

Non-Paper

Proposal of possible Marketing Standards and Optional Reserved Terms for cider products and perry products

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1. Subject matter and scope

1. This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 as regards the marketing standards for cider products and perry products referred to in point (xx) of Article 75(1) of that Regulation, in particular as concerns:
 - the definition, presentation and labelling of cider products and perry products;
 - the conditions of use of optional reserved terms that may be indicated in the presentation and labelling of cider products and perry products that meet specific production or quality requirements.
2. This Regulation shall apply to all cider products and perry products that are placed on the Union market, whether produced in the Union or in third countries, as well as to products listed under point A of Annex I exported from the Union.
3. In applying a quality policy for cider products and perry products that are produced in their own territory, Member States may lay down rules that are stricter than those set out in this Regulation in so far as they are compatible with Union law.

2. Technical definitions and requirements

For the purpose of this Regulation, the following definitions apply:

- 1) ‘definition’ means the list of the specific characteristics of cider products and perry products;
- 2) ‘presentation’ means the terms used in the labelling and on the packaging, as well as in advertising and sales promotion of a product, in images or such like, as well as on the container, including on the bottle or the closure;
- 3) ‘labelling’ means any word, particulars, trade marks, brand name, pictorial matter or symbol relating to a product and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such product;
- 4) ‘label’ means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to the packaging or container of food;
- 5) ‘packaging’ means the protective wrappings, cartons, cases, containers and bottles used in the transport or sale of cider products or perry products;

- 6) 'legal name' means the name under which a cider product or perry product is placed on the market, within the meaning of point (n) of Article 2(2) of Regulation (EU) No 1169/2011;
- 7) 'visual field' means field of vision as defined in point (k) of Article 2(2) of Regulation (EU) No 1169/2011;
- 8) 'fresh apple juice' means freshly pressed fruit juice obtained from apples within the meaning of point 1(a) of Part I of Annex I to Council Directive 2001/112/EC^{1*} obtained solely by mechanical pressing, before fermentation or other processing and without added water;
- 9) 'apple juice from concentrate' means the product obtained by reconstituting concentrated apple juice within the meaning of point 1(b) of Part I of Annex I to Council Directive 2001/112/EC^{**};
- 10) 'fresh pear juice' means freshly pressed fruit juice obtained from pears within the meaning of point 1(a) of Part I of Annex I to Council Directive 2001/112/EC* obtained solely by mechanical pressing, before fermentation or other processing and without added water;
- 11) 'pear juice from concentrate' means the product obtained by reconstituting concentrated pear juice within the meaning of point 1(b) of Part I of Annex I to Council Directive 2001/112/EC^{**};
- 12) 'apple or pear juice' means the possible combination or two or more of the following: fresh apple juice, apple juice from concentrate, fresh pear juice and pear juice from concentrate;
- 13) 'to sweeten' means to add apple or pear juice or one or more sweetening products in the production of a cider product or perry product after the fermentation process;
- 14) 'sweetening products' means:
 - (a) semi-white sugar, white sugar, extra-white sugar, dextrose, fructose, glucose syrup, sugar solution, invert sugar solution and invert sugar syrup, as defined in Part A of the Annex to Council Directive 2001/111/EC²;
 - (b) burned sugar which is the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;
 - (c) honey as defined in point 1 of Annex I to Council Directive 2001/110/EC³;
 - (d) carob syrup;
 - (e) any other natural carbohydrate substances having a similar effect as the products referred to in points (a) to (d);
- 15) 'to flavour' means to use one or more flavourings as defined in point (a) of Article 3(2) of Regulation (EC) No 1334/2008⁴;

¹ Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption (OJ L 10, 12.1.2002, p. 58).

² Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption (OJ L 10, 12.1.2002, p. 53).

³ Council Directive 2001/110/EC of 20 December 2001 relating to honey (OJ L 10, 12.1.2002, p. 47).

⁴ 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

- 16) 'colour' means colour as defined in point 2 of Annex I to Regulation (EC) No 1333/2008⁵;
- 17) 'other additives' means food additives other than colours authorised under Regulation (EC) No 1333/2008;
- 18) 'chaptalisation' means the the process of adding sweetening products to apple or pear juice before or during fermentation to increase the final alcohol content of the cider product or perry product;
- 19) 'pasteurisation' means the preservation process consisting in heating cider product or perry product to a specific temperature for a set period to kill pathogenic microorganisms, slow spoilage, and extend shelf life.

