

- (38) As regards rules not relating to geographical indications, provision should be made to ensure that there is sufficient time to facilitate a smooth transition from the rules provided for in Regulation (EC) No 110/2008 to the rules laid down in this Regulation.
- (39) The marketing of existing stocks of spirit drinks should be allowed to continue after the dates of application of this Regulation, until those stocks are exhausted,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SCOPE, DEFINITIONS AND CATEGORIES OF SPIRIT DRINKS

Article 1

Subject matter and scope

1. This Regulation lays down rules on:
 - the definition, description, presentation and labelling of spirit drinks, as well as on the protection of geographical indications of spirit drinks;
 - the ethyl alcohol and distillates used in the production of alcoholic beverages; and
 - the use of legal names of spirit drinks in the presentation and labelling of foodstuffs other than spirit drinks.
2. This Regulation applies to products referred to in paragraph 1 that are placed on the Union market, whether produced in the Union or in third countries, as well as to those produced in the Union for export.
3. As regards the protection of geographical indications, Chapter III of this Regulation also applies to goods entering the customs territory of the Union without being released for free circulation there.

Article 2

Definition of and requirements for spirit drinks

For the purposes of this Regulation, a spirit drink is an alcoholic beverage which complies with the following requirements:

- (a) it is intended for human consumption;
- (b) it possesses particular organoleptic qualities;
- (c) it has a minimum alcoholic strength by volume of 15 %, except in the case of spirit drinks that comply with the requirements of category 39 of Annex I;
- (d) it has been produced either:
 - (i) directly by using, individually or in combination, any of the following methods:
 - distillation, with or without added flavourings or flavouring foodstuffs, of fermented products,
 - the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks or a combination thereof,
 - the addition, individually or in combination, to ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks of any of the following:
 - flavourings used in accordance with Regulation (EC) No 1334/2008,
 - colours used in accordance with Regulation (EC) No 1333/2008,
 - other authorised ingredients used in accordance with Regulations (EC) No 1333/2008 and (EC) No 1334/2008,

- sweetening products,
 - other agricultural products,
 - foodstuffs; or
- (ii) by adding, individually or in combination, to it any of the following:
- other spirit drinks,
 - ethyl alcohol of agricultural origin,
 - distillates of agricultural origin,
 - other foodstuffs;
- (e) it does not fall within CN codes 2203, 2204, 2205, 2206 and 2207;
- (f) if water, which may be distilled, demineralised, permuted or softened, has been added in its production:
- (i) the quality of that water complies with Council Directive 98/83/EC ⁽¹⁵⁾ and Directive 2009/54/EC of the European Parliament and of the Council ⁽¹⁶⁾; and
 - (ii) the alcoholic strength of the spirit drink, after the addition of the water, still complies with the minimum alcoholic strength by volume provided for in point (c) of this Article or under the relevant category of spirit drinks as set out in Annex I.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'legal name' means the name under which a spirit drink is placed on the market, within the meaning of point (n) of Article 2(2) of Regulation (EU) No 1169/2011;
- (2) 'compound term' means, in relation to the description, presentation and labelling of an alcoholic beverage, the combination of either a legal name provided for in the categories of spirit drinks set out in Annex I or the geographical indication for a spirit drink, from which all the alcohol of the final product originates, with one or more of the following:
 - (a) the name of one or more foodstuffs other than an alcoholic beverage and other than foodstuffs used for the production of that spirit drink in accordance with Annex I, or adjectives deriving from those names;
 - (b) the term 'liqueur' or 'cream';
- (3) 'allusion' means the direct or indirect reference to one or more legal names provided for in the categories of spirit drinks set out in Annex I or to one or more geographical indications for spirit drinks, other than a reference in a compound term or in a list of ingredients as referred to in Article 13(2), (3) and (4), in the description, presentation or labelling of:
 - (a) a foodstuff other than a spirit drink, or
 - (b) a spirit drink that complies with the requirements of categories 33 to 40 of Annex I;
- (4) 'geographical indication' means an indication which identifies a spirit drink as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of that spirit drink is essentially attributable to its geographical origin;
- (5) 'product specification' means a file attached to the application for the protection of a geographical indication, in which the specifications with which the spirit drink has to comply are set out, and which was referred to as a 'technical file' under Regulation (EC) No 110/2008;

⁽¹⁵⁾ Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).

⁽¹⁶⁾ Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters (OJ L 164, 26.6.2009, p. 45).