



Brussels, **XXX**
[...] (2022) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

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

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008¹, and in particular Article 20, first paragraph, point (d), thereof,

Whereas:

- (1) The definition and requirements for ethyl alcohol of agricultural origin laid down in Article 5 of Regulation (EU) 2019/787 have been amended by Commission Delegated Regulation (EU) 2022/1303² among others to bring the maximum level of certain residues in line with the technical parameters currently used by the industry and by most laboratories of analysis.
- (2) In that context, it is deemed necessary to amend Commission Regulation (EC) No 2870/2000³ to extend the reference methods set out in the Annex thereto to the analysis of ethyl alcohol of agricultural origin.
- (3) The alcoholic strength by volume of ethyl alcohol of agricultural origin should be established on the basis of the reference method set out in Chapter I of the Annex to Regulation (EC) No 2870/2000 as that is the established method currently used for the analysis of spirit drinks. For that purpose, it is appropriate to establish that ethyl alcohol of agricultural origin should be considered as a distillate whose alcoholic strength by volume is to be measured directly and not after distillation. Nonetheless, since automatic densimeters provide an erratic number when the injected alcohol is not clear, it is appropriate to provide that the sample should be distilled in that case.
- (4) In view of determining the origin of ethyl alcohol, notably that it has been obtained from products listed in Annex I to the Treaty, it is appropriate to resume method 13 set

¹ OJ L 130, 17.5.2019, p. 1.

² 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).

³ Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirits drinks (OJ L 333, 29.12.2000, p. 20).

out in Commission Regulation (EC) No 625/2003⁴, which is now obsolete, aimed at determining the ¹⁴C content in ethanol permitting a distinction between synthetic alcohol and fermentation alcohol.

- (5) The measurement of ethyl acetate, acetaldehyde, higher alcohols and methanol in ethyl alcohol of agricultural origin should be based on the reference methods set out in point III.2 of Chapter III of the Annex to Regulation (EC) No 2870/2000 as those are established methods currently used for the analysis of a number of spirit drinks.
- (6) Concerning furfural, the reference method for its measurement should be based on the established method provided for the analysis of furfural in spirit drinks, which is the liquid chromatography method for wood compounds set out in Chapter X of the Annex to Regulation (EC) No 2870/2000.
- (7) As there is a difference in alcoholic strength between ethyl alcohol of agricultural origin and the spirit drinks for which there are reference methods of analysis set out in the Annex to Regulation (EC) No 2870/2000, and taking into account that concentrations of volatile substances (esters, aldehydes, higher alcohols) expected for ethyl alcohol of agricultural origin are considerably at lower limits than for some spirit drinks, it is appropriate to determine minor adaptations to those methods to accommodate those differences.
- (8) Regulation (EC) No 2870/2000 should therefore be amended accordingly.
- (9) Commission Regulation (EEC) No 2009/92⁵ relates to the analysis of ethyl alcohol of agricultural origin. Since its adoption, the rules concerning these methods of analysis have evolved with the repeal of Commission Regulation (EEC) No 1238/92⁶, concerning the analysis of neutral alcohol, by Commission Regulation (EC) No 1623/2000⁷, as well as the adoption of a definition and requirements for ethyl alcohol of agricultural origin in Article 5 of Regulation (EU) 2019/787. Regulation (EEC) No 2009/92 is therefore becoming obsolete.
- (10) In the interest of clarity and legal certainty, Regulation (EEC) No 2009/92 should be repealed.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Spirit Drinks,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 2870/2000

Regulation (EC) No 2870/2000 is amended as follows:

⁴ Commission Regulation (EC) No 625/2003 of 2 April 2003 amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms (*OJ L 90, 8.4.2003, p. 4*).

⁵ Commission 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 (*OJ L 203, 21.7.1992, p. 10*).

⁶ Commission Regulation (EEC) No 1238/92 of 8 May 1992 determining the Community methods applicable in the wine sector for the analysis of neutral alcohol (*OJ L 130, 15.5.1992, p. 13*).

⁷ Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms (*OJ L 194, 31.7.2000, p. 45*).

- (1) the following Article 1a is inserted:

‘Article 1a

1. This Regulation applies to ethyl alcohol of agricultural origin as defined by Article 5 of Regulation (EU) 2019/787 of the European Parliament and of the Council*.
2. The Union reference methods of analysis for ethyl alcohol of agricultural origin shall be those set out in the Annex to this Regulation.
3. For the purposes of this Regulation, ethyl alcohol of agricultural origin shall be considered as a distillate whose alcoholic strength by volume shall be measured directly as set out in Appendix II of Chapter I of the Annex.
However, where the alcohol sample is not clear or suspended particles are visible, the sample shall be distilled.
4. For the determination of volatile substances the calibration with the standard solution C prepared in absolute ethanol shall be required to achieve appropriate matrix matching between samples and standard solutions detailed in Chapter III.2 of the Annex.
5. For the determination of furfural, as detailed in Chapter X of the Annex, ethyl alcohol of agricultural origin shall be diluted by two through the addition of water so as to double its initial volume and reach an alcoholic strength by volume compatible with the calibration solutions. Results for the analysis of furfural shall be converted to grams per hectolitre of 100 % vol. alcohol in accordance with the equation ‘Concentration of furfural in grams per hectolitre of 100 % vol. alcohol = Concentration of furfural in mg/l x 10/alcoholic strength by volume (% vol)’, where alcoholic strength by volume (% vol) is the alcoholic strength of the measured sample as determined in Chapter I of the Annex.
6. For the determination of ¹⁴C content in ethanol, the method set out in Chapter XI of the Annex shall be used.

* Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).’;

- (2) the Annex is amended in accordance with the Annex to this Regulation.

Article 2

Repeal of Regulation (EEC) No 2009/92

Regulation (EEC) No 2009/92 is repealed.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN

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