



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Agriculture and Rural Development*

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**2010/0254(COD)**

3.5.2011

## **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

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## 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 Recital 1**

*Text proposed by the Commission*

(1) In order to enhance the free movement of fruit juices and certain similar products within the European Union, Council Directive 2001/112/EC of 20 December 2001 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 take account of developments in relevant international standards, in particular the Codex Standard for fruit juices and nectars (Codex Stan 247-2005) which was adopted by the Codex Alimentarius Commission during its 28th session on 4-9 July 2005 and the Code of Practice of the European Fruit Juice Association (AIJN).

*Amendment*

(1) In order to enhance the free movement of fruit juices and certain similar products within the European Union, Council Directive 2001/112/EC of 20 December 2001 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 take account of developments in relevant international standards, in particular the Codex Standard for fruit juices and nectars (Codex Stan 247-2005) which was adopted by the Codex Alimentarius Commission during its 28th session on 4-9 July 2005 and the Code of Practice of the European Fruit Juice Association (AIJN). ***The criteria laid down in this Directive should apply equally to products manufactured in the Union and to imported products.***

**Amendment 2**

**Proposal for a directive  
Recital 3**

*Text proposed by the Commission*

(3) Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, and in particular Article 7(2) and (5) thereof, should apply subject to certain conditions. It should be clearly indicated when a product is a mixture of fruit juice and fruit juice from concentrate, and, for fruit nectar, when it is obtained entirely or partly from a concentrated product. The list of ingredients in the labelling should bear the names of both the fruit juices and fruit

*Amendment*

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juices from concentrate used.

juices from concentrate used. *There should be a ban on the use of misleading or ambiguous descriptions such as ‘natural juice’, which suggest that juices have been produced directly, where this is not the case.*

### Amendment 3

#### 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.*

### Amendment 4

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

*Text proposed by the Commission*

*Amendment*

3) For products manufactured from two or more fruits, except where lemon and lime juice are used under the conditions laid down in Part II.2 of Annex I, the product names shall be supplemented by a list of the fruits used, in descending order of the **volume** of the fruit juices or purées included. However, in the case of products manufactured from three or more fruits, the

3) For products manufactured from two or more fruits, except where lemon and lime juice are used under the conditions laid down in Part II.2 of Annex I, the product names shall be supplemented by a list of the fruits used, in descending order of the **weight** of the fruit juices or purées included. However, in the case of products manufactured from three or more fruits, the

indication of the fruits used may be replaced by the words ‘several fruits’ or a similar wording, or by the number of fruits used.

indication of the fruits used may be replaced by the words ‘several fruits’ or a similar wording, or by the number of fruits used.

*Justification*

*In accordance with point 8.1.1.7. of Codex Stan 247-2005.*

**Amendment 5**

**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 foods<sup>1</sup>. From [five years after the entry into force of this Directive], the use of this wording shall be reviewed.***

***<sup>1</sup>OJ L 404, 30.12.2006, p. 9.***

**Amendment 6**

**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***

4) Nectars and specific products of Annex III may be sweetened by the addition of sugars or honey. The ***producer*** shall ***indicate on the product label*** the

*added sugar', followed by an indication of the maximum quantity of sugar added, calculated as dry matter and expressed in grams per litre.'*

maximum quantity of sugar added, calculated as dry matter and expressed in grams per litre.

## **Amendment 7**

### **Proposal for a directive – amending act**

#### **Article 1 – point 1**

Directive 2001/112/EC

Article 3 – point 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. 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.***

## **Amendment 8**

### **Proposal for a directive – amending act**

#### **Article 1 – point 2**

Directive 2001/112/EC

Article 4

*Text proposed by the Commission*

*Amendment*

The labelling of concentrated fruit juice referred to in Annex I, Part I, point 2, not intended for delivery to the final consumer, shall bear a reference indicating the presence and quantity of added lemon juice, lime juice or acidifying agents permitted by Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives\*. This reference shall appear on the packaging, on a label attached to the packaging or on an accompanying document.

The labelling of concentrated fruit juice referred to in Annex I, Part I, point 2, not intended for delivery to the final consumer, shall bear a reference indicating the presence and quantity of added lemon juice, lime juice or acidifying agents permitted by Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives\*. This reference shall appear on the packaging, on a label attached to the packaging or on an accompanying document. ***It shall be prohibited to use misleading or ambiguous descriptions such as 'natural***

*juice’, which suggest that juices have been produced directly when this is not the case.*

## **Amendment 9**

### **Proposal for a directive – amending act**

#### **Article 1 – point 2 a (new)**

Directive 2001/112/EC

Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. In Article 5, the following paragraph 1a is inserted:***

***‘This Directive shall apply to the products manufactured in or imported into the European Union referred to in Annex I.’***

## **Amendment 10**

### **Proposal for a directive – amending act**

#### **Article 1 – point 3**

Directive 2001/112/EC

Article 7 – paragraph 1

*Text proposed by the Commission*

*Amendment*

In order to bring this Directive in line with the technical progress and to take account of developments in relevant international standards, the Commission may by means of delegated acts adapt the Annexes, except *of* Part I of Annex I, and *of* Annex II.

In order to bring this Directive in line with the technical progress and to take account of developments in relevant international standards, the Commission may by means of delegated acts adapt the Annexes ***as required***, except Part I of Annex I, and Annex II.

## **Amendment 11**

### **Proposal for a directive – amending act**

#### **Article 1 – point 4**

Directive 2001/112/EC

Article 7 a – paragraph 1 – subparagraph 1



*Text proposed by the Commission*

1. The powers to adopt the delegated acts referred to in this Directive shall be conferred on the Commission for ***an indeterminate*** period of ***time***.

