their EU registration as a GI (as set out in the proposal’s Article 15).*

### Amendment 26 Article 14, paragraph 2 a (new)

***2a. Spirit drinks bearing a geographical indication listed in Annex III shall comply with all production, labelling, presentation and other specifications included in the technical file provided for under Article 15(1).***

### *Justification*

*Spirits bearing a protected geographical indication should only be permitted to be sold if they comply with contents of the technical file. This is to ensure consistent enforcement throughout the EU of all labelling, production and presentation rules.*

### Amendment 27 Article 15, paragraph 1

1. Applications for a geographical indication to be **included** in Annex III shall be submitted to the Commission in one of the official Community languages or accompanied by a translation into one of the official Community languages. Such applications shall be **accompanied by** a technical file **including** the specifications with which the spirit drink concerned must comply. The technical file shall be published in the Official Journal of the European Union, **Series C**.

Within three months of the date of *that* publication any natural or legal person that has a legitimate interest may object to the geographical indication to be included in Annex III on the grounds that the conditions provided for in this Regulation are not fulfilled. The objection must be duly substantiated.

1. Applications for a geographical indication to be **listed** in Annex III shall be submitted to the Commission in one of the official Community languages or accompanied by a translation into one of the official Community languages. Such applications shall be **duly substantiated by the Member State and shall include** a technical file **setting out** the specifications with which the spirit drink concerned must comply. **The main elements of the specifications in the technical file, as referred to in paragraph 2, shall be published in the Official Journal of the European Union, C Series. With regard to geographical indications within the Community, the application shall be made by the Member State of origin of the spirit drink.**

Within three months of the date of *the* publication *referred to in the first subparagraph*, any natural or legal person that has a legitimate interest may object to the geographical indication to be included in Annex III on the grounds that the conditions provided for in this Regulation are not fulfilled. The objection must be duly substantiated.

#### *Justification*

*The new text will make clear that applications for geographical indications must have the support of, and be submitted by, the Member State of origin. This approach is also in line with that used for GI rules on wines.*

#### Amendment 28

#### Article 15, paragraph 2, point (b)

(b) a description of the spirit drink including principal physical, chemical, microbiological and/or organoleptic characteristics of the product **or the foodstuff;**

(b) a description of the spirit drink including *the* principal physical, chemical, microbiological and/or organoleptic characteristics of the product;

#### *Justification*

*Given that national authorities will be responsible for determining the specifications with*

*which a spirit drink must comply in order to be considered as a geographical indication, it is assumed that, for the purposes of an application for registration, the description of the spirit drink in question should be supported by one or more of the optional characteristics listed. For the avoidance of doubt, this should be clarified in the proposed wording. Also, since the registration is clearly only relating to spirit drinks, the reference to a possible other 'foodstuff' should be removed.*

Amendment 29  
Article 15, paragraph 2, point (f)

(f) any requirements laid down by  
Community **and/or national** provisions;

(f) any requirements laid down by  
Community provisions **and/or the  
competent national or regional authority**;

*Justification*

*The amendment will provide for appropriate recognition of the relevant national rules. Reg 1576/89 Art. 10.2 enables Member States to retain their own systems of authentication documents in respect of exports of GI spirits. It is important to maintain such a provision, in recognition of the value of such national authentication systems in preventing fraudulent practices and counterfeits.*

Amendment 30  
Article 15, paragraph 2, point (g)

(g) the name and contact address of the  
applicant.

(g) the name and contact address of the  
**relevant authority** of the applicant **country**.

*Justification*

*For the avoidance of doubt, and consistent with the approach proposed in Article 15.1, it should be made clear that the relevant national authority shall be responsible for the technical file in support of applications for GI status.*

Amendment 31  
Article 15, paragraph 2, subparagraph 1 a (new)

***Member States may also require spirit  
drinks produced on their territory which  
are listed in Annex III and exported to  
be supported by authentication  
documentation.***

Amendment 32  
Article 19, paragraph 1

1. The Commission shall be assisted by the **Management** Committee for Spirit Drinks, hereinafter referred to as "the Committee".

1. The Commission shall be assisted by the **Regulatory** Committee for Spirit Drinks, hereinafter referred to as "the Committee".

*Justification*

*At present, there are no market mechanisms under legislation on spirit drinks as there are in other Community markets. The name 'Regulatory Committee' seems more appropriate, therefore, than the one proposed. Furthermore, under the comitology procedure a regulatory committee has a blocking minority, strengthening the Member States' powers.*

Amendment 33  
Article 22, point (a)

(a) to facilitate the transition from the rules provided for in Regulation (EEC) N° 1576/89 to those established by this Regulation;

(a) to facilitate the transition from the rules provided for in Regulation (EEC) No 1576/89 **and Regulation (EEC) No 1014/90** to those established by this Regulation;

*Justification*

*As the new Regulation repeals and replaces the provisions of Regulations 1576/89 and 1014/90, both should be covered by this Article.*

Amendment 34  
Article 23

Regulation (EEC) No 1576/89 **is** hereby repealed.

Regulation (EEC) No 1576/89 **and Regulation (EEC) No 1014/90 are** hereby repealed.

