Rum

Exporting to the EU

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1 Introduction

Recently the European Parliament and of the Counsel have approved new Regulations 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.

This affects the exports of Rum into the EU directly.

The New Regulation lays down rules on the definition, description, presentation and labelling of spirit drinks, as well as on the protection of geographical indications of spirit drinks; the ethyl alcohol and distillates used in the production of alcoholic beverages; and the use of legal names of spirit drinks in the presentation and labelling of foodstuffs other than spirit drinks.

2 Glossary for the purpose of this Guide and Regulation:

Definition of and requirements for spirit drinks

Spirit drink is an alcoholic beverage which complies with the following requirements:

1. it is intended for human consumption;
2. it possesses particular organoleptic qualities;
3. it has a minimum alcoholic strength by volume of 15 %, except in the case of spirit drinks that comply with the requirements of category 39 of Annex I;
4. it has been produced either:
    (a) directly by using, individually or in combination, any of the following methods: distillation, with or without added flavourings or flavouring foodstuffs, of fermented products, the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks or a combination thereof, the addition, individually or in combination, to ethyl

alcohol of agricultural origin, distillates of agricultural origin or spirit drinks of any of the following:

1. flavourings used in accordance with Regulation (EC) No 1334/2008
2. colours used in accordance with Regulation (EC) No 1333/2008
3. other authorised ingredients used in accordance with Regulations (EC) No 1333/2008 and (EC) No 1334/2008
4. sweetening products
5. other agricultural products
6. foodstuffs; or

(b) by adding, individually or in combination, to it any of the following:

1. other spirit drinks
2. ethyl alcohol of agricultural origin
3. distillates of agricultural origin
4. other foodstuffs

5. it does not fall within CN codes 2203, 2204, 2205, 2206 and 2207;
6. if water, which may be distilled, demineralized, permuted or softened, has been added in its production:

(a) the quality of that water complies with Council Directive 98/83/EC[1] and Directive 2009/54/EC of the European Parliament and of the Council[2]; and

(b) the alcoholic strength of the spirit drink, after the addition of the water, still complies with the minimum alcoholic strength by volume provided for in point (c) of this Article or under the relevant category of spirit drinks as set out in Annex I.

Legal name means: the name under which a spirit drink is placed on the market, within the meaning of point (n) of Article 2(2) of Regulation (EU) No 1169/2011;

Compound term means: in relation to the description, presentation and labelling of an alcoholic beverage, the combination of either a legal name provided for in the categories of spirit drinks set out in Annex I or the geographical indication for a spirit drink, from which all the alcohol of the final product originates, with one or more of the following:

1. the name of one or more foodstuffs other than an alcoholic beverage and other than foodstuffs used for the production of that spirit drink in accordance with Annex I, or adjectives deriving from those names;
2. the term 'liqueur' or 'cream';

Allusion means: the direct or indirect reference to one or more legal names provided for in the categories of spirit drinks set out in Annex I or to one or more geographical indications for spirit drinks, other than a reference in a compound term or in a list of ingredients as referred to in Article 13(2), (3) and (4), in the description, presentation or labelling of:

1. (a) a foodstuff other than a spirit drink, or
2. (b) a spirit drink that comply with the requirements of categories 33 to 40 of Annex I;

Geographical Indication means: an indication which identifies a spirit drink as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of that spirit drink is essentially attributable to its geographical origin;

Product Specification means: a file attached to the application for the protection of a geographical indication, in which the specifications with which the spirit drink has to comply are set out, and which was referred to as a 'technical file' under Regulation (EC) No 110/2008;

Group means: any association, irrespective of its legal form, that is mainly composed of producers or processors working with the spirit drinks concerned;

Generic Name means: a name of a spirit drink that has become generic and that, although it relates to the place or the region where the spirit drink was originally produced or marketed, has become the common name of that spirit drink in the Union;

Visual Field means: field of vision as defined in point (k) of Article 2(2) of Regulation (EU) No 1169/2011;

To Mix means: to combine a spirit drink that either belongs to a category of spirit drinks set out in Annex I or to a geographical indication with one or more of the following:

1. other spirit drinks which do not belong to the same category of spirit drinks set out in Annex I;
2. distillates of agricultural origin;
3. ethyl alcohol of agricultural origin;

Mixture means: a spirit drink that has undergone mixing;

To Blend means: to combine two or more spirit drinks of the same category that are distinguishable only by minor differences in composition due to one or more of the following factors:

1. the method of production;
2. the stills employed;
3. the period of maturation or ageing;
4. the geographical area of production;

the spirit drink so produced belongs to the same category of spirit drinks as the original spirit drinks before blending;

Blend means: a spirit drink that has undergone blending.

