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DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate E – Markets
The Director

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MINUTES

Meeting of the Civil Dialog Group on Agricultural Market Spirit drinks

Wednesday 19 April 2023

Chair: AGRI.E2

The following organisations were represented: COGECA, COPA, EuroCommerce, FEFAC, FoodDrinkEurope.

1. Approval of the agenda and of the minutes of previous meeting

The agenda was approved without changes.

No additional point was proposed for discussion under AOB.

2. Nature of the meeting

The meeting was non-public.

3. List of points discussed

3.1 Spirit Drinks Regulation

a. Secondary legislation (on Ethyl Alcohol of Agricultural Origin) – EC update

DG AGRI.E.2 informed that, after the publication of **Commission Delegated Regulation (EU) 2022/1303** of 25 April 2022 amending Regulation (EU) 2019/787 of the European Parliament and of the Council as regards the **definition of and requirements for ethyl alcohol of agricultural origin** (OJ L 197, 26.7.2022, p. 71) already notified at the last meeting of the CDG, also **Commission Implementing Regulation (EU) 2023/383** of 16 February 2023 amending Regulation (EC) No 2870/2000 laying down Community reference methods for the analysis of spirit drinks, and repealing Regulation (EEC) No 2009/92 determining **Community analysis methods for ethyl alcohol of agricultural origin** in the preparation of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails had been published (OJ L 53, 21.2.2023, p. 3).

b. Proposal by certain Member States to introduce new spirit drink categories (potato, bread and birch sap spirit) – EC update

DG AGRI.E.2 explained that, in the framework of the Council works on the legislative procedure for the revision of the GI system, after the proposal to add the two new spirit drink categories ‘**potato spirit**’ and ‘**bread spirit**’ to Annex I to the Spirit Drinks Regulation (EU) 2019/787, the third category of ‘**birch sap spirit, maple sap spirit and birch sap and maple sap spirit**’ had been additionally proposed to accommodate spirit drinks that are currently placed on the market without being specifically regulated.

The reasons for the proposals reside in the fact that neither ‘bread’ nor ‘birch sap/maple sap’ are agricultural products listed in Annex I TFEU and therefore spirit drinks produced by distilling them should be included in Annex I to the Spirit Drinks Regulation, while some spirits produced by distilling potatoes do not fall either under category 9 fruit spirits or category 15 vodka and require thus to be hosted under a specific, additional spirit drink category.

The requesting Member States had been reminded that the COM was not empowered to create new categories of spirit drinks by Delegated Act. For this reason, those Member States undertook to propose an amendment in this sense in the framework of the ongoing legislative procedure for the revision of the GI system, which also covers Regulation (EU) 2019/787. The COM will express its formal position when the legislative procedure will reach the step of the trilogues.

3.2 Low/no alcohol beverages

a. Study by DG AGRI – EC update

DG AGRI.E.2 presented the study with the aid of the slides provided prior to the meeting (and published both on CIRCABC and the EUROPA website).

spiritsEUROPE (FoodDrinkEurope) thanked for the study which represents a good basis for discussion and underlined: 1) that it is obvious that spirit drinks GIs like Cognac are not interested in their low/no alcohol (LNA) counterparts as currently they are limited to clear spirits like Gin and 2) that while welcoming the development of LNA beverages, it should be borne in mind that potential health consequences depend more on moderate consumption patterns than on the actual alcoholic strength of beverages. Also premiumisation is an important element in this context, as it induces consumers to drink less but better.

DG AGRI.E.2 replied that the first statement was not completely correct as there was evidence that low/no alcohol beverages also refer to aged rum and whisky and that the intention of this study was in no way to induce the substitution of spirit drinks with LNA beverages but rather to provide an overview of what is ongoing on the market in order to evaluate the possible need for additional EU legislation in this field. Producers should not be scared by this development but rather consider it as an opportunity to develop a parallel, niche market, and in this context it might be beneficial both for them and for consumers to regulate the production and labelling of those beverages.

COPA-Cogeca welcomed the study and asked whether there is scientific evidence of the positive health effects of LNA beverages mentioned in the presentation, what type of producers are mostly involved in LNA beverages, what kind of LNA product could be covered by geographical indications. Moreover, COPA-Cogeca remarked that the sector is concerned by the recent development of LNA beverages and considers that an harmonisation at EU level might be beneficial.

DG AGRI.E.2 replied that the study does not provide scientific evidence of the health benefits of LNA beverages but mentions that, particularly as concerns LNA beer, consumers tend to consume it after sport exercise due to their alleged isotonic properties to replenish depleted electrolytes; that no common trend has been found as to the type of producers of LNA beverages (both big and/or established producers and SMEs/start ups in each LNA sector); that EU law already allows LNA wine to be incorporated in GIs and that the same could happen for LNA aromatised wine products and LNA beer but that this is not likely for LNA spirit drinks, which are normally not produced in accordance with the requirements laid down for the respective categories.

b. ALHAMBRA Project – EC update

DG AGRI.E.2 reported the information provided by **DG SANTE.B.4**, whose representatives were unable to attend the meeting, that the project had been concluded in February of this year and that the final report was in the process of being finalised.

