

Brussels, XXX
[...] (2024) XXX draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

establishing a Union marketing standard for cider and perry

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

On 21 April 2023, the Commission addressed to the European Parliament and to the Council a report which evaluates whether a new Union marketing standard for cider and perry would bring added value, in particular in relation to the needs of the consumer, the cost and administrative burdens for operators, and the benefits offered to producers and to the end consumer. That report, supported by an impact assessment, concludes that there are indeed grounds for establishing a Union marketing standard for the aforementioned products. On this basis, cider and perry were added to the list set out in Article 75(1) of Regulation (EU) No 1308/2013 by Commission Delegated Regulation (EU) xxx/xxx.

This draft Commission Delegated Regulation is now establishing detailed common rules governing composition, use of reserved terms and labelling of cider and perry, in order to contribute towards the establishment of a single market for those products, to lay down conditions of production which take account of consumer demands and to facilitate trade relations on the basis of fair competition.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations involving experts from the 27 Member States have been carried out since xxx 2024 within the Group of Experts under the single common organisation of the markets.

During these meetings, the Commission services presented amended versions of the text taking broadly into account the observations and comments made in each of the meetings or sent in writing to the Commission services.

Stakeholders have had the opportunity to assess the various versions of the draft Delegated Regulation since those were posted on the Register of Commission expert groups and other similar entities open to the public on the Internet. Comments received on this basis have been included as far as possible.

This consultation process led to a broad consensus on the draft Delegated Regulation.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This draft Delegated Regulation provides for Union rules for the marketing of alcoholic beverages entitled to display the sales designations cider and perry.

Chapter I deals with the scope of the Regulation and definitions.

Chapter II covers common Union production rules as well as the possibility to develop complementary national production rules.

Chapter III regulates presentation and labelling of cider and perry.

Chapter IV introduces transitional arrangements and specifies entry into force and application.

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

establishing a Union marketing standard for cider and perry

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹, and in particular Articles 75(2) and 86 thereof,

Whereas:

- (1) Subsections 2 and 3 of Section 1 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 lay down rules on, respectively, marketing standards and optional reserved terms by sectors and products.
- (2) The report from the Commission to the European Parliament and the Council in accordance with Article 75(6) of Regulation (EU) No 1308/2013 on new marketing standards for cider and perry and for dried leguminous vegetables and soya bean² highlights that existing differences between national laws concerning ciders and perries intended for human consumption could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the single market. That report also assesses the potential impacts of three options aiming to address these issues. It concludes by making the case for a Union marketing standard for cider and perry with a preference for detailed rules complemented by optional reserved terms.
- (3) In accordance with paragraph 6 of Article 75 of Regulation (EU) No 1308/2013, Commission Delegated Regulation (EU) 2025/xxx³ added the products cider and perry to the list of sectors and products to which marketing standards may apply, as referred to in paragraph 1 of Article 75.
- (4) In order to contribute towards the establishment of a single market for cider and perry, to lay down conditions of production which take account of consumer demands and to facilitate trade relations on the basis of fair competition, common rules should be adopted governing composition, use of reserved terms and labelling of the products concerned. Paragraph 2 of Article 75 of Regulation (EU) No 1308/2013 empowers the Commission to adopt delegated acts on marketing standards for the agricultural products covered by paragraph 1 of that Article, including cider and perry added thereto by Delegated Regulation (EU) 2025/xxx.

¹ OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>.

² COM(2023) 200 final – 21 April 2023.

³ Commission Delegated Regulation (EU) 2025/xxx of xxxx (OJ L , , p. , ELI).

