

Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89

REGULATION (EC) No 110/2008 OF THE  
EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 January 2008

on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(2)</sup>,

Whereas:

- (1) Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks<sup>(3)</sup> and Commission Regulation (EEC) No 1014/90 of 24 April 1990 laying down detailed implementing rules on the definition, description and presentation of spirit drinks<sup>(4)</sup> have proved successful in regulating the spirit drinks sector. However, in the light of recent experience it is necessary to clarify the rules applicable to the definition, description, presentation and labelling of spirit drinks as well as on the protection of geographical indications of certain spirit drinks, while taking into account traditional production methods. Regulation (EEC) No 1576/89 should therefore be repealed and replaced.
- (2) The spirit drinks sector is important for consumers, producers and the agricultural sector in the Community. The measures applicable to the spirit drinks sector should contribute to the attainment of a high level of consumer protection, the prevention of deceptive practices and the attainment of market transparency and fair competition. By doing so, the measures should safeguard the reputation which Community spirit drinks have achieved in the Community and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks as well as increased demand for consumer protection and information. Technological innovation should also be taken into account in the categories where such innovation serves to improve quality, without affecting the traditional character of the spirit drinks concerned.

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)*

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- (3) The production of spirit drinks constitutes a major outlet for Community agricultural products. This strong link to the agricultural sector should be emphasised by the regulatory framework.
- (4) To ensure a more systematic approach in the legislation governing spirit drinks, this Regulation should set out clearly defined criteria for the production, description, presentation and labelling of spirit drinks as well as on the protection of geographical indications.
- (5) In the interests of consumers, this Regulation should apply to all spirit drinks placed on the market in the Community, whether produced in the Community or in third countries. With a view to the export of high quality spirit drinks and in order to maintain and improve the reputation of Community spirit drinks on the world market, this Regulation should also apply to such drinks produced in the Community for export. This Regulation should also apply to the use of ethyl alcohol and/or distillates of agricultural origin in the production of alcoholic beverages and to the use of the names of spirit drinks in the presentation and labelling of foodstuffs. In exceptional cases where the law of an importing third country so requires, this Regulation should allow for a derogation to be granted from the provisions of Annexes I and II to this Regulation in accordance with the regulatory procedure with scrutiny.
- (6) In general, this Regulation should continue to focus on definitions of spirit drinks which should be classified into categories. Those definitions should continue to respect the traditional quality practices but should be completed or updated where previous definitions were lacking or insufficient or where such definitions may be improved in the light of technological development.
- (7) To take into account consumer expectations about the raw materials used for vodka especially in the traditional vodka producing Member States, provision should be made for adequate information to be provided on the raw material used where the vodka is made from raw materials of agricultural origin other than cereals and/or potatoes.
- (8) Moreover, the ethyl alcohol used for the production of spirit drinks and other alcoholic beverages should be exclusively of agricultural origin, so as to meet consumer expectations and conform to traditional practices. This should also ensure an outlet for basic agricultural products.
- (9) Given the importance and complexity of the spirit drinks sector, it is appropriate to lay down specific measures on the description and presentation of spirit drinks going beyond the horizontal rules established in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>(5)</sup>. Those specific measures should also prevent the misuse of the term ‘spirit drink’ and the names of spirit drinks for products which do not meet the definitions set out in this Regulation.
- (10) While it is important to ensure that in general the maturation period or age specifies only the youngest alcoholic component, this Regulation should allow for a derogation to take account of traditional ageing processes regulated by the Member States.

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- (11) In accordance with the Treaty, in applying a quality policy and in order to allow a high level of quality of spirit drinks and diversity in the sector, Member States should be able to adopt rules stricter than those laid down in this Regulation on the production, description, presentation and labelling of spirit drinks produced in their own territory.
- (12) 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<sup>(6)</sup> applies to spirit drinks. It is only necessary therefore to lay down in this Regulation rules not already provided for in that Directive.
- (13) It is important to have due regard to the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights (hereinafter TRIPs Agreement), and in particular Articles 22 and 23 thereof, and of the General Agreement on Tariffs and Trade, which form an integral part of the Agreement establishing the World Trade Organisation approved by Council Decision 94/800/EC<sup>(7)</sup>.
- (14) Given that Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(8)</sup> does not apply to spirit drinks, the rules for protection of geographical indications on spirit drinks should be laid down in this Regulation. Geographical indications should be registered, identifying spirit drinks 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 the spirit drink is essentially attributable to its geographical origin.
- (15) A non-discriminatory procedure for the registration, compliance, alteration and possible cancellation of third country and EU geographical indications in accordance with the TRIPs Agreement should be laid down in this Regulation whilst recognising the particular status of established geographical indications.
- (16) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(9)</sup>.
- (17) In particular, the Commission should be empowered to: grant derogations from certain parts of this Regulation where the law of an importing country so requires; lay down a maximum level of sweetening for rounding off; grant a derogation from the rules governing the indication of a maturation period or age; adopt decisions on applications for registration, on cancellation and on removal of geographical indications, as well as on the alteration of the technical file; amend the list of technical definitions and requirements, the definitions of spirit drinks classified into categories, and the list of registered geographical indications; and to derogate from the procedure governing the registration of geographical indications and the alteration of the technical file. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, *inter alia* by deleting some of those elements or by supplementing this Regulation with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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- (18) The transition from the rules provided for in Regulation (EEC) No 1576/89 to those in this Regulation could give rise to difficulties which are not dealt with in this Regulation. The measures necessary for this transition, as well as the measures required to solve practical problems specific to the spirit drinks sector, should be adopted in accordance with Decision 1999/468/EC.
- (19) To facilitate the transition from the rules provided for in Regulation (EEC) No 1576/89, the production of spirit drinks under that Regulation should be permitted during the first year of application of this Regulation. The marketing of existing stocks should also be foreseen until they run out,

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### SCOPE, DEFINITION 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.

2 This Regulation shall apply to all spirit drinks placed on the market in [<sup>F1</sup>Great Britain] whether produced in [<sup>F2</sup>Great Britain, Northern Ireland] or in third countries, as well as to those produced in [<sup>F3</sup>Great Britain for movement to Northern Ireland or export to a third country]. This Regulation shall also apply to the use of ethyl alcohol and/or distillates of agricultural origin in the production of alcoholic beverages and to the use of the names of spirit drinks in the presentation and labelling of foodstuffs.

3 In exceptional cases where [<sup>F4</sup>a spirit drink is being moved to Northern Ireland, or exported to a third country, and the law that applies in Northern Ireland, or] the law of the importing third country [<sup>F5</sup>, as the case may be, ] so requires, a derogation may be granted from the provisions of Annexes I and II in accordance with [<sup>F6</sup>paragraphs 4 to 6].

[<sup>F7</sup>4. A derogation may be granted:

- a by regulations, or
- b on application, by administrative decision, where regulations have not been made or where regulations have been made but do not apply in a particular case.

5. An application of the type referred to in paragraph 4(b) may be made:

- a to the Secretary of State, in the case of an operator intending to:
  - i export a consignment of a spirit drink from England to a relevant third country;
  - ii move a consignment of a spirit drink from England to Northern Ireland;
- b to the Scottish Ministers, in the case of an operator intending to:
  - i export a consignment of a spirit drink from Scotland to a relevant third country;
  - ii move a consignment of a spirit drink from Scotland to Northern Ireland;
- c to the Welsh Ministers, in the case of an operator intending to:
  - i export a consignment of a spirit drink from Wales to a relevant third country;

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ii move a consignment of a spirit drink from Wales to Northern Ireland.

6. An application of the type referred to in paragraph 4(b) must be made in relation to one type of spirit drink and on a consignment by consignment basis.

7. In this Article—

- a ‘consignment’ means a quantity of one type of spirit drink covered by a single document required for customs formalities and may be composed of more than one lot;
- b ‘lot’ has the meaning given in regulation 2 of the Food (Lot Marking) Regulations 1996, as it extends to Great Britain;
- c ‘relevant third country’ means a third country of the type referred to in paragraph 3.]

#### Textual Amendments

- F1** Words in Art. 1(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(2)(a)(i)**
- F2** Words in Art. 1(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(2)(a)(ii)**
- F3** Words in Art. 1(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(2)(a)(iii)**
- F4** Words in Art. 1(3) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(2)(b)(i)**
- F5** Words in Art. 1(3) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(2)(b)(ii)**
- F6** Words in Art. 1(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(2)(b)(iii)**
- F7** Art. 1(4)-(7) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(2)(c)**

## Article 2

### Definition of spirit drink

1 For the purpose of this Regulation, ‘spirit drink’ means an alcoholic beverage:

- a intended for human consumption;
- b possessing particular organoleptic qualities;
- c having a minimum alcoholic strength of 15 % vol.;
- d having been produced:
  - (i) either directly:
    - by the distillation, with or without added flavourings, of naturally fermented products, and/or
    - by the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin and/or distillates of agricultural origin, and/or spirit drinks within the meaning of this Regulation, and/or
    - by the addition of flavourings, sugars or other sweetening products listed in Annex I(3) and/or other agricultural products and/or foodstuffs to ethyl alcohol of agricultural origin and/or to distillates of agricultural origin and/or to spirit drinks, within the meaning of this Regulation,

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- (ii) or by the mixture of a spirit drink with one or more:
- other spirit drinks, and/or
  - ethyl alcohol of agricultural origin or distillates of agricultural origin, and/or
  - other alcoholic beverages, and/or
  - drinks.

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

3 The minimum alcoholic strength provided for in paragraph 1(c) shall be without prejudice to the definition for the product in category 41 in Annex II.

4 For the purpose of this Regulation the technical definitions and requirements are laid down in Annex I.

### *[F8 Article 2a*

#### **Definition of third country**

In this Regulation, ‘third country’ means a country, other than the United Kingdom, and includes:

- a the Bailiwick of Guernsey;
- b the Bailiwick of Jersey;
- c the Isle of Man.]

#### **Textual Amendments**

**F8** [Art. 2a](#) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(3)**

### *Article 3*

#### **Origin of ethyl alcohol**

1 The ethyl alcohol used in the production of spirit drinks and all of their components shall not be of any origin other than agricultural, within the meaning of Annex I to the Treaty.

2 The ethyl alcohol used in the production of spirit drinks shall comply with the definition provided for in Annex I(1) to this Regulation.

