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Committee on Agriculture and Rural Development

2010/0254(COD)

10.3.2011

DRAFT OPINION

of the Committee on Agriculture and Rural Development

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (COM(2010)0490 – C7-0278/2010 – 2010/0254(COD))

Rapporteur: Vasilica Viorica Dăncilă

PA_Legam

SHORT JUSTIFICATION

The Commission's proposal seeks to amend, for the second time, Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption, which lays down rules governing the composition, use of reserved descriptions, manufacturing specifications and labelling of the products concerned, in order to ensure their free movement within the European Union.

The first amendment dates back to 2009; it sought, inter alia, to introduce minimum Brix levels (for soluble dry matter content) in order to prevent fraud through the addition of excessive quantities of water. The proposal now on the table reaffirms the distinction between fruit juice (obtained by simply pressing fruit) and fruit juice from concentrate (reconstituted by reincorporating into concentrated fruit juice the same quantity of water as that removed during the concentration process), simplifies the provisions on the restitution of flavour and aroma, provides for the removal of sugar from the list of authorised ingredients (although the addition of sugar for sweetening purposes is still authorised in the case of nectars) and includes tomatoes in the list of fruits used for fruit juice production. Through this latest amendment, the Commission is seeking to implement more of the provisions of the Codex Alimentarius and the Code of Practice of the European Fruit Juice Association (AIJN).

While it is at the industry's request that sugar has been removed from the list of authorised ingredients, this could have an undesirable effect if labels are not allowed, at least for a limited period, to feature the words 'with no added sugar'. Indeed, it is difficult to imagine consumers immediately being aware that the addition of sugar is now prohibited, and that the only sugar content comes from the fruit itself. There is therefore a risk that consumers may mistakenly believe sugar has been added when they see that the juice they normally consume is no longer labelled 'with no added sugar'. This risk is heightened by the fact that shops will continue to display such products next to fruit-based drinks, which are not covered by the directive and will still be able to feature the words 'with no added sugar'. The industry must therefore be given time to communicate the relevant information to consumers.

As regards the necessary period for implementing the directive in the Member States, the 18-month period envisaged should be extended by an additional 18 months to enable the industry to shift its stock.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive – amending act Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The words ‘with no added sugar’ have been used in relation to fruit juice for a very long time. Their disappearance from one day to the next may mislead consumers, prompting them to turn to other drinks that do feature such a statement. Provision should therefore be made, for a limited time, for a derogation to enable the industry to inform consumers properly.

Or. fr

Amendment 2

Proposal for a directive – amending act Article 1 – point 1 Directive 2001/112/EC Article 3 – point 3 a (new)

Text proposed by the Commission

Amendment

3a. The words ‘with no added sugar’ may be used in fruit juice labelling, in accordance with Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods¹. From [five years after the entry into force of this Directive], the use of this wording shall no longer be authorised.

¹ OJ L 404, 30.12.2006, p. 9.

Or. fr

Amendment 3

Proposal for a directive – amending act

Article 1 – point 1

Directive 2001/112/EC

Article 3 – point 4

Text proposed by the Commission

Amendment

4. Nectars and specific products of Annex III may be sweetened by the addition of sugars or honey. The sales name shall include the word ‘sweetened’ or ‘with added sugar’, followed by an indication of the maximum quantity of sugar added, calculated as dry matter and expressed in grams per litre.”

deleted

Or. fr

Justification

EU legislation already lays down rules governing sales descriptions. There is consequently no need to stipulate specific rules for nectars.

Amendment 4

Proposal for a directive – amending act

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. Member States shall **bring into force** the laws, regulations and administrative provisions necessary to comply with this Directive 18 months **following** its entry into force **at the latest**. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

1. Member States shall **adopt** the laws, regulations and administrative provisions necessary to comply with this Directive **within** 18 months **of** its entry into force. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Or. fr

Amendment 5

Proposal for a directive – amending act Article 2 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Member States shall apply the provisions in question from [18 months after the entry into force of this Directive].

Or. fr

Amendment 6

Proposal for a directive – amending act Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

Transitional measures

Products placed on the market or labelled before the date on which the Member States bring into force the necessary provisions to comply with this Directive may continue to be marketed for a maximum period of 18 months following that date.

Or. fr

Justification

Provision should be made for transitional measures for products placed on the market or labelled before the Directive's entry into force and transposition into national law.

Amendment 7

Proposal for a directive – amending act Annex Directive 2001/112/EC Annex I – part I – point 1 – point (a) – subparagraph 4

Text proposed by the Commission

Some juices may be processed from fruits with pips, seeds and peel, which are not usually incorporated in the juice; however parts or components of pips, seeds and peel, which cannot be removed by good manufacturing practices are accepted.

Amendment

Some juices may be processed from fruits with pips, seeds and peel, which are not usually incorporated in the juice; **where necessary**, however, parts or components of pips, seeds and peel, which cannot be removed by good manufacturing practices are accepted.

Or. fr

Justification

It is not a question of allowing manufacturers to do this whenever they like, but solely where necessary.

Amendment 8

Proposal for a directive – amending act

Annex

Directive 2001/112/EC

Annex I – part I – point 5 – subparagraph -1

Text proposed by the Commission

The fermentable but unfermented product obtained by adding water **and**/or sugars and/or honey to the products defined in Parts I.1, I.2, I.3 and I.4, to fruit purée and/or to concentrated fruit purée and/or to a mixture of those products, that product, moreover, meeting the requirements of Annex IV.

Amendment

The fermentable but unfermented product obtained by adding water, **with** or **without the addition of** sugars and/or honey, to the products defined in Parts I.1, I.2, I.3 and I.4, to fruit purée and/or to concentrated fruit purée and/or to a mixture of those products, that product, moreover, meeting the requirements of Annex IV.

Or. fr

Justification

Water always needs to be added in order to obtain nectar; it is the addition of sweeteners that is optional.

Amendment 9

Proposal for a directive – amending act

Annex

Directive 2001/112/EC

Annex II – point 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The fruit must be sound, appropriately mature, and fresh or preserved by physical means or by treatment(s), including post-harvest treatment(s), applied in accordance with the applicable provisions of the European Union.

Or. fr

Justification

This statement must be included in the first point so that it applies to the rest of the annex. For reasons of clarity, it should be stated that post-harvest treatment is also covered.

Amendment 10

Proposal for a directive – amending act

Annex

Directive 2001/112/EC

Annex II – point 2 – subparagraph 2

Text proposed by the Commission

Amendment

The fruit must be sound, appropriately mature, and fresh or preserved by physical means or by treatment(s) applied in accordance with the applicable provisions of the European Union.

deleted

Or. fr