





Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Fruit juices and certain similar products intended for human consumption Amending Directive 2001/112/EC 1996/0115(CNS)	
Subject 3.10.06.08 Wine, alcoholic and non-alcoholic beverages 4.60.02 Consumer information, advertising, labelling 4.60.04.04 Food safety	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety		15/12/2010
		S&D PERELLÓ RODRÍGUEZ Andrés	
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union	 Agriculture and Rural Development		29/09/2010
		S&D DĂNCILĂ Viorica	
	Council configuration	Meeting	Date
European Commission	Justice and Home Affairs (JHA)	3151	08/03/2012
	Commission DG Agriculture and Rural Development	Commissioner CIOLOȘ Dacian	

Key events			
21/09/2010	Legislative proposal published	COM(2010)0490	Summary
23/09/2010	Committee referral announced in Parliament, 1st reading		
24/05/2011	Vote in committee, 1st reading		Summary
09/06/2011	Committee report tabled for plenary, 1st reading	A7-0224/2011	
13/12/2011	Debate in Parliament		
14/12/2011	Results of vote in Parliament		
14/12/2011	Decision by Parliament, 1st reading	T7-0567/2011	Summary
08/03/2012	Act adopted by Council after Parliament's 1st reading		

19/04/2012	Final act signed		
19/04/2012	End of procedure in Parliament		
27/04/2012	Final act published in Official Journal		

Technical information

Procedure reference	2010/0254(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2001/112/EC 1996/0115(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/7/03880

Documentation gateway

Legislative proposal		COM(2010)0490	21/09/2010	EC	Summary
Economic and Social Committee: opinion, report		CES0068/2011	19/01/2011	ESC	
Committee draft report		PE456.779	11/04/2011	EP	
Amendments tabled in committee		PE464.677	02/05/2011	EP	
Committee opinion	AGRI	PE452.907	03/05/2011	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0224/2011	09/06/2011	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0567/2011	14/12/2011	EP	Summary
Commission response to text adopted in plenary		SP(2012)90	01/02/2012	EC	
Draft final act		00074/2011/LEX	19/04/2012	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Directive 2012/12](#)
[OJ L 115 27.04.2012, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

Fruit juices and certain similar products intended for human consumption

PURPOSE: to amend Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption.

PROPOSED ACT: Directive of the European Parliament and of the Council.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASE: Article 43 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: Council Directive 2001/112/EC 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.

This amendment of the directive, which amends Directive 2001/112/EC for the second time, is based on revised international standards, in particular the Codex Alimentarius for fruit juices and nectars (Codex Stan 247-2005) and the Code of Practice of the European Fruit Juice Association (AIJN).

This draft directive, which is technical in nature, reaffirms the distinction between fruit juice and fruit juice from concentrate, simplifies the provisions on the restitution of flavour and aroma, provides for the removal of sugar from the list of authorised ingredients and includes tomatoes in the list of fruits used for fruit juice production.

This proposed directive will take account, as of now, of the redefinition of the competences of the Commission (Articles 290/291 of the Treaty). Consequently, it will amend the current directive by including all implementing measures in the category of delegated acts.

BUDGETARY IMPLICATION: the proposal has no implication for the Community budget.

Fruit juices and certain similar products intended for human consumption

The Committee on the Environment, Public Health and Food Safety adopted the report drafted by Andres PERELLO RODRIGUEZ (S&D, ES) 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.

It recommends that the European Parliament's position adopted at first reading, under the ordinary legislative procedure, amends the Commission proposal as follows:

Scope: Members consider that the criteria laid down in this Directive should apply equally to products manufactured in the Union and to imported products.