3. Definition and classification for cider products and perry products

1. Cider products are alcoholic beverages obtained from the complete or partial fermentation of fresh apple juice or apple juice from concentrate or both, to which a smaller proportion of fresh pear juice or pear juice from concentrate or both may be added.

Cider products are classified in the following categories:

- (a) *Premium ciders*;
- (b) *Ciders*;
- (c) Cider-based drinks.

2. Perry products are alcoholic beverages obtained from the complete or partial fermentation of fresh pear juice or pear juice from concentrate or both, to which a smaller proportion of fresh apple juice or apple juice from concentrate or both may be added.

Perry products are classified in the following categories:

- (a) *Premium perries*;
- (b) *Perries*;
- (c) Perry-based drinks.

3. *Premium cider* and *premium perry* are alcoholic beverages:

- (a) obtained from the fermentation of 100% of apple or pear juice;
- (b) with an actual alcoholic strength by volume of not less than [1.2 %] and no more than [8.5%];
- (c) which may be subject to chaptalisation. In this case, in derogation to point (a) of the present paragraph, the minimum juice content in the final product shall be no less than [75%];
- (d) to which up to [x%] by volume of water may be added exclusively after fermentation;

Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34).

⁵ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

- (e) which may be sweetened;
 - (f) which may be flavoured;
 - (g) to which colours or other additives may be added.
4. *Cider* and *perry* are alcoholic beverages:
- (a) in which at least 50% of the actual alcoholic strength by volume is derived from the fermentation of the naturally occurring sugars in apple or pear juice;
 - (b) with an actual alcoholic strength by volume of not less than [1.2 %] and no more than [8.5 %];
 - (c) which may be subject to chaptalisation;
 - (d) to which water may be added;
 - (e) which may be sweetened;
 - (f) which may be flavoured;
 - (g) to which colours or other additives may be added.
5. Cider-based drink and perry-based drink are alcoholic beverages:
- (a) in which at least 20% of the actual alcoholic strength by volume is derived from the fermentation of the naturally occurring sugars in apple or pear juice;
 - (b) with an actual alcoholic strength by volume of not less than [1.2 %] and no more than [8.5 %];
 - (c) which may be subject to chaptalisation;
 - (d) to which water may be added;
 - (e) which may be sweetened;
 - (f) which may be flavoured;
 - (g) to which colours or other additives may be added.
6. Cider products and perry products shall be categorised in accordance with the general rules laid down in this Article as well as the specific rules laid down in Annex I.

4. Presentation and labelling

Cider products and perry products placed on the Union market shall comply with the presentation and labelling requirements set out in Regulation (EU) No 1169/2011⁶, unless otherwise provided for in this Regulation.

5. Legal names

1. The name of a cider product or a perry product shall be its legal name.

⁶ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

Cider products and perry products shall bear legal names in their presentation and labelling.

Legal names shall be shown clearly and visibly on the label of the cider product or perry product and shall not be replaced or altered.

2. The legal names set out in Annex I shall be used for any cider product and perry product placed on the market in the Union, provided that it complies with the requirements for the corresponding legal name laid down in that Annex.
3. Beverages produced in the Union and destined for export may not use in their presentation and labelling legal names reserved for products listed under point A of Annex I to this Regulation unless they comply with all requirements laid down therein for each product.
4. Cider products and perry products that comply with the requirements of one of the categories set out in **Article 3 (Definition and classification)** or Annex I shall use the name of that category as their legal name, unless that category permits the use of another legal name.
5. A cider product or perry product that complies with the requirements for more than one category set out in Annex I may be placed on the market under one or more of the legal names provided for under those categories in that Annex.
6. [A cider product or perry product that does not comply with the requirements laid down for any for the categories set out in Annex I may not use any of the legal names laid down therein but shall be presented and labelled with another name in accordance with Article 17 of Regulation (EU) No 1169/2011].
7. Notwithstanding paragraphs 1 and 2 of this Article, the legal name of a cider product or perry product may be supplemented or replaced by a geographical indication. In this case, the geographical indication may be supplemented further by any term permitted by the relevant product specification, provided that this does not mislead the consumer.
8. Legal names may be supplemented by a customary name as defined in Article 2(2) of Regulation (EU) No 1169/2011 provided that it does not mislead the consumer.
9. The terms in italics in this Regulation and in Annex I as well as geographical indications shall not be translated in the presentation or labelling of cider products and perry products.
10. By way of derogation from **paragraph 9 (terms in italics and GIs)**, in the case of cider products and perry products produced in the Union and destined for export, the terms in italics in this Regulation and in Annex I as well as geographical indications may be accompanied by translations, transcriptions or transliterations, provided that such terms and geographical indications in the original language are not hidden.

