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

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**2010/0254(COD)**

24.3.2011

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## **DRAFT REPORT**

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))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Andres Perello Rodriguez

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## **DRAFT EUROPEAN PARLIAMENT 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  
(COM(2010)0490 – C7-0278/2010 – 2010/0254(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0490),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0278/2010),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 20 January 2011<sup>1</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A7-0000/2011),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 84 of 17 March 2011, p. 45

## Amendment 1

### Proposal for a directive – amending act 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 ***protect the interests of consumers and provide them with as much information as possible and 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<sup>1</sup> has laid down specific provisions regarding production, composition and labelling of the products concerned. ***The concepts should be clarified and clearly differentiated categories established in order to adapt*** those rules to technical progress and 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).

<sup>1</sup> *OJ L 10, of 12.1.2002, p. 58.*

Or. es

#### *Justification*

*The rapporteur supports the legal basis proposed by the Commission (Article 43) and stresses the role played by the parliamentary committee responsible in guaranteeing aspects relating to food safety and the quality of juices and similar products, the labelling of which should be reviewed in order to clarify any aspects likely to confuse consumers.*

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<sup>1</sup>

## **Amendment 2**

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

*Text proposed by the Commission*

*Amendment*

***(2a) To avoid distortions in competition, the rules arising from adaptation of the directive to the Codex should be equally applicable to all products marketed within the EU, regardless of whether they are produced in the EU or imported from third countries.***

Or. es

#### *Justification*

*The European Union should ensure that the rules applicable to its own juices and similar products are also met by all imported products, so that the same quality and food safety standards hold good for all products circulating on the European market. Similarly, the rapporteur is convinced that from the point of view of the environment and socioeconomic sustainability, it is always better to choose locally-produced products, and that this also encourages producers in third countries to move towards producing higher quality and more sustainable goods.*

## **Amendment 3**

### **Proposal for a directive** **Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Certain technological practices which help to improve specific aspects of the product, such as colour and acidity, may be permitted, provided they do not alter its physiochemical, organoleptic and nutritional qualities.***

Or. es

### *Justification*

*Technological advances have made new practices available to producers. These should be authorised, provided they improve the product and need not be mentioned on the label unless they significantly alter the product.*

## **Amendment 4**

### **Proposal for a directive**

**Article 1-point 1** Directive 2001/112/EC

Article 3 - paragraph 4

#### *Text proposed by the Commission*

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.***

#### *Amendment*

4. Nectars and specific products of Annex III may be sweetened by the addition of sugars, honey *or sweeteners*. ***In such cases, the addition shall feature 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, and except in the case of natural honey, its full composition shall be listed and/or its glucose content.***

Or. es

### *Justification*

*The voluntary statement 'without added sugar' should be allowed for juices (class 1, Annex I) and the obligatory statement 'with added sugar' for nectars could be eliminated. By law, sugars have to be included in ingredient lists, and nectars, by definition, include added sugar. The obligation to include the term 'with added sugar' is therefore triply redundant. Other drinks with high sugar content, such as soft drinks, are not required to make any such specific statement.*



## **Amendment 5**

### **Proposal for a directive**

**Article 1-point 1** Directive 2001/112/EC

Article 3 - paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

(4a) 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 included in category 1 of Annex I.

Or. es

### *Justification*

*>In view of the fact that certain consumer groups have special needs (diabetics, children and people with weight problems) and that consumers still have difficulty distinguishing between 'fruit juice' and 'fruit nectar' as far as their sugar content is concerned, an exception should be made for the categories referred to in this amendment. This measure could be of a transitional nature.*

## **Amendment 6**

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

**Article 1 - point 2 a (new)**

Directive 2001/112/EC

Article 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) The following Article 6a is inserted:***

### ***Article 6a***

#### ***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.***

### *Justification*

*In view of the current difficulties in distinguishing between, for example, 'juices' and 'nectars', it is essential to ensure that the categories defined by the Codex and adopted in this directive are clearly understood by consumers.*

## **Amendment 7**

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

#### **Article 1 – point 3**

Directive 2001/112/EC

Article 7 – paragraph 1

#### *Text proposed by the Commission*

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.

#### *Amendment*

In order to bring this Directive in line with technical progress and to take account of developments in relevant international standards, the Commission may by means of delegated acts adapt the Annexes, except for Part I of Annex I, ***Part II point 2 (authorised ingredients) of Annex I***, and Annex II.