- (5) A marketing standard for cider and perry should be consistent with general Union legislation on foodstuffs, particularly legislation on labelling, colours and other authorised additives.
- (6) This Regulation should provide the basis for the sustainable development of the cider and perry sector, while ensuring the effective functioning of the internal market in those products and fair competition, thereby helping farmers to achieve a fair income, ensuring consumer confidence and protecting consumer interest. Those objectives should be achieved through compliance with production and labelling rules.
- (7) In view of the ever-increasing consumer demand for innovative products that have a low actual alcoholic strength, it should be possible to produce such products in the Union. To that end, it is necessary to lay down the conditions under which certain products may be de-alcoholised and to establish the processes for de-alcoholisation that are authorised.
- (8) Some Member States have laid down, or may intend to lay down, national rules that go beyond the Union minimum requirements as set out in this Regulation. Article 83(5) of Regulation (EU) No 1308/2013 allows Member States to adopt or maintain stricter rules on products originating from their national territory once a Union-wide marketing standard has been adopted. Those additional rules cannot create obstacles to intra-Union trade.
- (9) For the smooth functioning of the internal market, Union rules on the use of compulsory labelling particulars for the products concerned should be laid down. Moreover, in order not to mislead consumers, provisions on the use of optional labelling particulars and optional reserved terms should also be set out.
- (10) In order to assist consumers, mandatory information should be grouped in a single visual field on the container. However, in accordance with the requirements of Regulation (EU) No 1169/2011 of the European Parliament and of the Council⁴, certain compulsory particulars, such as the indication of the importer and listing of ingredients that may cause allergies or intolerances, should be exempt from this obligation.
- (11) Ciders and perries produced within the Union are exported to third countries. In order to ensure that consumers of those countries understand the information related to the product they purchase, in relation to exports from the Union, it should be possible to have the label translated into the languages of the importing country. Moreover, in order to facilitate trade, provision should be made permitting the labels to display any particulars required by the legislation of the importing country, whether or not compliant with Union law.
- (12) Regulation (EU) No 1169/2011 of the European Parliament and of the Council, and in particular Article 22 thereof, should apply subject to certain conditions. It should be indicated unambiguously when a cider or perry is derived from fresh must or must from concentrate or a mixture thereof and whether water has been added. The proportion of those ingredients should also be provided.

⁴ 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 Text with EEA relevance (OJ L 304, 22.11.2011, p. 18, ELI: <http://data.europa.eu/eli/reg/2011/1169/oj>).

- (13) Consumers are not always aware of the characteristics and production methods of ciders and perries, especially as regards the use of carbon dioxide or pasteurisation. It is therefore necessary to indicate on the label of those products if and when they have been produced by adding carbon dioxide or they have been pasteurised.
- (14) The indication of specific product characteristics or certain production methods, such as pure juice, derived from cider apple or perry pear varieties, natural, not pasteurised, natural effervescence, or traditional, may constitute a higher quality indication for consumers and an added value for producers. It should therefore be permissible for producers to indicate such terms on the label of products that comply with the conditions of use thereof.
- (15) The marketing of existing stocks of products produced before the date of application of this regulation should be allowed to continue after that date until those stocks are exhausted. In addition, operators should be allowed sufficient time to adjust to the new requirements before they become applicable.
- (16) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Union legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Regulation, be better achieved by the Union. This Regulation does not go beyond what is necessary in order to achieve the said objective,

HAS ADOPTED THIS REGULATION:

CHAPTER I

INTRODUCTORY PROVISIONS

Article 1

Scope

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 concerning a marketing standard and optional reserved terms for the products cider and perry defined in Article 2, points (1) and (5).

Those products are subject to provisions of Union law applicable to food, such as Regulation (EU) No 178/2002 of the European Parliament and of the Council⁵, unless this Regulation provides otherwise.

Article 2

Definitions

⁵ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1, ELI: <http://data.europa.eu/eli/reg/2002/178/oj>).

For the purposes of the application of this Delegated Regulation:

