

Publication of an amendment application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(2006/C 316/02)

This publication confers the right to object to the amendment application pursuant to Article 7 of Council Regulation (EC) No 510/2006. Statements of objections must reach the Commission within six months from the date of this publication.

COUNCIL REGULATION (EC) No 510/2006

Amendment application according to Article 9 and Article 17(2)

‘MÜNCHENER BIER’

EC No DE/PGI/117/0516

PDO () PGI (X)

Amendment(s) requested

Heading(s) in the specification:

- ☐ Name of product
- ☒ Description of product
- ☐ Geographical area
- ☒ Proof of origin
- ☐ Method of production
- ☐ Link
- ☒ Labelling
- ☐ National requirements

Amendment(s):

Description:

These changes are intended to correct errors which arose in the course of the simplified registration procedure. In 1997, a specification had to be submitted within a very short deadline. This led to errors which have only now been discovered. In terms of the brewing procedure these corrections are insignificant. According to experts, the average consumer will not perceive any sensory difference as a result of these corrections.

A total of six errors have occurred/been found.

In respect of the variety ‘Hefeweizen’, the applicant himself has made an internal transcription error regarding the colour. This occurred when drafting the specification.

In respect of the varieties ‘Export hell’, ‘Export dunkel’, ‘Bockbier’ and ‘Oktoberfestbier’, members of the applicant association have forwarded incorrect information regarding bitterness values and, for the variety ‘Export dunkel’, regarding the colour also. The purpose of this application is to correct the errors which have occurred.

It is therefore requested that the following amendments be made to the specification for the registered name ‘Münchener Bier’:

- a) for ‘Export Hell’ change the units of bitter agents (EBU):
from 17.0 — 26.0 units
to 15.0 — 26.0 units
- b) for ‘Export Dunkel’ change the units of bitter agents (EBU):
from 18.0 — 24.0 units
to 15.0 — 24.0 units
- and
change the units of colour (EBC):
from 42.0 — 55.0 units
to 42.0 < 60.0 units

- | | | |
|----|--|--|
| c) | for 'Hefeweizen Hell'
change the units of colour (EBC): | from 11.0 — 16.0 units
to 11.0 — 20.0 units |
| d) | for 'Bockbier' change the units of bitter agents (EBU): | from 21.0 — 32.5 units
to 18.0 — 32.5 units |
| e) | for 'Oktoberfestbier' change the units of bitter agents (EBU): | from 18.0 — 28.0 units
to 16.0 — 28.0 units |

Proof of origin

Article 2 in conjunction with Article 1 of Regulation (EC) No 383/2004 provides that all the main requirements for production and marketing must be indicated. This also includes product traceability from the consumer back to the producer, and possibly even further. In addition, traceability is now governed by legislation (Article 18 of Regulation (EC) No 178/2002, 'Traceability').

In the current case, this also relates to the water used for brewing the beer.

It is therefore requested that the following text be added to the specification:

'The proof that "Münchener Bier" comes from Munich is provided via the batch mark printed on the label and/or the best-before date, in conjunction with the documentation kept by individual member breweries. This is supplemented by delivery notes, brew books, computerised lists, etc., which form part of individual breweries' internal systems.

These internal systems were already adequate and were partly modernised following the entry into force from 1 January 2005 of Article 18 ("Traceability") of Regulation (EC) No 178/2002. Enquiries from consumers/authorities on the actual origin can thus be answered even more quickly.

In particular, measuring equipment (including inductive flow meters) which is sometimes directly attached to the well-heads, tanks and/or pipe systems (some of which are special-purpose), and plausibility calculations make it possible to demonstrate at all times that the special Munich water supplied in accordance with point 4.5 below has indeed been used to produce the beer.'

Labelling

The names 'Münchener Bier' and 'Münchner Bier' differ only in terms of the letter 'e' after the syllable 'Münc' ...'. This involves a linguistic peculiarity typical of Munich/Bavaria, whereby the letter 'e' tends to be 'swallowed' in certain words, both phonetically and in writing. However, it makes no difference to the meaning of the word. In the current case in particular, the same product is understood; 'swallowing' the letter 'e' therefore has no effect here whatsoever, including on the origin. In Bavaria, one understands the same thing by 'münchnerisch' as one does by 'münchenerisch'. Moreover, that should also apply at least Europe-wide. It is therefore requested that point 4.8 be worded as follows:

'Beer labelling is based on the product description "Münchener Bier", or "Münchner Bier" in conjunction with one of the types of beer listed under point 4.2.'

