

Full title of regulation Regulation (EC) No [110/2008](#) 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

Chapter I SCOPE, DEFINITION AND CATEGORIES OF SPIRIT DRINKS

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
 - 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 2203¹, 2204², 2205³, 2206⁴ and 2207⁵ 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 (i.e. egg liqueur or *advocaat* or *avocat* or *advokat* – permitted min. alc. strength by vol. of 14%)
4. For the purpose of this Regulation the technical definitions and requirements are laid down in Annex I.

Chapter III GEOGRAPHICAL INDICATIONS

Article 16 Protection of geographical indications

Without prejudice to Article 10 (see below), the geographical indications registered in Annex III shall be protected against:

- a) any direct or indirect commercial use in respect of products not covered by the registration in so far as those products are comparable to the spirit drink registered under that geographical indication or insofar as such use exploits the reputation of the registered geographical indication;
- b) any misuse, imitation or evocation, even if the true origin of the product is indicated or the geographical indication is used in translation or accompanied by an expression such as 'like', 'type', 'style', 'made', 'flavour' or any other similar term;

¹ Beer made from malt

² Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009

³ Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances

⁴ Other fermented beverages (for example, cider, perry, mead)

⁵ Udenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength

-
- c) any other false or misleading indication as to the provenance, origin, nature or essential qualities on the **description, presentation** or labelling of the product, liable to convey a false impression as to its origin;
 - d) any other practice liable to mislead the consumer as to the true origin of the product.
-

Annex 1

TECHNICAL DEFINITIONS AND REQUIREMENTS

14) Description

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.

Article 10

Specific rules concerning the use of sales denominations and geographical indications

1. Without prejudice to Directive 2000/13/EC, the use of a term listed in categories 1 to 46 of Annex II, or of a geographical indication registered in Annex III 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 in the Community under the conditions set out therein.
-