*Justification*

*The provisions of both Regulations 1576/89 and 1014/90, as amended, should be incorporated into the proposed new Regulation. To remove any ambiguity, both these Regulations should therefore be repealed on the entry into force of the new law.*

Amendment 35  
Annex I, point (1)

(1) **Sweetening:**  
**Sweetening means using one or more of the following products in the preparation of spirit drinks:**

(1) **Ethyl alcohol of agricultural origin:**  
**Ethyl alcohol of agricultural origin possesses the following properties:**



- (a) semi-white sugar, white sugar, refined white sugar, dextrose, fructose, glucose syrup, liquid sugar, invert liquid sugar syrup, as defined in Council Directive 2001/111/EC;*
- (b) rectified concentrated grape must, concentrated grape must, fresh grape must;*
- (c) burned sugar, which is the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;*
- (d) honey as defined in Council Directive 2001/110/EC;*
- (e) carob syrup;*
- (f) any other natural carbohydrate substances having a similar effect to those products;*
- (g) sweeteners as defined in Directive 94/35/EC of the European Parliament and of the Council.*

- (a) organoleptic characteristics: no detectable taste other than that of the raw material;*
- (b) minimum alcoholic strength by volume: 96,0% vol.;*
- (c) maximum level of residues:*
- (i) total acidity, expressed in grams of acetic acid per hectolitre of alcohol at 100% vol.: 1,5,*
- (ii) esters expressed in grams of ethyl acetate per hectolitre of alcohol at 100% vol.: 1,3,*
- (iii) aldehydes expressed in grams of acetadehyde per hectolitre of alcohol at 100% vol.: 0,5,*
- (iv) higher alcohols expressed in grams of methyl2 propanol1 per hectolitre of alcohol at 100% vol.: 0,5,*
- (v) methanol expressed in grams per hectolitre of alcohol at 100% vol.: 50,*
- (vi) dry extract expressed in grams per hectolitre of alcohol at 100% vol.: 1,5,*
- (vii) volatile bases containing nitrogen expressed in grams of nitrogen per hectolitre of alcohol at 100% vol.: 0,1,*
- (viii) furfural: not detectable.*

#### *Justification*

*A change in the order of technical definitions and requirements would better take into account the real development of those proceedings during the spirits production.*

*Also proposed is the introduction of two new points (5a and 6a) to define authenticity indicators and the traditional practice of rounding.*

#### Amendment 36 Annex I, point (2)

**(2) *Mixing:***  
*Mixing means combining two or more different drinks, or a drink with one or more distillates of agricultural origin or*

**(2) *Distillate (of agricultural origin):***  
*Distillate (of agricultural origin) means an alcoholic liquid which is obtained by the distillation, after alcoholic fermentation of*

*ethyl alcohol of agricultural origin, to make a new drink.*

*agricultural products listed in Annex I to the Treaty but which does not have the properties of ethyl alcohol 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.*

*Justification*

*See Amendment 26*

Amendment 37  
Annex I, point (3)

***(3) Ethyl alcohol of agricultural origin:***  
*Ethyl alcohol of agricultural origin possesses the following properties:*

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

- (a) organoleptic characteristics: no detectable taste other than that of the raw material;*
- (b) minimum alcoholic strength by volume: 96,0% vol.;*
- (c) maximum level of residues:*
  - (i) total acidity, expressed in grams of acetic acid per hectolitre of alcohol at 100% vol.: 1,5,*
  - (ii) esters expressed in grams of ethyl acetate per hectolitre of alcohol at 100% vol.: 1,3,*
  - (iii) aldehydes expressed in grams of acetadehyde per hectolitre of alcohol at 100% vol.: 0,5,*
  - (iv) higher alcohols expressed in grams of methyl2 propanol1 per hectolitre of alcohol at 100% vol.: 0,5,*
  - (v) methanol expressed in grams per hectolitre of alcohol at 100% vol.: 50,*
  - (vi) dry extract expressed in grams per hectolitre of alcohol,*
  - (vii) volatile bases containing nitrogen expressed in grams of nitrogen per hectolitre of alcohol at 100% vol.: 0,1,*

*(viii) furfural: not detectable.*

Amendment 38  
Annex I, point (4)

**(4) Addition of water:**

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

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

**(4) Sweetening:**

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

*(a) semi-white sugar, white sugar, refined white sugar, dextrose, fructose, glucose syrup, liquid sugar, invert liquid sugar syrup, as defined in Council Directive 2001/111/EC;*

*(b) rectified concentrated grape must, concentrated grape must, fresh grape must;*

*(c) burned sugar, which is the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;*

*(d) honey as defined in Council Directive 2001/110/EC;*

*(e) carob syrup;*

*(f) any other natural carbohydrate substances having a similar effect to those products;*

*(g) sweeteners as defined in Directive 94/35/EC of the European Parliament and of the Council.*

Amendment 39  
Annex I, point (5)

**(5) Blending:**

*Blending means combining two or more spirit drinks of the same type, distinguished*

**(5) Flavouring:**

*Flavouring means using in the preparation of spirit drinks one or more of the*

*only by minor differences in composition due to one or more of the following factors:*

- (a) the methods of preparation;*
  - (b) the stills employed;*
  - (c) the period of maturation or ageing;*
  - (d) the geographical area of production.*
- The spirit drink so produced shall be of the same specific type of spirit drink as the original spirit drinks before blending.*

*flavourings defined in Article 1(2)(a) of Directive 88/388/EEC.*

Amendment 40  
Annex I, point (5 a)(new)