UPDATED SUMMARY

COUNCIL REGULATION (EC) No 510/2006

'MÜNCHENER BIER'

EC No DE/PGI/117/0516

PDO () PGI (X)

This summary has been drawn up for information only. For full details, interested parties are invited to consult the full version of the product specification obtainable from the national authorities indicated in section 1 or from the European Commission ⁽¹⁾.

⁽¹⁾ European Commission, Directorate-General for Agriculture and Rural Development, Agricultural Product Quality Policy, B-1049 Brussels.

1. *Responsible department in the member state:*

Name: Bundesministerium der Justiz
 Address: Mohrenstraße 37, D-11015 Berlin
 Tel.: 030/20 25 — 70
 (Direct line: 030/20 25 — 93 28)
 Fax: 030/20 25 — 95 25
 e-mail: Matzner-An@bmj.bund.de

2. *Group:*

Name: Verein Münchener Brauereien e.V.
 Address: Oskar-von-Miller-Ring 1, D-80333 München
 Tel.: 089/28 86 31
 Fax: 089/28 39 57
 e-mail: newrzella.vmb-wv-vba@gmx.de
 Composition: Producers/processors (X) Other ()

3. *Type of product:*

Class 2.1 Beer

4. *Specification (summary of requirements under article 4(2))*

4.1 Name: 'Münchener Bier'

4.2 Description:

Helles

Original gravity in %:	11,4	-	11,9	
Alcohol content in % vol.:	4,7	-	5,4	
Colour (EBC):	5,0	-	8,5	units
Bitter agents (EBU):	14,0	-	25,0	units

Light yellow, pale, palatable, pure, smooth, mildly to pleasantly hopped, delicately spicy to spicily fresh with a pleasant bitterness depending on the brewing process;

Export Hell

Original gravity in %:	12,5	-	12,8	
Alcohol content in % vol.:	5,5	-	6,0	
Colour (EBC):	5,5	-	7,5	units
Bitter agents (EBU):	15,0	-	26,0	units

Light yellow, highly attenuated (until bright), palatable, ranging from mild, mellow-smooth through to strongly spicy, delicately hopped and delicate bitterness;

Export Dunkel

Original gravity in %:	12,5	-	13,7	
Alcohol content in % vol.:	5,0	-	5,9	
Colour (EBC):	42,0	-	< 60,0	units
Bitter agents (EBU):	15,0	-	24,0	units

Mellow, smooth, malty aroma to strong, Munich malt sometimes dominant;

Pils

Original gravity in %:	11,5	-	12,5	
Alcohol content in % vol.:	4,9	-	5,8	
Colour (EBC):	5,5	-	7,0	units
Bitter agents (EBU):	30,0	-	38,0	units

Slightly sharp, delicate, fine, hoppy bitterness, hoppy accents through to hoppy aroma, light, elegant, sparkling;

Leichtes Weißbier

Original gravity in %:	7,7	-	8,4	
Alcohol content in % vol.:	2,8	-	3,2	
Colour (EBC):	11,0	-	13,0	units
Bitter agents (EBU):	13,0	-	15,0	units

Refreshing, effervescent, tangy, cloudy with yeast, typical top-fermented *Weißbier* taste;

Kristall Weizen

Original gravity in %:	11,5	-	12,4	
Alcohol content in % vol.:	4,9	-	5,5	
Colour (EBC):	7,5	-	12,5	units
Bitter agents (EBU):	12,0	-	16,0	units

Effervescent, very tangy, filtered bright, clear, sparkling, top-fermented note, typically top-fermented;

Hefeweizen Hell

Original gravity in %:	11,4	-	12,6	
Alcohol content in % vol.:	4,5	-	5,5	
Colour (EBC):	11,0	-	20,0	units
Bitter agents (EBU):	12,0	-	20,0	units

Highly attenuated, naturally cloudy, typical top-fermented character, tangy, refreshing, effervescent, sparkling, sometimes yeasty, *Weißbier* aroma;

Hefeweizen Dunkel

Original gravity in %:	11,6	-	12,4	
Alcohol content in % vol.:	4,5	-	5,3	
Colour (EBC):	29,0	-	45,0	units
Bitter agents (EBU):	13,0	-	16,0	units

Naturally cloudy, mellow, malty taste/character, top-fermented note/character;