6. Optional reserved terms

The presentation and labelling of cider products and perry products may bear following optional reserved terms:

- (a) ‘Supreme’, which may be used exclusively for *premium ciders* or *premium perries*:
 - i. whose alcohol derives entirely from 100% fresh apple juice or fresh pear juice or both;

- ii. which were not subject to chaptalisation.
- (b) ‘Natural’, which may be used exclusively for supreme *premium ciders* or supreme *premium perries*:
 - i. to which no water was added;
 - ii. to which no sweetening products or flavourings were added;
 - iii. to which no additives were added other than sulphites;
 - iv. which were not subject to pasteurisation ;
 - v. whose possible carbon dioxide is exclusively of endogenous origin (for naturally sparkling *premium cider* or *premium perry*).
- (c) [...]

7. Other labelling requirements

1. The percentage of apple or pear juice used in the production of *ciders*, *perries*, cider-based drinks or perry-based drinks as referred to in **Article 3(4) and (5) (Definition and classification)** shall be indicated in their presentation and labelling in the same visual field as the legal name of the beverage at least once.
2. For the indication of the residual sugar content of *premium ciders* and *premium perries*, as referred to in **Article 3(3) (Definition and classification)**, the following terms may be used:
 - a. ‘Brut Nature’: less than [3] grams per liter;
 - b. ‘Extra Brut’: more than [3] grams per liter and less than [6] grams per liter;
 - c. ‘Brut’: more than [6] grams per liter and less than [15] grams per liter;
 - d. ‘Dry or Sec’: more than [15] grams per liter and less than [35] grams per liter;
 - e. ‘Demi-sec’: more than [35] grams per liter and less than [50] grams per liter;
 - f. ‘Sweet’: more than [50] grams per liter.

Such terms may not be used in the labelling or presentation of *ciders*, *perries*, cider-based drinks or perry-based drinks as referred to in **Article 3(4) and (5) (Definition and classification)** .

8. Indication of place of provenance

1. Where the place of provenance of a cider product or perry product, other than a geographical indication or trade mark, is indicated in its presentation or labelling, it shall correspond to the place or region where the stage in the production process which conferred on the finished cider product or perry product its character and essential definitive qualities took place.
2. The indication of the country of origin or place of provenance of the primary ingredient as referred to in Regulation (EU) No 1169/2011 shall not be required for cider products or perry products.

ANNEX I

LEGAL NAMES AND DEFINITIONS OF CIDER PRODUCTS AND PERRY PRODUCTS

A. LEGAL NAMES AND DEFINITIONS OF *PREMIUM CIDER* AND *PREMIUM PERRY*

1. *Premium Cider* and *Premium Perry*

Products complying with the definition set out in **Article 3(3) (Definition and classification)**.

A *premium cider* or *premium perry* may bear in its presentation and labelling the alternative legal name ‘*Craft cider*’ or ‘*Farm cider*’ or ‘*Craft perry*’ or ‘*Farm perry*’ respectively.

2. *Sidra*

Sidra is a *premium cider*:

- (a) whose alcohol derives entirely from 100% fresh apple juice or fresh pear juice or both;
- (b) with an actual alcoholic strength by volume of not less than [4%] and less than [x%] and a total alcoholic strength by volume of not less than [x%];
- (c) which may not be subject to chaptalisation;
- (d) [to which water may be added exclusively after fermentation;]
- (e) [which may be sweetened;]
- (f) [which may be flavoured;]
- (g) [to which colours or other additives may be added.]

‘*Sidra*’ may be used as a legal name only when the product is produced in Spain. When the product is produced in another country, ‘*Sidra*’ may only be used to supplement the legal name ‘*Premium cider*’ or ‘*Craft cider*’ or ‘*Farm cider*’, provided that it is accompanied by the words: ‘produced in ...’, followed by the name of the country of production or of a more restricted region.