### *Justification*

*The rapporteur considers 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.*

## **Amendment 8**

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

#### **Article 1 – point 4**

Directive 2001/112/EC

Article 7 a – paragraph 1

#### *Text proposed by the Commission*

1. The powers to adopt the delegated acts

#### *Amendment*

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***.

referred to in this Directive shall be conferred on the Commission for ***a period of five years, commencing on the last date of transposition of the 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.***

Or. es

#### *Justification*

*In the absence of substantial changes justifying a revision of the directive, the Commission may make use of the so-called 'tacit renewal' mechanism.*

### **Amendment 9**

#### **Proposal for a directive – amending act Article 2 – paragraph 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 Directive.***

##### *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.

Or. es

#### *Justification*

*The rapporteur accepts the majority view of the European Parliament in support of correlation tables, and emphasises their value as a fundamental tool for assisting legislation during periods of transposition of Community law. Nevertheless, in this case, and in view of the changes related to this specific directive, the rapporteur sees no need for the Member States to be required to submit their correlation tables, and further considers that such obligation could result in additional, unnecessary bureaucracy.*

## Amendment 10

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

*Text proposed by the Commission*

*Amendment*

#### *Article 2a*

##### *Transitional 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.***

Or. es

#### *Justification*

*An 18-month transitional period, added to the transposition period, will allow European industries and producers in third countries an overall period of three years in which to adapt to the new legislation.*

## Amendment 11

### Proposal for a directive – amending act Annex I - point 1 - subpoint 5 - paragraph 2

*Text proposed by the Commission*

*Amendment*

Where fruit nectars are manufactured without added sugar or with **low** energy value, sugars may be replaced wholly or partially by sweeteners, in accordance with Regulation (EC) No 1333/2008.

Where fruit nectars are manufactured without added sugar or with **reduced** energy value, sugars may be replaced wholly or partially by sweeteners, in accordance with Regulation (EC) No 1333/2008.

Or. es

#### *Justification*

*Lniguistic amendment in line with Regulation 1924/2006 on nutrition and health claims.*

## Amendment 12

### Proposal for a directive – amending act

#### Annex I - point 2 - subpoint 2 - indent 6 a (new)

*Text proposed by the Commission*

*Amendment*

***- Juice obtained from Citrus reticulata and/or Citrus reticulata hybrids may be added to orange juice in a proportion not exceeding 10% of soluble Citrus reticulata solids in relation to the total amount of soluble orange juice solids.***

Or. es

#### *Justification*

*This possibility is provided for in the Codex, under the heading 'other authorised ingredients' and, furthermore, is widely practiced by Brazilian and US producers. If this option were to be denied to European producers they would be left at an unfair disadvantage compared with their international competitors.*

## Amendment 13

### Proposal for a directive – amending act

#### Annex I - point 2 - subpoint 3 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***(3a) Transport and conservation***

***Fruit juices belonging to category 1a) of point 1 of Annex I and requiring refrigeration from packaging to sale in order to conserve their organoleptical properties, shall only be marketed in refrigerated form.***

Or. es

#### *Justification*

*This measure is to avoid confusion amongst juices belonging to the same legal category but*

*marketed in different ways.*

#### **Amendment 14**

##### **Proposal for a directive – amending act 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) applied in accordance with the applicable provisions of the European Union.***

Or. es

*Justification*

*This paragraph was included in point 2, 'fruit puree', when it should more appropriately be placed under the general definition 'fruit' in point 1.*

#### **Amendment 15**

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

*Justification*

*In line with the previous amendment, this subparagraph is deleted and transferred. This paragraph can be more appropriately included in the preceding point under the general definition 'fruit'.*

## EXPLANATORY STATEMENT

The fruit juices and certain similar products sector represents an industry of considerable size in the European Union. However, to take just one example, it is worth noting that over 82% of the orange juice consumed in Europe comes mainly from Brazil and the United States. In other words, less than 20% of the orange juice consumed in the EU is produced here.

In the case of citrus fruits, the European processing industry, unlike its major international competitors, is a complementary and subsidiary branch of the fresh produce market. Processing is often used as an outlet for fruit which is excluded from the fresh produce market due to its appearance (size, blemishes) but is perfectly acceptable as a source of high quality juice. In contrast, in the US and Brazil most of the fruit varieties used are cultivated specifically for processing. While both production models are equally valid, it should be noted that compared with the high environmental cost (transport-related CO<sub>2</sub> emissions) of large-scale importation, the European subsidiary industry not only provides a use for any surplus produce, but also offers environmental benefits by ensuring that all fruit is collected (avoiding the destruction of produce unsuitable for direct sale or its being left unpicked in the countryside, encouraging pest proliferation) and from a social and economic perspective generates the added value of job and wealth creation.