3 The ethyl alcohol used to dilute or dissolve colorants, flavourings or any other authorised additives used in the preparation of spirit drinks shall be ethyl alcohol of agricultural origin.

4 Alcoholic beverages shall not contain alcohol of synthetic origin, nor other alcohol of non-agricultural origin within the meaning of Annex I to the Treaty.

## Article 4

### Categories of spirit drinks

Spirit drinks shall be classified into categories according to the definitions laid down in Annex II.

## Article 5

### General rules concerning the categories of spirit drinks

1 Without prejudice to the specific rules laid down for each of the categories numbered 1 to 14 in Annex II, the spirit drinks defined therein shall:

- a be produced by the alcoholic fermentation and distillation exclusively obtained from the raw material provided for in the relevant definition for the spirit drink concerned;
- b have no addition of alcohol as defined in Annex I(5), diluted or not;
- c not contain added flavouring substances;
- d only contain added caramel as a means to adapt colour;
- e solely be sweetened to round off the final taste of the product, according to Annex I(3). The maximum level for the products used for rounding off listed under Annex I(3)(a) to (f) [<sup>F9</sup> may be specified in regulations].

2 Without prejudice to the specific rules laid down for each of the categories numbered 15 to 46 in Annex II, the spirit drinks defined therein may:

- a be obtained from any agricultural raw material listed in Annex I to the Treaty;
- b have addition of alcohol as defined in Annex I(5) to this Regulation;
- <sup>F10</sup>c contain flavouring substances as defined in Article 3(2)(b) of Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods<sup>(10)</sup> and flavouring preparations as defined in Article 3(2)(d) of that Regulation;]
- d contain colouring as defined in Annex I(10) to this Regulation;
- e be sweetened to correspond to particular product characteristics and according to Annex I(3) to this Regulation <sup>F11</sup>....

3 Without prejudice to the specific rules laid down in Annex II, other spirit drinks which do not meet the requirements of categories 1 to 46 may:

- a be obtained from any agricultural raw material listed in Annex I to the Treaty and/or foodstuff suitable for human consumption;
- b have addition of alcohol as defined in Annex I(5) to this Regulation;
- <sup>F10</sup>c contain one or more flavourings as defined in Article 3(2)(a) of Regulation (EC) No 1334/2008;]
- d contain colouring as defined in Annex I(10) to this Regulation;
- e be sweetened to correspond to particular product characteristics and according to Annex I(3) to this Regulation.

#### Textual Amendments

- F9** Words in Art. 5(1)(e) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(4)(a)**

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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- F10** Substituted by Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (Text with EEA relevance).
- F11** Words in Art. 5(2)(e) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(4)(b)**

*F12* Article 6

**Member States' legislation**

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**Textual Amendments**

- F12** Art. 6 omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(5)**

CHAPTER II

**DESCRIPTION, PRESENTATION AND LABELLING OF SPIRIT DRINKS**

*Article 7*

**Definitions**

For the purpose of this Regulation the terms ‘description’, ‘presentation’ and ‘labelling’ are defined in Annex I(14), (15) and (16).

[<sup>F13</sup>In this Chapter, ‘Great Britain's GIs Register’ means the register established and maintained by the Secretary of State under Article 33(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council 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.]

**Textual Amendments**

- F13** Words in Art. 7 inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(6)**

*Article 8*

**Sales denomination**

In accordance with [<sup>F14</sup>Article 17 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers ], the name under which a spirit drink is sold (sales denomination) shall be subject to the provisions laid down in this Chapter.



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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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### Textual Amendments

- F14** Words in Art. 8 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(7)**

## Article 9

### Specific rules concerning sales denominations

1 Spirit drinks which meet the specifications for the products defined in categories 1 to 46 of Annex II shall bear in their description, presentation and labelling the sales denomination assigned therein.

2 Spirit drinks which meet the definition laid down in Article 2 but which do not meet the requirements for inclusion in categories 1 to 46 of Annex II shall bear in their description, presentation and labelling the sales denomination 'spirit drink'. Without prejudice to paragraph 5 of this Article, that sales denomination shall not be replaced or altered.

3 Where a spirit drink meets the definition of more than one category of spirit drink in Annex II, it may be sold under one or more of the names listed for those categories in Annex II.

4 Without prejudice to paragraph 9 of this Article and to Article 10(1), the names referred to in paragraph 1 of this Article shall not be used to describe or present in any way whatsoever any drink other than the spirit drinks for which those names are listed in Annex II and registered in [<sup>F15</sup>Great Britain's GIs Register].

5 Sales denominations may be supplemented or replaced by a geographical indication registered in [<sup>F16</sup>Great Britain's GIs Register] and in accordance with Chapter III [<sup>F17</sup>of Regulation (EU) 2019/787], or supplemented in accordance with national provisions by another geographical indication, provided that this does not mislead the consumer.

6 The geographical indications registered in [<sup>F18</sup>Great Britain's GIs Register] may only be supplemented either:

- a by terms already in use on 20 February 2008 for established geographical indications <sup>F19</sup>..., or
- b according to the relevant technical file provided for under [<sup>F20</sup>paragraph 1 of Article 22 of Regulation (EU) 2019/787, as read with paragraph 2 of that Article].

7 An alcoholic beverage not meeting one of the definitions listed under categories 1 to 46 of Annex II shall not be described, presented or labelled by associating words or phrases such as 'like', 'type', 'style', 'made', 'flavour' or any other similar terms with any of the sales denominations provided for in this Regulation and/or geographical indications registered in [<sup>F21</sup>Great Britain's GIs Register].

8 No trade mark, brand name or fancy name may be substituted for the sales denomination of a spirit drink.

9 The names referred to in categories 1 to 46 of Annex II may be included in a list of ingredients for foodstuffs provided that the list is in accordance with [<sup>F22</sup>Regulation (EU) No 1169/2011].

[<sup>F23</sup>10. In this Article, 'established geographical indication' means a geographical indication within the meaning of Article 3(4) of Regulation (EU) 2019/787 to which Article 54(2) of the EU withdrawal agreement applies.]

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

### Textual Amendments

- F15** Words in Art. 9(4) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(8)(a)**
- F16** Words in Art. 9(5) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(8)(b)(i)**
- F17** Words in Art. 9(5) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(8)(b)(ii)**
- F18** Words in Art. 9(6) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(8)(c)(i)**
- F19** Words in Art. 9(6)(a) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(8)(c)(ii)**
- F20** Words in Art. 9(6)(b) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(8)(c)(iii)**
- F21** Words in Art. 9(7) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(8)(d)**
- F22** Words in Art. 9(9) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(8)(e)**
- F23** Art. 9(10) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(8)(f)**

## Article 10

### Specific rules concerning the use of sales denominations and geographical indications

1 Without prejudice to [F24 Regulation (EU) No 1169/2011], the use of a term listed in categories 1 to 46 of Annex II, or of a geographical indication registered in [F25 Great Britain's GIs Register] in a compound term or the allusion in the presentation of a foodstuff to any of them shall be prohibited unless the alcohol originates exclusively from the spirit drink(s) referred to.

2 The use of a compound term as referred to in paragraph 1 shall also be prohibited where a spirit drink has been diluted so that the alcoholic strength is reduced to below the minimum strength specified in the definition for that spirit drink.

3 By way of derogation from paragraph 1, the provisions of this Regulation shall not affect the possible use of the terms 'amer' or 'bitter' for products not covered by this Regulation.

4 By way of derogation from paragraph 1 and in order to take account of established production methods, the compound terms listed in category 32(d) of Annex II may be used in the presentation of liqueurs produced F26... under the conditions set out therein.

### Textual Amendments

- F24** Words in Art. 10(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(9)(a)(i)**
- F25** Words in Art. 10(1) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(9)(a)(ii)**
- F26** Words in Art. 10(4) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(9)(b)**

## Article 11

### Description, presentation and labelling of mixtures

1 Where there has been addition of alcohol, as defined in Annex I(5), diluted or not, to a spirit drink listed in categories 1 to 14 of Annex II, that spirit drink shall bear the sales denomination ‘spirit drink’. It may not bear in any form a name reserved in categories 1 to 14.

2 Where a spirit drink listed in categories 1 to 46 of Annex II is mixed with:

- a one or more spirit drinks, and/or
- b one or more distillates of agricultural origin,

it shall bear the sales denomination ‘spirit drink’. This sales denomination shall be shown clearly and visibly in a prominent position on the label and shall not be replaced or altered.

3 Paragraph 2 shall not apply to the description, presentation or labelling of a mixture referred to in that paragraph if it meets one of the definitions laid down in categories 1 to 46 of Annex II.

4 Without prejudice to [F27Regulation (EU) No 1169/2011], the description, presentation or labelling of the spirit drinks resulting from the mixtures referred to in paragraph 2 of this Article may show one or more of the terms listed in Annex II only if that term does not form part of the sales denomination but is solely listed in the same visual field in the listing of all the alcoholic ingredients contained in the mixture, preceded by the term ‘mixed spirit drink’.

The term ‘mixed spirit drink’ shall be labelled in uniform characters of the same font and colour as those used for the sales denomination. The characters shall be no larger than half the size of the characters used for the sales denomination.

5 For the labelling and presentation of the mixtures referred to in paragraph 2 and to which the requirement to list alcoholic ingredients under paragraph 4 applies, the proportion of each alcoholic ingredient shall be expressed 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.

#### Textual Amendments

- F27** Words in Art. 11(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(10)**

## Article 12

### Specific rules concerning the description, presentation and labelling of spirit drinks

1 Where the description, presentation or labelling of a spirit drink indicates the raw material used to produce the ethyl alcohol of agricultural origin, each agricultural alcohol used shall be mentioned in descending order of quantity used.

2 The description, presentation or labelling of a spirit drink may be supplemented by the term ‘blend’, ‘blending’ or ‘blended’ only where the spirit drink has undergone blending, as defined in Annex I(7).

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)*

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3 <sup>F28</sup> ... 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 and provided that the spirit drink was aged under revenue supervision or supervision affording equivalent guarantees. [<sup>F29</sup>Regulations may specify derogations in respect of this requirement.]

#### Textual Amendments

- F28** Words in Art. 12(3) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(11)(a)**
- F29** Words in Art. 12(3) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(11)(b)**

### Article 13

#### Prohibition of lead-based capsules or foil

Spirit drinks shall 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.