Consumer protection: Members suggest a number of amendments to protect consumer interests and provide as much information as possible, to ensure that the labelling of fruit juice is unambiguous and allow them to distinguish between different types of products:

- even if not mentioned in the product name, all fruits used must be included in the list of ingredients in descending order of volume, and followed by the quantity, expressed as a percentage. If any fruit is mentioned in the product name, the principal name of the product shall correspond to its dominant fruit;
- pictorial representations on the package shall not mislead the consumer as to the actual composition of the juice;
- nectars and specific products of Annex III may be sweetened by the addition of sugars, honey or sweeteners. In such cases, the addition shall be clearly indicated in the list of ingredients, as stipulated under current legislation, specifying the maximum quantity of sugar added, calculated as dry matter and expressed in grams per litre. In the case of honey, except natural honey, its full composition and/or its glucose content shall be listed;
- in order to help consumers differentiate between juice and nectar in terms of their sugar content, the term 'without added sugar' shall be allowed for fruit juices. By five years after the entry into force of this Directive, the use of this wording shall be reviewed;
- in the case of fruit juices reconstituted from concentrates, product names shall contain the words 'from concentrate' or 'juice reconstituted from concentrate', in characters at least half the size of those used for the name of the fruit juice;
- checks must be in place to ensure that no fruit seeds are present in the final juice product. In cases where seeds may be present in the final juice product, they shall be clearly labelled indicating the possible presence of seeds;
- the addition to fruit juice of extra pulp or cells shall be indicated on the labelling;
- lastly, Members state that it shall be prohibited to use misleading or ambiguous descriptions such as 'natural juice', which suggest that juices have been produced directly from fruit when this is not the case.

Information campaigns: the Commission and the Member States shall carry out information campaigns, both generally and at sales points, in order to inform consumers of the different categories of juices and similar products introduced by this Directive.

Delegated acts: Members consider that in view of the existing differences in matters such as flavourings, decisions on the adding of authorised ingredients should not be taken by means of delegated acts.

Moreover, the powers to adopt delegated acts referred to in this Directive shall be conferred on the Commission for a period of five years after the deadline for transposition of this Directive. In the event of no reason arising or explicit request being made to change specific aspects of this Directive, this period shall be taken to be extended.

Transition period: there shall be an 18-month transitional period starting from the date of transposition of the Directive, in order to clear existing stocks already on the market and provide a period in which to adapt to the new legislation.

A certain number of amendments concerning the Annexes aim, inter alia, to:

- provide that for fruit juices that only flavour, pulp and cells from the juice which are separated during processing may be restored to the same juice;
- clarify that the water added must display appropriate characteristics, particularly from the chemical, microbiological and organoleptic viewpoints, in such a way as to guarantee the essential qualities of the juice;
- warn consumers when flavour is restored, the addition of flavour must feature on the label of the fruit juice product;
- make reference to the first point of Annex II by stating that the fruit must be sound, appropriately mature, and fresh or preserved by physical means or by treatments, including post-harvest treatments, applied in accordance with the applicable provisions in force in the European Union.

Fruit juices and certain similar products intended for human consumption

The European Parliament adopted by 585 votes to 33, with 11 abstentions, a legislative resolution 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.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement negotiated between the European Parliament and the Council. They amend the proposal as follows:

Taking into account international standards: in order to protect the interests of consumers and to enhance the free movement of fruit juices and certain similar products within the European Union, Council Directive 2001/112/EC of 20 relating to fruit juices and certain similar products intended for human consumption has laid down specific provisions regarding production, composition and labelling of the products concerned. Those rules should be adapted to technical progress and should, as far as possible, take account of developments in relevant international standards, in particular the Codex Standard for fruit juices and nectars (Codex Stan 247-2005). The Codex Standard establishes, in particular, quality factors and labelling requirements for fruit juices and similar products.

Labelling: specific provisions of Directive 2001/112/EC on the labelling of fruit juices and similar products are amended to reflect the new rules on authorised ingredients, such as those pertaining to the addition of sugars, which are no longer authorised in fruit juices. For other products, added sugars should continue to be labelled in accordance with Directive 2000/13/EC.

The nutrition claim with no added sugars: this claim has been used in relation to fruit juice for a very long time. In the light of the new compositional requirements for fruit juices provided for in this Directive, its disappearance from one day to the next after the transitional period might not allow an immediate clear distinction between fruit juices and other drinks in terms of the addition of sugars in the products, which would be detrimental to the fruit juices sector. Consequently, the amended text makes provision, for a limited time, to enable the industry to inform consumers properly.