3. *Cidre*

Cidre is a *premium cider*:

- (a) whose alcohol derives entirely from 100% fresh apple juice or fresh pear juice or both;
- (b) with an actual alcoholic strength by volume of not less than [x%] and less than [x%] and a total alcoholic strength by volume of not less than [5%];
- (c) which may not be subject to chaptalisation;
- (d) [to which water may be added exclusively after fermentation;]
- (e) [which may be sweetened;]
- (f) [which may be flavoured;]

(g) [to which colours or other additives may be added.]

‘*Cidre*’ may be used as a legal name only when the product is produced in France. When the product is produced in another country, ‘*Cidre*’ may only be used to supplement the legal name ‘*Premium cider*’ or ‘*Craft cider*’ or ‘*Farm cider*’, provided that it is accompanied by the words: ‘produced in ...’, followed by the name of the country of production or of a more restricted region.

4. *Apfelwein*

Apfelwein is a *premium cider*:

- (a) obtained from the fermentation of 100% of fresh or concentrated apple juice;
- (b) with an actual alcoholic strength by volume of not less than [x%] and less than [x%] and a total alcoholic strength by volume of not less than [x%];
- (c) which may be subject to chaptalisation through the addition of a quantity of sweetening products producing a volume of alcohol not exceeding [20%] of the alcohol in the final product;
- (d) [to which water may be added exclusively after fermentation];
- (e) [which may be sweetened];
- (f) [which may be flavoured];
- (g) [to which colours or other additives may be added.]

‘*Apfelwein*’ may be used as a legal name only when the product is produced in Germany or Austria. When the product is produced in another country, ‘*Apfelwein*’ may only be used to supplement the legal name ‘*Premium cider*’ or ‘*Craft cider*’ or ‘*Farm cider*’, provided that it is accompanied by the words: ‘produced in ...’, followed by the name of the country of production or of a more restricted region.

5. [xxx]

B. LEGAL NAMES AND DEFINITIONS OF *CIDER* AND *PERRY*

1. *Cider* and *Perry*

Products complying with the definition set out in **Article 3(4) (Definition and classification)**.

2. [xxx]

C. LEGAL NAMES AND DEFINITIONS OF CIDER-BASED DRINK AND PERRY-BASED DRINK

1. *Cider-based drink* and *Perry-based drink*

Products complying with the definition set out in **Article 3(5) (Definition and classification)**.

A *Cider-based drink* or *Perry-based drink* may bear in its presentation and labelling the alternative legal name ‘*Cider-based soft drink*’ or ‘*Perry-based soft drink*’ respectively.

2. [xxx]

*_Definition of fruit juice:

ANNEX I

PRODUCT NAMES, DEFINITIONS OF PRODUCTS AND CHARACTERISTICS

I. DEFINITIONS

1. (a) Fruit juice

The fermentable but unfermented product obtained from the edible part of fruit which is sound and ripe, fresh or preserved by chilling or freezing of one or more kinds mixed together having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes.

Flavour, pulp, and cells obtained by suitable physical means from the same species of fruit may be restored to the juice.

In the case of citrus fruits, the fruit juice must come from the endocarp. Lime juice, however, may be obtained from the whole fruit.

Where juices are processed from fruits with pips, seeds and peel, parts or components of pips, seeds and peel shall not be incorporated in the juice. This provision shall not apply to cases where parts or components of pips, seeds and peel cannot be removed by good manufacturing practices.

The mixing of fruit juice with fruit purée is authorised in the production of the fruit juice.

**_Definition of fruit juice from concentrate:

(b) Fruit juice from concentrate

The product obtained by reconstituting concentrated fruit juice defined in point 2 with potable water that meets the criteria set out in Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption ⁽¹⁾.

The soluble solids content of the finished product shall meet the minimum Brix level for reconstituted juice specified in Annex V.

If a juice from concentrate is manufactured from a fruit not mentioned in Annex V, the minimum Brix level of the reconstituted juice shall be the Brix level of the juice as extracted from the fruit used to make the concentrate.

Flavour, pulp and cells obtained by suitable physical means from the same species of fruit may be restored to the fruit juice from concentrate.

The fruit juice from concentrate is prepared by suitable processes, which maintain the essential physical, chemical, organoleptical and nutritional characteristics of an average type of juice of the fruit from which it comes.

The mixing of fruit juice and/or concentrated fruit juice with fruit purée and/or concentrated fruit purée is authorised in the production of fruit juice from concentrate.