*(5a) Authenticity indicators:  
For the purposes of consumer and brand security, distilled spirit drinks may contain trace substances to act as brand authenticity indicators provided the definition of the spirit drink in question so allows. Such substances must be food grade materials and be present in concentrations of less than 0,1% w/v in a product without imparting distinctive character.*

Amendment 41  
Annex I, point (6)

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

*(6) Colouring:  
Colouring means using one or more colorants, as defined in Directive 94/36/EC of the European Parliament and of the Council in the preparation of spirit drinks.*

Amendment 42  
Annex I, point (6 a)(new)

*(6a) Rounding:  
Rounding means the traditional use of the products mentioned in point 4(a) to (f) up to a maximum of 2% in order to give spirits their final specific character, without prejudice to particular legislation of the Member States approved before the entry*

**into force of Regulation (EEC) No 1576/89.**

*Justification*

*“Rounding” is a traditional practice in some spirits production, distinct from sweetening or flavouring, which has never been defined. We believe that a technical definition in the future regulation on spirits is necessary in order to avoid misinterpretations or abuses and to protect the quality the EU spirits, ensured by the traditional production methods.*

*The added sentence “Without prejudice of particular legislation of the Member States adopted before ....” intends to cover the specific Spanish legislation adopted before the entry into force of Regulation 1576/89, which the lays down a limit for rounding “Brandy de Jerez” is up to 35 grams per litre. This is the result of a traditional maturation process for Brandy de Jerez under which some producers may age their spirits in casks which have contained sweet sherries of Pedro Ximénez type. See also Amendment 26*

Amendment 43  
Annex I, point (7)

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

**(7) Addition of water:**  
***In the preparation of spirit drinks, the addition of water, possibly distilled or demineralised, shall be authorised, provided that the quality of the water conforms to the national provisions adopted in implementation of Council Directive 80/777/EEC and Council Directive 98/83/EC and that the water added does not change the nature of the product.***  
***This water may be distilled, demineralised, permuted or softened.***

*Justification*

*Directive 80/778/EEC was repealed and replaced by Directive 98/83/EC on the quality of water intended for human consumption. (Note: Directive 80/777/EEC as amended, relating to the exploitation and marketing of natural mineral waters, remains in force.)*

Amendment 44  
Annex I, point (8)

**(8) Colouring:**  
***Colouring means using one or more colorants, as defined in Directive 94/36/EC of the European Parliament and of the***

**(8) Blending:**  
***Blending means combining two or more spirit drinks of the same type, distinguished only by minor differences in composition***

*Council in the preparation of spirit drinks.*

*due to one or more of the following factors:*  
*(a) the methods of preparation;*  
*(b) the stills employed;*  
*(c) the period of maturation or ageing;*  
*(d) the geographical area of production.*  
*The spirit drink so produced shall be of the same specific type of spirit drink as the original spirit drinks before blending.*

Amendment 45  
Annex I, point (9)

*(9) Distillate (of agricultural origin):*  
*Distillate (of agricultural origin means an alcoholic liquid which is obtained by the distillation, after alcoholic fermentation of agricultural products listed in Annex I to the Treaty but which does not have the properties of ethyl alcohol 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.*

*(9) Mixing:*  
*Mixing means combining two or more different drinks, or a drink with one or more distillates of agricultural origin or ethyl alcohol of agricultural origin, to make a new drink.*

Amendment 46  
Annex I, point 13

(13) Description means the terms used on the labelling, on the documents accompanying the transport of a drink, on the commercial documents, particularly the invoices and delivery notes, and in advertising.

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

#### *Justification*

*To avoid potential loopholes as a result of ambiguity, the definition of 'description' should be as wide as possible, including terms used not only on labels but also packaging and presentation. (Note: under the terms of Annex I (15), 'presentation' includes advertising and sales promotion.)*

Amendment 47  
Annex I, point (14)

(14) ***Labelling***

(14) ***Presentation***

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

**Presentation means the terms used on the containers, including the closure, on the labelling and on the packaging, including advertising and sales promotion.**

*Justification*

*For the protection of consumers, it must be made clear that not only transport but also sales packaging is covered.*

Amendment 48  
Annex I, point (15)

**(15) Presentation**  
**Presentation means the terms used on the containers, including the closure, on the labelling and on the packaging, including advertising and sales promotion.**

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

Amendment 49  
Annex I, point 16

**(16) Packaging means the protective wrappings, such as papers, straw envelopes of all kinds, cartons and cases, used in the transport of one or more containers.**

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

*Justification*

*For the protection of consumers, it must be made clear that not only transport but also sales packaging is covered.*

Amendment 50  
Annex II, first subtitle

**Category A: Spirits**

***deleted***

*Justification*

*This suggestion is in line with the deletion of the three-fold classification in general terms of spirit drink*

Amendment 51  
Annex II, section 1, point (a)

(a) Rum is:

**(1)** a spirit drink exclusively produced by alcoholic fermentation and distillation, either from molasses or syrup produced in the manufacture of cane sugar or from sugar-cane juice itself and distilled at less than 96% vol. so that the distillate has the discernible specific organoleptic characteristics of rum,

*or*

**(2) the spirit produced by alcoholic fermentation and distillation of sugarcane 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.**

(a) Rum is a spirit drink exclusively produced 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.

*Justification*

*The distinction between paragraphs 1 and 2 of point (a) does not make sense as the latter refers to “traditional” rums, which are accurately defined in paragraph (e). Paragraph 2 of point (a) is redundant and should be deleted.*

Amendment 52  
Annex II, section 1, points (c) and (d)

c) Rum shall not contain ethyl alcohol of agricultural origin.

