

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No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks (repealed)

*Article 1*

1 This Regulation lays down the general rules on the definition, description and presentation of spirit drinks.

- 2 For the purposes of this Regulation spirit drink shall mean an alcoholic liquid:
- intended for human consumption,
  - having particular organoleptic qualities and, except in the case of the products listed under point I of Annex III, a minimum alcoholic strength of 15 % vol, and
  - produced
    - either directly by the distillation, with or without added flavourings, of natural fermented products, and/or by the maceration of vegetable substances and/or the addition of flavourings, sugars or other sweetening products listed in paragraph 3 (a) and/or other agricultural products to ethyl alcohol of agricultural origin and/or to distillate of agricultural origin and/or to spirit as defined in this Regulation
    - or by the mixture of a spirit drink with:
      - one or more other spirit drinks,
      - ethyl alcohol of agricultural origin, distillate of agricultural origin or spirit,
      - one or more alcoholic drinks,
      - one or more drinks.

However, drinks falling within CN codes 2203 00, 2204, 2205, 2206 00 and 2207 shall not be considered spirit drinks.

3 Preliminary definitions

For the purposes of this Regulation, the following terms shall have the meanings indicated:

a sweetening:

using one or more of the following products in the preparation of spirit drinks:

semi-white sugar, white sugar, refined white sugar, dextrose, fructose, glucose syrup, liquid sugar, invert liquid sugar, invert sugar syrup, rectified concentrated grape must, concentrated grape must, fresh grape must, burned sugar, honey, carob syrup, or using other natural carbohydrate substances having a similar effect to the above products.

‘Burned sugar’ means the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;

b mixing:

combining two or more different drinks to make a new drink;

c addition of alcohol:

adding ethyl alcohol of agricultural origin to a spirit drink;

d blending:

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*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

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combining two or more spirit drinks belonging to the same category and distinguished only by minor differences in composition due to one or more of the following factors:

- the methods of preparation themselves,
- the stills employed,
- the period of maturation or ageing,
- the geographical area of production.

The spirit drink so produced belongs to the same category as the original spirit drinks before blending;

e maturation or ageing:

allowing certain reactions to develop naturally in appropriate containers, thereby giving the spirit drink in question organoleptic qualities previously absent;

f flavouring:

using in the preparation of spirit drinks one or more of the flavourings defined in Article 1 (2) (a) of Directive 88/388/EEC;

g colouring:

using one or more colorants in the preparation of spirit drinks;

h ethyl alcohol of agricultural origin:

ethyl alcohol which possesses the properties listed in Annex I to this Regulation and has been obtained by the distillation, after alcoholic fermentation, of agricultural products listed in Annex II to the Treaty, excluding spirit drinks as defined in paragraph 2. Where reference is made to the raw material used, the alcohol must be obtained solely from that raw material;

i distillate of agricultural origin:

an alcoholic liquid which is obtained by the distillation, after alcoholic fermentation, of agricultural products listed in Annex II to the Treaty but which does not have the properties of ethyl alcohol as defined in (h) 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;

j alcoholic strength by volume:

the ratio of the volume of pure alcohol present in the product in question at 20 °C to the total volume of that product at the same temperature;

k volatile substances content:

the quantity of volatile substances other than ethyl and methyl alcohol contained in a spirit drink obtained exclusively by distillation, as a result solely of the distillation or redistillation of the raw materials used;

l place of manufacture:

the place or region in which there took place that stage in the process of manufacturing the finished product which conferred on the spirit drink its character and essential definitive qualities;

m category of spirit drinks: all spirit drinks covered by the same definition.

#### 4 Definition of different categories of spirit drinks

For the purposes of this Regulation the following terms shall have the meanings indicated:

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a Rum:

- (1) A spirit drink produced exclusively 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.
- (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 alcohol of 100 % vol. This spirit may be marketed with the word 'agricultural' qualifying the designation 'rum' accompanied by any of the geographical designations of the French Overseas Departments as listed in Annex II.

b *Whisky* or *whiskey*:

A spirit drink produced by the distillation of a mash of cereals

- saccharified by the diastase of the malt contained therein, with or without other natural enzymes,
- fermented by the action of yeast,
- distilled at less than 94,8 % vol, so that the distillate has an aroma and taste derived from the raw materials used,

and matured for at least three years in wooden casks not exceeding 700 litres capacity.

c Grain spirit:

- (1) A spirit drink produced by the distillation of a fermented mash of cereals and having organoleptic characteristics derived from the raw materials used.

'Grain spirit' may be replaced by *Korn* or *Kornbrand*, for the drink produced in Germany and in regions of the Community where German is one of the official languages provided that this drink is traditionally produced in these regions and if the grain spirit is obtained there 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 subparagraph.

