

Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008

CHAPTER II

DESCRIPTION, PRESENTATION AND LABELLING OF SPIRIT DRINKS AND USE OF THE NAMES OF SPIRIT DRINKS IN THE PRESENTATION AND LABELLING OF OTHER FOODSTUFFS

Article 9

Presentation and labelling

Spirit drinks placed on the Union market shall comply with the presentation and labelling requirements set out in Regulation (EU) No 1169/2011, unless otherwise provided for in this Regulation.

Article 10

Legal names of spirit drinks

1 The name of a spirit drink shall be its legal name.

Spirit drinks shall bear legal names in their description, presentation and labelling.

Legal names shall be shown clearly and visibly on the label of the spirit drink and shall not be replaced or altered.

2 Spirit drinks that comply with the requirements of a category of spirit drinks set out in Annex I shall use the name of that category as their legal name, unless that category permits the use of another legal name.

3 A spirit drink that does not comply with the requirements laid down for any of the categories of spirit drinks set out in Annex I shall use the legal name 'spirit drink'.

4 A spirit drink that complies with the requirements for more than one category of spirit drinks set out in Annex I may be placed on the market under one or more of the legal names provided for under those categories in Annex I.

5 Notwithstanding paragraphs 1 and 2 of this Article, the legal name of a spirit drink may be:

- a supplemented or replaced by a geographical indication referred to in Chapter III. In this case, the geographical indication may be supplemented further by any term permitted by the relevant product specification, provided that this does not mislead the consumer; and

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- b replaced by a compound term that includes the term ‘liqueur’ or ‘cream’, provided that the final product complies with the requirements of category 33 of Annex I.

6 Without prejudice to Regulation (EU) No 1169/2011 and to the specific rules laid down for the categories of spirit drinks in Annex I to this Regulation, the legal name of a spirit drink may be supplemented by:

- a a name or geographical reference provided for in the laws, regulations and administrative provisions applicable in the Member State in which the spirit drink is placed on the market, provided that this does not mislead the consumer;
- b a customary name as defined in point (o) of Article 2(2) of Regulation (EU) No 1169/2011, provided that this does not mislead the consumer;
- c a compound term or an allusion in accordance with Articles 11 and 12;
- d the term ‘blend’, ‘blending’ or ‘blended’, provided that the spirit drink has undergone blending;
- e the term ‘mixture’, ‘mixed’ or ‘mixed spirit drink’, provided that the spirit drink has undergone mixing; or
- f the term ‘dry’ or ‘*dry*’, except in the case of spirit drinks that comply with the requirements of category 2 of Annex I, without prejudice to the specific requirements laid down in categories 20 to 22 of Annex I, and provided that the spirit drink has not been sweetened, not even for rounding off the taste. By way of derogation from the first part of this point, the term ‘dry’ or ‘*dry*’ may supplement the legal name of spirit drinks that comply with the requirements of category 33 and have therefore been sweetened.

7 Without prejudice to Articles 11 and 12 and Article 13(2), (3) and (4), the use of the legal names referred to in paragraph 2 of this Article or geographical indications in the description, presentation or labelling of any beverage not complying with the requirements of the relevant category set out in Annex I or of the relevant geographical indication shall be prohibited. That prohibition shall also apply where such legal names or geographical indications are used in conjunction with words or phrases such as ‘like’, ‘type’, ‘style’, ‘made’, ‘flavour’ or any other similar terms.

Without prejudice to Article 12(1), flavourings that imitate a spirit drink or their use in the production of a foodstuff other than a beverage may bear, in their presentation and labelling, references to the legal names referred to in paragraph 2 of this Article, provided that such legal names are supplemented by the term ‘flavour’ or any other similar terms. Geographical indications shall not be used to describe such flavourings.

Article 11

Compound terms

1 In the description, presentation and labelling of an alcoholic beverage, the use in a compound term of either a legal name provided for in the categories of spirit drinks set out in Annex I or a geographical indication for spirit drinks shall be authorised on condition that:

- a the alcohol used in the production of the alcoholic beverage originates exclusively from the spirit drink referred to in the compound term, except for the alcohol that may be present in flavourings, colours or other authorised ingredients used for the production of that alcoholic beverage; and
- b the spirit drink has not been diluted by addition of water only, so that its alcoholic strength is below the minimum strength provided for under the relevant category of spirit drinks set out in Annex I.

2 Without prejudice to the legal names provided for in Article 10, the terms ‘alcohol’, ‘spirit’, ‘drink’, ‘spirit drink’ and ‘water’ shall not be part of a compound term describing an alcoholic beverage.

- 3 Compound terms describing an alcoholic beverage shall:
- a appear in uniform characters of the same font, size and colour;
 - b not be interrupted by any textual or pictorial element which does not form part of them; and
 - c not appear in a font size which is larger than the font size used for the name of the alcoholic beverage.

