

**COMMISSION REGULATION (EC) No 2140/98**  
**of 6 October 1998**  
**amending Regulation (EEC) No 1014/90 laying down detailed implementing rules**  
**on the definition, description and presentation of spirit drinks**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 1014/90 <sup>(2)</sup>, as last amended by Regulation (EC) No 2523/97 <sup>(3)</sup>, lays down detailed implementing rules on the definition, description and presentation of spirit drinks; whereas, to protect the traditional drink *Bierbrand* or *eau de vie de bière*, whether or not sweetened in accordance with national traditions, against unfair competition, and to maintain a high quality level for that drink, the use of that term should be restricted to the spirit drink defined in this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Implementation Committee for Spirit Drinks,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following point 13 is added to the Annex to Regulation (EEC) No 1014/90:

- ‘13. *Bierbrand* or *eau de vie de bière*: a spirit drink:
- obtained exclusively by direct distillation of fresh beer with an alcoholic strength by volume of less than 86 % such that the distillate obtained has organoleptic characteristics resulting from the beer,
  - with a minimum alcoholic strength by volume of 38 %, for supply for human consumption in the Community.’

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 6 October 1998.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 160, 12. 6. 1989, p. 1.

<sup>(2)</sup> OJ L 105, 25. 4. 1990, p. 9.

<sup>(3)</sup> OJ L 346, 17. 12. 1997, p. 46.