



The Brewers of Europe

Secretary General

EU TRIS Contact Point  
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Brussels, 27 September 2019

1219DIV

Dear Madame,  
Dear Sir,

Re: **TRIS Notification 2019/0354/LT: Draft Order of the Minister of Agriculture of the Republic of Lithuania amending the Order of the Minister of Agriculture No 487 of 11 December 2002 approving the Technical Regulation on the description, production and commercial presentation of beer and beer cocktails**

The Brewers of Europe broadly welcomes the changes as proposed in the notification.

Notwithstanding, European brewers are requesting amendments to reflect current brewing practices and to avoid the functioning of the Single Market being jeopardised:

- Point 44 – dispense of beer and beer cocktails  
The current wording is too restrictive: “*dispensed with carbon dioxide or inert gas*”. The reality of dispense systems<sup>1</sup> require for an “and/or” option. An alternative wording could therefore be:  
“*Draught beer and beer cocktails dispensed by public catering companies shall be kept in kegs and served to consumers by using pressure from carbon dioxide and/or inert gas provided that the gas is in direct contact with the liquid.*”  
European brewers equally understand that new innovative draught systems for dispensing beer (e.g. dispense from a PET keg using compressed air) will equally be authorised for use.
- Point 48 – CO<sub>2</sub> in “bottles and metallic vessels” must not be less than 3g/l  
This requirement is too high for nitro beers/beer cocktails. The CO<sub>2</sub> levels in packaged (bottle and can) draught-style nitro beers/beer cocktails are around 1.0 % v/v (or c2.0 g/l). This beer also has a level of dissolved nitrogen, which along with the CO<sub>2</sub> produces a characteristic creamy foam on the beer once poured. As nitrogen is present in the liquid with the CO<sub>2</sub>, the pressure in the can or bottle approaches the tolerance of the container. A higher level of CO<sub>2</sub> risks bursting. For that reason, we request that bottle/can beer be allowed to have a lower CO<sub>2</sub> level of 1 % v/v.

For kegged beer, a range of 1 % v/v to 3 % v/v is necessary as some lager beers are carbonated to a level around 2.5 – 3 % v/v to deliver their characteristic sparkle and flavour.

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<sup>1</sup> As example, please find herewith a [link](#) to the British Compressed Gases Association that provides information on the use of food gases in the beverage and hospitality industries.

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- Points  
56.2 Declaration of the actual ethyl alcohol concentration  
56.12 Format of declaration of the product name: font size not less than 3mm

These requirements are not consistent with the European Food Consumer Information Regulation<sup>2</sup>.

European brewers acknowledge the wish by Lithuania to prevent obstacles to the internal market by the mutual recognition clause. The red tape that results from requiring conformity certification could be avoided since according to the general principles and requirements of food law<sup>3</sup>, any food intended for use into the Community market must be sound, genuine and of merchantable quality and therefore do not represent any danger to human health. European brewers would therefore request that this provision be deleted.

The Brewers of Europe remains at your disposal should you have further queries.

Yours sincerely,



Pierre-Olivier Bergeron

cc. Mr Louis-Marie Bouthors, DG GROW

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<sup>2</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council

<sup>3</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council