### Article 14

#### Use of language in the description, presentation and labelling of spirit drinks

1 The particulars provided for in this Regulation shall be given in one or more official languages of the European Union in such a way that the final consumer can easily understand each of those items of information, unless the consumer is provided with the information by other means.

2 The terms in italics in Annex II and the geographical indications registered in [<sup>F30</sup>Great Britain's GIs Register] shall not be translated on the label nor in the presentation of the spirit drink.

3 In the case of spirit drinks originating in third countries, use of an official language of the third country in which the spirit drink was produced shall be authorised if the particulars provided for in this Regulation are also given in an official language of the European Union in such a way that the final consumer can easily understand each item.

4 Without prejudice to paragraph 2, in the case of spirit drinks produced in [<sup>F31</sup>Great Britain] and intended for export, the particulars provided for in this Regulation may be repeated in a language other than an official language of the European Union.

#### Textual Amendments

- F30** Words in Art. 14(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(12)(a)**
- F31** Words in Art. 14(4) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(12)(b)**

<sup>F32</sup>CHAPTER III

[<sup>F32</sup>GEOGRAPHICAL INDICATIONS

<sup>F32</sup>Article 15

**Geographical indications**

.....

<sup>F32</sup>Article 16

**Protection of geographical indications**

.....

<sup>F32</sup>Article 17

**Registration of geographical indications**

<sup>F33</sup>

.....

**Textual Amendments**

**F33** [Art. 17\(2\)](#), in so far as it is still in force by virtue of Regulation (EU) 2019/787, Art. 49(2), omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(13)**

<sup>F32</sup>Article 18

**Cancellation of a geographical indication**

.....

<sup>F32</sup>Article 19

**Homonymous geographical indications**

.....

<sup>F32</sup>Article 20

**Established geographical indications**

<sup>F34</sup>

.....

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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#### Textual Amendments

- F34** Art. 20, in so far as it is still in force by virtue of Regulation (EU) 2019/787, Art. 49(2), omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(13)**

#### <sup>F32</sup>Article 21

### Alteration of the technical file

.....

#### <sup>F32</sup>Article 22

### Verification of compliance with the specifications in the technical file

.....

#### <sup>F32</sup>Article 23

### Relation between trade marks and geographical indications]

.....

#### Textual Amendments

- F32** Deleted by [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 IV

### GENERAL, TRANSITIONAL AND FINAL PROVISIONS

#### <sup>F35</sup>Article 24

### Control and protection of spirit drinks

.....

#### Textual Amendments

- F35** Art. 24 omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(13)**

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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*F36* Article 24a

**Derogation from nominal quantities requirements in Directive 2007/45/EC**

**Textual Amendments**

**F36** Art. 24a omitted (19.6.2021) by virtue of [The Conformity Assessment \(Mutual Recognition Agreements\) and Weights and Measures \(Intoxicating Liquor\) \(Amendment\) Regulations 2021 \(S.I. 2021/730\)](#), regs. 1, **9**

*F37* Article 25

**Regulations: general**

- 1 Any power to make regulations under this Regulation is exercisable by:
  - a the Secretary of State:
    - i in the case of regulations made under Article 27 concerning a subject matter that is outside of the devolved competence of the Scottish Ministers and the Welsh Ministers, in relation to Great Britain;
    - ii otherwise in relation to England;
  - b the Scottish Ministers in relation to Scotland:
    - i in the case of regulations made under Article 27 concerning a subject matter that is within the devolved competence of the Scottish Ministers;
    - ii in the case of regulations made under any other article of this Regulation;
  - c the Welsh Ministers in relation to Wales;
    - i in the case of regulations made under Article 27 concerning a subject matter that is within the devolved competence of the Welsh Ministers;
    - ii in the case of regulations made under any other article of this Regulation.
- 2 But the power to make regulations may be exercised by the Secretary of State for the whole or part of Great Britain in the case of regulations to which paragraph 3 applies if consent is given by:
  - a the Scottish Ministers to the extent that the for the regulations will apply in relation to Scotland;
  - b the Welsh Ministers to the extent that the regulations will apply in relation to Wales.
- 3 This paragraph applies to:
  - a regulations that may be made under Article 27 concerning a subject matter that is within the devolved competence of the Scottish Ministers, in relation to Scotland, and the devolved competence of the Welsh Ministers, in relation to Wales;
  - b regulations that may be made under any other article of this Regulation.
- 4 For the purposes of this Article:
  - a it is within the devolved competence of the Scottish Ministers to make any provision by regulations under Article 27 in relation to Scotland that would be within the legislative competence of the Scottish Parliament if it were included in an Act of the Parliament (see section 29 of the Scotland Act 1998);

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*Changes to legislation:* There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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- b it is within the devolved competence of the Welsh Ministers to make any provision by regulations under Article 27 in relation to Wales that would be within the legislative competence of Senedd Cymru if it were included in an Act of Senedd Cymru (see section 108A of the Government of Wales Act 2006),
- c in relation to regulations made under Article 27, ‘outside of devolved competence’ is to be construed, in relation to the Secretary of State, as meaning anything that is not within the devolved competence of the Scottish Ministers or Welsh Ministers by virtue of points (a) and (b) respectively.

#### Textual Amendments

**F37** Arts. 25-25c substituted for Art. 25 (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 17(14), **Sch. 1**

### Article 25a

#### Regulations: the Secretary of State

1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
2. Except as specified in paragraph 3, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
3. A statutory instrument containing regulations made by the Secretary of State under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
4. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
  - a contain supplementary, incidental, consequential, transitional or saving provision (including provision amending or revoking an enactment);
  - b make different provision for different purposes.
5. In this Article, ‘enactment’ means:
  - a where Article 25(1)(a) applies:
    - i an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act to the extent that the enactment applies to England;
    - ii regulations made under retained direct principal EU legislation to the extent that they apply in England;
    - iii retained direct minor EU legislation to the extent that it applies to England;
  - b where Article 25(2) applies:
    - i an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that the enactment extends to Northern Ireland;
    - ii regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
    - iii retained direct minor EU legislation, except to the extent that it extends to Northern Ireland.



**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

#### Textual Amendments

**F37** Arts. 25-25c substituted for Art. 25 (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 17(14), **Sch. 1**

#### Article 25b

#### Regulations: Scotland

1. For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.
2. Subject to paragraph 3, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
3. Regulations made by the Scottish Ministers under Article 26 that amend Annex 2 are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
4. In this Article, ‘enactment’ means:
  - a an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
  - b an enactment contained in an instrument made under an Act of the Scottish Parliament;
  - c regulations made under retained direct principal EU legislation;
  - d retained direct minor EU legislation.
6. For the purposes of paragraph 4(a), a provision is within the devolved competence of the Scottish Ministers if the amendment or revocation of the provision that would be within the legislative competence of the Scottish Parliament if was included in an Act of the Parliament (see section 29 of the Scotland Act 1998).

#### Textual Amendments

**F37** Arts. 25-25c substituted for Art. 25 (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 17(14), **Sch. 1**

#### Article 25c

#### Regulations: Wales

1. Regulations made by the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. Subject to paragraph 3, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of Senedd Cymru.
3. A statutory instrument containing regulations made by the Welsh Ministers under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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- 4 Regulations made by the Welsh Ministers under this Regulation may:
- a contain supplementary, incidental, consequential, transitional or saving provision (including provision amending or revoking an enactment) to the extent that such provision is within the devolved competence of the Welsh Ministers;
  - b make different provision for different purposes.
5. In this Article, ‘enactment’ means:
- a an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act;
  - b an enactment contained in an instrument made under a Measure or Act of Senedd Cymru;
  - c regulations made under retained direct principal EU legislation;
  - d retained direct minor EU legislation.
6. For the purposes of paragraph 4(a), a provision is within the devolved competence of the Welsh Ministers to the extent that it would be within the legislative competence of Senedd Cymru if it were included in an Act of Senedd Cymru (see section 108A of the Government of Wales Act 2006).]

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**Textual Amendments**

**F37** Arts. 25-25c substituted for Art. 25 (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), 17(14), **Sch. 1**

*<sup>F38</sup> Article 26*

**Amendment of the Annexes**

Annexes 1 and 2 may be amended by regulations.]

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**Textual Amendments**

**F38** Art. 26 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(15)**

*<sup>F39</sup> Article 27*

**Implementing measures**

1. Regulations may be made to make such provision as appears necessary to the appropriate authority in relation to the implementation of this Regulation.
2. In this Article, ‘the appropriate authority’ means the person specified in Article 25(1) (a), (b)(ii) or (c)(i), as the case may be or, in a case where the Secretary of State is to exercise the power to make regulations under this Article pursuant to Article 25(2) (having obtained the necessary consents required by Article 25(2)), the Secretary of State.]

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

### Textual Amendments

- F39** Art. 27 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(16)**

## Article 28

### Transitional and other specific measures

<sup>F40</sup>1 .....

2 [<sup>F41</sup>Regulations may be made], where appropriate, to resolve specific practical problems, such as by making it obligatory, in certain cases, to state the place of manufacture on the labelling to avoid misleading the consumer and to maintain and develop <sup>F42</sup>... reference methods for the analysis of spirit drinks.

3 <sup>F43</sup>... Spirit drinks not meeting the requirements of this Regulation but which have been produced in accordance with Regulation (EEC) No 1576/89 [<sup>F44</sup>as it had effect in Great Britain immediately before] 20 May 2009 may continue to be placed on the market until stocks run out.

### Textual Amendments

- F40** Art. 28(1) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(17)(a)**
- F41** Words in Art. 28(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(17)(b)(i)**
- F42** Word in Art. 28(2) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(17)(b)(ii)**
- F43** Words in Art. 28(3) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(17)(c)(i)**
- F44** Words in Art. 28(3) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(17)(c)(ii)**

## Article 29

### Repeal

1 Regulation (EEC) No 1576/89 is hereby repealed. References made to the repealed Regulation shall be construed as being made to this Regulation.

2 Commission Regulations (EEC) No 2009/92<sup>(11)</sup>, (EC) No 1267/94<sup>(12)</sup> and (EC) No 2870/2000<sup>(13)</sup> shall continue to apply.

## Article 30

### Entry into force

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

It shall apply from 20 May 2008.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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F45  
...

.....