- (2) 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.

d Wine spirit:

A spirit drink

- 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,
- containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100 % vol alcohol, and
- having a maximum methyl alcohol content of 200 grams per hectolitre of 100 % vol alcohol.

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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 (e).

e *Brandy or Weinbrand:*

A spirit drink

- produced from wine spirit, whether or not blended with a wine distillate distilled at less than 94,8 % vol provided that the said distillate does not exceed a maximum of 50 % by volume of the finished product,
- matured for at least one year in oak receptacles or for at least six months in oak casks with a capacity of less than 1 000 litres,
- containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100 % vol alcohol, and derived exclusively from the distillation or redistillation of the raw materials used,
- having a maximum methyl alcohol content of 200 grams per hectolitre of 100 % vol alcohol.

f Grape marc spirit or grape marc:

(1) (a) A spirit drink

- produced from grape marc fermented and distilled either directly by water vapour, or after water has been added; a percentage of lees that is to be determined in accordance with the procedure laid down in Article 15 may be added to the marc, the distillation being carried out in the presence of the marc itself at less than 86 % vol. Redistillation at the same alcoholic strength is authorized,
- containing a quantity of volatile substances equal to or exceeding 140 grams per hectolitre of 100 % vol alcohol and having a maximum methyl alcohol content of 1 000 grams per hectolitre of 100 % vol alcohol.

(b) However, during the transitional period provided for Portugal in the 1985 Act of Accession, subparagraph (a) shall not preclude the marketing in Portugal of grape marc spirit produced in Portugal and having a maximum methyl alcohol content of 1 500 grams per hectolitre of 100 % vol alcohol.

(2) The name ‘grape marc’ or ‘grape marc spirit’ may be replaced by the designation *grappa* solely for the spirit drink produced in Italy.

(3) <sup>[F1]</sup>The name ‘grape marc’ or ‘grape marc spirit’ may be replaced by the designation *Zivania* solely for the spirit drink produced in Cyprus.

(4) The name ‘grape marc’ or ‘grape marc spirit’ may be replaced by the designation *Pálinka* solely for the spirit drink produced in Hungary.]

g Fruit marc spirit:

A spirit drink produced by the fermentation and distillation of fruit marc. The distillation conditions, product characteristics and other provisions shall be established in accordance with the procedure laid down in Article 15.

h Raisin spirit or *raisin brandy*:

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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.

i Fruit spirits:

(1) (a) Spirit drinks

- produced exclusively by the alcoholic fermentation and distillation of fleshy fruit or must of such fruit, with or without stones,
- distilled at less than 86 % vol so that the distillate has an aroma and taste derived from the fruits distilled,
- having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100 % vol alcohol, and
- having a maximum methyl alcohol content of 1 000 grams per hectolitre of 100 % vol alcohol, and
- in the case of stone-fruit spirits, having a hydrocyanic acid content not exceeding 10 grams per hectolitre of 100 % vol alcohol.

(b) Derogations from the provisions of the third, fourth and fifth indents of subparagraph (a) may be adopted in accordance with the procedure laid down in Article 15, in particular where the manufacture and sale of traditional products provide a substantial proportion of the income of certain fruit producers in the Community.

(c) Drinks thus defined shall be called ‘spirit’ preceded by the name of the fruit, such as: cherry spirit or *kirsch*, plum spirit or *slivovitz*, mirabelle, peach, apple, pear, apricot, fig, citrus or grape spirit or other fruit spirits. They may also be called *wasser*; with the name of the fruit.

The name *Williams* may be used only to describe pear spirit produced solely from pears of the ‘Williams’ variety.

Whenever two or more fruits are distilled together, the product shall be called ‘fruit spirit’. The name may be supplemented by that of each fruit, in decreasing order of quantity used.

(d) The cases and conditions in which the name of the fruit may replace the name ‘spirit’ preceded by the name of the fruit in question shall be determined in [<sup>X1</sup>accordance with the procedure] laid down in Article 15.

(2) The name ‘spirit’ preceded by the name of the fruit may also be used for spirit drinks 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 as defined in this Regulation, followed by distillation.

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The conditions for using the name ‘spirit’ preceded by the name of the fruit with a view to avoiding confusion with the fruit spirits in point 1 and the fruit in question shall be determined by the procedure laid down in Article 15.