- (1) 'cider' means the product obtained from the total or partial alcoholic fermentation of:
 - (a) fresh apple must, or
 - (b) a mixture of fresh apple must and apple must from concentrate.
- (2) 'fresh apple must' means apple must obtained solely by mechanical pressing of exclusively fresh apples, without added water.
- (3) 'concentrated apple must' means the product obtained from fresh apple must by the physical removal of a specific proportion of the water content.
- (4) 'apple must from concentrate' means the product obtained by reconstituting concentrated apple must with potable water that meets the criteria set out in Directive (EU) 2020/2184 of the European Parliament and of the Council⁶.
- (5) 'perry' means the product obtained from the total or partial alcoholic fermentation of:
 - (a) fresh pear must, or
 - (b) a mixture of fresh pear must and pear must from concentrate.
- (6) 'fresh pear must' means pear must obtained solely by mechanical pressure of exclusively fresh pear, without added water.
- (7) 'concentrated pear must' means the product obtained from fresh pear must by the physical removal of a specific proportion of the water content.
- (8) 'pear must from concentrate' means the product obtained by reconstituting concentrated pear must with potable water that meets the criteria set out in Directive (EU) 2020/2184 of the European Parliament and of the Council.
- (9) 'labelling' means any words, particulars, trade marks, brand name, pictorial matter or symbol placed on any packaging, document, notice, label, ring or collar accompanying or referring to a given product;
- (10) 'presentation' means any information conveyed to consumers by virtue of the packaging of the product concerned, including the form and type of bottles;
- (11) 'bottler' means a natural or legal person or a group of such persons established in the European Union and carrying out bottling or having bottling carried out on their behalf;
- (12) 'bottling' means putting the product concerned in containers of a capacity not exceeding 60 litres for subsequent sale;
- (13) 'producer' means a natural or legal person or a group of such persons by whom or on whose behalf the processing of apples or of apple must into cider or the processing of pears or of pear must into perry is carried out;
- (14) 'importer' means a natural or legal person or group of such persons established in the Union assuming responsibility for bringing into circulation non-Union goods within the

⁶ Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast) (OJ L 435, 23.12.2020, p. 1, ELI: <http://data.europa.eu/eli/dir/2020/2184/oj>).

meaning of Article 5(24) of Regulation (EU) No 952/2013 of the European Parliament and of the Council⁷;

- (15) ‘vendor’ means a natural or legal person or a group of such persons, not covered by the definition of producer, purchasing and then putting sparkling ciders or perries into circulation;
- (16) ‘address’ means the indications of the local administrative area and the Member State or third country in which the premises or head office of the bottler, producer, vendor or importer is situated.

CHAPTER II

PRODUCTION

Article 3

Union production rules

1. [Cider shall be produced from at least [50] % of apple must.]
Cider may be produced with or without the addition of:
- (a) potable water, before or after fermentation;
 - (b) fresh apple must and/or concentrated apple must, after fermentation, for sweetening [or flavouring] purposes or to provoke secondary fermentation;
 - (c) a limited amount of pear must, before or after fermentation, for sweetening or flavouring purposes;
 - (d) food additives, including colours, authorised in accordance with Regulation (EC) No 1333/2008⁸, Annex II, Part E, Section 14.2.3;
 - (e) flavourings authorised in accordance with Regulation (EC) No 1334/2008⁹.
- Fortification of cider by the addition of exogenous ethanol is prohibited.
2. [Perry shall be produced from at least 50 % of pear must.]
Perry may be produced with or without the addition of:
- (a) potable water, before or after fermentation;
 - (b) fresh pear must and/or concentrated pear must, after fermentation, for sweetening [or flavouring] purposes or to provoke secondary fermentation;
 - (c) a limited amount of apple must, before or after fermentation, for sweetening or flavouring purposes;

⁷ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast) (OJ L 269, 10.10.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/952/oj>)

⁸ 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, ELI: <http://data.europa.eu/eli/reg/2008/1333/oj>).

⁹ 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 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, ELI: <http://data.europa.eu/eli/reg/2008/1334/oj>).

- (d) food additives, including colours, authorised in accordance with Regulation (EC) No 1333/2008, Annex II, Part E, Section 14.2.3;
- (e) flavourings authorised in accordance with Regulation (EC) No 1334/2008.

Fortification of perry by the addition of exogenous ethanol is prohibited.

3. The products referred to in Article 2, points (1) and (5), may undergo a total de-alcoholisation treatment under the following conditions:
- (a) They fulfil the requirements laid down in Article 2 and this Article.
 - (b) Each of the de-alcoholisation processes listed below, whether used on its own or in combination with other listed de-alcoholisation processes, shall be allowed in order to reduce all or almost all of the ethanol content in such products:
 - (i) partial vacuum evaporation;
 - (ii) membrane techniques;
 - (iii) distillation.
 - (c) The de-alcoholisation processes used shall not result in organoleptic defects of the products. The elimination of ethanol in products shall not be done in conjunction with an increase of the sugar content in the must.