#### **Textual Amendments**

**F45** Words in [Signature](#) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(18)**

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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## ANNEX I

### TECHNICAL DEFINITIONS AND REQUIREMENTS

The technical definitions and requirements, as referred to in Article 2(4) and Article 7, are the following:

(1) *Ethyl alcohol of agricultural origin*

Ethyl alcohol of agricultural origin possesses the following properties:

- (a) organoleptic characteristics: no detectable taste other than that of the raw material;
- (b) minimum alcoholic strength by volume: 96,0 %;
- (c) maximum level of residues:
  - (i) total acidity, expressed in grams of acetic acid per hectolitre of 100 % vol. alcohol: 1,5,
  - (ii) esters expressed in grams of ethyl acetate per hectolitre of 100 % vol. alcohol: 1,3,
  - (iii) aldehydes expressed in grams of acetaldehyde per hectolitre of 100 % vol. alcohol: 0,5,
  - (iv) higher alcohols expressed in grams of methyl2 propanol1 per hectolitre of 100 % vol. alcohol: 0,5,
  - (v) methanol expressed in grams per hectolitre of 100 % vol. alcohol: 30,
  - (vi) dry extract expressed in grams per hectolitre of 100 % vol. alcohol: 1,5,
  - (vii) volatile bases containing nitrogen expressed in grams of nitrogen per hectolitre of 100 % vol. alcohol: 0,1,
  - (viii) furfural: not detectable.

(2) *Distillate of agricultural origin*

Distillate of agricultural origin means an alcoholic liquid which is obtained by the distillation, after alcoholic fermentation, of an agricultural product or products listed in Annex I to the Treaty which does not have the properties of ethyl alcohol or of a spirit drink but still retains the aroma and taste of the raw material(s) used.

Where reference is made to the raw material used, the distillate must be obtained exclusively from that raw material.

(3) *Sweetening*

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

- (a) semi-white sugar, white sugar, extra-white sugar, dextrose, fructose, glucose syrup, sugar solution, invert sugar solution, invert sugar syrup, as defined

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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in Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption<sup>(14)</sup>;

- (b) rectified concentrated grape must, concentrated grape must, fresh grape must;
- (c) burned sugar, which is the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;
- (d) honey as defined in Council Directive 2001/110/EC of 20 December 2001 relating to honey<sup>(15)</sup>;
- (e) carob syrup;
- (f) any other natural carbohydrate substances having a similar effect to those products.

(4) *Mixing*

Mixing means combining two or more different drinks to make a new drink.

(5) *Addition of alcohol*

Addition of alcohol means the addition of ethyl alcohol of agricultural origin and/or distillates of agricultural origin to a spirit drink.

(6) *Addition of water*

In the preparation of spirit drinks, the addition of water shall be authorised, provided that the quality of the water is in conformity with [<sup>F46</sup>any relevant water quality legislation], and that the water added does not change the nature of the product.

This water may be distilled, demineralised, permuted or softened.

[<sup>F47</sup>In this point, ‘relevant water quality legislation’ means:

- (a) in relation to spirit drinks marketed in England:
  - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007;
  - (ii) the Water Supply (Water Quality) Regulations 2016;
  - (ii) the Private Water Supplies (England) Regulations 2016;
- (b) in relation to spirit drinks marketed in Scotland:
  - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007;
  - (ii) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007;
  - (iii) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017;
- (c) in relation to spirit drinks marketed in Wales:
  - (i) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015;

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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- (ii) the Private Water Supplies (Wales) Regulations 2017;
- (iii) the Water Supply (Water Quality) Regulations 2018.]

(7) *Blending*

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

- (a) the method of preparation;
- (b) the stills employed;
- (c) the period of maturation or ageing;
- (d) the geographical area of production.

The spirit drink so produced shall be of the same category of spirit drink as the original spirit drinks before blending.

(8) *Maturation or ageing*

Maturation or ageing means allowing certain reactions to develop naturally in appropriate containers, thereby giving the spirit drink in question organoleptic qualities previously absent.

(9) *<sup>F10</sup>Flavouring*

Flavouring means using in the preparation of a spirit drink one or more of the flavourings defined in Article 3(2)(a) of Regulation (EC) No 1334/2008.]

(10) *Colouring*

Colouring means using in the preparation of a spirit drink one or more [<sup>F48</sup>colours, as defined in entry 2 of Annex 1 to Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives].

(11) *Alcoholic strength by volume*

Alcoholic strength by volume means 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.

(12) *Volatile substances content*

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

(13) *Place of manufacture*

Place of manufacture means the place or region where the stage in the production process of the finished product which conferred on the spirit drink its character and essential definitive qualities took place.

(14) *Description*

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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Description means the terms used on the labelling, presentation and packaging; on the documents accompanying the transport of a drink; on the commercial documents, particularly the invoices and delivery notes; and in its advertising.

(15) *Presentation*

Presentation means the terms used on the labelling and on the packaging, including in advertising and sales promotion, in images or such like, as well as on the container, including the bottle and the closure.

(16) *Labelling*

Labelling means all descriptions and other references, signs, designs or trade marks which distinguish a drink and which appear on the same container, including its sealing device or the tag attached to the container and the sheathing covering the neck of the bottle.

(17) *Packaging*

Packaging means the protective wrappings, such as papers, envelopes of all kinds, cartons and cases, used in the transport and/or sale of one or more containers.

**Textual Amendments**

- F46** Words in Annex 1 point 6 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(19)(a)(i)**
- F47** Words in Annex 1 point 6 inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(19)(a)(ii)**
- F48** Words in Annex 1 point 10 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(19)(b)**

## ANNEX II

### SPIRIT DRINKS

#### Categories of spirit drinks

1. **Rum**

(a) Rum is:

- (i) 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, or
- (ii) a spirit drink produced exclusively by alcoholic fermentation and distillation of sugar-cane juice which has the aromatic characteristics specific to rum and a volatile substances content equal to or exceeding 225 grams per hectolitre of 100 % vol. alcohol. This spirit may be placed on the market with the word 'agricultural' qualifying the sales denomination 'rum' accompanied by any of the geographical indications of the French Overseas Departments



**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

and the Autonomous Region of Madeira as registered in [<sup>F49</sup>Great Britain's GIs Register].

- (b) The minimum alcoholic strength by volume of rum shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Rum shall not be flavoured.
- (e) Rum may only contain added caramel as a means to adapt colour.
- (f) The word '*traditionnel*' may supplement any of the geographical indications mentioned in category 1 of Annex III [<sup>F50</sup> for rum in Great Britain's GIs Register] where the rum is produced by distillation at less than 90 % vol., after alcoholic fermentation of alcohol-producing materials originating exclusively in the place of production considered. This rum must have a volatile substances content equal to or exceeding 225 grams per hectolitre of 100 % vol. alcohol and must not be sweetened. The use of the word '*traditionnel*' does not prevent the use of the terms 'from sugar production' or 'agricultural' which may be added to the sales denomination 'rum' and to geographical indications.

This provision shall not affect the use of the word '*traditionnel*' for all products not covered by this provision, according to their own specific criteria.

#### Textual Amendments

**F49** Words in Annex 2 category 1(a)(ii) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(a)(i)**

**F50** Words in Annex 2 category 1(f) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(a)(ii)**

## 2. **Whisky or Whiskey**

- (a) *Whisky* or *whiskey* is a spirit drink produced exclusively by:
  - (i) distillation of a mash made from malted cereals with or without whole grains of other cereals, which has been:
    - saccharified by the diastase of the malt contained therein, with or without other natural enzymes,
    - fermented by the action of yeast;
  - (ii) one or more distillations at less than 94,8 % vol., so that the distillate has an aroma and taste derived from the raw materials used,
  - (iii) maturation of the final distillate for at least three years in wooden casks not exceeding 700 litres capacity.

The final distillate, to which only water and plain caramel (for colouring) may be added, retains its colour, aroma and taste derived from the production process referred to in points (i), (ii) and (iii).

- (b) The minimum alcoholic strength by volume of *whisky* or *whiskey* shall be 40 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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- (d) *Whisky* or *whiskey* shall not be sweetened or flavoured, nor contain any additives other than plain caramel used for colouring.

### 3. **Grain spirit**

- (a) Grain spirit is a spirit drink produced exclusively by the distillation of a fermented mash of whole grain cereals and having organoleptic characteristics derived from the raw materials used.
- (b) With the exception of '*Korn*', the minimum alcoholic strength by volume of grain spirit shall be 35 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Grain spirit shall not be flavoured.
- (e) Grain spirit may only contain added caramel as a means to adapt colour.
- (f) For a grain spirit to bear the sales denomination 'grain brandy', it must have been obtained by distillation at less than 95 % vol. from a fermented mash of whole grain cereals, presenting organoleptic features deriving from the raw materials used.

### 4. **Wine spirit**

- (a) Wine spirit is a spirit drink:
- (i) 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.,
  - (ii) containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100 % vol. alcohol,
  - (iii) having a maximum methanol content of 200 grams per hectolitre of 100 % vol. alcohol.
- (b) The minimum alcoholic strength by volume of wine spirit shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Wine spirit shall not be flavoured. This shall not exclude traditional production methods.
- (e) Wine spirit may only contain added caramel as a means to adapt colour.
- (f) Where wine spirit has been matured, it may continue to be placed on the market as 'wine spirit' provided it has been matured for as long as, or longer than, the period stipulated for the spirit drink defined under category 5.

### 5. **Brandy or Weinbrand**

- (a) *Brandy* or *Weinbrand* is a spirit drink:
- (i) produced from wine spirit, whether or not wine distillate has been added, distilled at less than 94,8 % vol., provided that that distillate does not exceed a maximum of 50 % of the alcoholic content of the finished product,
  - (ii) 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,

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- (iii) 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,
  - (iv) having a maximum methanol content of 200 grams per hectolitre of 100 % vol. alcohol.
- (b) The minimum alcoholic strength by volume of *brandy* or *Weinbrand* shall be 36 %.
  - (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
  - (d) *Brandy* or *Weinbrand* shall not be flavoured. This shall not exclude traditional production methods.
  - (e) *Brandy* or *Weinbrand* may only contain added caramel as a means to adapt colour.