- (3) The spirit drinks obtained by macerating unfermented whole fruit such as that referred to in point 2 in ethyl alcohol of agricultural origin, followed by distillation, may be called ‘*geist*’, with the name of the fruit.
- (4) [<sup>F1</sup>The name ‘fruit spirit’ may be replaced by the designation *Pálinka* solely for the spirit drink produced in Hungary and for apricot distillates produced solely in the following counties of Austria: Niederösterreich, Burgenland, Steiermark and Wien.]
- (5) [<sup>F2</sup>The name ‘fruit spirit’ may be replaced by the designation ‘Pălincă’ solely for the spirit drink produced in Romania.]

j Cider spirit, cider *brandy* or perry spirit:

Spirit drinks

- produced exclusively by the distillation of cider or perry, and
- satisfying the requirements of the second, third and fourth indents of subparagraph (i) (1) (a) relating to fruit spirits.

k Gentian spirit:

A spirit drink produced from a distillate of gentian, itself obtained by the fermentation of gentian roots with or without the addition of ethyl alcohol of agricultural origin.

l Fruit spirit drinks:

- (1) Spirit drinks obtained by macerating fruit in ethyl alcohol of agricultural origin and/or in distillate of agricultural origin and/or in spirit as defined in this Regulation and within a minimum proportion to be determined by means of the procedure laid down in Article 15.

The flavouring of these spirit drinks may be supplemented by flavouring substances and/or flavouring preparations other than those which come from the fruit used. These flavouring substances and flavouring preparations are defined respectively in Article 1 (2) (b) (i) and (c) of Directive 88/388/EEC. However, the characteristic taste of the drink and its colour must come exclusively from the fruit used.

- (2) The drinks so defined shall be called ‘spirit drinks’ or ‘spirit’ preceded by the name of the fruit. The cases and conditions in which the name of the fruit may replace those names shall be determined by means of the procedure laid down in Article 15.

However, the name *Pacharán* may be used solely for the ‘fruit spirit drink’ manufactured in Spain and obtained by macerating sloes (*prunus spinosa*) within the minimum proportion of 250 grams of fruit per litre of pure alcohol.

m Juniper-flavoured spirit drinks:

- (1) (a) Spirit drinks produced by flavouring ethyl alcohol of agricultural origin and/or grain spirit and/or grain distillate with juniper (*juniperus communis*) berries.

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

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and/or flavouring preparations defined in Article 1 (2) (c) of that Directive, and/or aromatic plants or parts of aromatic plants may be used in addition, but the organoleptic characteristics of juniper must be discernible, even if they are sometimes attenuated.

- (b) The drinks may be called *Wacholder*, *ginebra*, or *genebra*. Use of these names is to be determined in accordance with the procedure laid down in Article 15.
  - (c) The alcohols used for the spirit drinks called *genièvre*, *jenever*, *genever* and *pekret*, must be organoleptically suitable for the manufacture of the aforementioned products and have a maximum methyl content of 5 grams per hectolitre of 100 % vol alcohol and a maximum aldehyde content expressed as acetaldehyde of 0,2 grams per hectolitre of 100 % vol alcohol. In the case of such products, the taste of juniper berries need not be discernible.
- (2) (a) The drink may be called ‘gin’ if it is produced by flavouring organoleptically suitable ethyl alcohol of agricultural origin with natural and/or nature-identical flavouring substances as defined in Article 1 (2) (b) (i) and (ii) of Directive 88/388/EEC and/or flavouring preparations as defined in Article 1 (2) (c) of that Directive so that the taste is predominantly that of juniper.
- (b) The drink may be called ‘distilled gin’ if it is produced solely by redistilling organoleptically suitable ethyl alcohol of agricultural origin of an appropriate quality with an initial alcoholic strength of at least 96 % vol in stills traditionally used for gin, in the presence of juniper berries and of other natural botanicals provided that the juniper taste is predominant. The term ‘distilled gin’ may also apply to a mixture of the product of such distillation and ethyl alcohol of agricultural origin with the same composition, purity and alcoholic strength. Natural and/or nature-identical flavouring substances and/or flavouring preparations as specified at (a) may also be used to flavour distilled gin. *London gin* is a type of distilled gin.

*Gin* obtained simply by adding essences or flavourings to ethyl alcohol of agricultural origin shall not qualify for the description ‘distilled gin’.

n Caraway-flavoured spirit drinks:

- (1) Spirit drinks produced by flavouring ethyl alcohol of agricultural origin with caraway (*Carum carvi* L.).

Other natural and/or nature-identical flavouring substances as defined in Article 1 (2) (b) (i) and (ii) of Directive 88/388/EEC and/or flavouring preparations as defined in Article 1 (2) (c) of that Directive may additionally be used but there must be a predominant taste of caraway.

- (2) (a) The spirit drinks defined in point 1 may also be called *akvavit* or *aquavit* if they are flavoured with a distillate of plants or spices.

Other flavouring substances specified in the second subparagraph of point 1 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.

