Regulation (EU) 2018/1670 of the European Parliament and of the Council of 23 October 2018 amending Regulation (EC) No 110/2008 as regards nominal quantities for the placing on the Union market of single distilled shochu produced by pot still and bottled in Japan

REGULATION (EU) 2018/1670 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 23 October 2018

amending Regulation (EC) No 110/2008 as regards nominal quantities for the placing on the Union market of single distilled *shochu* produced by pot still and bottled in Japan

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) On 29 November 2012, the Council adopted a Decision authorising the Commission to open negotiations with Japan on a Free Trade Agreement.

(2) The negotiations for an Agreement between the European Union and Japan for an Economic Partnership ('the Agreement') were successfully concluded and the Agreement was signed on 17 July 2018.

(3) Annex 2-D to the Agreement provides that single distilled *shochu*, as defined in subparagraph 10 of Article 3 of the Liquor Tax Law (Law No 6 of 1953) of Japan, produced by pot still and bottled in Japan, is to be allowed to be placed on the Union market in traditional bottles of four *go* (合) and one *sho* (升), corresponding to nominal quantities of 720 ml and of 1 800 ml, respectively, provided that other applicable Union legal requirements are fulfilled.

(4) Directive 2007/45/EC of the European Parliament and of the Council[(3)] provides that prepacked products can only be placed on the Union market if they are prepacked in the nominal quantities listed in section 1 of the Annex to that Directive. For spirit drinks, section 1 of the Annex to Directive 2007/45/EC refers to nine nominal quantities on the interval from 100 ml to 2 000 ml. Those nominal quantities do not include the quantities of 720 ml and 1 800 ml, the nominal quantities in which single distilled *shochu* produced by pot still is bottled and marketed in Japan.

Changes to legislation: *Regulation (EU) 2018/1670 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 23 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) A derogation from the nominal quantities set out in the Annex to Directive 2007/45/EC for spirit drinks is therefore necessary to ensure that single distilled *shochu* produced by pot still and bottled in Japan can be placed on the Union market, as set out in Annex 2-D to the Agreement, in bottle sizes of 720 ml and of 1 800 ml that correspond to traditional Japanese bottle sizes four *go* (合) and one *sho* (升), respectively.

(6) The derogation from Directive 2007/45/EC needs to be introduced by means of an amendment to Regulation (EC) No 110/2008 of the European Parliament and of the Council[(4)], in order to ensure that single distilled *shochu* produced by pot still and bottled in Japan can be placed on the market in all Member States simultaneously upon the entry into force of the Agreement.

(7) Regulation (EC) No 110/2008 should therefore be amended accordingly.

(8) To ensure implementation of the Agreement as regards the placing on the Union market of single distilled *shochu* produced by pot still and bottled in Japan, this Regulation should apply from the date of entry into force of the Agreement,

HAVE ADOPTED THIS REGULATION:

Article 1

The following article is inserted in Chapter IV of Regulation (EC) No 110/2008:

Article 24a

Derogation from nominal quantities requirements in Directive 2007/45/EC

By way of derogation from Article 3 of Directive 2007/45/EC of the European Parliament and of the Council[(5)], and from the sixth row of section 1 of the Annex to that Directive, single distilled *shochu*[(6)] produced by pot still and bottled in Japan, may be placed on the Union market in nominal quantities of 720 ml and 1 800 ml..

Article 2

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 from the date of entry into force of the Agreement.

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