#### 6. **Grape marc spirit or grape marc**

- (a) Grape marc spirit or grape marc is a spirit drink which meets the following conditions:
  - (i) it is produced exclusively from grape marc fermented and distilled either directly by water vapour or after water has been added;
  - (ii) a quantity of lees may be added to the grape marc that does not exceed 25 kg of lees per 100 kg of grape marc used;
  - (iii) the quantity of alcohol derived from the lees shall not exceed 35 % of the total quantity of alcohol in the finished product;
  - (iv) the distillation shall be carried out in the presence of the marc itself at less than 86 % vol.;
  - (v) redistillation at the same alcoholic strength is authorised;
  - (vi) it contains a quantity of volatile substances equal to or exceeding 140 grams per hectolitre of 100 % vol. alcohol and has a maximum methanol content of 1 000 grams per hectolitre of 100 % vol. alcohol.
- (b) The minimum alcoholic strength by volume of grape marc spirit or grape marc shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Grape marc spirit or grape marc shall not be flavoured. This shall not exclude traditional production methods.
- (e) Grape marc spirit or grape marc may only contain added caramel as a means to adapt colour.

#### 7. **Fruit marc spirit**

- (a) Fruit marc spirit is a spirit drink which meets the following conditions:
  - (i) it is obtained exclusively by fermentation and distillation at less than 86 % vol. of fruit marc except grape marc;
  - (ii) it contains a minimum quantity of volatile substances of 200 grams per hectolitre of 100 % vol. alcohol;

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- (iii) the maximum methanol content shall be 1 500 grams per hectolitre of 100 % vol. alcohol;
- (iv) the maximum hydrocyanic acid content shall be 7 grams per hectolitre of 100 % vol. alcohol in the case of stone-fruit marc spirit;
- (v) redistillation at the same alcoholic strength according to (i) is authorised.
- (b) The minimum alcoholic strength by volume of fruit marc spirit shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Fruit marc spirit shall not be flavoured.
- (e) Fruit marc spirit may only contain added caramel as a means to adapt colour.
- (f) The sales denomination shall consist of the name of the fruit followed by ‘marc spirit’. If marcs of several different fruits are used, the sales denomination shall be ‘fruit marc spirit’.

#### 8. **Raisin spirit or *raisin brandy***

- (a) Raisin spirit or *raisin brandy* is a spirit drink produced exclusively by the distillation of the product obtained by the alcoholic fermentation of extract of dried grapes of the ‘Corinth Black’ or Moscatel of the Alexandria varieties, distilled at less than 94,5 % vol., so that the distillate has an aroma and taste derived from the raw material used.
- (b) The minimum alcoholic strength by volume of raisin spirit or *raisin brandy* shall be 37,5 %.
- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (d) Raisin spirit or *raisin brandy* shall not be flavoured.
- (e) Raisin spirit or *raisin brandy* may only contain added caramel as a means to adapt colour.

#### 9. **Fruit spirit**

- (a) Fruit spirit is a spirit drink:
  - (i) produced exclusively by the alcoholic fermentation and distillation of fleshy fruit or must of such fruit, berries or vegetables, with or without stones,
  - (ii) distilled at less than 86 % vol. so that the distillate has an aroma and taste derived from the raw materials distilled,
  - (iii) having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100 % vol. alcohol,
  - (iv) in the case of stone-fruit spirits, having a hydrocyanic acid content not exceeding 7 grams per hectolitre of 100 % vol. alcohol.
- (b) The maximum methanol content of fruit spirit shall be 1 000 grams per hectolitre of 100 % vol. alcohol.

However for the following fruit spirits the maximum methanol content shall be:

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- (i) 1 200 grams per hectolitre of 100 % vol. alcohol obtained from the following fruits or berries:
- plum (*Prunus domestica* L.),
  - mirabelle (*Prunus domestica* L. subsp. *syriaca* (Borkh.) Janch. ex Mansf.),
  - quetsch (*Prunus domestica* L.),
  - apple (*Malus domestica* Borkh.),
  - pear (*Pyrus communis* L.) except for Williams pears (*Pyrus communis* L. cv ‘Williams’),
  - raspberries (*Rubus idaeus* L.),
  - blackberries (*Rubus fruticosus* auct. aggr.),
  - apricots (*Prunus armeniaca* L.),
  - peaches (*Prunus persica* (L.) Batsch);
- (ii) 1 350 grams per hectolitre of 100 % vol. alcohol obtained from the following fruits or berries:
- Williams pears (*Pyrus communis* L. cv ‘Williams’),
  - redcurrants (*Ribes rubrum* L.),
  - blackcurrants (*Ribes nigrum* L.),
  - rowanberries (*Sorbus aucuparia* L.),
  - elderberries (*Sambucus nigra* L.),
  - quinces (*Cydonia oblonga* Mill.),
  - juniper berries (*Juniperus communis* L. and/or *Juniperus oxicedrus* L.).
- (c) The minimum alcoholic strength by volume of fruit spirit shall be 37,5 %.
- (d) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
- (e) Fruit spirit shall not be flavoured.
- (f) [<sup>F51</sup>The sales denomination of a fruit spirit shall be ‘spirit’ preceded by the name of the fruit, berry or vegetable, such as: cherry spirit, which may also be named *kirsch*, plum spirit, which may also be named *slivovitz*, mirabelle, peach, apple, pear, apricot, fig, citrus or grape spirit or other fruit spirits. <sup>F52</sup>....

It may be also called *wasser*, with the name of the fruit.

The name of the fruit may replace ‘spirit’ preceded by the name of the fruit, solely in the case of the following fruits:

- mirabelle (*Prunus domestica* L. subsp. *syriaca* (Borkh.) Janch. ex Mansf.),
- plum (*Prunus domestica* L.),
- quetsch (*Prunus domestica* L.),
- fruit of arbutus (*Arbutus unedo* L.),
- ‘Golden Delicious’ apple.

If there is a risk that the final consumer does not easily understand one of those sales denominations not containing the word ‘spirit’, the labelling and presentation shall include the word ‘spirit’, which may be supplemented by an explanation.]

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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- (g) The name *Williams* may be used only to sell pear spirit produced solely from pears of the ‘Williams’ variety.
- (h) Whenever two or more fruits, berries or vegetables are distilled together, the product shall be sold under the name ‘fruit spirit’ or ‘vegetable spirit’, as appropriate. The name may be supplemented by that of each fruit, berry or vegetable, in decreasing order of quantity used.

#### Textual Amendments

- F51** Substituted by Commission Regulation (EU) 2018/175 of 2 February 2018 amending Annex II to Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.
- F52** Words in Annex 2 category 9(f) omitted (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(20)(b)**

#### [<sup>F51</sup>10. **Cider spirit, perry spirit and cider and perry spirit**

- (a) Cider spirit, perry spirit and cider and perry spirit are spirit drinks which meet the following conditions:
  - (i) they are produced exclusively by the distillation at less than 86 % vol. of cider or perry so that the distillate has an aroma and taste derived from the fruits;
  - (ii) they have a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100 % vol. alcohol;
  - (iii) they have a maximum methanol content of 1 000 grams per hectolitre of 100 % vol. alcohol.

The condition referred to in point (i) shall not exclude spirit drinks produced by traditional production methods which allow for the distillation of both cider and perry together. In those cases, the sales denomination shall be ‘cider and perry spirit’.

- (b) The minimum alcoholic strength by volume of cider spirit, perry spirit and cider and perry spirit shall be 37,5 %.
- (c) No addition of alcohol as defined in point (5) of Annex I, diluted or not, shall take place.
- (d) Neither cider spirit nor perry spirit nor cider and perry spirit shall be flavoured.
- (e) Cider spirit, perry spirit and cider and perry spirit may only contain added caramel as a means of adapting colour.]

#### 11. **Honey spirit**

- (a) Honey spirit is a spirit drink:
  - (i) produced exclusively by fermentation and distillation of honey mash,
  - (ii) distilled at less than 86 % vol. so that the distillate has the organoleptic characteristics derived from the raw material used.
- (b) The minimum alcoholic strength by volume of honey spirit shall be 35 %.

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- (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
  - (d) Honey spirit shall not be flavoured.
  - (e) Honey spirit may only contain added caramel as a means to adapt colour.
  - (f) Honey spirit may only be sweetened with honey.
12. **Hefebrand or lees spirit**
- (a) *Hefebrand* or lees spirit is a spirit drink produced exclusively by the distillation at less than 86 % vol. of lees of wine or of fermented fruit.
  - (b) The minimum alcoholic strength by volume of *Hefebrand* or lees spirit shall be 38 %.
  - (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
  - (d) *Hefebrand* or lees spirit shall not be flavoured.
  - (e) *Hefebrand* or lees spirit may only contain added caramel as a means to adapt colour.
  - (f) The sales denomination *Hefebrand* or lees spirit shall be supplemented by the name of the raw material used.
13. **Bierbrand or eau de vie de bière**
- (a) *Bierbrand* or *eau de vie de bière* is a spirit drink obtained exclusively by direct distillation under normal pressure of fresh beer with an alcoholic strength by volume of less than 86 % such that the distillate obtained has organoleptic characteristics deriving from the beer.
  - (b) The minimum alcoholic strength by volume of *Bierbrand* or *eau de vie de bière* shall be 38 %.
  - (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
  - (d) *Bierbrand* or *eau de vie de bière* shall not be flavoured.
  - (e) *Bierbrand* or *eau de vie de bière* may only contain added caramel as a means to adapt colour.
14. **Topinambur or Jerusalem artichoke spirit**
- (a) *Topinambur* or Jerusalem artichoke spirit is a spirit drink produced exclusively by fermentation and distillation at less than 86 % vol. of Jerusalem artichoke tubers (*Helianthus tuberosus* L.).
  - (b) The minimum alcoholic strength by volume of *topinambur* or Jerusalem artichoke spirit shall be 38 %.
  - (c) No addition of alcohol as defined in Annex I(5), diluted or not, shall take place.
  - (d) *Topinambur* or Jerusalem artichoke spirit shall not be flavoured.
  - (e) *Topinambur* or Jerusalem artichoke spirit may only contain added caramel as a means to adapt colour.
15. **Vodka**
- (a) Vodka is a spirit drink produced from ethyl alcohol of agricultural origin obtained following fermentation with yeast from either:

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- (i) potatoes and/or cereals, or
- (ii) other agricultural raw materials,

distilled and/or rectified so that the organoleptic characteristics of the raw materials used and by-products formed in fermentation are selectively reduced.

