Brussels, 25 February 2017
AICV/18/DIV/03

To the attention of
Mr. POLITO Alessandro
European Commission, DG Growth, Unit B2

Subject: TRIS Notification – 2017/539/HU – Draft Decree amending Minister for Agriculture and Rural Development Decree No 152/2009 of 12 November 2009 on the mandatory requirements of the Codex Alimentarius Hungaricus

Dear Mr. Polito,

I am writing on behalf of the European Cider and Fruit Wine Association (AICV), the trade association based in Brussels, representing interest of EU cider and fruit wine makers for over 50 years. AICV represents producers of cider and fruit wine from the following EU Member States (EU MSs): Belgium, Denmark, Finland, France, Germany, Ireland, the Netherlands, Poland, Spain, Sweden and the UK, who also have production facilities in other EU MSs. We have been working with DG AGRI to develop an EU and then subsequently an international definition for cider and perry, through development of a "Light Marketing Standard" for Cider. Although this procedure is still ongoing, it needs to be understood that the definition for cider is based on the common understanding of cider throughout the EU and in other cider producing countries around the world.

AICV studied the draft Decree amending Minister for Agriculture and Rural Development Decree No 152/2009 of 12 November 2009 on the mandatory requirements of the Codex Alimentarius Hungaricus. We understand that the Minister wants to avoid low-quality products with the invented name of "cider" on the market, but we find the proposed definition to be very narrow and restrictive. Central production of fruit wine to create a homogeneous cider base is important to minimize complexity, local production cost and cost of transportation in relation to large-scale industrial cider production. With the suggested definition there is a risk that products from larger cider producers would be classified and taxed as RTD or similar. This could create a distortion of the competition in the Hungarian market. Large scale cider products are also of a high standard and quality and should not be compared, classified and taxed in the same way as low quality products which may not even be produced on a fruit wine basis. In addition, the narrow draft cider definition will limit innovation of new cider products (for both small and large producers).

Please find below more detailed comments to concrete parts of the draft legislative text:

§2: the transition period is unacceptably short – products suitable for the existing regulation may only be produced during 6 months after the adoptiont of the regulation.

Annex 1 Part B
Section 1:

- The actual alcoholic strength of the finished product is obtained from at least 50% V/V apple. The AICV Code of Practice does not prescribe a minimum juice content for cider, and this requirement will exclude production of a large variety of ciders which are todays produced in other EU countries.

- No addition of flavours or colourings are allowed. This is contrary to the current practice in most EU countries, and would thus exclude flavoured variant from the cider category. It is to be noted though that flavoured variants of cider have been drivers of innovation in all markets.
- Addition of ethanol is not allowed. This is in line with AICV Code Of Practice. However, these allow for addition of very small concentrations of alcohol from flavourings/ colourings. This is of course irrelevant if the ban of colourings/flavourings mentioned above persists. A modified wording like "fortification of cider by addition of distilled ethanol is not allowed" would clarify the issue.

Section 2:

- Only apple juice is permitted – no mentioning of pear juice as a minor ingredient, in line with the current practice in the majority of EU markets.
- It is not clear if the addition of apple juice, water or sugar after fermentation is allowed. Addition of the above-mentioned is in line with the current practice in the majority of EU markets.
- 2.2.3 limits the use of additives compared to regulation 1333/2008 (horizontal EU legislation) which describes the additives allowed for cider and perry. This must be corrected to comply with the horizonatl EU legislation.
- 2.2.3.3. limits the use of processing aids to the types used during authorized oenological practices and processes, i.e. associating cider making strongly with grape wine production
- No flavouring/ colouring reagents like herbs, spices, extracts/juices of fruits/vegetable are permitted.

Section 3:

- Organoleptic description is detailed, but subjective and not very precise (– what is meant by a pure, pleasant small/taste and a harmonious, well-rounded balance of flavours?)

Section 6:

- The recommended manufacturing process description is very detailed and targeted for small scale production. This is usually not part of a product definition

Part C – Methodology

- It is not common practice to make mandatory the use of specific analytical methodologies
- The mandatory methodologies are all from the Compendium of International Methods of Analysis of Wines and Musts, i.e. again associating cider making strongly with grape wine production

The members of the European Cider and Fruit Wine Industry would appreciate if these comments are taken into account by the Commission when reacting to the Hungarian notification, so that the internal market for cider and perry is not disrupted.

Yours sincerely,

Jan Hermans
Secretary-General, AICV

AICV – European Cider and Fruit Wine Association www.aicv.org

221, rue de la loi, 1040 Brussels T : +32 2 235 06 20 aicv@aicv.org