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- (b) The bitter substances must not obviously dominate the taste; the dry extract content may not exceed 1,5 grams per 100 millilitres.
- o Aniseed-flavoured spirit drinks:
- (1) 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:
- maceration and/or distillation,
  - redistillation of the alcohol in the presence of the seeds or other parts of the plants specified above,
  - addition of natural distilled extracts of aniseed-flavoured plants,
  - a combination of these three methods.
- Other natural plant extracts or aromatic seed may also be used, but the aniseed taste must remain predominant.
- (2) For an aniseed-flavoured spirit drink to be called '*pastis*' it must also contain 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.
- Pastis* contains less than 100 grams of sugar per litre and has a minimum and maximum anethole level of 1,5 and 2 grams per litre respectively.
- (3) For an aniseed-flavoured spirit drink to be called '*ouzo*' it must:
- [<sup>F3</sup>have been produced either exclusively in Greece or exclusively in Cyprus,]
  - have been 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 of the *ouzo*.
- That distillate must:
- have been produced by distillation in traditional discontinuous copper stills with a capacity of 1 000 litres or less,
  - have an alcoholic strength of not less than [<sup>X1</sup>55 % vol and not more than 80 % vol.]
- Ouzo* must be colourless and have a sugar content of 50 grams or less per litre.
- (4) For an aniseed-flavoured spirit drink to be called *anis*, its characteristic flavour must be derived exclusively from anise (*pimpinella anisum*) and/or star anise (*illicium verum*) and/or fennel (*foeniculum vulgare*). The name '*distilled anis*' may be used if the drink contains alcohol distilled in the presence of such seeds, provided such alcohol constitutes at least 20 % of the drink's alcoholic strength.
- p Bitter-tasting spirit drinks or *bitter*:



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Spirit drinks with a predominantly bitter taste produced by flavouring ethyl alcohol of agricultural origin with natural and/or nature-identical flavouring substances as defined in Article 1 (2) (b) (i) and (ii) of Directive 88/388/EEC and/or flavouring preparations as defined in Article 1 (2) (c) of that Directive.

The drinks may also be marketed as ‘amer’ or *bitter* with or without another term.

This provision shall not affect the possible use of the terms ‘amer’ for *bitter* for products not covered by this Article.

q **Vodka:**

A spirit drink produced by either rectifying ethyl alcohol of agricultural origin or filtering it through activated charcoal, possibly followed by straightforward distillation or an equivalent treatment, so that the organoleptic characteristics of the raw materials used are selectively reduced. The product may be given special organoleptic characteristics, such as a mellow taste, by the addition of flavouring.

r **Liqueur:**

(1) **A spirit drink:**

- having a minimum sugar content of 100 grams per litre expressed as invert sugar, without prejudice to a different decision taken in accordance with the procedure laid down in Article 15,
- produced by flavouring ethyl alcohol of agricultural origin or a distillate of agricultural origin or one or more spirit drinks as defined in this Regulation or a mixture of the above, sweetened and possibly with the addition of products of agricultural origin such as cream, milk or other milk products, fruit, wine or flavoured wine.

(2) The name ‘crème de’ followed by the name of a fruit or the raw material used, excluding milk products, shall be reserved for liqueurs with a minimum sugar content of 250 grams per litre expressed as invert sugar.

The name ‘crème de cassis’ shall, however, be reserved for blackcurrant liqueurs containing at least 400 grams of sugar, expressed as invert sugar, per litre.

(3) <sup>[F4]</sup><sup>[F5]</sup> The name ‘Jägertee’, ‘Jagertee’ and ‘Jagatee’ shall be reserved for the liqueur originating in Austria and prepared from ethyl alcohol of agricultural origin, essences of certain spirit drinks or tea, with the addition of several natural flavouring substances such as those defined in Article 1 (2) (b) (i) of Directive 88/388/EEC. The alcoholic strength shall be at least 22,5 % vol. The sugar content, expressed as invert sugar, shall be at least 100 grammes per litre.]]

s **Egg liqueur/ *advocaat/avocat/Advokat:***

A spirit drink whether or not flavoured, obtained from ethyl alcohol of agricultural origin, the ingredients of which are quality egg yolk, egg white and sugar or honey. The minimum sugar or honey content must be 150 grams per litre. The minimum egg yolk content must be 140 grams per litre of the final product.

t **Liqueur with egg:**

A spirit drink whether or not flavoured, obtained from ethyl alcohol of agricultural origin, the ingredients of which are quality egg yolk, egg white and sugar or honey. The

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minimum sugar or honey content must be 150 grams per litre. The minimum egg yolk content must be 70 grams per litre of the final product.

[<sup>F4</sup>][<sup>F5</sup>u Väkevã glögiSpritglögg:

A spirit drink produced by flavouring ethyl alcohol of agricultural origin with natural or nature identical aroma of cloves and/or cinnamon using one of the following processes: maceration and/or distillation, redistillation of the alcohol in the presence of parts of the plants specified above, addition of natural or nature identical flavour of cloves or cinnamon or a combination of these methods.