The statement from ++ no fruit juices contain added sugars may appear on the label in the same field of vision as the name of products until four years and six months from the entry into force of the Directive ++.

Transitional period: in order to allow Member States to adopt national laws, regulations and administrative provisions necessary to comply with this Directive, a transposition period of 18 months should be established. During that period the requirements of Directive 2001/112/EC without the amendments introduced by this Directive should remain applicable.

In order to take into account the interests of economic operators who place on the market or label their products in accordance with the requirements applicable before the application of the national provisions transposing this Directive, the amended text states that these products may continue to be marketed until three years from the date of entry into force of this Directive.

Delegated acts: in order to bring the Annexes to Directive 2001/112/EC into line with developments in relevant international standards and to take into account technical progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes to Directive 2001/112/EC, with the exception of Part I of Annex I, and of Annex II.

A transposition period of 18 months should be established for this Directive.

Fruit juices and certain similar products intended for human consumption

PURPOSE: to amend Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption.

LEGISLATIVE ACT: Directive 2012/12/EU 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.

CONTENT: the Council approved a compromise text aimed at further aligning the EU directive on fruit juices and similar products to the international food standards of the Codex Alimentarius, following a first-reading agreement with the European Parliament. The German delegation voted against.

The Codex Alimentarius Commission was created in 1963 by FAO and WHO to develop food standards, guidelines and related texts such as codes of practice. The main purposes are to protect health of the consumers, to ensure fair trade practices in the food trade and to promote coordination of work undertaken by international governmental and non-governmental organizations.

The main elements of the amended Directive are as follows:

Not adding sugars to fruit juices: the new directive incorporates the current industry practice of not adding sugars to fruit juices. As from the date of application of the new rules (28 October 2013), the addition of sugars to fruit juices will no longer be authorised.

Since the addition of sugars was previously allowed, it was common that food business operators labelled the absence of added sugars in the fruit juices for commercial reasons by means of nutrition claim "with no added sugars". The use of such a claim will be no longer allowed after the end of the transitional period (18 months after the date of application of new rules), when all fruit juices present on the market are not allowed to contain added sugars any more.

To enable the industry to inform the consumers properly both during the transitional period and another 18 months after its end, the directive authorises the food business operators to use a statement on the labels informing the consumers that from a certain date no fruit juices contain added sugars.

The statement from 28 October 2015 no fruit juices contain added sugars may appear on the label in the same field of vision as the name of products until 28 October 2016.

Nectars: due to their specific characteristics nectars cannot be produced without added sugar. However, the new directive confirms the rule of the regulation on nutrition and health claims according to which nectars containing sugars or sweeteners may not bear on the label the

nutrition claim "with no added sugar".

The directive adds tomatoes to the list of fruits used for fruit juice's production. This means that tomato juices will be subject to the same specific rules as other fruit juices, rather than solely to the general EU food law as it is currently the case.

The new rules also confirm the existing law according to which each fruit from which the fruit juice is made from must be indicated in the product name. However, if the juice is produced from three and more fruits the indication of the fruits may be replaced by the words "several fruits".

The Brix values (designing the soluble dry matter content) for four fruit juices (blackcurrent, guava, mango and passion fruit) are aligned with the levels of the Codex Alimentarius.

Transitional measures: products which are placed on the market or labelled before 28 October 2013 in accordance with Directive 2001/112/EC may continue to be marketed until 28 April 2015.

The new rules will apply to all fruit juices marketed in the EU, irrespective of their origin. This ensures an equal treatment between fruit juices produced within the EU and imported from third countries.

ENTRY INTO FORCE: 27.04.2012.

TRANSPOSITION: before 28.10.2013. Member States shall apply those provisions from 28 October 2013.

DELEGATED ACTS: the Commission is empowered to adopt delegated acts in order to maintain the list of firearms, their parts and essential components and ammunition for which an authorisation is required. The power to adopt delegated acts is conferred on the Commission for an indeterminate period of time. A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification (which may be extended by two months). If the European Parliament or Council objects, the delegated act shall not enter into force.