Märzen

Original gravity in %:	13,2	-	14,0	
Alcohol content in % vol.:	5,3	-	6,2	
Colour (EBC):	8,0	-	32,5	units
Bitter agents (EBU):	21,0	-	25,0	units

Very mellow, palatable, mild, *altbayerisch* aroma to malty aroma, very mild bitterness;

Bockbier

Original gravity in %:	16,2	-	17,3	
Alcohol content in % vol.:	6,2	-	8,1	
Colour (EBC):	7,5	-	40,0	units
Bitter agents (EBU):	18,0	-	32,5	units
Highly attenuated, ranging from mellow, palatable, smooth, aromatic, via delicately hopped, slightly sharp to well hopped, sometimes spicy in character;				

Doppelbock

Original gravity in %:	18,2	-	18,7	
Alcohol content in % vol.:	7,2	-	7,7	
Colour (EBC):	44,0	-	75,0	units
Bitter agents (EBU):	18,0	-	28,0	units
Strong, powerful, spicy, full-bodied, malty taste;				

Leichtbier

Original gravity in %:	7,5	-	7,7	
Alcohol content in % vol.:	2,7	-	3,2	
Colour (EBC):	5,5	-	7,0	units
Bitter agents (EBU):	24,0	-	26,5	units
Slightly sharp fine taste;				

Diät Pils

Original gravity in %:	8,5	-	9,3	
Alcohol content in % vol.:	4,3	-	4,9	
Colour (EBC):	5,0	-	6,5	units
Bitter agents (EBU):	26,0	-	30,0	units
Low in carbohydrates, slightly sharp, dry taste;				

Schwarz-Bier

Original gravity in %:			11,3	
Alcohol content in % vol.:			4,8	
Colour (EBC):			70,0	units
Bitter agents (EBU):			17,0	units
Slightly spicy malty aroma;				

ICE-Bier

Original gravity in %:			11,2	
Alcohol content in % vol.:			4,9	
Colour (EBC):			6,5	units
Bitter agents (EBU):			20,0	units
Harmonious, mellow, palatable;				

Nähr-/Malzbier

Original gravity in %:	12,3	-	12,7	
Alcohol content in % vol.:	0,0	-	1,2	
Colour (EBC):	65,0	-	90,0	units
Bitter agents (EBU):	8,0	-	15,0	units
Low in alcohol, very mildly attenuated, malty, spicy, very weakly hopped;				

Oktoberfestbier

Original gravity in %:	13,6	-	14,0	
Alcohol content in % vol.:	5,3	-	6,6	
Colour (EBC):	6,0	-	28,0	units
Bitter agents (EBU):	16,0	-	28,0	units

Light, golden, amber colours or dark, ranging from palateful, very mellow, smooth or malty aroma through to slightly hopped with a very mild bitterness or a powerful, slightly sweet taste.

4.3 Geographical area: Territory of the city of Munich

- 4.4 Proof of origin: The proof that 'Münchener Bier' comes from Munich is provided via the batch mark printed on the label and/or the best-before date, in conjunction with the documentation kept by individual member breweries. This is supplemented by delivery notes, brew books, computerised lists, etc., which form part of individual breweries' internal systems.

These internal systems were already adequate and were partly modernised following the entry into force on 1 January 2005 of Article 18 ('Traceability') of Regulation (EC) No 178/2002. Enquiries from consumers/authorities on the actual origin can thus be answered even more quickly.

In particular, measuring equipment (including inductive flow meters) which is sometimes directly attached to the well-heads, tanks and/or pipe systems (some of which are special-purpose), and plausibility calculations make it possible to demonstrate at all times that the special Munich water supplied in accordance with point 4.5 below has indeed been used to produce the beer.