Article 12

Allusions

1 In the presentation and labelling of a foodstuff other than an alcoholic beverage, an allusion to legal names provided for in one or more categories of spirit drinks set out in Annex I, or to one or more geographical indications for spirit drinks, shall be authorised on condition that the alcohol used in the production of the foodstuff originates exclusively from the spirit drink or the spirit drinks referred to in the allusion, except as regards the alcohol that may be present in flavourings, colours or other authorised ingredients used for the production of that foodstuff.

2 By way of derogation from paragraph 1 of this Article and without prejudice to Regulations (EU) No 1308/2013⁽¹⁾ and (EU) No 251/2014⁽²⁾ of the European Parliament and of the Council, an allusion in the presentation and labelling of an alcoholic beverage other than a spirit drink to legal names provided for in one or more categories of spirit drinks set out in Annex I to this Regulation or to one or more geographical indications for spirit drinks shall be authorised on condition that:

- a the added alcohol originates exclusively from the spirit drink or spirit drinks referred to in the allusion; and
- b the proportion of each alcoholic ingredient is indicated at least once in the same visual field as the allusion, 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 final product.

3 By way of derogation from paragraph 1 of this Article and from Article 13(4), in the description, presentation and labelling of a spirit drink that complies with the requirements of categories 33 to 40 of Annex I, the allusion to legal names provided for under one or more categories of spirit drinks set out in that Annex or to one or more geographical indications for spirit drinks shall be authorised on condition that:

- a the added alcohol originates exclusively from the spirit drink or spirit drinks referred to in the allusion;
- b the proportion of each alcoholic ingredient is indicated at least once in the same visual field as the allusion, 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 final product; and
- c the term ‘cream’ does not appear in the legal name of a spirit drink that complies with the requirements of categories 33 to 40 of Annex I or in the legal name of the spirit drink or spirit drinks referred to in the allusion.

4 The allusions referred to in paragraphs 2 and 3 shall:

- a not be on the same line as the name of the alcoholic beverage; and

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- b appear in a font size which is no larger than half the font size used for the name of the alcoholic beverage and, where compound terms are used, in a font size which is no larger than half the font size used for such compound terms, in accordance with point (c) of Article 11(3).

Article 13

Additional rules on description, presentation and labelling

1 The description, presentation or labelling of a spirit drink may refer to the raw materials used to produce the ethyl alcohol of agricultural origin or distillates of agricultural origin used in the production of that spirit drink only where that ethyl alcohol or those distillates have been obtained exclusively from those raw materials. In such a case, each type of ethyl alcohol of agricultural origin or distillate of agricultural origin shall be mentioned in descending order of quantity by volume of pure alcohol.

2 The legal names referred to in Article 10 may be included in a list of ingredients for foodstuffs, provided that the list is in accordance with Articles 18 to 22 of Regulation (EU) No 1169/2011.

3 In the case of a mixture or a blend, the legal names provided for in the categories of spirit drinks set out in Annex I or geographical indications for spirit drinks may be indicated only in a list of the alcoholic ingredients appearing in the same visual field as the legal name of the spirit drink.

In the case referred to in the first subparagraph, the list of alcoholic ingredients shall be accompanied by at least one of the terms referred to in points (d) and (e) of Article 10(6). Both the list of alcoholic ingredients and the accompanying term shall appear in the same visual field as the legal name of the spirit drink, in uniform characters of the same font and colour and in a font size which is no larger than half the font size used for the legal name.

In addition, the proportion of each alcoholic ingredient in the list of alcoholic ingredients shall be expressed at least once 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.

This paragraph shall not apply to blends made of spirit drinks belonging to the same geographical indication or blends of which none of the spirit drinks belongs to a geographical indication.

4 By way of derogation from paragraph 3 of this Article, if a mixture complies with the requirements for one of the categories of spirit drinks set out in Annex I, that mixture shall bear the legal name provided for in the relevant category.

In the case referred to in the first subparagraph, the description, presentation or labelling of the mixture may show the legal names set out in Annex I or geographical indications corresponding to the spirits drinks that were mixed, provided that those names appear:

- a exclusively in a list of all the alcoholic ingredients contained in the mixture which shall appear in uniform characters of the same font and colour and in a font size which is no larger than half the font size used for the legal name; and
- b in the same visual field as the legal name of the mixture at least once.

In addition, the proportion of each alcoholic ingredient in the list of alcoholic ingredients shall be expressed at least once as a percentage, in descending order of quantities used.

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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.

5 The use of the names of plant raw materials which are used as the legal names of certain spirit drinks shall be without prejudice to the use of the names of those plant raw materials in the presentation and labelling of other foodstuffs. The names of such raw materials may be used in the description, presentation or labelling of other spirit drinks, provided that such use does not mislead the consumer.