This process may be followed by redistillation and/or treatment with appropriate processing aids, including treatment with activated charcoal, to give it special organoleptic characteristics.

Maximum levels of residue for ethyl alcohol of agricultural origin shall meet those laid down in Annex I, except that the methanol content shall not exceed 10 grams per hectolitre of 100 % vol. alcohol.

- (b) The minimum alcoholic strength by volume of vodka shall be 37,5 %.
- (c) The only flavourings which may be added are natural flavouring compounds present in distillate obtained from the fermented raw materials. In addition, the product may be given special organoleptic characteristics, other than a predominant flavour.
- (d) The description, presentation or labelling of vodka not produced exclusively from the raw material(s) listed in paragraph (a)(i) shall bear the indication ‘produced from ...’, supplemented by the name of the raw material(s) used to produce the ethyl alcohol of agricultural origin. Labelling shall be in accordance with Article [F<sup>53</sup>13(1) of Regulation (EU) No 1169/2011].

#### Textual Amendments

**F53** Words in [Annex 2](#) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(c)**

#### 16. Spirit (preceded by the name of the fruit) obtained by maceration and distillation

- (a) Spirit (preceded by the name of the fruit) obtained by maceration and distillation is a spirit drink:
  - (i) produced by maceration of fruit or berries listed under point (ii), whether partially fermented or unfermented, with the possible addition of a maximum of 20 litres of ethyl alcohol of agricultural origin or spirit and/or distillate deriving from the same fruit per 100 kg of fermented fruit or berries, followed by distillation at less than 86 % vol.
  - (ii) [F<sup>54</sup>obtained from the following fruits or berries:
    - blackberry (*Rubus fruticosus* auct. aggr.),
    - strawberry (*Fragaria* spp.),
    - bilberry/blueberry (*Vaccinium myrtillus* L.),
    - raspberry (*Rubus idaeus* L.),
    - redcurrant (*Ribes rubrum* L.),
    - white currant (*Ribes niveum* Lindl.),
    - blackcurrant (*Ribes nigrum* L.),
    - sloe (*Prunus spinosa* L.),
    - rowanberry (*Sorbus aucuparia* L.),



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- service-berry (*Sorbus domestica* L.),
  - hollyberry (*Ilex aquifolium* and *Ilex cassine* L.),
  - checkerberry (*Sorbus torminalis* (L.) Crantz),
  - elderberry (*Sambucus nigra* L.),
  - gooseberry (*Ribes uva-crispa* L. syn. *Ribes grossularia* ),
  - cranberry (*Vaccinium* L. subgenus *Oxycoccus* ),
  - lingonberry (*Vaccinium vitis-idaea* L.),
  - high bush blueberry (*Vaccinium corymbosum* L.),
  - sea-buckthorn (*Hippophae rhamnoides* L.),
  - rosehip (*Rosa canina* L.),
  - cloudberry (*Rubus chamaemorus* L.),
  - crowberry (*Empetrum nigrum* L.),
  - arctic bramble (*Rubus arcticus* L.),
  - myrtle (*Myrtus communis* L.),
  - banana (*Musa* spp.),
  - passion fruit (*Passiflora edulis* Sims),
  - ambarella (*Spondias dulcis* Sol. ex Parkinson),
  - hog plum (*Spondias mombin* L.),
  - walnut (*Juglans regia* L.),
  - hazelnut (*Corylus avellana* L.),
  - chestnut (*Castanea sativa* L.),
  - citrus fruits (*Citrus* spp. L.),
  - prickly pear (*Opuntia ficus-indica* ).]
- (b) The minimum alcoholic strength by volume of a Spirit (preceded by the name of the fruit) obtained by maceration and distillation shall be 37,5 %.
- (c) Spirit (preceded by the name of the fruit) obtained by maceration and distillation shall not be flavoured.
- (d) As regards the labelling and presentation of Spirit (preceded by the name of the fruit) obtained by maceration and distillation, the wording ‘obtained by maceration and distillation’ must appear on the description, presentation or labelling in characters of the same font, size and colour and in the same visual field as the wording ‘Spirit (preceded by the name of the fruit)’ and, in the case of bottles, on the front label.

#### Textual Amendments

**F54** Substituted by [Commission Regulation \(EU\) No 426/2014 of 25 April 2014 amending Annex II to Regulation \(EC\) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.](#)

17. **Geist (with the name of the fruit or the raw material used)**
- (a) *Geist* (with the name of the fruit or the raw material used) is a spirit drink obtained by maceration of unfermented fruits and berries listed in category 16(a)(ii) or vegetables, nuts, or other plant materials such as herbs or rose petals in ethyl alcohol of agricultural origin, followed by distillation at less than 86 % vol.

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(b) The minimum alcoholic strength by volume of *Geist* (with the name of the fruit or the raw material used) shall be 37,5 %.

(c) *Geist* (with the name of the fruit or the raw material used) shall not be flavoured.

#### 18. **Gentian**

(a) Gentian is 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.

(b) The minimum alcoholic strength by volume of gentian shall be 37,5 %.

(c) Gentian shall not be flavoured.

#### 19. **Juniper-flavoured spirit drinks**

(a) Juniper-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin and/or grain spirit and/or grain distillate with juniper (*Juniperus communis* L. and/or *Juniperus oxicedrus* L.) berries.

(b) The minimum alcoholic strength by volume of juniper-flavoured spirit drinks shall be 30 %.

(c) [<sup>F10</sup>Other flavouring substances as defined in Article 3(2)(b) of Regulation (EC) No 1334/2008 and/or flavouring preparations as defined in Article 3(2)(d) of that Regulation, 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.]

(d) Juniper-flavoured spirit drinks may bear the sales denominations *Wacholder* or *genebra*.

#### 20. **Gin**

(a) *Gin* is a juniper-flavoured spirit drink produced by flavouring organoleptically suitable ethyl alcohol of agricultural origin with juniper berries (*Juniperus communis* L.).

(b) The minimum alcoholic strength by volume of *gin* shall be 37,5 %.

(c) [<sup>F10</sup>Only flavouring substances as defined in Article 3(2)(b) of Regulation (EC) No 1334/2008 and/or flavouring preparations as defined in Article 3(2)(d) of that Regulation shall be used for the production of gin so that the taste is predominantly that of juniper.]

(d) [<sup>F55</sup>The term ‘gin’ may be supplemented by the term ‘dry’ if it does not contain added sweetening exceeding 0,1 gram of sugars per litre of the final product.]

#### Textual Amendments

**F55** Inserted by [Commission Regulation \(EU\) No 98/2014 of 3 February 2014 amending Annexes II and III to Regulation \(EC\) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.](#)

#### 21. **Distilled gin**

(a) Distilled *gin* is:

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- (i) a juniper-flavoured spirit drink produced exclusively 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 (*Juniperus communis* L.) and of other natural botanicals provided that the juniper taste is predominant, or
  - (ii) [F10the mixture of the product of such distillation and ethyl alcohol of agricultural origin with the same composition, purity and alcoholic strength; flavouring substances and/or flavouring preparations as specified in category 20(c) may also be used to flavour distilled gin.]
- (b) The minimum alcoholic strength by volume of distilled *gin* shall be 37,5 %.
  - (c) *Gin* obtained simply by adding essences or flavourings to ethyl alcohol of agricultural origin is not distilled *gin*.
  - (d) [F55The term ‘distilled gin’ may be supplemented by the term ‘dry’ if it does not contain added sweetening exceeding 0,1 gram of sugars per litre of the final product.]

## 22. **London gin**

- (a) *London gin* is a type of distilled *gin*:
  - (i) obtained exclusively from ethyl alcohol of agricultural origin, with a maximum methanol content of 5 grams per hectolitre of 100 % vol. alcohol, whose flavour is introduced exclusively through the re-distillation in traditional stills of ethyl alcohol in the presence of all the natural plant materials used,
  - (ii) the resultant distillate of which contains at least 70 % alcohol by vol.,
  - (iii) where any further ethyl alcohol of agricultural origin is added it must be consistent with the characteristics listed in Annex I(1), but with a maximum methanol content of 5 grams per hectolitre of 100 % vol. alcohol,
  - (iv) which does not contain added sweetening exceeding 0,1 gram of sugars per litre of the final product nor colorants,
  - (v) which does not contain any other added ingredients other than water.
- (b) The minimum alcoholic strength by volume of *London gin* shall be 37,5 %.
- (c) The term *London gin* may be supplemented by the term ‘dry’.

## 23. **Caraway-flavoured spirit drinks**

- (a) Caraway-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin with caraway (*Carum carvi* L.).
- (b) The minimum alcoholic strength by volume of caraway-flavoured spirit drinks shall be 30 %.
- (c) [F10Other flavouring substances as defined in Article 3(2)(b) of Regulation (EC) No 1334/2008 and/or flavouring preparations as defined in Article 3(2)(d) of that Regulation may additionally be used but there must be a predominant taste of caraway.]

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#### 24. *Akvavit or aquavit*

- (a) <sup>F54</sup>*Akvavit or aquavit* is a caraway-flavoured and/or dillseed-flavoured spirit drink produced by using ethyl alcohol of agricultural origin, flavoured with a distillate of plants or spices.]
- (b) The minimum alcoholic strength by volume of *akvavit* or *aquavit* shall be 37,5 %.
- (c) [<sup>F10</sup>Other natural flavouring substances as defined in Article 3(2)(c) of Regulation (EC) No 1334/2008 and/or flavouring preparations as defined in Article 3(2)(d) of that Regulation may additionally be used, but the flavour of these drinks is largely attributable to distillates of caraway (*Carum carvi* L.) and/or dill (*Anethum graveolens* L.) seeds, the use of essential oils being prohibited.]
- (d) The bitter substances must not obviously dominate the taste; the dry extract content shall not exceed 1,5 grams per 100 millilitres.