- 4.5 Method of production: 'Münchener Bier' is produced in accordance with the legal provisions applicable in Munich and Germany. The malted cereal is coarsely ground and then mixed with special Munich water from Munich's shingle layer. This water used by Munich's breweries comes from their own deep wells in the city, many of which are as deep as the strata dating from the tertiary period. The mixture, the 'mash', is stirred constantly whilst heated to different temperature levels. This activates the enzymes present, and the malt components, which are otherwise not readily soluble, are dissolved out of the malt grist. Afterwards, the soluble components are separated from the insoluble ones via 'lautering', which involves either settling out or filtering. After lautering, the wort is taken to the wort or brew kettle, where selected hops (predominantly grown in Bavaria) are added, and it is boiled for around 1-2 hours. This breaks down the hop flavours and constituents, removing proteins which would be detrimental to the durability and special taste of the 'Münchener Bier'. The original gravity desired must be reached at the end of this production step. After the solid constituents still present in the wort have been separated from the liquid, the wort (which is still hot) is cooled and taken to the fermentation vessels, where doses of yeast are carefully added from special, dedicated, pure cultures. All the pure cultures derive from a single yeast cell so that all the yeast cells determining the taste of 'Münchener Bier' possess totally identical qualities. Addition of the special yeast(s), which is (are) aerated with Munich air, then triggers fermentation of the wort, lasting around 4-8 days. The yeast converts the dissolved malt sugar in the most natural way into around 1/3 alcohol and around 1/3 carbon dioxide. The other third is left as an extract in the beer, determining its flavour and characteristics. At the end of fermentation, the green beer is ready. After the bottom-fermenting yeast (settling out) or top-fermenting yeast (rising to the top) has been separated from the green beer, the latter gains its distinctive taste and reaches full maturity via secondary fermentation at low temperatures whilst in the storage tanks. The green beer becomes naturally enriched with carbon dioxide and matures for around 4-11 weeks until reaching its full flavour.

- 4.6 Link: Only beer produced in Munich may be called 'Münchener Bier'. The consumer associates it with a certain reputation and expectations of the highest quality. Munich breweries have used the designation 'Münchener Bier' for centuries without any objections from third parties. The population's strong attachment to 'Münchener Bier' derives, in the Munich area, from historical associations: one need only think here of the Munich beer revolution.

Evidence of the long tradition includes the fact that cash payments and payments in kind made by Munich brewers are recorded as early as 1280 in the estate register of Duke Louis the Stern. (See 'München und sein Bier' by Heckhorn/Wiehr, Munich 1989, or the doctoral thesis by Dr Karin Hackel-Stehr — as above for point 4 — and 'Die "prewen" Münchens' by Sedlmayr/Grohsmann, Nuremberg 1969, extracts from which are enclosed. See also '125 Jahre Verein Münchener Brauereien e. V' by Dr Christine Rädlinger, commemorative publication 1996.) Moreover, the German Supreme Court recognised in various final rulings, most recently in its verdict of 13 November 1923 — Trademark Protection and Competition, volume 23, p. 152 — that the description 'Münchener Bier' has become a genuine description of origin. The consensus in academic literature is that nothing in this respect has changed — see Loschelder/Schnepp 'Deutsche geographische Herkunftsangaben' Cologne 1992, p. 262 et seq.; commentary on competition law, 14th edition by Baumbach/Hefermehl § 3 Law on Unfair Competition, paragraph 238, Munich 1983.

The special situation of the Munich region meant that it was the city's breweries that were an economic and cultural mainstay. The consumer thus identifies closely with the local 'Münchener Bier' and enjoys it as a local speciality. These circumstances are taken into account in bilateral agreements between the Federal Republic of Germany and the EC Member States France, Greece, Italy and Spain, as well as with Switzerland. The agreements relate to the protection of indications of provenance, designations of origin and other geographical designations, which include 'Münchener Bier'.

Further related documents are:

Commentary on food law by Prof. W. Zipfel, C 100, § 17, paragraph 228/233 and C 412, paragraph 30;

Loschelder/Schnepp, 'Deutsche geographische Herkunftsangaben' Cologne 1992, p. 262 et seq., p. 14 and p. 148;

Doctoral thesis by Dr Karin Hackl-Stehr, 'Unser Bier'.

- 4.7 Inspection body:

For producer inspections

Name: Bayerische Landesanstalt für Landwirtschaft

Address: Institut für Ernährungswirtschaft und Markt
Menzinger Straße 54, D-80638 München

Tel.: 089/17800 — 337

Fax: 089/17800 — 494

e-mail: nina.jack@lfl.bayern.de

For inspections on improper use:

Name: Bayerisches Staatsministerium für Umwelt, Gesundheit und Verbraucherschutz
Abt. 4, Referat 42

Address: D-81925 München

Tel.: 089/9214 — 00

Fax: 089/9214 — 2513

e-mail: —

- 4.8 Labelling: Beer labelling is based on the product description 'Münchener Bier', or 'Münchner Bier' in conjunction with one of the types of beer listed under point 4.2.

- 4.9 National requirements: Provisional Law on Beer and associated implementing regulation.
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