**d) 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 rum.**

c) Rum shall not contain ethyl alcohol of agricultural origin **or distillate of agricultural origin.**

**d) Rum shall not be flavoured.**



### *Justification*

*The provisions governing “rum” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

*The traditional production of rum does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome to the industry.*

### Amendment 53

Annex II, section 2, points (c) and (d)

(c) Whisky or whiskey shall not contain added ethyl alcohol of agricultural origin.

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

(c) Whisky or whiskey shall not contain added ethyl alcohol of agricultural origin **or distillate of agricultural origin.**

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

### *Justification*

*The provisions governing ‘whisky’ in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

### Amendment 54

Annex II, section 3, points (c) and (d)

(c) Grain spirit shall not contain added ethyl alcohol of agricultural origin.

(d) **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 grain spirit.**

(c) Grain spirit shall not contain added ethyl alcohol of agricultural origin **or distillate of agricultural origin.**

(d) **Grain spirit shall not be flavoured.**

### *Justification*

*The provisions governing “grain spirit” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

*The traditional production of grain spirit does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome*

to the industry.

Amendment 55

Annex II, section 4, points (c) and (d)

(c) Wine spirit shall not contain added ethyl alcohol of agricultural origin.

(c) Wine spirit shall not contain added ethyl alcohol of agricultural origin **or distillate of agricultural origin.**

(d) **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 wine spirit.**

(d) **Wine spirit shall not be flavoured.**

*Justification*

*The provisions governing “wine spirit” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

*The traditional production of wine spirits does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome to the industry.*

Amendment 56

Annex II, section 4, point (d a) (new)

**(da) 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 section 5.**

*Justification*

*This provision is currently established by the last paragraph of article 1.4.d) of Regulation 1576/89. The suggestion therefore intends to maintain the status quo.*

Amendment 57

Annex II, section 5, points (c) and (d)

(c) Brandy or Weinbrand shall not contain added ethyl alcohol of agricultural origin.

(c) Brandy or Weinbrand shall not contain added ethyl alcohol of agricultural origin **or**

*distillate of agricultural origin.*

***(d) 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 brandy or Weinbrand.***

*Justification*

*The provisions governing “Brandy” or “Weinbrand” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

*Paragraph c) is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 58

Annex II, section 6, point (c)

(c) Grape marc spirit or grape marc shall not contain added ethyl alcohol of agricultural origin.

(c) Grape marc spirit or grape marc shall not contain added ethyl alcohol of agricultural origin ***or distillate of agricultural origin.***

*Justification*

*The provisions governing “grape marc spirit” or “grape marc” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

Amendment 59

Annex II, section 7, points (c) and (d)

(c) Fruit marc spirits shall not contain added ethyl alcohol of agricultural origin.

(c) Fruit marc spirits shall not contain added ethyl alcohol of agricultural origin ***or distillate of agricultural origin.***

***(d) 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 fruit marc spirits.***

***(d) Fruit marc spirit shall not be flavoured.***

*Justification*

*The provisions governing “fruit marc spirit” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

*The traditional production of fruit marc spirit does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome to the industry.*

Amendment 60  
Annex II, section 8, points (c) and (d)

(c) Raisin spirit or raisin brandy shall not contain added ethyl alcohol of agricultural origin.

(d) ***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 fruit marc spirits.***

(c) Raisin spirit or raisin brandy shall not contain added ethyl alcohol of agricultural origin ***or distillate of agricultural origin.***

(d) ***Raisin spirit or raisin brandy shall not be flavoured.***

*Justification*

*The provisions governing “Raisin spirit or raisin brandy” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

*The traditional production of raisin spirit or raisin brandy does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome to the industry.*

Amendment 61  
Annex II, section 9, points (d) and (e)

(d) Fruit spirits shall not contain added ethyl alcohol of agricultural origin.

(e) ***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 fruit spirits.***

(d) Fruit spirits shall not contain added ethyl alcohol of agricultural origin ***or distillate of agricultural origin.***

(e) ***Fruit spirits shall not be flavoured.***

*Justification*

*The provisions governing “Fruit spirit” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

*The traditional production of fruit spirits does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome*

to the industry.

Amendment 62  
Annex II, section 10, points (c) and (d)

(c) Cider spirit, cider brandy or perry spirit shall not contain added ethyl alcohol of agricultural origin.

(d) **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 cider spirit, cider brandy or perry spirit.**

(c) Cider spirit, cider brandy or perry spirit shall not contain added ethyl alcohol of agricultural origin **or distillate of agricultural origin.**

(d) **Cider spirit, cider brandy or perry spirit shall not be flavoured.**

*Justification*

*The traditional production of cider spirit, cider brandy or perry does not allow the use of flavouring substances*

*Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome to the industry.*

Amendment 63  
Annex II, section 11, points (c) and (d)

(c) Hefebrand shall not contain added ethyl alcohol of agricultural origin.

(d) **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.**

(c) Hefebrand shall not contain added ethyl alcohol of agricultural origin **or distillate of agricultural origin.**

(d) **Hefebrand shall not be flavoured.**

*Justification*

*The provisions governing “Hefebrand” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

*The traditional production of Hefebrand does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome by the industry*

Amendment 64

Annex II, section 12, points (c) and (d)

(c) Bierbrand shall not contain added ethyl alcohol of agricultural origin.