#### 25. **Aniseed-flavoured spirit drinks**

- (a) Aniseed-flavoured spirit drinks are spirit drinks produced by flavouring ethyl alcohol of agricultural origin with natural extracts of star anise (*Illicium verum* Hook f.), anise (*Pimpinella anisum* L.), fennel (*Foeniculum vulgare* Mill.), or any other plant which contains the same principal aromatic constituent, using one of the following processes or a combination thereof:
  - (i) maceration and/or distillation,
  - (ii) redistillation of the alcohol in the presence of the seeds or other parts of the plants specified above,
  - (iii) addition of natural distilled extracts of aniseed-flavoured plants.
- (b) The minimum alcoholic strength by volume of aniseed-flavoured spirit drinks shall be 15 %.
- (c) Only natural flavouring substances and [<sup>F10</sup>flavouring preparations] as defined in Article [<sup>F56</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of aniseed-flavoured spirit drinks.
- (d) Other natural plant extracts or aromatic seed may also be used, but the aniseed taste must remain predominant.

#### **Textual Amendments**

**F56** Words in Annex 2 category 25(c) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(d)**

#### 26. *Pastis*

- (a) *Pastis* is an aniseed-flavoured spirit drink which also contains natural extracts of liquorice root (*Glycyrrhiza* spp.), 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.
- (b) The minimum alcoholic strength by volume of *pastis* shall be 40 %.

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

- (c) Only natural flavouring substances and [<sup>F10</sup>flavouring preparations] as defined in Article [<sup>F57</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of *pastis*.
- (d) *Pastis* contains less than 100 grams of sugars per litre, expressed as invert sugar, and has a minimum and maximum anethole level of 1,5 and 2 grams per litre respectively.

#### Textual Amendments

**F57** Words in Annex 2 category 26(c) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(d)**

#### 27. *Pastis de Marseille*

- (a) *Pastis de Marseille* is a *pastis* with an anethole content of 2 grams per litre.
- (b) The minimum alcoholic strength by volume of *pastis de Marseille* shall be 45 %.
- (c) Only natural flavouring substances and [<sup>F10</sup>flavouring preparations] as defined in Article [<sup>F58</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of *pastis de Marseille*.

#### Textual Amendments

**F58** Words in Annex 2 category 27(c) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(d)**

#### 28. *Anis*

- (a) *Anis* is an aniseed-flavoured spirit drink whose characteristic flavour is derived exclusively from anise (*Pimpinella anisum* L.) and/or star anise (*Illicium verum* Hook f.) and/or fennel (*Foeniculum vulgare* Mill.).
- (b) The minimum alcoholic strength by volume of *anis* shall be 35 %.
- (c) Only natural flavouring substances and [<sup>F10</sup>flavouring preparations] as defined in Article [<sup>F59</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of *anis*.

#### Textual Amendments

**F59** Words in Annex 2 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(d)**

#### 29. *Distilled anis*

- (a) Distilled *anis* is *anis* which contains alcohol distilled in the presence of the seeds referred to in category 28(a), and in the case of geographical indications mastic and other aromatic seeds, plants or fruits, provided such alcohol constitutes at least 20 % of the alcoholic strength of the distilled *anis*.
- (b) The minimum alcoholic strength by volume of distilled *anis* shall be 35 %.

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)*

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- (c) Only natural flavouring substances and [<sup>F10</sup>flavouring preparations] as defined in Article [<sup>F60</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of distilled *anis*.

#### Textual Amendments

**F60** Words in Annex 2 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **17(20)(d)**

### 30. Bitter-tasting spirit drinks or *bitter*

- (a) [<sup>F10</sup>Bitter-tasting spirit drinks or bitter are spirit drinks with a predominantly bitter taste produced by flavouring ethyl alcohol of agricultural origin with flavouring substances as defined in Article 3(2)(b) of Regulation (EC) No 1334/2008 and/or flavouring preparations as defined in Article 3(2)(d) of that Regulation.]
- (b) The minimum alcoholic strength by volume of bitter-tasting spirit drinks or *bitter* shall be 15 %.
- (c) Bitter tasting spirit drinks or *bitter* may also be sold under the names ‘amer’ or ‘*bitter*’ with or without another term.

### 31. Flavoured vodka

- (a) Flavoured vodka is vodka which has been given a predominant flavour other than that of the raw materials.
- (b) The minimum alcoholic strength by volume of flavoured vodka shall be 37,5 %.
- (c) Flavoured vodka may be sweetened, blended, flavoured, matured or coloured.
- (d) Flavoured vodka may also be sold under the name of any predominant flavour with the word ‘vodka’.

### 32. Liqueur

- (a) Liqueur is a spirit drink:
- (i) having a minimum sugar content, expressed as invert sugar, of:
- 70 grams per litre for cherry liqueurs the ethyl alcohol of which consists exclusively of cherry spirit,
  - 80 grams per litre for gentian or similar liqueurs prepared with gentian or similar plants as the sole aromatic substance,
  - 100 grams per litre in all other cases;
- (ii) [<sup>F61</sup>produced using ethyl alcohol of agricultural origin or a distillate of agricultural origin or one or more spirit drinks or a mixture thereof, which has been sweetened and to which one or more flavourings, products of agricultural origin or foodstuffs have been added.]
- (b) The minimum alcoholic strength by volume of liqueur shall be 15 %.
- (c) [<sup>F10</sup>Flavouring substances as defined in Article 3(2)(b) of Regulation (EC) No 1334/2008 and flavouring preparations as defined in Article 3(2)(d) of that Regulation may be used in the preparation of liqueur. However, only natural flavouring substances as defined in Article 3(2)(c) of Regulation (EC) No 1334/2008 and flavouring

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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preparations as defined in Article 3(2)(d) of that Regulation shall be used in the preparation of the following liqueurs:]

- (i) Fruit liqueurs:
  - blackcurrant,
  - cherry,
  - raspberry,
  - mulberry,
  - bilberry,
  - citrus fruit,
  - cloudberry,
  - arctic bramble,
  - cranberry,
  - lingonberry,
  - sea buckthorn,
  - pineapple;
- (ii) plant liqueurs:
  - mint,
  - gentian,
  - aniseed,
  - g n pi,
  - vulnerary.

(d) The following compound terms may be used in the presentation of liqueurs <sup>F62</sup>... where ethyl alcohol of agricultural origin is used to mirror established production methods:

- *prune brandy*,
- *orange brandy*,
- *apricot brandy*,
- *cherry brandy*,
- *solbaerrom*, also called blackcurrant rum.

As regards the labelling and presentation of those liqueurs, the compound term must appear on the labelling in one line in uniform characters of the same font and colour and the word ‘liqueur’ must appear in immediate proximity in characters no smaller than that font. If the alcohol does not come from the spirit drink indicated, its origin must be shown on the labelling in the same visual field as the compound term and the word ‘liqueur’ either by stating the type of agricultural alcohol or by the words ‘agricultural alcohol’ preceded on each occasion by ‘made from’ or ‘made using’.

#### Textual Amendments

**F61** Substituted by [Commission Regulation \(EU\) 2016/235 of 18 February 2016 amending Annex II to Regulation \(EC\) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.](#)

**F62** Words in Annex 2 category 32(d) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(e)**

33. **Cr me de (followed by the name of a fruit or the raw material used)**



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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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- (a) Spirit drinks known as *Crème de* (followed by the name of a fruit or the raw material used), excluding milk products, are liqueurs with a minimum sugar content of 250 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of *Crème de* (followed by the name of a fruit or the raw material used) shall be 15 %.
- (c) The rules on flavouring substances and [F<sup>10</sup>flavouring preparations] for liqueurs laid down under category 32 shall apply to this spirit drink.
- (d) The sales denomination may be supplemented by the term ‘liqueur’.

34. ***Crème de cassis***

- (a) *Crème de cassis* is a blackcurrant liqueur with a minimum sugar content of 400 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of *crème de cassis* shall be 15 %.
- (c) The rules on flavouring substances and [F<sup>10</sup>flavouring preparations] for liqueurs laid down under category 32 shall apply to *crème de cassis*.
- (d) The sales denomination may be supplemented by the term ‘liqueur’.

35. ***Guignolet***

- (a) *Guignolet* is a liqueur obtained by maceration of cherries in ethyl alcohol of agricultural origin.
- (b) The minimum alcoholic strength by volume of *guignolet* shall be 15 %.
- (c) The rules on flavouring substances and [F<sup>10</sup>flavouring preparations] for liqueurs laid down under category 32 shall apply to *guignolet*.
- (d) The sales denomination may be supplemented by the term ‘liqueur’.

36. ***Punch au rhum***

- (a) *Punch au rhum* is a liqueur for which the alcohol content is provided exclusively by rum.
- (b) The minimum alcoholic strength by volume of *punch au rhum* shall be 15 %.
- (c) The rules on flavouring substances and [F<sup>10</sup>flavouring preparations] for liqueurs laid down under category 32 shall apply to *punch au rhum*.
- (d) The sales denomination may be supplemented by the term ‘liqueur’.

37. ***Sloe gin***

- (a) *Sloe gin* is a liqueur produced by maceration of sloes in *gin* with the possible addition of sloe juice.
- (b) The minimum alcoholic strength by volume of *sloe gin* shall be 25 %.
- (c) Only natural flavouring substances and [F<sup>10</sup>flavouring preparations] as defined in Article [F<sup>63</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of *sloe gin*.
- (d) The sales denomination may be supplemented by the term ‘liqueur’.



**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

### Textual Amendments

**F63** Words in Annex 2 point 37(c) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(f)**

### [<sup>F64</sup>37a. ‘ Sloe-aromatised spirit drink or *Pacharán* ’

Sloe-aromatised spirit drink or *Pacharán* is a spirit drink:

- (a) which has a predominant sloe taste and is obtained by the maceration of sloes (*Prunus spinosa*) in ethyl alcohol of agricultural origin, with the addition of natural extracts of anise and/or distillates of anise;
- (b) which has a minimum alcoholic strength by volume of 25 %;
- (c) for the production of which a minimum quantity of 125 grams of sloe fruits per litre of final product has been used;
- (d) which has sugar content, expressed as invert sugar between 80 and 250 grams per litre of the final product;
- (e) the organoleptic characteristics, colour and taste of which are provided exclusively by the fruit used and the anise.

The term ‘ *Pacharán* ’ may be used as a sales denomination only when the product is manufactured in Spain. When the product is manufactured outside Spain, ‘ *Pacharán* ’ may only be used to supplement the sales denomination ‘ Sloe-aromatised spirit drink ’, provided that it is accompanied by the words: ‘ produced in ... ’, followed by the name of the <sup>F65</sup>... country of the manufacture.]