3.3 GI Revision

a. Process – EC update

DG AGRI.F.3 presented the state of play of the revision of the GI system with the aid of the slides provided prior to the meeting (and published both on CIRCABC and the EUROPA website). The presentation focused mainly on the the proceedings in the Council Working Party and European Parliament, and the main outstanding issues being discussed. The timeline for (possible) adoption of the legislative proposal by the co-legislators is envisaged by end of 2023.

b. Key positions and policy requests by spirit drinks sector

spiritsEUROPE (FoodDrinkEurope) presented with the aid of the slides provided prior to the meeting (and published both on CIRCABC and the EUROPA website) their main concerns on the ongoing GI revision.

In particular, **spiritsEUROPE** highlighted concerns regarding the lack of reference to the Spirits Drinks Regulation 2019/787 and the rules contained within it and expressed support for the voluntary approach to sustainability requirements and for the concept of the recognised producer group (including the recognition of PG in third countries). On this last point, **DG AGRI.F.3** clarified that the EU cannot impose a system of recognition for producer groups in third countries. On the role of EUIPO, **spiritsEUROPE** reiterated

their views that the COM should retain exclusive competence and responsibility for the registration of GIs.

3.4 Consumer information:

a. FIC Revision – EC update

DG AGRI.E.2 reported the information provided by **DG SANTE.A.1**, whose representatives were unable to attend the meeting, that there was no update to be provided with respect to the previous meeting of the Spirit Drinks CDG.

b. Health Warning Labelling – EC update

DG AGRI.E.2 read out the following text provided by **DG SANTE.B.4**, whose representatives were unable to attend the meeting:

‘In line with Europe’s Beating Cancer Plan, the COM intends to work towards health warnings on labels of alcoholic beverages. Currently, preparatory work and evidence-gathering are in progress and this is where the COM is now concentrating its efforts.’

COPA-Cogeca expressed its position that health warning should be based on solid scientific literature and consensus and aim at informing and educating consumers by distinguishing between alcohol use and abuse. Moreover, the proliferation of initiatives at national level should be avoided in view of preserving the integrity of the Single Market.

c. Implementation of spiritsEUROPE’s Memorandum of Understanding on consumer information – Update from the sector

spiritsEUROPE (FoodDrinkEurope) presented the state of play of this file with the aid of the slides provided prior to the meeting (and published both on CIRCABC and the EUROPA website).

d. Digital labelling – Update from the sector

spiritsEUROPE (FoodDrinkEurope) presented this file with the aid of the slides provided prior to the meeting (and published both on CIRCABC and the EUROPA website).

DG AGRI.E.2 informed of the concern raised by certain Member States on the fact that there is no requirement that the physical label indicates what is to be found by using a QR code (particularly as concerns ingredients).

spiritsEUROPE (FoodDrinkEurope) replied that this is an issue that they are working on, although some producers have already implemented solutions at individual level.

COPA-Cogeca thanked for the presentations and expressed strong support for digital labelling.

3.5 Revision of the Packaging and Packaging Waste Regulation: implications for the spirit drinks sector – EC update

DG ENV.B.3 presented with the aid of the slides provided prior to the meeting (and published both on CIRCABC and the EUROPA website) the COM proposal for a Regulation on Packaging and Packaging Waste.

spiritsEUROPE (FoodDrinkEurope) informed of certain amendments proposed by the EP affecting spirit and asked if the COM was going to defend its initial proposal. Moreover, **spiritsEUROPE** warned the COM about the potential huge number of requests of amendment of GI files to include packaging requirements in their product specifications.

DG ENV.B.3 replied that the position of the COM will be formalised by the time the legislative procedure reaches the step of the trilogues.

3.6 EU Promotion Policy and the role of spirit drinks – EC update

DG AGRI.E.2 read out the following text provided by **DG AGRI.F.1**, whose representatives were unable to attend the meeting:

- The review of the agri food promotion policy was launched in May 2020 as part of the Farm to Fork strategy. The objective was to increase the promotion policy's support to sustainable agriculture production and consumption.
- The review included the publication of a roadmap with different policy options, an online public consultation and conference of stakeholders (all of these were completed)
- In 2022, the Commission completed an impact assessment looking at the different policy options.
- The impact assessment was given a positive opinion by the Commission's Regulatory Scrutiny Board.
- The Commission is currently preparing a legislative proposal to amend the Promotion Policy Regulation. There are now internal discussions and we cannot commit at this stage when the Commission will present its proposals.

3.7 AOB

None

4. Next meeting

The next CDG HOS – Spirit Drinks meeting is scheduled for 2024.

The final date and time will be confirmed by DG AGRI.

5. List of participants

See Annex

[e-signed]

Pierre BASCOU

ANNEX

List of participants– Minutes
Meeting of the Civil Dialog Group Agricultural Markets – Spirit drinks
Wednesday 19 April 2023

ORGANISATION
COGECA - European agri-cooperatives / General Confederation of Agricultural Co-operatives of the European Union
COPA - "European farmers / Committee of Professional Agricultural Organisations of the European Union
Eurocommerce
FEFAC - European Feed Manufacturers Federation / Fédération européenne des fabricants d'aliments composés
FoodDrinkEurope