(d) ***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 bierbrand.***

(c) Bierbrand shall not contain added ethyl alcohol of agricultural origin ***or distillate of agricultural origin***

(d) ***Bierbrand shall not be flavoured.***

*Justification*

*The provisions governing “Bierbrand” in the current legislation do not allow the use of either ethyl alcohol of agricultural origin or distillate of agricultural origin, and it is essential to ensure that this prohibition remains.*

*The traditional production of Bierbrand does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome to the industry.*

Amendment 65  
Annex II, second subtitle

***Category B: Specific Spirit Drinks***

***deleted***

*Justification*

*This suggestion is in line with the deletion of the three-fold classification in general terms*

Amendment 66  
Annex II, section 13, point (c)

(c) ***The flavouring of Spirits (preceded by the name of the fruit), produced by maceration and distillation may be supplemented by flavouring substances and/or flavouring preparations other than those which come from the fruit used. 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 Spirits (preceded by the name of the fruit),***

***deleted***

*produced by maceration and distillation.  
However, the characteristic taste of the  
drink and its colour must derive exclusively  
from the fruit used.*

*Justification*

*Covered by paragraph (d) of point 9: fruit spirits shall not be flavoured*

Amendment 67  
Annex II, section 14, point (a)

(a) Geist (with the name of the fruit) is a spirit drink obtained by macerating unfermented **berries such as raspberries, blackberries, bilberries and others** in ethyl alcohol of agricultural origin, followed by distillation.

(a) Geist (with the name of the fruit) is a spirit drink obtained by macerating unfermented **fruits listed in point 13 (a)(2), apricots, peaches, nuts or vegetables** in ethyl alcohol of agricultural origin, followed by distillation.

*Justification*

*Geist" is defined in regulation 1576/89 under Article 1 paragraph 4 i (3) which does not restrict its production to "berries" but to "fruits". Therefore the inclusion of apricots and peaches would be in line with the status quo. Both "Aprikosengeist" and "Pfirsichgeist" (peach-geist) have a long tradition in Germany.*

*Geists made from vegetables or nuts are relatively new products.. The introduction of these products in the geist definition is a practical application of the last sentence recital 2 "technological innovations should also be taken into account where such innovation serves to improve quality".*

Amendment 68  
Annex II, section 14, point (c)

**(c) The flavouring of Geist (with the name of the fruit) may be supplemented by flavouring substances and/or flavouring preparations other than those which come from the fruit used. 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 Geist (with the name of the fruit). However, the characteristic taste of the drink and its**

**(c) Geist shall not be flavoured.**

***colour must derive exclusively from the fruit used.***

*Justification*

*The traditional production of geist does not allow the use of flavouring substances. Therefore the possibility offered by the Commission proposal is unnecessary and unwelcome to the industry.*

Amendment 69  
Annex II, section 16, point (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of gentian spirit.*** ***deleted***

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 70  
Annex II, section 20, point (a), point 1

***(1) obtained exclusively from ethyl alcohol of agricultural origin, with a maximum methanol content not exceeding 5 grams per hectolitre of pure alcohol,*** ***deleted***

*Justification*

*The EU proposed definition does not allow for the addition of authenticity indicators. Such indicators allow products to be identified as authentic and can play an essential role in the fight against counterfeit products.*

Amendment 71  
Annex II, section 20, point (a), point 2

***(2) whose flavour is introduced solely through the re-distillation in traditional stills of ethyl alcohol in the presence of all the natural plant materials used,***

***2) whose flavour is introduced solely through the re-distillation in traditional stills of ethyl alcohol in the presence of all the natural plant materials used. ***The distillate and any further alcohol added must be******



***obtained exclusively from ethyl alcohol of agricultural origin, consistent with the characteristics listed in Annex I, but with a maximum methanol content not exceeding 5grams per hectolitre of alcohol at 100% vol.,***

*Justification*

*The EU proposed definition does not allow for the addition of authenticity indicators. Such indicators allow products to be identified as authentic and can play an essential role in the fight against counterfeit products*

Amendment 72

Annex II, section 20, point (a), point 4

***(4) where any further added ethyl alcohol must be exclusively from the same raw material,***                      ***deleted***

*Justification*

*The EU proposed definition does not allow for the addition of authenticity indicators. Such indicators allow products to be identified as authentic and can play an essential role in the fight against counterfeit products.*

Amendment 73

Annex II, section 20, point (a), point (5)

***(5) which does not contain added sweeteners or colorants.***                      ***(5) which may contain up to 0.1 grams per litre sugars for the purpose of brand authentication,***

*Justification*

*The addition of the provision to allow authentication markers is necessary to prevent fraud and counterfeiting of products.*

Amendment 74

Annex II, section 20, point (a), point (6)

***(6) which does not contain added ingredients other than water.***                      ***(6) which does not contain added ingredients other than water or colorants.***

*Justification*

*The addition of the provision to allow authentication markers is necessary to prevent fraud and counterfeiting of products.*

Amendment 75  
Annex II, section 23, point (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of aniseed-flavoured spirit drinks.*** ***deleted***

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 76  
Annex II, section 24, points (a) to (c)

(a) Pastis is an aniseed-flavoured spirit drink which also contains 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.