Other natural or nature identical plant extracts of flavours in conformity with Directive 88/388/EEC may also be used, but the flavour of the specified spices must be predominant. The content of wine or wine products may not exceed 50 percent.]]

#### Editorial Information

- X1** Substituted by [Corrigendum to Council Regulation \(EEC\) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks \(Official Journal of the European Communities No L 160 of 29 May 1989\)](#).

#### Textual Amendments

- F1** Inserted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded](#).
- F2** Inserted by [Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain And Northern Ireland \(member states of the European Union\) and the Republic of Bulgaria And Romania, Concerning the Accession of the Republic of Bulgaria And Romania To the European Union](#).
- F3** Substituted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded](#).
- F4** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).
- F5** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).

#### Article 2

Subject to Articles 3, 4 and 12, in order to be marketed for human consumption under one of the names listed in Article 1 (4) a spirit drink must comply with the definition and requirements applicable to the category to which it belongs.

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### Article 3

1 With the exception of juniper-flavoured spirit drinks as defined in Article 1 (4) (m) (1), for the spirit drinks listed below, the minimum alcoholic strength by volume for release for human consumption in the Community under one of the names listed in Article 1 (4), with the exception of certain specific products whose alcoholic strength is indicated in Annex III, shall be as follows:

—	40 %	<i>whisky/whiskey</i> <i>pastis</i>
—	37,5 %	rum <i>Rum-Verschnitt</i> wine spirit grape marc spirit fruit marc spirit raisin spirit fruit spirit [ <sup>X1</sup> cider spirit, cider <i>brandy</i> and perry spirit] gentian spirit <i>gin/distilled gin</i> <i>akvavit/aquavit</i> vodka <i>grappa</i> <i>ouzo</i> <i>Kornbrand</i>
—	36 %	<i>brandy/Weinbrand</i>
—	35 %	grain spirit/grain brandy <i>anis</i>
—	32 %	<i>Korn</i>
—	30 %	caraway-flavoured spirit drinks (except <i>akvavit/aquavit</i> )
—	25 %	fruit spirit drinks
—	15 %	aniseed-flavoured spirit drinks (except <i>ouzo, pastis, anis</i> ) the other products referred to in Article 1 (4) and not listed above.

2 National provisions may set a minimum alcoholic strength by volume which is higher than the values referred to in paragraph 1 for the spirit drinks listed in Annex II. Member States shall notify the Commission of such alcoholic strengths within three months of:

- either the entry into force of this Regulation, in the case of existing provisions,
- or their adoption, in the case of any provisions which may be adopted after this Regulation comes into force.

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The Commission shall ensure that they are published in the 'C' series of the *Official Journal of the European Communities*.

3 The Council, acting by a qualified majority on a proposal from the Commission, may fix minimum alcoholic strengths by volume for categories of drinks other than those referred to in paragraph 1.

4 Before 31 December 1992, the Council will review the minimum alcoholic strength of *whisky/whiskey* on the basis of a market study by the Commission.

**Editorial Information**

**X1** Substituted by [Corrigendum to Council Regulation \(EEC\) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks \(Official Journal of the European Communities No L 160 of 29 May 1989\)](#).

*Article 4*

1 Without prejudice to provisions adopted pursuant to paragraphs 2 to 5, if any substance other than those authorized by Community legislation or, failing that, by national provisions is added, the spirit drink in question shall lose the right to the reserved name.

2 The list of authorized food additives, the directions for their use and the spirit drinks concerned shall be determined by the procedure laid down in Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States on the additives which may be used in foodstuffs<sup>(1)</sup>.

3 The list of authorized processing aids, the directions for their use and the spirit drinks concerned may be determined by the procedure laid down in Article 15.

4 Without prejudice to the more restrictive provisions of Article 1 (4), the colouring of spirit drinks shall be authorized in accordance with the national rules established pursuant to the Council Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorized for use in foodstuffs intended for human consumption<sup>(2)</sup>, as last amended by the Act of Accession of Spain and Portugal.

5 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 the spirit drinks defined in Article 1 (4), except in the case of those defined in Article 1 (4) (m), (n) and (p).

However, nature-identical flavouring substances and preparations as defined in Article 1 (2) (b) (ii) of Directive 88/388/EEC shall be authorized in liqueurs except those mentioned below:

a Fruit liqueurs (or crèmes):

- pineapple,
- blackcurrant,
- cherry,
- raspberry,
- mulberry,
- bilberry,
- citrus fruit<sup>[F6,]</sup>
- <sup>[F4]</sup><sup>[F5]</sup>cloudberry,
- arctic bramble,

*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

- cranberry,
- lingonberry,
- sea buckthorn;]]
- b plant liqueurs:
  - mint,
  - gentian,
  - aniseed,
  - g n pi,
  - vulnerary.