[Article 4

National production rules

A Member State may apply national production rules supplementing the rules of this Regulation, provided that those national rules are in accordance with this Regulation, and provided that they do not prohibit, restrict or impede the placing on the market of products which have been produced outside its territory and which comply with this Regulation.]

CHAPTER III

LABELLING AND PRESENTATION

Article 5

Applicability of horizontal rules

Save as otherwise provided for in this Regulation, Regulation (EU) No 1169/2011 shall apply to the labelling and presentation.

The labelling of the products referred to in Article 2, points (1) and (5), may not be supplemented by any particulars other than those provided for in this Regulation unless those particulars satisfy the requirements of Regulation (EU) No 1169/2011.

Article 6

Presentation of compulsory particulars

1. Compulsory particulars referred to in Article 8 shall appear in the same field of vision on the container, in such a way as to be simultaneously legible without having to turn the container, in indelible characters and shall be clearly distinguishable from surrounding text or graphics.
2. By way of derogation from paragraph 1, the compulsory particulars referred to in Article 21 of Regulation (EU) No 1169/2011, the indication of the importer and the lot number may appear outside the field of vision referred to in that paragraph.

Article 7

Marketing and export

1. Products whose label or presentation does not conform to the corresponding conditions laid down in this Regulation shall not be marketed as cider or perry within the Union or exported.
2. By way of derogation from paragraph 1, where products are to be exported, Member States may permit particulars and presentations which conflict with Union labelling and presentation rules in force if such particulars or presentations of the products are required by the legislation of the third country in question. These particulars may appear in languages other than the official languages of the Union.

Article 8

Compulsory particulars

Labelling and presentation of the products referred to in Article 2, points (1) and (5), marketed in the Union or for export shall contain the following compulsory particulars:

1. the designation of the product, which shall be cider or perry, as appropriate.
For products that have undergone a de-alcoholisation treatment in accordance with Article 3, paragraph 3, the designation of the product shall be accompanied by the term 'de-alcoholised' if the actual alcoholic strength of the product is no more than 0.5 % by volume;
2. for products with a protected designation of origin or a protected geographical indication:
 - (a) the term "protected designation of origin" or "protected geographical indication";
and
 - (b) the name of the protected designation of origin or the protected geographical indication;
3. the actual alcoholic strength by volume;
The actual alcoholic strength by volume shall be indicated in percentage units or shall be rounded to one decimal place.
The figure shall be followed by the '% vol' symbol and may be preceded by the words 'actual alcoholic strength', 'actual alcohol' or 'alc'.

Without prejudice to the tolerances set for the reference analysis method used, the strength shown may not differ by more than 1,0 % vol from that given by analysis.

4. an indication of provenance, which shall be indicated as follows:
 - (a) the words '*cider of (...)*', '*perry of (...)*', '*produced in (...)*' or '*product of (...)*' shall be used, or expressed in equivalent terms supplemented by the name of the Member State or third country where the apples or pears are harvested and turned into cider or perry;
 - (b) the words '*European Union cider*', '*European Union perry*', '*blend of ciders from different countries of the European Union*' or '*blend of perries from different countries of the European Union*', or expressed in equivalent terms in the case of ciders or perries resulting from a blending of ciders or perries originating in a number of Member States;
 - (c) the words '*European Union cider*', '*cider obtained in (...)* from apples harvested in (...)', '*European Union perry*' or '*perry obtained in (...)* from pears harvested in (...)', citing the names of Member States in question, for ciders or perries made in a Member State from apples or pears harvested in another Member State;
 - (d) the words '*blend from (...)*', or expressed in equivalent terms, supplemented by the names of the third countries in question, in the case of ciders resulting from a blending of ciders originating in a number of third countries or perries resulting from a blending of perries originating in a number of third countries;
 - (e) the words '*cider obtained in (...)* from apples harvested in (...)' citing the names of the third countries in question, for ciders made in a third country from apples harvested in another third country or the words '*perry obtained in (...)* from pears harvested in (...)' citing the names of the third countries in question, for perries made in a third country from pears harvested in another third country.
5. an indication of the bottler or, in the case of sparkling products, the name of the producer or vendor;
 - (a) The name and address of the bottler shall be supplemented either:
 - (i) by the words '*bottler*' or '*bottled by (...)*', which may be supplemented by terms referring to the producer's holding, or
 - (ii) by terms, whose conditions of use are defined by Member States, where bottling of products with protected designation of origin or geographical indication takes place:
 - on the producer's holding, or
 - on the premises of a producer group, or
 - in an enterprise located in the demarcated geographical area or in the immediate proximity of the demarcated geographical area concerned.

