

COMMENTS FROM THE EUROPEAN UNION REGARDING NOTIFICATION

**G/TBT/N/ARE/387, G/TBT/N/BHR/500, G/TBT/N/KWT/382, G/TBT/N/OMN/326,
G/TBT/N/QAT/499, G/TBT/N/SAU/1019, G/TBT/N/YEM/102**

DRAFT TECHNICAL REGULATION FOR 'NON-ALCOHOLIC MALT BEVERAGE'

The European Union (EU) would like to thank the United Arab Emirates, the Kingdom of Bahrain, the State of Kuwait, Oman, Qatar, the Kingdom of Saudi Arabia and Yemen for providing the opportunity to comment on the draft "Technical Regulation for 'Non-Alcoholic Malt Beverage'" notified on 1 November 2017.

The EU would like to provide the following general and specific comments therein.

General comments:

The EU exports important quantities of non-alcoholic beverages to the notifying Members. Therefore, with a view to avoiding unnecessary hampering of trade, the EU would like to comment and make several suggestions regarding the current draft.

Specific comments:

3.2. Malt

The EU notes that according to point 3.2 of the notified draft the malt authorised in malt beverages is restricted to barley. The EU would like recall that many malt beverages are also made on the basis of wheat malt or mixtures of different malts from differing grains. The EU would like to receive information on how malt based beverages made with different grains can be marketed on the basis of this provision. The EU would also like to know the rationale for this restrictive approach and to ask that this limitation to barley would not be included in the final version of the measure.

4.3.1 Turbidity

Point 4.3.1 of the notified draft states that a malt beverage "shall be clear free from suspended materials and sediments". The EU would like to point out that turbidity is in many cases a positive attribute and its absence is not possible for example when fruit juice is used in malt beverages. Therefore, the EU would like to know the rationale for this requirement and would like to suggest amendment of the text to avoid unnecessary restrictions to trade.

4.3.2. Colour

Point 4.3.2 of the notified draft states that a malt beverage "shall have the colour, taste, odour and foam characterizing the malt beverage". The EU would like to point out that this criterion is not clear: namely which colour is characterising the malt beverage? At present, colourless flavoured malt beverages are on the market. Therefore, the EU would be grateful to receive information on whether these beverages will still be authorised.

4.3.3 Bitterness degree

The EU notes that according to Point 4.3.3 of the notified draft "Bitterness degree shall be ranged between 14 and 22 bitterness unit". The EU would like to point out that under the definition of malt beverage – point 3.1 – a reference is made to "suitable methods". It is therefore the EU's understanding that this draft standard will cover not only malt beverages produced by a certain degree of fermentation, but also those which were not subject to any fermentation. The latter are characteristically not bitter. In order to encompass the range of bitterness degrees currently to be found in the products on the market, the range should be from 4 to 30 bitterness units. Therefore, the EU would like to understand why a change of the current range of 10-30 to 14-22 bitterness units is proposed in the notified draft. In addition, does the requirement on a minimum bitterness degree mean that it will not be possible to sell malt beverages without hops, which are currently available on the market? The EU would like to invite the notifying Members to consider amending this provision in order to avoid unnecessary hindrances to trade.

4.3.4 pH levels

The EU would like to suggest widening the range of the pH from 4.2 - 4.8 to 2.0 - 5.3. The rationale here is that unfermented malt beverages need a higher pH level, whilst non-pasteurised products would typically have a lower pH level. In addition, when a fruit juice or a cola extract is mixed with the malt drink, the pH levels will be lower.

4.3.5 Carbon dioxide

The EU would like to understand the reasons for the increase in the minimum carbon dioxide content from 2 to 2.5 g/kg. The EU notes that a malt beverage can also be free of carbon dioxide. Therefore, the EU would like to invite the notifying Members to consider not including a minimum level for carbon dioxide in malt beverages in the final text.

4.3.6 Lactic acid

The EU notes that according to Point 4.3.6 of the notified draft "Total acidity shall not exceed 0.29% as lactic acid". The EU would like to understand why this is seen as a characteristic of malt beverages and to know the rationale of this provision.

4.8. Ethyl alcohol

The EU welcomes that the Gulf Cooperation Council intends to set a uniform maximum limit for ethyl alcohol in malt beverages whereas this is currently differently defined by the individual member countries of the Council.

The EU would be grateful if the above-mentioned comments could be taken into account and replied to.
