

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No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks (repealed)

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100a thereof,

Having regard to the proposal from the Commission⁽¹⁾,

In cooperation with the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas at the moment there are no specific Community provisions governing spirit drinks, in particular as concerns the definition of these products and the requirements relating to their description and presentation; whereas, given the economic importance of these products, it is necessary, in order to assist the functioning of the common market, to lay down common provisions on this subject;

Whereas spirit drinks constitute a major outlet for Community agriculture; whereas this outlet is largely the result of the reputation which these products have acquired throughout the Community and on the world market; whereas this reputation can be attributed to the quality of traditional products; whereas a certain quality standard should therefore be maintained for the products in question if this outlet is to be preserved; whereas the appropriate means of maintaining this quality standard is to define the products in question taking into account the traditional practices on which their reputation is based; whereas, moreover, the terms thus defined should be used only for products of the same quality as traditional products so as to prevent their being devalued;

Whereas Community rules should reserve, for certain territories among which certain countries may, by way of exception, appear, the use of geographical designations referring to them, provided that the stages of production during which the finished product acquires its characteristics and definitive properties are completed in the geographical area in question; whereas, by thus conferring exclusive rights on the producers concerned, the Community rules will ensure that the designations in question continue to serve as indications of provenance and will prevent them from entering the public domain and becoming generic terms; whereas the designations in question also perform the function of informing the consumer as to the provenance of products characterized by the raw materials used or by the special processes employed in their manufacture;

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

Whereas the normal and customary means of informing the consumer is to include certain information on the label; whereas the labelling of spirit drinks is subject to the general rules laid down in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to labelling, presentation and advertising of foodstuffs⁽⁴⁾, as last amended by Directive 86/197/EEC⁽⁵⁾; whereas, in view of the nature of the products in question and so that the consumer may have fuller information, specific provisions additional to these general rules should be adopted and whereas, in particular, there should be incorporated, in the definition of products, concepts relating to maturation and minimum alcoholic strength for release for human consumption;

Whereas, although Directive 79/112/EEC requires the printing of certain particulars on the labelling, it is somewhat lacking in clarity as regards the place of manufacture; whereas this concept is of particular importance in the sector of the drinks concerned owing to the fact that the consumer often makes an association between the drinks in question and the place of its manufacture; whereas the absence of such an indication may give the consumer the impression of a false origin; whereas this danger should be avoided by making it obligatory, in certain cases, to state the place of manufacture on the labelling;

Whereas additional requirements should, in certain cases, also be laid down; whereas, in particular, when ethyl alcohol is used it should be required that it be solely of agricultural origin, as is already customary in the Community, so as to continue to ensure a major outlet for basic agricultural products;

Whereas Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption⁽⁶⁾, and Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters⁽⁷⁾, as last amended by the Act of Accession of Spain and Portugal, lay down the characteristics of the water which may be used in foodstuffs; whereas reference should be made thereto:

Whereas [^{X1}Council Directive 88/388/EEC] of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production⁽⁸⁾ puts forward definitions of various terms liable to be used in connection with flavouring: whereas the same terminology should be used in this Regulation;

Whereas specific provisions should be adopted concerning description and presentation for imported spirit drinks, bearing in mind the Community's commitments in its relations with third countries;

Whereas, in order to defend the reputation of Community products on the world market, the same rules should be extended to exported products, except where there are contrary provisions, bearing in mind traditional habits and practices;

Whereas it is preferable to act by way of a Regulation in order to ensure the uniform and simultaneous implementation of the measures in question;

Whereas, to simplify and expedite the procedure, the Commission should be entrusted with adopting implementing measures of a technical nature; whereas, for this purpose, provision

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should be made for a procedure whereby the Member States and the Commission can cooperate closely within an implementation committee;

Whereas transitional measures are necessary to facilitate the changeover to the system introduced by this Regulation,

HAS ADOPTED 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 \(Official Journal of the European Communities No L 160 of 29 May 1989\)](#).

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- (1) OJ No C 189, 23. 7. 1982, p. 7 and OJ No C 269, 25. 10. 1986, p. 4.
- (2) Opinion published in OJ No C 127, 14. 5. 1984, p. 175 and Decision of 24 May 1989 (not yet published in the Official Journal).
- (3) OJ No C 124, 9. 5. 1983, p. 16.
- (4) OJ No L 33, 8. 2. 1979, p. 1.
- (5) OJ No L 144, 29. 5. 1986, p. 38.
- (6) OJ No L 229, 30. 8. 1980, p. 11.
- (7) OJ No L 229, 30. 8. 1980, p. 1.
- (8) OJ No L 184, 15. 7. 1988, p. 61.

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