

EUROPEAN PARLIAMENT

2004



2009

Committee on Agriculture and Rural Development

2005/0028(COD)

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))

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PA_Leg

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 ¹ | 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, |

Justification

Spirits are an important agricultural product of the Community and Article 37 should therefore also be included as part of the legal basis.

Amendment 2 Recital 1 a (new)

(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 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.

¹ Not yet published in OJ.

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

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 the Treaty.***

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 Annex I, ***point 3, 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

Categories of spirit drinks **deleted**

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

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

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, supplemented or altered.

deleted

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***

3. ***The*** description, presentation or labelling

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’.

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 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.

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, subparagraph 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 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

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

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 month**.

3. The Committee shall adopt its rules of procedure.

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 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 implementation of Council Directive 80/777/EEC and Council Directive

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.

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 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 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, category A, title

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

(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.

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), sub-section 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.)

Justification

(Does not affect English version.)

Amendment 49

Annex II, point 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 preparations as defined in Article 1(2)(b)(i)

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

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, Category B, title

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), first paragraph, 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), first paragraph, subpoint 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), first paragraph 1, subpoint 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), second paragraph

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), third paragraph

Maximum levels of residue shall meet those laid down in Annex I for ethyl alcohol,

deleted

except that the methanol residue in the final product shall not exceed 10 grams per hectolitre of pure alcohol.

Amendment 59
Annex II, point 29 (d)

| | |
|--|----------------|
| <i>(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.</i> | <i>deleted</i> |
|--|----------------|

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) with the organoleptic characteristics of the fruit concerned.

(b) The minimum alcoholic strength by volume 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, Category C, title

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 ***of category A.***

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.

Amendment 64
Annex III, subtitle A

A. Spirits ***deleted***

Amendment 65
Annex III, point 3, column 2, line 2, footnote 16 a (new)

16a 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(a) (new)

Τσικουδιά/Tsikoudia

Greece

Τσίπουρο/Tsipouro

Greece

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 ^{17a}

17a. Ouzo is an aniseed-flavoured spirit drink produced exclusively in Greece and Cyprus.

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%.

Amendment 70
Annex III point 23, columns 2 and 3, lines 7 a and 7 b (new)

(...)

Ouzo Μυτιλήνης/Ouzo of Mitilene

...

Ouzo πλωμαρίου/Ouzo of Plomari

...

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 Κονάτ Κέρκυρας/ Koum Kouat of Corfu

...

Τεντούρα / Tentoura

...

Amendment 72
Annex III , last subtitle

Other spirit drinks

deleted

PROCEDURE

| | |
|---|---|
| Title | Proposal for a European Parliament and Council regulation on the definition, description, presentation and labelling of spirit drinks |
| References | COM(2005)0125 – C6-0440/2005 – 2005/0028(COD) |
| Committee responsible | ENVI |
| Opinion by Date announced in plenary | AGRI 17.1.2006 |
| Draftsman Date appointed | Niels Busk 26.1.2006 |
| Discussed in committee | 20.2.2006 21.3.2006 12.7.2006 3.10.2006 |
| Date adopted | 3.10.2006 |
| Result of final vote | +: 31 -: 2 0: 2 |
| Members present for the final vote | 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 |
| Substitute(s) present for the final vote | Pilar Ayuso, Bernadette Bourzai, Ilda Figueiredo, Stefan Kuc, James Nicholson, Markus Pieper, Zdzisław Zbigniew Podkański, |
| Substitute(s) under Rule 178(2) present for the final vote | Zbigniew Krzysztof Kuźmiuk |
| Comments (available in one language only) | ... |