*Amendment*

1. The powers to adopt the delegated acts referred to in Article 10 shall be conferred on the Commission for ***a*** period of ***five years following the entry into force of this Directive. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period.***

**Amendment 12**

**Proposal for a directive – amending act**

**Article 1 – point 4**

Directive 2001/112/EC

Article 7 a – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by ***one month***.

*Amendment*

3. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by ***two months***.

**Amendment 13**

**Proposal for a directive – amending act**

**Article 2 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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.

Directive.

#### **Amendment 14**

**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].***

#### **Amendment 15**

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

*Text proposed by the Commission*

*Amendment*

***Article 2 a***

***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.***

*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 16**

**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*

*Amendment*

Some juices may be processed from fruits

Some juices may be processed from fruits

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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.

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.

#### *Justification*

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

### **Amendment 17**

#### **Proposal for a directive – amending act**

##### **Annex**

Directive 2001/112/EC

Annex I – part I – point 1 – point b – subparagraph 4

*Text proposed by the Commission*

*Amendment*

***In respect of blackcurrant, guava, mango and passion fruit, the minimum Brix degree values only apply to reconstituted fruit juice and reconstituted fruit purée produced in the European Union.***

***deleted***

### **Amendment 18**

#### **Proposal for a directive – amending act**

##### **Annex**

Directive 2001/112/EC

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

*Text proposed by the Commission*

*Amendment*

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

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

Annex IV.

the requirements of Annex IV.

*Justification*

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

**Amendment 19**

**Proposal for a directive – amending act**

**Annex**

Directive 2001/112/EC

Annex I – part II – point 2 – subparagraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

*– Where the product contains added carbon dioxide, the term ‘carbonated’ or ‘sparkling’ shall appear on the label near the name of the product.*

**Amendment 20**

**Proposal for a directive – amending act**

**Annex**

Directive 2001/112/EC

Annex I – part II – point 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

Salt, spices and aromatic herbs may be added to tomato juice and tomato juice from concentrate.

Salt, spices and aromatic herbs, **and natural extracts thereof**, may be added to tomato **or carrot** juice and to tomato **or carrot** juice from concentrate.

**Amendment 21**

**Proposal for a directive – amending act**

**Annex**

Directive 2001/112/EC

Annex I – part II – point 2 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*Where tomato or carrot juice contains*

*spices and/ or aromatic herbs, the term 'spiced' and/or the common name of the aromatic herb shall appear on the label next to the name of the juice.*

## **Amendment 22**

### **Proposal for a directive – amending act**

#### **Annex**

Directive 2001/112/EC

Annex II – point 1

*Text proposed by the Commission*

#### 1. Fruit

For the purposes of the present Directive, tomato is also considered *as a fruit*.

*Amendment*

#### 1. Fruit

For the purposes of the present Directive, tomato *and carrot are* also considered *to be fruits*.

## **Amendment 23**

### **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 treatments, including post-harvest treatments, applied in accordance with the applicable provisions in force in the European Union.*

*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 treatments are also covered.*

## **Amendment 24**

**Proposal for a directive – amending act**

**Annex**

Directive 2001/112/EC

Annex V – line 6 a (new)

*Text proposed by the Commission*

*Amendment*

*Sweetie grapefruit*

*Citrus x paradisi, Citrus grandis*

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**Amendment 25**

**Proposal for a directive – amending act**

**Annex**

Directive 2001/112/EC

Annex V – line 8 – column 2

*Text proposed by the Commission*

*Amendment*

Citrus limon (L.) Burm. f.

Citrus limon (L.) Burm. f.

*Citrus limonium Risso*

**Amendment 26**

**Proposal for a directive – amending act**

**Annex**

Directive 2001/112/EC

Annex V – line 8 a (new)

*Text proposed by the Commission*

*Amendment*

*Lime*

*Citrus aurantifolia (Christm.)*

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## PROCEDURE

<b>Title</b>	Amendment of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption
<b>References</b>	COM(2010)0490 – C7-0278/2010 – 2010/0254(COD)
<b>Committee(s) responsible</b>	ENVI
<b>Opinion by</b> Date announced in plenary	AGRI 23.9.2010
<b>Rapporteur</b> Date appointed	Vasilica Viorica Dăncilă 29.9.2010
<b>Discussed in committee</b>	28.3.2011
<b>Date adopted</b>	2.5.2011
<b>Result of final vote</b>	+: 30 -: 1 0: 5
<b>Members present for the final vote</b>	John Stuart Agnew, Luis Manuel Capoulas Santos, Vasilica Viorica Dăncilă, Michel Dantin, Paolo De Castro, Albert Deß, Herbert Dorfmann, Hynek Fajmon, Iratxe García Pérez, Béla Glattfelder, Esther Herranz García, Peter Jahr, Elisabeth Jeggle, Jarosław Kalinowski, Elisabeth Köstinger, Agnès Le Brun, George Lyon, Gabriel Mato Adrover, Mariya Nedelcheva, Rareş-Lucian Niculescu, Wojciech Michał Olejniczak, Georgios Papastamkos, Marit Paulsen, Britta Reimers, Ulrike Rodust, Giancarlo Scottà, Csaba Sándor Tabajdi, Marc Tarabella, Janusz Wojciechowski
<b>Substitute(s) present for the final vote</b>	Salvatore Caronna, Spyros Danellis, Marian Harkin, Giovanni La Via, Astrid Lulling, Milan Zver
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Eider Gardiazábal Rubial