6 In the preparation of spirit drinks, the addition of water, possibly distilled or demineralized, shall be authorized, provided that the quality of the water conforms to the national provisions adopted in implementation of Directives 80/777/EEC and 80/778/EEC and that the water added does not change the nature of the product.

7

- a The ethyl alcohol used in the preparation of spirit drinks may not be of any origin other than agricultural.
- b The ethyl alcohol used to dilute or dissolve colorants, flavourings or any other authorized additives used in the preparation of spirit drinks must be ethyl alcohol of agricultural origin.
- c Without prejudice to more restrictive provisions laid down in Article 1 (4) (m) (1), the quality of the ethyl alcohol of agricultural origin must meet the specifications set out in Annex I.

8 Detailed rules, including the methods to be used for analyzing spirit drinks, shall be adopted in accordance with the procedure laid down in Article 14.

The lists of liqueurs appearing in the second subparagraph of paragraph 5 may be supplemented by the Council acting by a qualified majority on a proposal from the Commission.

#### **Textual Amendments**

- F4** Inserted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).
- F5** Substituted by [Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union \(95/1/EC, Euratom, ECSC\)](#).
- F6** Substituted by [Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded \(94/C 241/08\)](#).

#### *Article 5*

1 Without prejudice to measures adopted pursuant to Article 6, use of the names referred to in Article 1 (4) shall be restricted to the spirit drinks defined therein, account being taken of the requirements laid down in Articles 2, 3, 4 and 12. These names must be used to describe the said drinks.

*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

Spirit drinks which do not meet the specifications laid down for the products defined in Article 1 (4) may not bear the names assigned therein to those products. They must be described as: ‘spirit drinks’ or ‘spirits’.

2 The names listed in paragraph 1 may be supplemented by geographical indications other than those in paragraph 3, provided that they do not mislead consumers.

3

- a The geographical designations listed in Annex II may replace the designations referred to in paragraph 1 or supplement them, forming composite designations. These designations, whether composite or not, may if necessary be accompanied by additional particulars provided that the latter are regulated by the Member State of production.

By way of derogation from the preceding subparagraph, the words *marque nationale luxembourgeoise* shall replace the geographical designation and may supplement the names of the spirits produced in the Grand Duchy of Luxembourg as listed in Annex II.

- b These geographical designations shall be reserved for spirit drinks in the case of which the production stage during which they acquired their character and definitive qualities took place in the geographical area indicated.
- c Member States may apply specific national rules on production, movement within a Member State, description and presentation to products manufactured within their territories, in so far as they are compatible with Community law. Where they are applied in pursuit of a quality policy, such rules may restrict production in a given geographical area to quality products complying with the specific rules concerned.

[<sup>F1</sup>Poland may require that for the production of vodka on its territory labelled as ‘Polish Wodka/Polska Wódka’ solely specific raw materials of Polish origin are used or following traditional specifications and within the context of a quality policy pursued by Poland.]

#### Textual Amendments

- F1** Inserted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)

#### Article 6

1 Special provisions may govern indications used in addition to the sales description, i.e.:

- the use of terms, acronyms or signs,
- the use of compound terms including any of the generic terms defined in Article 1 (2) and (4).

2 Special provisions may govern the names of mixtures of spirit drinks and those of mixtures of drinks and spirit drinks.

3 The provisions referred to in paragraphs 1 and 2 shall be adopted in accordance with the procedure laid down in Article 15. They shall be designed in particular to prevent the creation of confusion by the names referred to in those paragraphs, especially regarding products in existence when this Regulation enters into force.

*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

## Article 7

1 In addition to complying with national legislation adopted in accordance with Directive 79/112/EEC, the labelling, presentation and advertising of spirit drinks defined in Article 1 (4) intended for the final consumer shall comply with paragraphs 2 and 3.

2

- a The name under which the products referred to in Article 1 (2) and (4) are sold shall be one of the names to be used exclusively for such products under Articles 5 and 6 (2).
- b Where the labelling indicates the raw material used to produce the ethyl alcohol of agricultural origin, each agricultural alcohol used must be mentioned in descending order of quantity used.
- c The name under which the spirit drinks referred to in paragraph 1 are sold may be supplemented by the term 'blend' where the product has undergone blending.
- d Saving exceptions, 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.

[<sup>F7</sup>e As from 1 January 1993, spirit drinks covered by this Regulation may 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. However, the disposal of spirit drinks in bottles fitted before that date with such capsules or foil shall be authorized until stocks are used up.]