(b) The minimum alcoholic strength by volume of pastis shall be 40%

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of pastis.***

(a) Pastis is an aniseed-flavoured spirit drink which also contains natural extracts of liquorice root (*Glycyrrhiza species*), which implies the presence of the colorants known as 'chalcones' as well as glycyrrhizic acid, the minimum and maximum levels of which must be 0,05 and 0,5 grams per litre respectively.

(b) The minimum alcoholic strength by volume of pastis shall be 40%.

*Justification*

*Glycyrrhiza glabra only grows in Mediterranean regions in very limited areas. Therefore, if its availability is affected by atmospheric or geo-politic reasons, pastis could not be produced. The extension of the definition to natural extracts of other Glycyrrhiza species would avoid this problem.*

*The mention in paragraph (c) is unnecessary as article 3 (new) would allow spirits to be*

*flavoured except when it is forbidden by their specific definitions.*

Amendment 77  
Annex II, section 25, point (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of pastis de Marseille*** ***deleted***

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 78  
Annex II, section 26, point (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of anis.*** ***deleted***

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 79  
Annex II, section 29

(a) Vodka is a spirit drink produced from ethyl alcohol of agricultural origin:

(1) obtained following fermentation, with yeast, from ***agricultural raw materials***,

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

(a) Vodka is a spirit drink produced from ethyl alcohol of agricultural origin:

(1) obtained following fermentation, with yeast, from ***either***  
***(i) cereals, potatoes and/or molasses, or***

***(ii) fruits,***

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

This process may be followed by redistillation and/or treatment with appropriate processing aids, including treatment with activated charcoal, to give it special organoleptic characteristics, Maximum levels of residue shall meet those laid down in Annex I for ethyl alcohol, except that the methanol residue in the final product shall not exceed 10 grams per hectolitre of pure alcohol.

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

(c) The only flavourings which may be added are natural flavouring compounds present in distillate obtained from the fermented raw materials. In addition, the product may be given special organoleptic characteristics, other than a predominant flavour.

(d) Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of vodka shall indicate in the same visual field as the sales denomination the **raw materials utilised** to produce the ethyl alcohol of agricultural origin. The characters shall be no larger than half and no smaller than one third of the size of the characters used for the sales denomination.

This process may be followed by redistillation and/or treatment with appropriate processing aids, including treatment with activated charcoal, to give it special organoleptic characteristics, Maximum levels of residue shall meet those laid down in Annex I for ethyl alcohol, except that the methanol residue in the final product shall not exceed 10 grams per hectolitre of pure alcohol.

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

(c) The only flavourings which may be added are natural flavouring compounds present in distillate obtained from the fermented raw materials. In addition, the product may be given special organoleptic characteristics, other than a predominant flavour.

d) Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of vodka **produced from fruits** shall indicate in the same visual field as the sales denomination the **phrase “distilled from...” accompanied by the name of the fruit or fruits used** to produce the ethyl alcohol of agricultural origin. The characters shall be no larger than half and no smaller than one third of the size of the characters used for the sales denomination.

### *Justification*

*To resolve the vexed question of the raw materials from which vodka can be made. On the one hand, this respects the view that the proposals ought not to eliminate legitimate products from the vodka market; while on the other hand, it seeks to address concerns expressed by stakeholders – particularly those in the Nordic Member states.*

*This amendment differentiates between vodka produced from cereals, potatoes and molasses (which include both beet and cane molasses. The former because more vodka is made in the EU from sugar beet than from, for example, potatoes and the latter because to include beet molasses and exclude cane molasses would be to invite a challenge in the WTO) and vodka produced from fruits. The proposal deletes the requirement that the raw materials should be indicated on the label of vodka produced from cereals, potatoes or molasses: taking note of representations from the industry that consumers do not consider this information to be relevant when purchasing vodka. The definition of vodka distilled from fruits, which for these purposes should be taken to include grapes, is in all respects the same as for other vodka*

thereby ensuring consistent quality. For these, less common, vodkas however the definition retains the requirement that the raw materials should be indicated on the label in the phrase “Vodka – distilled from...”

Amendment 80  
Annex II, section 36, point (c)

**(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of sloe gin.** *deleted*

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 81  
Annex II, section 40, point (a)

(a) Nocino is a liqueur the flavour of which is given mainly by maceration and/or distillation of whole green walnut **kernels** (*Jugians* regia L.) with a minimum sugar content equivalent to 100 grams per litre of invert sugar. (a) Nocino is a liqueur the flavour of which is given mainly by maceration and/or distillation of whole green walnut (*Juglans* regia L.) with a minimum sugar content equivalent to 100 grams per litre of invert sugar.

*Justification*

*The term “kernels” is to be deleted. Its mention in R. 1576/89 was a mistake as “Nocino” is produced from the whole green walnut.*

*Jugians regia L. should be replaced by Juglans regia L. This appears to be a spelling mistake.*

Amendment 82  
Annex II, section 41, point (c)

**(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of egg liqueur or advocaat or avocat or Advokat.** *deleted*

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 83  
Annex II, section 42, point (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of liqueur with egg.*** ***deleted***

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 84  
Annex II, section 44, point (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of Berenburg or Beerenburg.*** ***deleted***

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 85  
Annex II, section 45, point (c)

***(c) Only natural flavouring substances and preparations as defined in Article 1(2)(b)(i) and Article 1(2)(c) of Directive 88/388/EEC may be used in the preparation of Topinambur.*** ***deleted***

*Justification*

*This mention is unnecessary as article 3 (new) would allow spirits to be flavoured except when it is forbidden by their specific definitions.*