### Textual Amendments

**F65** Words in Annex 2 category 37a omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(g)(i)**

[<sup>F66</sup>In the second paragraph, in relation to the United Kingdom, ‘ country of the manufacture ’ means the United Kingdom as a whole and does not mean England, Northern Ireland, Scotland or Wales individually.]

### Textual Amendments

**F66** Words in Annex 2 category 37a inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(g)(ii)**

### Textual Amendments

**F64** Inserted by [Commission Regulation \(EU\) 2015/210 of 10 February 2015 amending Annexes II and III to Regulation \(EC\) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks.](#)

## 38. *Sambuca*

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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- (a) *Sambuca* is a colourless aniseed-flavoured liqueur:
- (i) containing distillates of anise (*Pimpinella anisum* L.), star anise (*Illicium verum* L.) or other aromatic herbs,
  - (ii) with a minimum sugar content of 350 grams per litre expressed as invert sugar,
  - (iii) with a natural anethole content of not less than 1 gram and not more than 2 grams per litre.
- (b) The minimum alcoholic strength by volume of *sambuca* shall be 38 %.
- (c) The rules on flavouring substances and [F<sup>10</sup>flavouring preparations] for liqueurs laid down under category 32 apply to *sambuca*.
- (d) The sales denomination may be supplemented by the term ‘liqueur’.

39. ***Maraschino, Marrasquino or Maraskino***

- (a) *Maraschino, marrasquino* or *maraskino* is a colourless liqueur the flavour of which is given mainly by a distillate of marasca cherries or of the product obtained by macerating cherries or parts of cherries in alcohol of agricultural origin with a minimum sugar content of 250 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of *maraschino, marrasquino* or *maraskino* shall be 24 %.
- (c) The rules on flavouring substances and [F<sup>10</sup>flavouring preparations] for liqueurs laid down under category 32 shall apply to *maraschino, marrasquino* or *maraskino*.
- (d) The sales denomination may be supplemented by the term ‘liqueur’.

40. ***Nocino***

- (a) *Nocino* is a liqueur the flavour of which is given mainly by maceration and/or distillation of whole green walnuts (*Juglans regia* L.) with a minimum sugar content of 100 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of *nocino* shall be 30 %.
- (c) The rules on flavouring substances and [F<sup>10</sup>flavouring preparations] for liqueurs laid down under category 32 shall apply to *nocino*.
- (d) The sales denomination may be supplemented by the term ‘liqueur’.

41. ***Egg liqueur or advocaat or avocat or advokat***

- (a) Egg liqueur or *advocaat* or *avocat* or *advokat* is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate and/or spirit, 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 expressed as invert sugar. The minimum content of pure egg yolk must be 140 grams per litre of the final product.
- (b) By way of derogation from Article 2(1)(c), the minimum alcoholic strength by volume of egg liqueur or *advocaat* or *avocat* or *advokat* shall be 14 %.

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

- (c) <sup>[F10]</sup>Only flavouring substances as defined in Article 3(2)(b) of Regulation (EC) No 1334/2008 and flavouring preparations as defined in Article 3(2)(d) of that Regulation may be used in the preparation of egg liqueur or advocaat or avocát or advokát.]

#### 42. **Liqueur with egg**

- (a) Liqueur with egg is a spirit drink, whether or not flavoured, obtained from ethyl alcohol of agricultural origin, distillate and/or spirit, the characteristic 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 expressed as invert sugar. The minimum egg yolk content must be 70 grams per litre of the final product.
- (b) The minimum alcoholic strength by volume of liqueur with egg shall be 15 %.
- (c) Only natural flavouring substances and <sup>[F10]</sup>flavouring preparations] as defined in Article <sup>[F67]</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of liqueur with egg.

#### Textual Amendments

**F67** Words in Annex 2 category 42(c) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(h)**

#### 43. **Mistrà**

- (a) *Mistrà* is a colourless spirit drink flavoured with aniseed or natural anethole:
- (i) with an anethole content of not less than 1 gram and not more than 2 grams per litre,
  - (ii) that may also contain a distillate of aromatic herbs,
  - (iii) containing no added sugar.
- (b) The minimum alcoholic strength by volume of *mistrà* shall be 40 % and the maximum alcoholic strength by volume shall be 47 %.
- (c) Only natural flavouring substances and <sup>[F10]</sup>flavouring preparations] as defined in Article <sup>[F68]</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of *mistrà*.

#### Textual Amendments

**F68** Words in Annex 2 category 43(c) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(h)**

#### 44. **Väkevü glögi or spritglögg**

- (a) <sup>[F10]</sup>Väkevü glögi or spritglögg is a spirit drink produced by flavouring ethyl alcohol of agricultural origin with flavour 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 flavouring substances as defined in Article 3(2)(c) of Regulation (EC) No 1334/2008 of cloves or cinnamon or a combination of these methods.]

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)*

- (b) The minimum alcoholic strength by volume of *väkevä glögi* or *spritglögg* shall be 15 %.
- (c) <sup>F10</sup>Other flavourings, flavouring substances and/or flavouring preparations as defined in Article 3(2)(b), (d) and (h) of Regulation (EC) No 1334/2008 may also be used, but the flavour of the specified spices must be predominant.]
- (d) The content of wine or wine products shall not exceed 50 % of the final product.

#### 45. ***Berenburg* or *Beerenburg***

- (a) *Berenburg* or *Beerenburg* is a spirit drink:
  - (i) produced using ethyl alcohol of agricultural origin,
  - (ii) with the maceration of fruit or plants or parts thereof,
  - (iii) containing as specific flavour distillate of gentian root (*Gentiana lutea* L.), of juniper berries (*Juniperus communis* L.) and of laurel leaves (*Laurus nobilis* L.),
  - (iv) varying in colour from light to dark brown,
  - (v) which may be sweetened to a maximum of 20 grams per litre expressed as invert sugar.
- (b) The minimum alcoholic strength by volume of *Berenburg* or *Beerenburg* shall be 30 %.
- (c) Only natural flavouring substances and <sup>F10</sup>flavouring preparations] as defined in Article <sup>F69</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of *Berenburg* or *Beerenburg*.

#### Textual Amendments

**F69** Words in Annex 2 category 45(c) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(h)**

#### 46. **Honey or mead nectar**

- (a) Honey or mead nectar is a spirit drink produced by flavouring the mixture of fermented honey mash and honey distillate and/or ethyl alcohol of agricultural origin, which contains at least 30 % vol. of fermented honey mash.
- (b) The minimum alcoholic strength by volume of honey or mead nectar shall be 22 %.
- (c) Only natural flavouring substances and <sup>F10</sup>flavouring preparations] as defined in Article <sup>F70</sup>3(2)(c) and (d) of Regulation (EC) No 1334/2008] may be used in the preparation of honey or mead nectar provided that the honey taste is predominant.
- (d) Honey or mead nectar may be sweetened only with honey.

#### Textual Amendments

**F70** Words in Annex 2 category 46(c) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(h)**

Other spirit drinks

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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1. *Rum-Verschnitt* is produced in Germany and obtained by mixing rum and alcohol, whereby a minimum proportion of 5 % of the alcohol contained in the final product must come from rum. The minimum alcoholic strength by volume of *Rum-Verschnitt* shall be 37,5 %. As regards the labelling and presentation of the product *Rum-Verschnitt* the word *Verschnitt* must appear on the description, presentation and labelling in characters of the same font, size and colour as, and on the same line as, the word ‘*Rum*’ and, in the case of bottles, on the front label. <sup>F71</sup>... Its alcoholic composition must appear on the label.

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**Textual Amendments**

**F71** Words in Annex 2 omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(i)**

2. *Slivovice* is 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 drink’ and may also use the name *slivovice* in the same visual field on the front label. <sup>F72</sup>... 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 category 9.

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**Textual Amendments**

**F72** Words in [Annex 2](#) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(20)(i)(ii)**

<sup>F73</sup> ANNEX III

**GEOGRAPHICAL INDICATIONS**

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**Textual Amendments**

**F73** [Annex 3](#) omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **17(21)**

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council. (See end of Document for details)

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- (1) [OJ C 324, 30.12.2006, p. 12.](#)
- (2) Opinion of the European Parliament of 19 June 2007 (not yet published in the Official Journal) and Council Decision of 17 December 2007.
- (3) [OJ L 160, 12.6.1989, p. 1.](#) Regulation as last amended by the 2005 Act of Accession.
- (4) [OJ L 105, 25.4.1990, p. 9.](#) Regulation as last amended by Regulation (EC) No 2140/98 ([OJ L 270, 7.10.1998, p. 9.](#)).
- (5) [OJ L 109, 6.5.2000, p. 29.](#) Directive as last amended by Commission Directive 2007/68/EC ([OJ L 310, 28.11.2007, p. 11.](#)).
- (6) [OJ L 184, 15.7.1988, p. 61.](#) Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1.](#)).
- (7) [OJ L 336, 23.12.1994, p. 1.](#)
- (8) [OJ L 93, 31.3.2006, p. 12.](#) Regulation as amended by Regulation (EC) No 1791/2006 ([OJ L 363, 20.12.2006, p. 1.](#)).
- (9) [OJ L 184, 17.7.1999, p. 23.](#) Decision as amended by Decision 2006/512/EC ([OJ L 200, 22.7.2006, p. 11.](#)).
- (10) [<sup>F10</sup>[OJ L 354, 31.12.2008, p. 34.](#)]
- (11) Commission Regulation (EEC) No 2009/92 of 20 July 1992 determining Community analysis methods for ethyl alcohol of agricultural origin used in the preparation of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails ([OJ L 203, 21.7.1992, p. 10.](#)).
- (12) Commission Regulation (EC) No 1267/94 of 1 June 1994 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks ([OJ L 138, 2.6.1994, p. 7.](#)). Regulation as amended by Regulation (EC) No 1434/97 ([OJ L 196, 24.7.1997, p. 56.](#)).
- (13) Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirit drinks ([OJ L 333, 29.12.2000, p. 20.](#)). Regulation as amended by Regulation (EC) No 2091/2002 ([OJ L 322, 27.11.2002, p. 11.](#)).
- (14) [OJ L 10, 12.1.2002, p. 53.](#)
- (15) [OJ L 10, 12.1.2002, p. 47.](#)

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#### Textual Amendments

- F10** Substituted by Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (Text with EEA relevance).

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 110/2008 of the European Parliament and of the Council.