6 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 of the spirit drink and in any case provided that all the operations to age the spirit drink took place under revenue supervision of a Member State or supervision providing equivalent guarantees. The Commission shall set up a public register listing the bodies appointed by each Member State to supervise ageing processes.

7 The legal name of a spirit drink shall be indicated in the electronic administrative document referred to in Commission Regulation (EC) No 684/2009⁽³⁾. Where a maturation period or age is indicated in the description, presentation or labelling of the spirit drink, it shall also be mentioned in that administrative document.

Article 14

Indication of place of provenance

1 Where the place of provenance of a spirit drink, other than a geographical indication or trade mark, is indicated in its description, presentation or labelling, it shall correspond to the place or region where the stage in the production process which conferred on the finished spirit drink its character and essential definitive qualities took place.

2 The indication of the country of origin or place of provenance of the primary ingredient as referred to in Regulation (EU) No 1169/2011 shall not be required for spirit drinks.

Article 15

Language used for the names of spirit drinks

1 The terms in italics in Annexes I and II and geographical indications shall not be translated either on the label or in the description and presentation of spirit drinks.

2 By way of derogation from paragraph 1, in the case of spirit drinks produced in the Union and destined for export, the terms referred to in paragraph 1 and geographical indications may be accompanied by translations, transcriptions or transliterations, provided that such terms and geographical indications in the original language are not hidden.

Article 16

Use of a Union symbol for geographical indications

The Union symbol for protected geographical indications established pursuant to Article 12(7) of Regulation (EU) No 1151/2012 may be used in the description, presentation and labelling of spirit drinks the names of which are geographical indications.

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Article 17

Prohibition of lead-based capsules and lead-based foil

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

Article 18

Union reference methods of analysis

1 Where ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks are to be analysed to verify that they comply with this Regulation, such analysis shall be in accordance with Union reference methods of analysis for the determination of their chemical and physical composition and organoleptic properties.

Other methods of analysis shall be permitted, under the responsibility of the director of the laboratory, on condition that the accuracy, repeatability and reproducibility of the methods are at least equivalent to those of the relevant Union reference methods of analysis.

2 Where Union methods of analysis are not laid down for the detection and quantification of substances contained in a particular spirit drink, one or more of the following methods shall be used:

- a methods of analysis that have been validated by internationally recognised procedures and that, in particular, meet the criteria set out in Annex III to Regulation (EC) No 882/2004 of the European Parliament and of the Council⁽⁴⁾;
- b methods of analysis conforming to the recommended standards of the International Organisation for Standardisation (ISO);
- c methods of analysis recognised and published by the International Organisation of Vine and Wine (OIV); or
- d in the absence of a method as referred to in points (a), (b) or (c), by reason of its accuracy, repeatability and reproducibility:
 - a method of analysis approved by the Member State concerned;
 - where necessary, any other suitable method of analysis.

Article 19

Delegated powers

1 In order to take into account the traditional dynamic ageing process for *brandy* in Member States which is known as the '*criaderas y solera*' system or '*solera e criaderas*' system as set out in Annex III, the Commission is empowered to adopt delegated acts in accordance with Article 46 supplementing this Regulation by:

- a laying down derogations from Article 13(6) concerning the specification of a maturation period or age in the description, presentation or labelling of such *brandy*; and
- b establishing appropriate control mechanisms for such *brandy*.

2 The Commission is empowered to adopt delegated acts in accordance with Article 46 supplementing this Regulation concerning the setting up of a public register listing the bodies appointed by each Member State to supervise ageing processes as provided for in Article 13(6).

Article 20

Implementing powers

The Commission may, by means of implementing acts, adopt:

- (a) the rules necessary for communications to be made by Member States with regard to the bodies appointed to supervise ageing processes in accordance with Article 13(6);
- (b) uniform rules for indicating the country of origin or the place of provenance in the description, presentation or labelling of spirit drinks referred to in Article 14;
- (c) rules on the use of the Union symbol referred to in Article 16 in the description, presentation and labelling of spirit drinks;
- (d) detailed technical rules on the Union reference methods of analysis referred to in Article 18.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 47(2).

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- (1) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ([OJ L 347, 20.12.2013, p. 671](#)).
- (2) Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 ([OJ L 84, 20.3.2014, p. 14](#)).
- (3) Commission Regulation (EC) No 684/2009 of 24 July 2009 implementing Council Directive 2008/118/EC as regards the computerised procedures for the movement of excise goods under suspension of excise duty ([OJ L 197, 29.7.2009, p. 24](#)).
- (4) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ([OJ L 165, 30.4.2004, p. 1](#)).

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