

Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89

CHAPTER II

DESCRIPTION, PRESENTATION AND LABELLING OF SPIRIT DRINKS

Article 7

Definitions

For the purpose of this Regulation the terms ‘description’, ‘presentation’ and ‘labelling’ are defined in Annex I(14), (15) and (16).

Article 8

Sales denomination

In accordance with Article 5 of Directive 2000/13/EC, the name under which a spirit drink is sold (sales denomination) shall be subject to the provisions laid down in this Chapter.

Article 9

Specific rules concerning sales denominations

1 Spirit drinks which meet the specifications for the products defined in categories 1 to 46 of Annex II shall bear in their description, presentation and labelling the sales denomination assigned therein.

2 Spirit drinks which meet the definition laid down in Article 2 but which do not meet the requirements for inclusion in categories 1 to 46 of Annex II shall bear in their description, presentation and labelling the sales denomination ‘spirit drink’. Without prejudice to paragraph 5 of this Article, that sales denomination shall not be replaced or altered.

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 in Annex II.

4 Without prejudice to paragraph 9 of this Article and to Article 10(1), the names referred to in paragraph 1 of this Article shall not be used to describe or present in any way whatsoever any drink other than the spirit drinks for which those names are listed in Annex II and registered in Annex III.

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

- 6 The geographical indications registered in Annex III may only be supplemented either:
- a by terms already in use on 20 February 2008 for established geographical indications within the meaning of Article 20, or
 - b according to the relevant technical file provided for under Article 17(1).

7 An alcoholic beverage not meeting one of the definitions listed under categories 1 to 46 of Annex II shall not be described, presented or labelled by associating words or phrases such as 'like', 'type', 'style', 'made', 'flavour' or any other similar terms with any of the sales denominations provided for in this Regulation and/or geographical indications registered in Annex III.

8 No trade mark, brand name or fancy name may be substituted for the sales denomination of a spirit drink.

9 The names referred to in categories 1 to 46 of Annex II may be included in a list of ingredients for foodstuffs provided that the list is in accordance with Directive 2000/13/EC.

Article 10

Specific rules concerning the use of sales denominations and geographical indications

1 Without prejudice to Directive 2000/13/EC, the use of a term listed in categories 1 to 46 of Annex II, or of a geographical indication registered 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(s) referred to.

2 The use of a compound term as referred to in paragraph 1 shall also be prohibited where a spirit drink has been diluted so that the alcoholic strength is reduced to below the minimum strength specified in the definition for that spirit drink.

3 By way of derogation from paragraph 1, the provisions of this Regulation shall not affect the possible use of the terms 'amer' or 'bitter' for products not covered by this Regulation.

4 By way of derogation from paragraph 1 and in order to take account of established production methods, the compound terms listed in category 32(d) of Annex II may be used in the presentation of liqueurs produced in the Community under the conditions set out therein.

Article 11

Description, presentation and labelling of mixtures

1 Where there has been addition of alcohol, as defined in Annex I(5), diluted or not, to a spirit drink listed in categories 1 to 14 of Annex II, that spirit drink shall bear the sales denomination 'spirit drink'. It may not bear in any form a name reserved in categories 1 to 14.

2 Where a spirit drink listed in categories 1 to 46 of Annex II is mixed with:

- a one or more spirit drinks, and/or
- b one or more distillates of agricultural origin,

it shall bear the sales denomination 'spirit drink'. This sales denomination shall be shown clearly and visibly in a prominent position on the label and shall not be replaced or altered.

3 Paragraph 2 shall not apply to the description, presentation or labelling of a mixture referred to in that paragraph if it meets one of the definitions laid down in categories 1 to 46 of Annex II.

4 Without prejudice to Directive 2000/13/EC, the description, presentation or labelling of the spirit drinks resulting from the mixtures referred to in paragraph 2 of this Article may show one or more of the terms listed in Annex II only if that term does not form part of the sales denomination but is solely listed in the same visual field in the listing of all the alcoholic ingredients contained in the mixture, preceded by the term 'mixed spirit drink'.

The term 'mixed spirit drink' shall be labelled in uniform characters of the same font and colour as those used for the sales denomination. The characters shall be no larger than half the size of the characters used for the sales denomination.

5 For the labelling and presentation of the mixtures referred to in paragraph 2 and to which the requirement to list alcoholic ingredients under paragraph 4 applies, the proportion of each alcoholic ingredient shall be expressed as a percentage in descending order of quantities used. That proportion shall be equal to the percentage by volume of pure alcohol it represents in the total pure alcohol content by volume of the mixture.

Article 12

Specific rules concerning the description, presentation and labelling of spirit drinks

1 Where the description, presentation or labelling of a spirit drink indicates the raw material used to produce the ethyl alcohol of agricultural origin, each agricultural alcohol used shall be mentioned in descending order of quantity used.

2 The description, presentation or labelling of a spirit drink may be supplemented by the term 'blend', 'blending' or 'blended' only where the spirit drink has undergone blending, as defined in Annex I(7).

3 Without prejudice to any derogation adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), a maturation period or age may only be specified in the description, presentation or labelling of a spirit drink where it refers to the youngest alcoholic component and provided that the spirit drink was aged under revenue supervision or supervision affording equivalent guarantees.

Article 13

Prohibition of lead-based capsules or foil

Spirit drinks shall not be held with a view to sale or placed on the market in containers fitted with closing devices covered by lead-based capsules or foil.

Article 14

Use of language in the description, presentation and labelling of spirit drinks

1 The particulars provided for in this Regulation shall be given in one or more official languages of the European Union in such a way that the final consumer can easily understand each of those items of information, unless the consumer is provided with the information by other means.

2 The terms in italics in Annex II and the geographical indications registered in Annex III shall not be translated on the label nor in the presentation of the spirit drink.

3 In the case of spirit drinks originating in third countries, use of an official language of the third country in which the spirit drink was produced shall be authorised if the particulars provided for in this Regulation are also given in an official language of the European Union in such a way that the final consumer can easily understand each item.

4 Without prejudice to paragraph 2, in the case of spirit drinks produced in the Community and intended for export, the particulars provided for in this Regulation may be repeated in a language other than an official language of the European Union.