



EUROPEAN COMMISSION

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*Ms Regina BASTOS
President of the
European Affairs Committee
Assembleia da República
Palácio de S. Bento
P – 1249-068 LISBOA*

*cc. Mr Eduardo FERRO RODRIGUES
President of the
Assembleia da República
Palácio de S. Bento
P – 1249-068 LISBOA*

Dear President,

The Commission would like to thank the Assembleia da República for its Opinion on the proposal for a Regulation on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks {COM(2016) 750 final}.

The Commission welcomes the general support for the proposal, which aims at aligning Regulation (EC) No 110/2008¹ to the provisions in the Treaty on the Functioning of the European Union. It is therefore part of the process of adaptation of the European Union's "acquis" to the new legislative framework determined by the Treaty.

The Commission reiterates that the existing legal framework of the European Union for spirit drinks ensures the free circulation of goods in the single market by setting up product definitions, labelling rules and provisions related to the protection of geographical indications for spirit drinks. The proposal does not aim at changing that in substance.

Besides the alignment of the Regulation with the Treaty on the Functioning of the European Union, the proposal only introduces minor technical amendments in order to address shortcomings in the implementation of Regulation (EC) No 110/2008 and to make the legislation consistent with new Union legal instruments. Changes of structure and wording have been introduced to simplify the regulations and improve readability, in line with the Commission's Better Regulation agenda.

¹ 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, OJ L 39, 13.2.2008, p. 16–54.

In addition, the proposal replaces the existing procedures for the management of geographical indications in the spirit drinks sector, with new procedures modelled on the more exhaustive and well tested procedures for agricultural products and foodstuffs.

The Commission agrees with the Assembleia da República on the relevance of a legal framework at the level of the European Union guaranteeing uniform rules concerning the production and marketing of spirit drinks in order to protect the consumer and further develop that economic sector and concerning the geographical indications which are a useful instrument allowing producers to protect the unique nature of product names from imitation.

The Commission takes note of the remark of the Assembleia da República that Annex II to the proposal, which includes several categories of spirit drinks specific to certain Member States, does not include any spirit drink categories specific to Portugal (e.g. medronheiro or medronheira, jeropiga, bagaceira, ginja).

Being the main objective of the proposal the alignment of Regulation (EC) No 110/2008 to the Treaty on the Functioning of the European Union, Annex II to that Regulation has been repeated in the proposal presented by the Commission without changes. However, that proposal is currently in the legislative process involving both the European Parliament and the Council. It will be up to the co-legislators to agree on the proposed amendment.

Concerning the technical note enclosed to the Opinion, the Commission points out that the derogation provided for by Article 16(4) of Regulation (EU) No 1169/2011 on the provisions of food information to consumers is still in force, which exempts beverages containing more than 1,2% by volume of alcohol from the mandatory indication of a list of ingredients or the nutrition declaration.

A report recently submitted by the Commission to the European Parliament and the Council regarding the mandatory labelling of the list of ingredients and the nutrition declaration of alcoholic beverages² examines this exemption and concludes that "with the nutrition declaration having become mandatory for the vast majority of pre-packed food as of 13 December 2016, the particular situation of alcoholic beverages is now even more salient" and "invites the industry to respond to consumers' expectations and present within a year of adoption of this report a self-regulatory proposal that would cover the entire sector of alcoholic beverages. [...] Should the Commission consider the self-regulatory approach proposed by the industry as unsatisfactory, it would then launch an impact assessment to review further available options".

The Commission hopes that these clarifications address the issues raised by the Assembleia da República and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Phil Hogan
Member of the Commission*

² COM(2017) 58/3 adopted by the Commission on 8 March 2017.