

COUNCIL OF STATE

Meeting of 9 April 2024

Finance section

No 408155

Rapporteur's draft

**Mr. MATTEI,
rapporteur**

**Draft decree
implementing Article L. 412-1 of the Consumer Code regarding ciders and perries**

NOR: ECOC2024934D

The Prime Minister,

On the report of the Minister for the Economy, Finance and Industrial and Digital Sovereignty,

Having regard to Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008, as amended, 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;

Having regard to Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011, as amended, 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;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to the Crafts Code, in particular Article L. 211-1 thereof;

Having regard to the Consumer Code, in particular Articles L. 412-1 and R. 451-1 thereof;

Having regard to the French Code of Rurality and Maritime Fishing, particularly Articles L. 311-2 and L. 641-19 thereof;

Having regard to Decree No 92-818, as amended, of 18 August 1992 implementing the Law of 1 August 1905 on fraud and falsification of products or services in relation to syrups;

Having regard to Notification No 2017/569/F addressed to the European Commission on 4 December 2017;

Having heard the Council of State (Finance Section),

Hereby decrees:

Article 1

It is forbidden to hold for sale or distribute free of charge, offer for sale, sell or distribute free of charge ciders and perries which do not comply with the provisions of this Decree and its Annexes.

Article 2

The following provisions shall apply to ciders and perries:

1. The name 'cider' is reserved for beverages made from the fermentation of fresh apple must or a mixture of fresh apple and pear must.

The apple or pear must used to produce and potentially sweeten the cider may be partly made up of concentrated must or rectified concentrated must, provided that the proportion of concentrated must or rectified concentrated must, expressed as reconstituted must, does not exceed 50 parts per 100 of the total volume of must used in the finished product;

2. The name 'perry' is reserved for beverages made from the fermentation of fresh pear must.

The pear must used to produce and potentially sweeten the cider may be partly made up of concentrated must or rectified concentrated must, provided that the proportion of concentrated must or rectified concentrated must, expressed as reconstituted must, does not exceed 50 parts per 100 of the total volume of must used in the finished product;

3. The name 'cider flavoured with...' or 'perry flavoured with...' shall be reserved for the beverage:

a) In which cider or perry makes up at least 70 parts per 100 of the volume of finished product;

b) Flavoured with flavouring(s) as defined in Article 3 of the above-mentioned Regulation of the European Parliament and of the Council of 16 December 2008 or syrup(s) within the meaning of Article 1 of the above-mentioned Decree of 18 August 1992;

c) Potentially with the addition or maceration of plant material or matter of vegetable origin, water, sugar or honey.

d) With a sugar content expressed as sucrose not exceeding 80 grams per litre;

4. The name ‘cider with...’ or ‘perry with...’, supplemented by the name of the ingredient used, shall be reserved for beverages produced with the addition or maceration of plant material or matter of vegetable origin or honey. These inputs must not exceed 10 p. 100 of the volume of the finished product;

5. Ciders and perries, with the exception of those intended for distillation, shall comply with the characteristics set out in Annex I to this Decree.

Article 3

The following optional labelling particulars are reserved for ciders and perries, the characteristics of which are as follows:

(1) ‘ Pure juice’: term reserved for beverages obtained without concentrated must or rectified concentrated must;

(2) ‘ Natural effervescence’ or ‘natural secondary fermentation’: term reserved for beverages the effervescence of which comes exclusively from alcoholic fermentation, with no exogenous gas or gas resulting from this fermentation added at the bottling stage;

(3) ‘ Sweet’, ‘semi-dry’, ‘brut’, ‘extra brut’: term reserved for beverages with the characteristics referred to in Annex II to this Decree;

(4) ‘ Early’ or ‘new’ followed by the year in which the fruit was harvested: term reserved for beverages made from must with a volume of at least 85 per 100 fruits harvested in the year mentioned;

(5) ‘ Bouché’: term reserved for cider or perry with a carbon dioxide content of at least 3 grams per litre.

(6) ‘ Fermier’ [‘Farm’] or the term of any other qualifier implying a farm origin: wording reserved for cider or perry:

a) All operations relating to the preparation of the product, up to and including the final packaging and labelling, are carried out by a farm manager on his holding within the meaning of Article L. 311-2 of the French Code of Rurality and Maritime Fishing;

b) Obtained exclusively from fruit harvested on this holding, without either concentrated must or rectified concentrated must;

For the purposes of this decree, the term ‘holding’ means a specific entity made up of orchards, buildings and special equipment, including a fermenting room for the production of cider and perry.

The name or business name of the farm manager and his address shall appear on the labelling of the farm cider and the farm perry;

(7) ‘ Artisanal’ [‘Craft’] or the mention of any other equivalent term: reserved term for cider or perry:

a) All operations relating to the preparation of the product, up to and including final packaging and labelling, are carried out by a craftsman within the meaning of Article L. 211-1 of the Crafts Code or under his responsibility, at his production site(s);

b) Obtained without concentrated must or rectified concentrated must.