Technical definitions and requirements

For the purposes of this Regulation, the following technical definitions and requirements apply:

Description means: the terms used in the labelling, in the presentation and on the packaging of a spirit drink, on the documents accompanying the transport of a spirit drink, on the commercial documents, particularly the invoices and delivery notes, and in the advertising of a spirit drink;

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;

Labelling means: any word, particulars, trademarks, 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;

Label means: any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to the packaging or container of food;

Packaging means: the protective wrappings, cartons, cases, containers and bottles used in the transport or sale of spirit drinks;

Distillation means: a thermal separation process involving one or more separation steps intended to achieve certain organoleptic properties or a higher alcoholic concentration or both, regardless of whether such steps take place under normal pressure or under vacuum, due to the distilling device used; and can be single or multiple distillation or re-distillation;

Distillate of Agricultural Origin means: an alcoholic liquid which is the result of the distillation, after alcoholic fermentation, of agricultural products listed in Annex I to the Treaty, which does not have the properties of ethyl alcohol and which retains the aroma and taste of the raw materials used;

To Sweeten means: to use one or more sweetening products in the production of spirit drinks;

Sweetening Product means: 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).

1. 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/EC[1];
2. rectified concentrated grape must, concentrated grape must, and fresh grape must;
3. burned sugar which is the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;
4. honey as defined in point 1 of Annex I to Council Directive 2001/110/EC[1];
5. carob syrup;
6. any other natural carbohydrate substances having a similar effect as the products referred to in points (a) to (e);

Addition of Alcohol means: the addition of ethyl alcohol of agricultural origin or distillates of agricultural origin or both to a spirit drink; such addition does not include the use of alcohol for dilution or dissolution of colours, flavourings or any other authorized ingredients used in the production of spirit drinks;

Maturation or Ageing means: the storage of a spirit drink in appropriate receptacles for a period of time for the purpose of allowing that spirit drink to undergo natural reactions that impart specific characteristics to that spirit drink;

To Flavour means: to add flavourings or flavouring foodstuffs in the production of a spirit drink by means of one or more of the following processes: addition, infusion, maceration, alcoholic

fermentation, or distillation of alcohol in the presence of the flavourings or flavouring foodstuffs;

To Colour means: to use one or more colours in the production of a spirit drink;

Colours mean: colours as defined in point 2 of Annex I to Regulation (EC) No 1333/2008;

Caramel means: a food additive corresponding to E-numbers E 150a, E 150b, E 150c or E 150d and relating to products of a more or less intense brown colour which are intended for colouring, as referred to in Part B of Annex II to Regulation (EC) No 1333/2008; it does not correspond to the sugary aromatic product obtained from heating sugars and which is used for flavouring purposes;

Other Authorised Ingredients means: food ingredients with flavouring properties authorised under Regulation (EC) No 1334/2008 and food additives other than colours authorised under Regulation (EC) No 1333/2008;

Alcoholic Strength by Volume means: the ratio of the volume of pure alcohol present in a product at 20 °C to the total volume of that product at the same temperature;

Volatile Substances Content means: the quantity of volatile substances, other than ethyl alcohol and methanol, contained in a spirit drink produced exclusively by distillation.

3 Definition of and requirements for ethyl alcohol of agricultural origin

For the purposes of this Regulation, ethyl alcohol of agricultural origin is a liquid which complies with the following requirements:

a) it has been obtained exclusively from products listed in Annex I to the Treaty;
b) it has no detectable taste other than that of the raw materials used in its production;
c) its minimum alcoholic strength by volume is 96,0 %;
d) its maximum levels of residues do not exceed the following:
    i. total acidity (expressed in acetic acid): 1,5 grams per hectolitre of 100 % vol. alcohol;
    ii. esters (expressed in ethyl acetate): 1,3 grams per hectolitre of 100 % vol. alcohol;

iii. aldehydes (expressed in acetaldehyde): 0,5 grams per hectolitre of 100 % vol. alcohol;
iv. higher alcohols (expressed in 2-methyl-1-propanol): 0,5 grams per hectolitre of 100 % vol. alcohol;
v. dry extract: 1,5 grams per hectolitre of 100 % vol. alcohol;
vi. volatile bases containing nitrogen (expressed in nitrogen): 0,1 grams per hectolitre of 100 % vol. alcohol;
vii. furfural: not detectable.