Amendment 86  
Annex II, third subtitle

***Category C: Other Spirit Drinks*** ***deleted***

*Justification*

*This suggestion is in line with the deletion of the three-fold classification in general terms of spirit drinks.*

Amendment 87  
Annex II, Category C, point 1

***1. All spirit drinks which meet the definition of Article 1 but do not qualify for inclusion in category A or B shall be described, presented and labelled with the sales denomination "spirit drink".*** ***deleted***

*Justification*

*This suggestion is in line with the deletion of the three-fold classification in general terms of spirit drinks.*

Amendment 88  
Annex II, Category C, point 2

**2. Rum-Verschnitt is produced in Germany and obtained by mixing rum and alcohol, whereby a minimum proportion of 5% of the alcohol contained in the final product must come from rum. As regards the labelling and presentation of the product *Rum-Verschnitt* the word *Verschnitt* must appear on the description, presentation or labelling in characters of the same type, size and colour as, and on the same line as, the word**

**46. Rum-Verschnitt is produced in Germany and obtained by mixing rum and alcohol, whereby a minimum proportion of 5% of the alcohol contained in the final product must come from rum. As regards the labelling and presentation of the product *Rum-Verschnitt* the word *Verschnitt* must appear on the description, presentation or labelling 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 frontlabel. Where this product is sold outside the German market, its alcoholic composition must appear on the label.

"Rum" and, in the case of bottles, on the frontlabel. Where this product is sold outside the German market, its alcoholic composition must appear on the label.

Amendment 89  
Annex II, Category C, point 3

3. Slivovice is produced in the Czech Republic and obtained by the addition to the plum distillate, before the final distillation, of a maximum proportion of 30% by volume of ethyl alcohol of agricultural origin. This product must be described as "spirit drink" and may also use the name *Slivovice* in the same visual field on the front label. If this Czech *Slivovice* is marketed in the Community, its alcoholic composition must appear on the label. This provision is without prejudice to the use of the name *Slivovice* for fruit spirits according to **point 9 of category A**.

47. Slivovice is produced in the Czech Republic and obtained by the addition to the plum distillate, before the final distillation, of a maximum proportion of 30% by volume of ethyl alcohol of agricultural origin. This product must be described as "spirit drink" and may also use the name *Slivovice* in the same visual field on the front label. If this Czech *Slivovice* is marketed in the Community, its alcoholic composition must appear on the label. This provision is without prejudice to the use of the name *Slivovice* for fruit spirits according to **section 9**.

Amendment 90  
Annex III, Category A, Section 2, column 2

***Scotch Whisky/Scotch***

Irish Whisky

Whisky español

(These denominations may be supplemented by the terms "malt" or "grain")

Irish Whiskey

Uisce Beatha Eireannach/Irish Whiskey

(These denominations may be supplemented by the words "Pot Still" or "malt" or "grain")

Irish Whisky

Whisky español

(These denominations may be supplemented by the terms "malt" or "grain")

Irish Whiskey

Uisce Beatha Eireannach/Irish Whiskey

(These denominations may be supplemented by the words "Pot Still" or "malt" or "grain")

***Scotch Whisky/Scotch***

***Uisge Beatha Albannach/Scotch Whisky***



### *Justification*

*The inclusion of the Scots Gaelic term for Scotch Whisky reflects the fact that a number of brands already use Gaelic on their labels. It is also in keeping with recent political and legal developments in Scotland, where legislation has recognised Gaelic as an official language. The second aspect of this amendment reflects the draftsman's original amendment to Annex III, point 2. As the draftsman originally pointed out, although the Commission proposal reflects the current provisions in Regulation 1576/89, the Scotch Whisky Association considers inclusion of the terms 'malt' and 'grain' in association with the geographical indication (GI) 'Scotch Whisky / Scotch' listed in Annex III to be superfluous and potentially misleading. While these terms are commonly used for GI whiskies, they are not the only permitted supplementary terms.*

*The draftsman's comments on article 7. 5 propose to reinstate in Article 7.5 of the new Regulation a provision whereby geographical designations may be accompanied by additional particulars, subject to regulation by the relevant authority in the country in question. (Note: Regulation 1576/89 Article 5.2 refers.)*

*Furthermore, the draftsman's suggestions on article 15.1 and 2 propose to make it clear that Member States' authorities will be responsible for the applications and supporting technical files for registration of geographical indications.*

*Given these national controls, it would therefore seem more appropriate that any permitted supplementary terms for the whiskies listed as geographical indications in Annex III should be determined by the relevant authority of the country in question.*

### Amendment 91

Annex III, Category A, section 3, geographical indication, footnote (new)

Korn/kornbrand

Korn/Kornbrand <sup>16a</sup>

**<sup>16a</sup> The minimum alcoholic strength for korn is 32% vol..**

### *Justification*

*Korn is currently defined as a grain spirit by Article 1.4.c) of R. 1576/89 : "Grain spirit" It is produced without any additive in Germany and regions where German is an official language*

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

*Article 3 of this Regulation requires a minimum alcoholic strength of 32% vol. for Korn, whereas for grain spirits it is 35% vol.*

*The fact that Korn is now protected in Annex III (point 3) as a geographical indication for*

*Germany and Austria leads to the situation, that its minimum alcohol strength would be governed by the generic one for grain spirits (35% vol). Therefore, the suggested change intends to maintain the status quo.*

Amendment 92

Annex III, Category A, Section 6, Geographical indication + origin (new)