The name or business name of the craftsman and his address shall appear on the labelling of the craft cider and the craft perry;

(8) ‘ Rosé’ [‘Roseate’]: reserved term for cider with a pinkish colour and made from a must obtained by pressing red flesh apples. The minimum quantity of red flesh apples shall be fixed by order of the Minister responsible for Consumer Affairs.

Article 4

I. – The use of water for the production of cider and perry is authorised for:

1. Extracting the residual sugars from fresh apple or pear musts by sprinkling water on the pulp or marc;

2. Reconstituting concentrated apple or pear must or rectified concentrated apple or pear must used where appropriate. In this case, the maximum quantity of water used is that strictly necessary in order to reconstitute the must;

3. Reconstituting the concentrated fruit or vegetable juice used, where applicable, in the production of the beverages mentioned in Article 2(3) and (4). In this case, the maximum quantity of water used is that strictly necessary in order to reconstitute the juice.

The use of water is not permitted for the production of ‘pure juice’, ‘farm’ and ‘craft’ ciders and perries.

II. – The practices of blending, sweetening, enrichment with a view to secondary fermentation, concentration and pasteurisation shall be permitted according to the procedures laid down by order of the Minister responsible for Consumer Affairs.

Article 5

Bouchés ciders and bouchés perries are marketed in nominal volumes equal to or greater than 37.5 cl in ‘sparkling wine’ type bottles closed with ‘mushroom’ type corks.

Article 6

Producers of ciders and perries shall keep a register in which the following are mentioned:

1. The density of the ciders and perries at pressing and at packaging;

2. Inputs: the volume and density of concentrated juices, concentrated musts and rectified concentrated musts prepared on the spot or received from outside, and their date of preparation or entry into the company;

3. Output: the volume and density of the concentrated juices, concentrated musts and rectified concentrated musts used, the date on which they were used and the volume of product to which they were added.

The accounts shall be approved at the start of every cider marketing year and the annual inventory of stocks of concentrated juices, concentrated musts and rectified concentrated musts shall be entered in this register.

Article 7

Products which have been lawfully manufactured or marketed in another EU Member State or in Turkey, or lawfully manufactured in another State that is party to the agreement on the European Economic Area, shall not be subject to the requirements of this Decree. These products may be imported and marketed in France under one of the wordings provided for in this decree, or similar wording.

Article 8

The following are repealed:

1. Decree No 53-978 of 30 September 1953 on the orientation of cider production and the marketing of ciders, perries and certain similar beverages;

2. Decree No 87-599 of 29 July 1987 implementing the Law of 1 August 1905 on fraud and falsification of products or services in relation to flavoured alcoholic beverages based on grapes and apples.

Article 9

I. – The provisions of this Decree enter into force on 1 January 2025, with the exception of Article 3(7), which shall enter into force on 1 January 2026 and Article 3(8), which shall enter into force on 1 January 2029.

II. – Beverages placed on the market or labelled before 31 December 2024 and which comply with the provisions in force until this date may continue to be marketed until stocks have been cleared.

Article 10

The Minister for the Economy, Finance and Industrial and Digital Sovereignty and the Minister for Agriculture and Food Sovereignty are responsible, each one insofar as it concerns their area, for the implementation of this Decree, which will be published in the *Official Journal* of the French Republic.

Annex I

Part A
 Characteristics of ciders and perries

Characteristics	Value for ciders and perries	Value for bouché ciders and perries
Minimum total alcoholic strength by volume	5 %*	5.5 %
Minimum actual alcoholic strength by volume	1.5 %*	
Maximum volatile acid content (expressed in grams per litre of sulphuric acid)	1**	
Minimum reduced total dry extract in grams per litre	16	
Minimum mineral content (ash) in grams per litre	1.4	
Maximum iron content in milligrams per litre	Cider: 10 Perry: 17	
Maximum total ethanal content in milligrams per litre	100	

* Does not apply to non-alcoholic cider and perry.

** **Ciders destined for vinegar manufacture are not obliged to comply with this maximum content.

Part B
 Characteristics of ciders and perries that may be used for blending ciders and perries

Characteristics	Value
Minimum total alcoholic strength by volume	2.5 %
Maximum volatile acidity in grams per litre (expressed as sulphuric acid)	1.5
Minimum reduced total dry extract in grams per litre	8
Minimum mineral content (ash) in grams per litre	0.8

Annex II
Optional wording on the labelling of ciders and perries

Characteristics	Sweet	Semi-dry	Brut	Extra brut
Actual alcoholic strength by volume	no higher than 3 % by volume	more than 3 % by volume	3.5 % or higher, by volume	5 % or higher, by volume
Density at 20 °C	1.024 or higher	higher than 1.016	equal to or less than 1.016	lower than 1.013