3.1 Ethyl alcohol and distillates used in alcoholic beverages

1. The ethyl alcohol and distillates used in the production of spirit drinks shall be exclusively of agricultural origin, within the meaning of Annex I to the Treaty.
2. No alcohol other than ethyl alcohol of agricultural origin, distillates of agricultural origin or spirit drinks of categories 1 to 14 of Annex I shall be used to dilute or dissolve colours, flavourings or any other authorized ingredients used in the production of alcoholic beverages. Such alcohol used to dilute or dissolve colours, flavourings or any other authorised ingredients shall only be used in the amounts strictly necessary for that purpose.
3. Alcoholic beverages shall not contain alcohol of synthetic origin or other alcohol of non-agricultural origin, within the meaning of Annex I to the Treaty.

3.2 Categories of spirit drinks

1. Spirit drinks shall be categorized in accordance with the general rules laid down in this Article and the specific rules laid down in Annex I.
2. Without prejudice to the specific rules laid down for each of the categories of spirit drinks 1 to 14 of Annex I, the spirit drinks of those categories shall:

    a) be produced by alcoholic fermentation and distillation, and exclusively obtained from the raw material provided for under the corresponding category of spirit drinks in Annex I;
    b) have no addition of alcohol, whether diluted or not;
    c) not be flavoured;
    d) not be coloured with anything except caramel used exclusively for adjusting the colour of those spirit drinks;

e) not be sweetened except to round off the final taste of the product; the maximum content of sweetening products, expressed as invert sugar, shall not exceed the thresholds set out for each category in Annex I;
f) not contain adjuncts other than whole unprocessed items of the raw material from which the alcohol is obtained, and which are mainly used for decorative purposes.

3. Without prejudice to the specific rules laid down for each of the categories of spirit drinks 15 to 44 of Annex I, the spirit drinks of those categories may:

a) be produced from any agricultural raw material listed in Annex I to the Treaty;
b) have addition of alcohol;
c) contain flavouring substances, natural flavouring substances, flavouring preparations and flavouring foodstuffs;
d) be coloured;
e) be sweetened.

4. Without prejudice to the specific rules laid down in Annex II, spirit drinks which do not comply with the specific rules laid down for each of the categories set out in Annex I may:
a) be produced from any agricultural raw material listed in Annex I to the Treaty or from any foodstuff or both;
b) have addition of alcohol;
c) be flavoured;
d) be coloured;
e) be sweetened.

3.3 Presentation and labelling

Spirit drinks placed on the Union market shall comply with the presentation and labelling requirements set out in Regulation (EU) No 1169/2011, unless otherwise provided for in this Regulation.

3.3.1 Legal names of spirit drinks

1. The name of a spirit drink shall be its legal name.
Spirit drinks shall bear legal names in their description, presentation and labelling.

2. Legal names shall be shown clearly and visibly on the label of the spirit drink and shall not be replaced or altered.
3. Spirit drinks that comply with the requirements of a category of spirit drinks set out in Annex I shall use the name of that category as their legal name, unless that category permits the use of another legal name.
4. A spirit drink that does not comply with the requirements laid down for any of the categories of spirit drinks set out in Annex I shall use the legal name 'spirit drink'.
5. A spirit drink that complies with the requirements for more than one category of spirit drinks 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 Annex I.
6. Notwithstanding paragraphs 1 and 2 of this Article, the legal name of a spirit drink may be:
    a) supplemented or replaced by a geographical indication referred to in Chapter III. 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; and
    b) replaced by a compound term that includes the term 'liqueur' or 'cream', provided that the final product complies with the requirements of category 33 of Annex I.

Without prejudice to Regulation (EU) No 1169/2011 and to the specific rules laid down for the categories of spirit drinks in Annex I to this Regulation, the legal name of a spirit drink may be supplemented by:

a) a name or geographical reference provided for in the laws, regulations and administrative provisions applicable in the Member State in which the spirit drink is placed on the market, provided that this does not mislead the consumer;
b) a customary name as defined in point (o) of Article 2(2) of Regulation (EU) No 1169/2011, provided that this does not mislead the consumer;
c) a compound term or an allusion in accordance with Articles 11 and 12;
d) the term 'blend', 'blending' or 'blended', provided that the spirit drink has undergone blending;
e) the term 'mixture', 'mixed' or 'mixed spirit drink', provided that the spirit drink has undergone mixing; or the term 'dry' or 'dry', except in the case of spirit drinks that comply with the requirements of category 2 of Annex I, without prejudice to the specific requirements laid down in categories 20 to 22 of Annex I, and provided that the spirit drink has not been sweetened, not even for rounding off the taste. By way of derogation

from the first part of this point, the term 'dry' or 'dry' may supplement the legal name of spirit drinks that comply with the requirements of category 33 and have therefore been sweetened.

