

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY.

Voluntary - Public

Date: 6/12/2019

GAIN Report Number: E19017

Belgium EU-28

Post: Brussels USEU

A new EU Regulation on Spirits - More Protection for GIs

Report Categories:

Policy and Program Announcements

Approved By:

Jennifer Lappin

Prepared By:

Antonella Rossetti

Report Highlights

The European Commission has published in the EU Official Journal updated legislation amending the EU Regulation on Spirits. The new Regulation introduces some technical changes and strengthens the Geographical Indication system for spirits.

General Information

On May, 17, 2019, the European Commission published in the EU Official Journal updated legislation amending the EU Regulation on Spirits. This procedure started in December 2016 with the European Commission proposal to modify the [Spirit Drink Regulation \(EC\) 110/2008](#). The initial aim of the Commission was simply to align the 2008 Spirits Regulation to the Lisbon Treaty, which had introduced new power and competencies of the European Parliament. However, the Council and the European Parliament also incorporated several significant changes to the legislation that are worth considering, in particular regarding the Geographical Indications (GIs).

New EU Regulation on Spirits

The new [EU Regulation for the production and labelling of spirit drinks and for the registration and protection of spirit drinks registered as geographical indications](#) (GI) includes these provisions:

- The clarification of the production and labelling rules for most categories of spirit drinks, including the definition of maximum sweetening limits for a number of categories at EU level;
- The clarification that the alcohol used to produce any alcoholic beverage must be of agricultural origin;
- Spirit drinks GIs are not listed anymore in the Regulation but put online on the [E-Spirit Platform](#), updated by the Commission;
- The procedure for the protection of GIs of Spirit Drinks is streamlined and aligned to all other GIs of agricultural products and foodstuffs ([Regulation \(EU\) 1151 / 2012](#));
- Enlargement of the protection of Spirits GIs when used as an ingredient and when in transit in the EU territory.

Geographical Indications (GIs) of Spirit Drinks

It is interesting to notice that this new Regulation on Spirits is part of a general strategy of the Commission to simplify, harmonize and strengthen the GI system.

First of all, the deadline for the Commission to scrutinize a GI spirit application goes from 12 to 6 months, significantly shortening the review process. This is now the same timeline for review as the one for agricultural products, foodstuffs and wine. Also, Commission scrutiny will focus only on elements of EU significance, leaving to the Member States the main responsibility of reviewing the merits and completeness of the applications. This will lead to a reduction of the time for reviewing applications. This was already introduced for wine GIs and is proposed for foodstuffs in the [reform of the common agricultural policy \(CAP\)](#).

With the aim to further strengthen Spirits GIs, the new Regulation extends GI protection to Spirits when they are used as an ingredient. The GI protection is also applied to goods which are in transit through the Customs Union Territory. The new EU Rules extend to the GI spirits the *ex officio* protection

already foreseen for GIs of agricultural products and foodstuffs. This means that all EU Member States are obliged to act to prevent or stop unlawful use of protected names that are produced or marketed in their territory.

The creation of a register of Member States' control authorities will also facilitate the work of the national enforcement to protect the almost 250 GIs of Spirit Drinks currently recognized by the EU.

U.S. – EU: different rules on Spirits labelling

The new EU Regulation does not change the labelling provisions already in place in the EU for many years now and that are different from U.S. labelling requirements. For example, unlike in the United States, for a product to be labeled “whisky” in the EU, it must be aged at least three years; for a number of spirit drinks (rum, whisky, wine spirits, brandy etc...). Also, the United States allows for the production and labelling of flavored spirits, but to enter in the EU market these spirits have to be labelled with a compound term (e. g. “flavored rum” or “Bourbon & Ginger Ale”). Furthermore, for a number of spirit drinks, contrary to the U.S. legislation, the EU imposes a minimum alcohol content requirement. These differences in legislation can prevent U.S. products from entering in the EU market unless they are labeled appropriately following the EU rules.