3 The following may, in the case of the products referred to in Article 1 (4), be determined in accordance with the procedure laid down in Article 14:

- a the conditions under which the labelling may specify a maturation period and those relating to the raw materials used;
- b the conditions governing the use of sales descriptions which imply that the product has been matured, together with any exceptions and the conditions for equivalent controls;
- c the special provisions governing the use of terms referring to a certain property of the product, such as its history or the method by which it is prepared;
- d the rules governing the labelling of products in containers not intended for the final consumer, including any derogations from the labelling rules to take account in particular of warehousing and transport.

4 The particulars provided for in this Regulation shall be given in one or more official languages of the Communities in such a way that the final consumer can readily understand each item, unless purchasers are provided with the information by other means.

5 The geographical designations listed in Annex II, the terms in italics in Article 1 (4) and the [<sup>F3</sup>designations]*Rum-Verschnitt*[<sup>F1</sup>and *Slivovice*] must not be translated.

However, at the request of the Member State of consumption, it may be decided, by the procedure laid down in Article 14, that the said terms in italics and, in particular, *raisin brandy* shall be supplemented by equivalent terms so that consumers of the said Member State are not misled.

6 In the case of products originating in third countries, use of an official language of the third country in which the product has been made shall be authorized if the particulars provided for in this Regulation are also given in an official language of the Communities in such a way that the final consumer can readily understand each item.

7 Without prejudice to Article 12, in the case of products originating in the Community and intended for export the particulars provided for in this Regulation may be repeated in another language; this does not apply to the particulars referred to in paragraph 5.

*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

8 In accordance with the procedure laid down in Article 15, the Commission may determine the cases and/or the spirit drinks for which a reference to the place of manufacture and/or the origin and/or the source shall be compulsory, as well as the attendant rules.

#### Textual Amendments

- F1** Inserted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)
- F3** Substituted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)
- F7** Inserted by [Council Regulation \(EEC\) No 3280/92 of 9 November 1992 amending Regulation \(EEC\) No 1576/89 laying down general rules on the definition, description and presentation of spirit drinks.](#)

#### Article 8

In order to be marketed for human consumption, spirit drinks produced in the Community may not be described by [<sup>X1</sup>associating word or phrases such as ‘like’, ‘type’, ‘style’,] ‘made’, ‘flavour’ or any other similar indications with any of the sales descriptions mentioned in this Regulation.

#### Editorial Information

- X1** Substituted by [Corrigendum to Council Regulation \(EEC\) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks \(Official Journal of the European Communities No L 160 of 29 May 1989\).](#)

#### Article 9

1 The spirit drinks listed below:

- rum,
- *whisky* and *whiskey*,
- grain spirit/*grain brandy*,
- wine spirit and *brandy*,
- grape marc spirit,
- raisin spirit,
- fruit spirit other than products defined in Article 1 (4) (i) (2),
- cider spirit, *cider brandy* and perry spirit

may not bear in any form whatsoever in their presentation the generic name reserved for the above drinks if they contain added ethyl alcohol of agricultural origin.

2 However, paragraph 1 shall not prevent marketing, for human consumption in the Community, of the product manufactured in Germany and obtained by mixing rum and alcohol. A minimum proportion of 5 % of the alcohol contained in the final product called *Rum-Verschnitt* must come from rum. Where this product is sold outside the German market, its alcoholic composition must appear on the label.



*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

As regards the labelling and presentation of the product *Rum-Verschnitt*, the word *Verschnitt* must appear on the packaging (on the bottle 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.

[<sup>F13</sup> However, paragraph 1 shall not prevent the marketing of the spirit drink named ‘*Slivovice*’ 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’ or ‘spirit drink’ within the meaning of Article 5 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 Article 1(4)(i).]

#### Textual Amendments

**F1** Inserted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.

#### Article 10

1 The Member States shall take the measures necessary to ensure that Community provisions relating to spirit drinks are complied with. They shall appoint one or more agencies to monitor compliance with these provisions.

In the case of the products listed in Annex II, it may be decided in accordance with the procedure laid down in Article 14 that such supervision and protection shall be effected, for the purposes of movement within the Community, by means of commercial documents verified by the administration and by the keeping of appropriate registers.

2 For the spirit drinks listed in Annex II and exported, the Council, acting by a qualified majority on a proposal from the Commission, shall establish a system of authentication documents to eliminate fraudulent practices and counterfeits. This system is intended to replace the existing national system. It must offer at least the same degree of certainty as those national systems, subject to Community rules and in particular those relating to competition.

Until such time as the system referred to in the preceding subparagraph has been introduced, the Member States may retain their own authentication systems provided that these comply with Community rules.

3 The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the necessary measures for the uniform application of Community provisions in the spirit drinks sector, particularly with regard to controls and relations between the competent bodies of the Member States.

4 Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Detailed rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 14.