In case of contract bottling, the indication of the bottler shall be supplemented by the words '*bottled for (...)*' or, where the name and address of the person who has carried out the bottling on behalf of a third party are indicated, by the words '*bottled for (...)* by (...)'.

Where bottling takes place in another place than that of the bottler, the particulars referred to in this paragraph shall be accompanied by a reference to the exact place

where the operation took place and, if it is carried out in another Member State, the name of that State. These requirements do not apply where bottling is carried out in a place of immediate proximity to that of the bottler.

In case of containers other than bottles, the words '*packager*' and '*packaged by (...)*' shall replace the words '*bottler*' and '*bottled by (...)*' respectively, except when the language used does not indicate by itself such a difference.

(b) The name and address of the producer or vendor shall be supplemented by the terms '*producer*' or '*produced by*' and '*vendor*' or '*sold by*', or equivalent. Member States may decide to make it compulsory to identify the producer.

6. an indication of the importer in the case of imported products;

The name and address of the importer shall be preceded by the words '*importer*' or '*imported by (...)*'. For products imported in bulk and bottled in the Union, the name of the importer may be replaced or supplemented by the indication of the bottler, in accordance with point (a) of paragraph 5.

7. without prejudice to Article 22 of Regulation (EU) No 1169/2011 and Article 6(1) of this Regulation, the labelling shall bear, as appropriate, the terms "from fresh must(s)", "from concentrate(s)" and "with added water", completed by the respective percentages of those ingredients in brackets. That information shall be entered close to the product name, standing out well from any background, in clearly visible characters [with a height not less than 3 mm].;

8. the terms "obtained by adding carbon dioxide" or "obtained by adding carbon anhydride" when the carbon dioxide in the product derives wholly or partially from an addition of that gas, unless the language used indicates by itself that carbon dioxide has been added;

9. the term "pasteurised" when the product has been heated to inhibit the activity of the micro-organisms it contains.

Article 9

Optional particulars

Labelling and presentation of the products referred to in Article 2, points (1) and (5), marketed in the Union or for export may, in particular, contain the following optional particulars:

- a) terms indicating the sugar content, as defined by Member States;
- b) the harvest year of the apples/pears;
- c) the Union symbol indicating the protected designation of origin or the protected geographical indication;
- d) [for products bearing a protected designation of origin or a protected geographical indication, the name of another geographical unit that is smaller or larger than the area underlying the designation of origin or geographical indication.]

Article 10

Optional reserved terms

The labelling of the products referred to in Article 2, points (1) and (5), placed on the market in the Union or destined for export may bear the following optional reserved terms:

- a) Pure juice: This term may only be used when a product is made only from fresh apple or pear must or a mixture of both, without the addition of water, sugars, sweeteners or any colouring or flavouring substances. This term may replace the information referred to in Article 8(7);
- b) Derived from cider apples: This term may only be used when a product is made only from varieties of cider apples.
- c) Derived from perry pears: This term may only be used when a product is made only from varieties of perry pears.
- d) Natural: This term may only be used when a product fulfils the conditions referred to in points (a) and (b) or in points (a) and (c).
- e) Not pasteurised: This term may only be used when the product has not been heated to inhibit the activity of the micro-organisms it contains.
- f) Natural effervescence: This term may only be used when the carbon dioxide in the product is of exclusively endogenous origin;
- g) Traditional: This term may only be used when the product fulfils the conditions referred to in points (d) and (e), and, in the case of sparkling products, point (f).

[Article 11

National labelling rules

For control purposes, Member States may decide to define and regulate particulars other than those listed in this Chapter for products produced in their territories.]

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 12

Transitional arrangements

Products produced before the date of application of this Regulation in accordance with rules in force before that date may be marketed until exhaustion of existing stocks.

Article 13

Entry into force and application

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

It shall apply as from 1 August [2027].

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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