



24.6.2020

NOTICE TO MEMBERS

Subject: Petition No 0774/2019 by Zoltán Tóth (Hungarian) on the prohibition in the EU of fruit concentrates treated with macro-synthetic resin

1. Summary of petition

The petitioner calls on the EU institutions to prohibit the sale of fruit juices and fruit juice concentrates treated with macro-reticulated synthetic resin on the ground that it seriously endangers the consumers' health. He points out that these juices, originating from outside the EU, are synthetically produced from rice syrup and are then enhanced with synthetic additives to seemingly comply with EU food safety requirements and to mislead in relation to the geographical origin of the product.

2. Admissibility

Declared admissible on 18 December 2019. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 24 June 2020

Council Directive 2001/112/EC¹ (the Directive) sets out rules relating to fruit juices and certain similar products intended for human consumption including the authorised ingredients and treatments.

As regards the composition, paragraph 1 of Part 2 of Annex I to the Directive states:

¹ Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption, OJ L 10, 12.1.2002, p. 58–66.

“(…) for fruit juice the Brix level shall be the one of the juice as extracted from the fruit and shall not be modified, except by blending with the juice of the same species of fruit. The minimum Brix level established in Annex V for reconstituted fruit juice and reconstituted fruit purée is exclusive of the soluble solids of any added optional ingredients and additives.”

Consequently, rice syrup is not authorised for fruit juices nor for fruit juice concentrates sweetening.

Only “fruit nectar” as defined in paragraph 5 of Part 1 of Annex I to the Directive may contain added sugars and/or honey, sugars being defined in paragraph 5 of Annex II to the Directive, and rice syrup is not listed in this Annex.

As regards the treatment of any category of fruit juice product, the authorised processes are listed in paragraph 3 of Part 2 of Annex I to the Directive, among others:

“(…)

- chemically inert filtration aids and precipitation agents (including perlite, washed diatomite, cellulose, insoluble polyamide, polyvinylpolypyrrolidone, polystyrene), which comply with Regulation (EC) No 1935/2004² of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food (2);

- chemically inert adsorption aids which comply with Regulation (EC) No 1935/2004, and which are used to reduce the limonoid and naringin content of citrus juice without significantly affecting the limonoid glucosides, acid, sugars (including oligosaccharides) or mineral content;

(…)”

All materials and articles that are foreseeably or intentionally used in contact with food shall comply with Regulation (EC) No 1935/2004, which requires that those materials shall not release their constituents to the food in amounts hazardous to health, would bring about an unacceptable change in the composition of the food, or would change the organoleptic properties of the food. Moreover, if such materials or articles are made from plastic, they should also comply with the compositional requirements for plastic food contact materials set out in Commission Regulation (EU) No 10/2011³.

From the description that the petitioner provides, it is not entirely clear whether the resins that are being used should be considered as a plastic material or an ion exchange resin. While in the second case only Regulation (EC) No 1935/2004 would apply because no specific rules on ion exchange resins exist at EU level, the resins could not be used to treat juices if the release of their constituents could adversely affect human health, or would change the composition in an

² Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC, OJ L 338, 13.11.2004, p. 4–17.

³ Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food Text with EEA relevance, OJ L 12, 15.1.2011, p. 1–89.

unacceptable way.

Enforcement is the responsibility of the competent authorities of the Member States. Article 24 of Regulation (EC) No 1935/2004 requires that they shall carry out official controls in order to enforce compliance with the Regulation and Article 25 requires that Member States shall lay down rules on sanctions and ensure these sanctions are dissuasive.

In addition, Member States should ensure that any type of food treated with resins does not enter the EU market when resins are not compliant with EU rules^{1, 2 & 3}.

Conclusion

Fruit juices and concentrated fruit juices containing added rice syrup shall not enter into the EU market because they do not comply with the EU definition of those products.

No food, including fruit juice products, shall enter into the EU market when processed with material that does not comply with food contact material regulation, which appears to be the case described by the petitioner on the grounds of the information provided.