Without prejudice to Articles 11 and 12 and Article 13(2), (3) and (4), the use of the legal names referred to in paragraph 2 of this Article or geographical indications in the description, presentation or labelling of any beverage not complying with the requirements of the relevant category set out in Annex I or of the relevant geographical indication shall be prohibited. That prohibition shall also apply where such legal names or geographical indications are used in conjunction with words or phrases such as 'like', 'type', 'style', 'made', 'flavour' or any other similar terms.

Without prejudice to Article 12(1), flavourings that imitate a spirit drink or their use in the production of a foodstuff other than a beverage may bear, in their presentation and labelling, references to the legal names referred to in paragraph 2 of this Article, provided that such legal names are supplemented by the term 'flavour' or any other similar terms. Geographical indications shall not be used to describe such flavourings.

3.3.2 Specifics for Rum

Other labelling/packaging requirements for rum:

- Actual alcoholic strength by volume (calculated to not more than one decimal place): The figure can have the word 'alcohol' or the abbreviation 'alc' before the figure, and the symbol '% vol.' must follow it. A margin of error of 0.3 % is allowed for the measurement of alcoholic strength.
- Blending: If a bottle contains 2 or more rums combined, the label can carry the term 'blend', 'blending' or blended'.
- Age: If the age of the rum is stated on the label, it may refer only to the youngest rum in the blend, provided that it was aged under revenue supervision.
- No lead-based capsules or foil: Rum cannot be exported to the EU or stored in containers with closing devices covered by lead-based capsules or foil.
- Language: Rum must be labelled in at least one of the EU's official languages.

3.4 Traceability

As a food business operator – including final importer – you must be able to trace and identify where your products came from and where they are going, to rapidly provide this information

to health and safety authorities if required. See My export for more hygiene rules for food and beverages.

3.5 Contaminants

Specific limits exist for the antibiotic palutin. See My export for per product information on contaminant levels.

3.6 Product Safety

Manufacturers and distributors must:

- supply products that comply with the general safety requirements
- inform consumers of the risks that a product might pose and any precautions they should take
- notify the relevant national authorities if they discover that a product is dangerous and cooperate with them on the action taken to protect consumers.

The EU member countries carry out market surveillance and enforce the product safety rules. They are assisted by EU mechanisms like RAPEX - the rapid exchange of information between EU countries and the European Commission on dangerous products.

3.7 Technical standardization

The EU encourages its member countries to adopt harmonized technical standards.

The basic principles of EU standardization policy

a) **essential general health and safety requirements**, applicable to sectors or families of products, that products *must* meet to be placed on the EU market (e.g. health, safety, consumer protection and environmental protection)
b) technical specifications of specific products laid down in **harmonized standards** (voluntary) – products manufactured according to these standards are presumed to comply with the corresponding essential requirements

Harmonized standards can be drawn up by three **independent standardization bodies**:

- European Committee for Standardisation (CEN)
- European Committee for Electrotechnical Standardisation (CENELEC)
- European Telecommunications Standards Institute (ETSI)

3.7.1 Conformity assessment

Procedures to assess the conformity of products to the essential requirements laid down in technical harmonization directives are carried out by:

- the manufacturer, or
- a third party. **'Notified bodies'** in each EU country are responsible for conformity assessment when a third party is required.

More information on notified bodies

Conformity assessment procedures cover the design phase of products, their production phase or both, in a variety of ways: internal control of production, full quality assurance, etc.

Mutual recognition agreements exist between the EU and certain non-EU countries which are on a comparable level of technical development and have a compatible approach to conformity assessment.

"CE" marking

CE marking indicates that a product complies with all requirements for CE marking and that it has passed the relevant conformity assessment procedure. The CE marking:

- consists of the "CE" marking and the identification number of the notified body involved in the assessment (when required)
- is affixed to the product, its packaging or to the accompanying document
- enables the product to be placed on the EU market.

Check how to affix CE marking for 25 different product groups.

The national authorities in the EU countries are responsible for **market surveillance** to ensure that products meet the requirements to be placed on the EU market. Surveillance can consist of documentary checks and/or physical inspections.

See also: specific information for importers.

3.7.2 Authorized representative in the EU

Manufacturers in non-EU countries who wish to sell their products in the EU must appoint an authorized representative established in the EU to act on their behalf. They are responsible for designing and manufacturing products that comply with all applicable requirements and for carrying out the required conformity assessment procedure.

Customs authorities shall suspend the release of goods which may pose a serious risk to health or safety or which are not accompanied by the required documentation.

3.7.3 New rules for marketing products in the EU

Since 2008, new rules have been in place to remove the remaining obstacles to free movement of goods anywhere in the EU.