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*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

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### Article 11

1 Subject to paragraph 2, to be marketed for human consumption within the Community, imported spirit drinks bearing a geographical designation or a name other than those referred to in Article 1 (4) may, subject to reciprocal arrangements, qualify for the supervision and protection referred to in Article 10.

The first subparagraph shall be implemented by agreements to be negotiated and concluded with the third countries concerned under the procedure laid down in Article 113 of the Treaty.

Detailed rules and the list of products referred to in the first subparagraph shall be adopted in accordance with the procedure laid down in Article 15.

2 This Regulation shall be without prejudice to the importing and marketing for human consumption within the Community under their names of origin of specific spirit drinks originating in third countries for which tariff concessions are granted by the Community either under GATT or under bilateral agreements and the conditions for the admission of which have been laid down in Community regulations.

#### <sup>F8</sup> Article 11a

1 Member States shall adopt all measures necessary to permit those concerned to prevent, under the conditions laid down in Articles 23 and 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, the use within the Community of a geographical designation identifying products covered by this Regulation for products which do not originate in the place referred to by the geographical designation in question, including in cases where the actual origin of the product is indicated or where the geographical designation is given in translation or accompanied by expressions such as 'like', 'type', 'style', 'imitation' or other.

For the purposes of this Article, 'geographical designation' shall mean any indication identifying a product as originating in the territory of a third country which is a member of the World Trade Organization, or in a region or locality of that territory, where a quality, reputation or other specific characteristic of that product can essentially be attributed to that geographical origin.

2 Paragraph 1 shall apply notwithstanding Article 11 of this Regulation and other provisions of Community legislation laying down rules for the description and presentation of products covered by this Regulation.

3 Detailed rules for the application of this Article, where necessary, shall be adopted in accordance with the procedure laid down in Article 15.]

#### Textual Amendments

- F8** Inserted by [Regulation \(EC\) No 3378/94 of the European Parliament and of the Council of 22 December 1994 amending Regulation \(EEC\) No 1576/89 laying down general rules on the definition, description and presentation of spirit drinks and Regulation \(EEC\) No 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails following the Uruguay Round of the multilateral trade negotiations.](#)

### Article 12

1 Spirit drinks intended for export must comply with the provisions of this Regulation.

*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

2 However, the Member States may decide on derogations as regards the provisions of Article 4 (2), (3), (4) and (6) but not in respect of the spirit drinks listed in Annexes II and III or spirit drinks with reserved descriptions.

3 Derogations from the provisions in Article 3 relating to the alcoholic strength for release for human consumption may also be decided on in the case of:

- spirit drinks covered by Article 1 (2) and (4),
- spirit drinks covered by Annex II, in particular where this is required under the law of the importing third country,

at the request of the producer Member State in accordance with the procedure laid down in Article 14.

4 Derogations from rules on designation and presentation, other than the names provided for in Article 1 (2) and (4) and in Annexes II and III and without prejudice to Articles 8 and 9 may be authorized by the Member States:

- where the legislation in force in the importing third country so requires,
- in cases which are not covered by the first indent, with the exception of some indications to be decided on in accordance with the procedure laid down in Article 14.

5 The derogations authorized by the Member States shall be notified to the Commission and to the Member States.

#### *[<sup>F9</sup>Article 13*

1 An Implementation Committee for Spirit Drinks, hereinafter referred to as ‘the Committee’, is hereby set up.

2 The Committee shall adopt its rules of procedure.

#### **Textual Amendments**

- F9** Substituted by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.](#)

#### *Article 14*

1 Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC<sup>(3)</sup> 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.]

#### **Textual Amendments**

- F9** Substituted by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.](#)

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*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

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### *[<sup>F9</sup>Article 15*

Where reference is made to this Article, 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.]

#### **Textual Amendments**

- F9** Substituted by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.](#)

### *Article 16*

The committee may consider any other question referred to it by its chairman, either on his own initiative or at the request of the representative of a Member State.

### *Article 17*

1 In order to facilitate the changeover from the present arrangements to those introduced by this Regulation, transitional measures shall be adopted in accordance with the procedure laid down in Article 14.

2 Such transitional measures shall be applicable for not more than two years from the date of implementation of this Regulation.

### *Article 18*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 15 December 1989, with the exception of Articles 13 to 16, which shall apply as from the entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed). (See end of Document for details)*

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- (1) [OJ No L 40, 11. 2. 1989, p. 27.](#)
- (2) [OJ No 115, 11. 11. 1962, p. 2645/62.](#)
- (3) [<sup>F9</sup>[Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission \(OJ L 184, 17.7.1999, p. 23\).](#)]

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**Textual Amendments**

- F9** Substituted by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.](#)

**Status:**

Point in time view as at 01/01/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EEC) No 1576/89 (repealed).