It is therefore important to support the European sector, by bringing the Directive into line with international law and the Codex and establishing the same rules for all products marketed in Community territory. The aim, as stated in the recitals of the Directive, is to contribute towards the free circulation of these products. However, it is also important to clarify the rules on labelling, product classification, authorised ingredients and the admissibility of certain practices. The proposed revision will also benefit imported products already being marketed in the EU, since the new directive will give producers in third countries the opportunity to improve the quality of their products through more sustainable production processes. The existence of one set of rules for everyone will also serve to prevent fraud and unfair competition and help make clearer information available to consumers.

The main success of both the Directive and its proposed revision is undoubtedly their insistence on maintaining the dual denomination distinguishing pressed juices from those made from concentrate, as well as the creation of categories as defined in Annex I. Nevertheless, the first few years since the Directive came into force have also clearly shown that, in practice, consumers find it hard to distinguish clearly amongst the different categories of product covered by the Directive. Having held a series of meetings with consumer groups, the rapporteur has noted that considerable confusion exists, especially with regard to the difference between 'juice' and 'nectar'. It is particularly important to clarify this difference in view of the presence or absence of sugar in these products, which is an issue of particular concern to consumer groups with specific needs (diabetics, children, people with weight problems, etc.) For this reason, the rapporteur considers that the term 'no added sugar' should continue to be allowed for category 1 fruit juices. With regard to 'nectar', the rapporteur believes there is no need for a mandatory declaration of sugar content, other than that already required by current legislation on lists of ingredients.

It is important to back up these measures with targeted information campaigns to clear up the

current misunderstandings. Consumers have the right to know exactly what type of product they are acquiring.

Another key feature of this revision is that it brings the directive more closely into line with the Codex Alimentarius. However, it appears that the Commission wishes to embrace certain aspects of the Codex, while disregarding others which are in fact included in international legislation. The rapporteur favours the application of a single set of standards to all fruit juices and related products marketed in the EU, and draws particular attention to harmless practices such as the addition of mandarin juice to orange juice, which not only intensifies the colour and flavour but in some cases responds to demand from certain categories of consumer. Mandarin juice has also been shown, in the study entitled 'Mandarin juice improves the antioxidant status of hypercholesterolemic children', to have beneficial results in reducing cholesterol levels in children.

There should therefore be no reason to deny European producers the use of processes involving the addition of mandarin while these continue to be used in the manufacture of products from Brazil and the United States.

Concerning the controversy surrounding flavour reconstitution, and considering all the technical problems involved, the rapporteur is satisfied with the Commission's proposal that it should remain optional, with the provision that the reconstituted flavour should in all cases come from the 'same species of fruit' rather than the 'same fruit'.

Although few in quantity, the changes proposed by the Commission represent a major qualitative shift for the industry and require a guaranteed transition period of up to 18 months. This, added to the transposition period, would give a total of three years real time in which to use up stock manufactured according to the old standards and bring technological practices and equipment in line with the new requirements.

Although the rapporteur agrees with most of the premises of the Commission's proposed revision, he has some reservations about that institution's role in the future, and specifically with regard to the delegated acts. It therefore seems appropriate to change paragraph 1 of Article 7a to limit the Commission's powers to adopt the delegated acts from 'an indeterminate period of time' to five years. The rapporteur has also introduced the possibility of proceeding to a tacit renewal, if after five years there are no substantial changes justifying a revision of the rules.

Regarding the role of the Commission, the rapporteur expresses doubts about the advisability of leaving the review of authorised ingredients (Annex I, 2.2) under the delegated acts procedure, when it has been one of the points which has generated most disagreement in the Council working groups to date.

Finally, in the process of drafting this report numerous problems have been detected in connection with certain types of juices produced in specific countries, as well as difficulties caused by the names used for different fruits, products and ingredients in the various Community languages. This report invites national delegations to present any corrections they consider necessary, in order to make the resulting legislation as efficient as possible.



The European Union produces high quality fruit juices which contribute to a healthy and balanced diet and are manufactured according to the sustainability standards supported by our laws. It is therefore fair that we should defend these same high standards of quality for all products being marketed in the EU. Without seeking to question any form of import policy, this report favours the consumption of local products, those which do not have to be transported over vast distances, generating CO2 emissions, which are produced under social and labour conditions which are acceptable under Community law and which are manufactured according to the food safety principles established by the EU. This is not a matter of European protectionism, but reflects the continued pursuit of sustainability in all sectors of our economy. The overall quality of a product can also be measured by its ethical quality, its ecological quality and its social quality.