- Procedures relating to the application of national technical rules to products lawfully marketed in another EU country
- Accreditation and market surveillance
- CE conformity marking and conformity assessment

More on the new rules on the marketing of products in the EU

3.8 Packaging

Packaging marketed in the EU must meet both **environmental and health requirements**.

- **general rules on** packaging and packaging waste
- package sizing
- **special rules for** materials and articles intended to come into contact **with foodstuffs**
- Imports of packaging made of wood and other plant products may be subject to plant-health measures

In particular, **wood packages** (cases, boxes, crates, etc.) must go through one of the approved treatments specified in Annex I to **FAO International Standard for Phytosanitary Measures No. 15** and bear the corresponding mark as specified in Annex II

3.9 Labelling

Products marketed in the EU must comply with EU labelling requirements, intended to:

- protect consumers' health, safety and interests
- provide product information - content, composition, safe use and special precautions, etc.

Labels must be:

- visible
- legible

- indelible
- clearly worded in a language easily understood by consumers

Usually this means in the official language(s) of the European country where the product is marketed. You may use foreign terms or expressions if they will be easily understood by consumers.

Bottles (or labels attached to packages containing bottles) must display:

- NAME UNDER WHICH THE PRODUCT IS SOLD. Unless specific EU or national provisions apply, the name should be a customary name or a description. A trademark, brand name or fancy name may be used in addition to the generic name. You must also include the product's physical condition or specific treatment undergone, if its omission could be misleading for consumers.
- LIST OF INGREDIENTS, INCLUDING ADDITIVES. Exception: foods consisting of a single ingredient, where the name of the food is identical to the name of the ingredient or enables the nature of the ingredient to be clearly identified. You must always indicate any substances that might cause allergic reactions.
- NET QUANTITY (weight, volume in metric units) of prepackaged foodstuffs
- MINIMUM DURABILITY DATE. Format: "best before DD/MM/YYYY"
- SPECIAL CONDITIONS FOR STORAGE OR USE
- NAME OR BUSINESS NAME AND ADDRESS of the manufacturer, packager, or seller established in the EU.
- PLACE OF ORIGIN OR PROVENANCE, where its omission could be misleading for consumers.
- LOT MARKING on pre-packaged foodstuffs. Format: "L..."

New food labelling rules applying as from 13th December 2014

See also the product specific factsheet summarizing the EU import requirements on:

- Rum

3.9.1 EU Ecolabel

The EU Ecolabel or 'Flower logo' may be awarded to products that help improve the environment and provide consumer guidance on their environmental impact.

There are basic rules and specific Ecolabel criteria for different product groups (e.g. textiles, footwear, cleaning products, household appliances, paper products, etc.).

Manufacturers, importers, service providers, traders and retailers may apply for the Ecolabel to the relevant authority in the EU country where the product has been placed on the market.

More information on the EU Ecolabel

See also:

- EU eco label for business
- Step-by-step guide on how to apply the eco-label
- Guidelines for the use of the EU Ecolabel logo
- Marketing guide
- Eco-label catalogue

3.10 Proofs of Origin for EPAs

To qualify for preferential duty rates, products originating in EPA countries must be accompanied by a proof of origin. This can be either:

- a Movement Certificate EUR.1 - issued by the customs authorities of the exporting country. The exporter (or authorised representative) applying for a certificate must be prepared to submit documents proving the originating status of the products concerned on request and fulfil the other requirements of the Rules of Origin Protocol.
- an invoice declaration – issued by any exporter, for consignments valued €6 000 or less, or by approved exporters, for consignments of any value.

When filling in an invoice declaration, you should be prepared to submit documents proving the originating status of your products and fulfil the other requirements of the Protocol on Rules of Origin.

To become an approved exporter, you must be able to satisfy your customs authorities that you are able to prove the originating status of your products, as well as any other requirements they may impose.

The customs authorities can withdraw your approved exporter status if you abuse it in any way. To find out more about the procedures, contact your customs authorities.

Proof of origin remains valid for 10 months

NB: in the specific context of cumulation, proof of origin of the materials imported from other ACP countries, from the EU or from OCTs are established by a movement certificate EUR1 (diagonal cumulation) or by a supplier declaration (diagonal and full cumulation) as explained in the Article on information procedure for cumulation purposes.

ADDENDUM I

EU Export Guide Rules of Origin Glossary

ADDENDUM II

Annex I to Council Directive 2001/110/EC1

ADDENDUM III

Regulation 110_2008 Geographical Indications

ADDENDUM IV

Council Directive 98/83/EC1 Quality of Water