Geograph. Indication	Geograph. Origin	Geograph. Indication	Geograph. Origin
		<b><i>Τσικουδιά/Tsikoudia</i></b>	<b><i>Greece</i></b>
		<b><i>Τσίπουρο/Tsipouro</i></b>	<b><i>Greece</i></b>

Amendment 93

Annex III, Category B, Section 23, Geographical indication (new)

Geograph. Indication	Geograph. Indication
	<b><i>Ούζο Μυτιλήνης/Ouzo of Mitilene</i></b>
	<b><i>Ούζο Πλωμαρίου/Ouzo of Plomari</i></b>

Amendment 94

Annex III, Category B, Section 31, Geographical indication + origin (new)

Geograph. Indication	Geograph. Origin	Geograph. Indication	Geograph. Origin
		<b><i>Κίτρο</i></b>	<b><i>Greece</i></b>
		<b><i>Νάξου/Kitro of Naxos</i></b>	
		<b><i>Μαστίχα</i></b>	
		<b><i>Χίου/Mastic of Chios</i></b>	
		<b><i>Κουμ Κουάτ</i></b>	
		<b><i>Κέρκυρας/ Cum Cuat of Corfu</i></b>	

## PROCEDURE

<b>Title</b>	Proposal for a regulation of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks
<b>References</b>	COM(2005)0125 – C6-0440/2005 – 2005/0028(COD)
<b>Committee responsible</b>	ENVI
<b>Opinion by</b> Date announced in plenary	IMCO 17.1.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Gary Titley 21.2.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	19.4.2006      10.7.2006      14.9.2006      10.10.2006
<b>Date adopted</b>	10.10.2006
<b>Result of final vote</b>	+: 30 –: 2 0: 0
<b>Members present for the final vote</b>	Mia De Vits, Janelly Fourtou, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Christopher Heaton-Harris, Anna Hedh, Edit Herczog, Kurt Lechner, Lasse Lehtinen, Arlene McCarthy, Toine Manders, Manuel Medina Ortega, Béatrice Patrie, Zita Pleštinská, Giovanni Rivera, Zuzana Roithová, Luisa Fernanda Rudi Ubeda, Heide Rühle, Leopold Józef Rutowicz, Andreas Schwab, Marianne Thyssen, Barbara Weiler, Glenis Willmott
<b>Substitute(s) present for the final vote</b>	Benoît Hamon, Joel Hasse Ferreira, Ian Hudghton, Filip Andrzej Kaczmarek, Gisela Kallenbach, Othmar Karas, Joseph Muscat, Horst Posdorf, Alexander Stubb, Gary Titley
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Wolf Klinz, Toomas Savi, Horst Schnellhardt, Willem Schuth, Bernard Piotr Wojciechowski
<b>Comments (available in one language only)</b>	...

## PROCEDURE

<b>Title</b>	Proposal for a European Parliament and Council regulation on the definition, description, presentation and labelling of spirit drinks				
<b>References</b>	COM(2005)0125 – C6-0440/2005 – 2005/0028(COD)				
<b>Date submitted to Parliament</b>	15.12.2005				
<b>Committee responsible</b> Date announced in plenary	ENVI 17.1.2006				
<b>Committees asked for opinions</b> Date announced in plenary	IMCO 17.1.2006	AGRI 17.1.2006			
<b>Not delivering opinions</b> Date of decision					
<b>Enhanced cooperation</b> Date announced in plenary	AGRI 6.7.2006				
<b>Rapporteur(s)</b> Date appointed	Horst Schnellhardt 21.2.2006				
<b>Previous rapporteur(s)</b>					
<b>Simplified procedure – date of decision</b>					
<b>Legal basis disputed</b> Date of JURI opinion	ENVI4.10.2 006	JURI 12.12.2006			
<b>Discussed in committee</b>	3.10.2006	28.11.2006	22.1.1007	30.1.2007	
<b>Date adopted</b>	30.1.2007				
<b>Result of final vote</b>	+	58			
	–	2			
	0	2			
<b>Members present for the final vote</b>	Adamos Adamou, Georgs Andrejevs, Liam Aylward, Pilar Ayuso, Irena Belohorská, Johannes Blokland, John Bowis, Frieda Brepoels, Hiltrud Breyer, Dorette Corbey, Chris Davies, Avril Doyle, Edite Estrela, Anne Ferreira, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Gyula Hegyi, Mary Honeyball, Caroline Jackson, Dan Jørgensen, Christa Kläß, Eija-Riitta Korhola, Holger Kraemer, Marie-Noëlle Lienemann, Jules Maaten, Linda McAvan, Riitta Myller, Péter Olajos, Miroslav Ouzký, Antonia Parvanova, Vittorio Prodi, Frédérique Ries, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Carl Schlyter, Horst Schnellhardt, Richard Seiber, Bogusław Sonik, Evangelia Tzampazi, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman				
<b>Substitutes present for the final vote</b>	Iles Braghetto, Niels Busk, Philippe Busquin, Martin Callanan, Ioannis Gklavakis, Umberto Guidoni, Karin Jöns, Anne Laperrouze, Henrik Lax, Peter Liese, Caroline Lucas, Jiří Maštálka, Miroslav Mikolášik, Bart Staes				
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Věra Flasarová, Maria Petre				
<b>Date tabled</b>	12.2.2007				
<b>Comments</b> (available in one language only)	...				