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#### NOTE

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| From:          | General Secretariat of the Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| To:            | Delegations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| No. Cion doc.: | 8624/23 + ADD 1- ADD 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Subject:       | Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption<br>- Presidency suggested amendments |

With a view to the meeting of the Special Committee on Agriculture on 16 October 2023, delegations will find attached the Spanish Presidency's drafting suggestions on the above mentioned proposal. Compared to the Commission proposal, added text is marked in ***bold italics***, while ~~**bold strikethrough**~~ is used for deleted text. Changes compared to the text presented at the WP of 14 September (doc. 10222/2/23 – REV2) follow the same structure but are in addition ***highlighted in grey***.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

~~Having regard to the opinion of~~ **After consulting** the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> ~~OJ C [...], [...], p. [...].~~

Whereas:

- (1) In line with the objectives set out in the Commission Communication of 11 December 2019 on ‘The European Green Deal’, the Commission adopted the Commission Communication of 20 May 2020 entitled ‘A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system’ (‘Farm to Fork Strategy’), where it announced measures for a healthier and more sustainable Union food system. Among those measures, the Commission seeks to stimulate product reformulation of foods high in sugars and facilitate the shift to healthy and sustainable diets. Furthermore, to empower consumers to make informed, healthy and sustainable food choices, the Commission also announced a possible extension of the mandatory origin or provenance indications to certain products, while fully taking into account impacts on the internal market.
- (2) Council Directive 2001/110/EC<sup>3</sup> lays down definitions, names, common rules on composition and labelling requirements for honey.
- (3) In light of the close link between the quality of honey and its origin and the need for the consumer not to be misled regarding the quality of the product, Directive 2001/110/EC lays down rules on the labelling of the origin where the honey has been harvested. In particular, Article 2(4) of that Directive requires the country or countries of origin where the honey has been harvested to be indicated on the label and provides that, if honey originates in more than one Member State or third country, the mandatory indication of the countries of origin may be replaced by one of the following, as appropriate: ‘blend of EU honeys’, ‘blend of non-EU honeys’, ‘blend of EU and non-EU honeys’. The different rules adopted on this basis by Member States may have misled consumers and may have hindered the functioning of the internal market.

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<sup>3</sup> Council Directive 2001/110/EC of 20 December 2001 relating to honey (*OJ L 10, 12.1.2002, p. 47*).

- (3a) In the light of the Farm to Fork Strategy's objective of strengthening consumers in making informed choices, including on the origin of their food, and in the interest to preserve the efficient functioning of the internal market throughout the Union through a harmonisation of the labelling rules, it is appropriate to revise the rules for honey origin labelling and provide that the country or countries of origin should be ~~mentioned~~ **indicated** on the packaging, **together with the percentage of each origin, in the case of blends, with a tolerance of 5 %.** **However, in order to ensure certain flexibility, Member States should be allowed to provide that, in the case of honey blends with more than four different countries of origin, it is obligatory to indicate with percentage only the four largest shares.**
- (3b) In light of the reduced size of the packs containing only a single portion of honey (breakfast packs) **of 25-30 g and below or less** and the resulting technical difficulties, it is **therefore** appropriate to **allow, in the case of honey blends, for the countries of origin to be listed using a standardised and internationally known code, namely the international standard ISO 3166 that defines internationally recognized codes of letters to refer to countries. In particular the two-letter code alpha-2 which is recommended by the International Standardization organisation as the general-purpose code is appropriate to address the technical difficulties from the reduced packs space mentioned above. ~~exempt those packs from the obligation of listing all individual countries of origin, where the honey originates in more than one country. This exemption exists in addition to the exception concerning packaging or containers the largest surface of which has an area of less than 10 cm<sup>2</sup> provided for in Regulation (EU) No 1169/2011.~~**
- (3c) **It is necessary to ensure that harmonised methods of analysis are available to verify that honey produced and marketed in the Union complies with Directive 2001/110/EC, as well as is consistent with internationally recognized and validated methods. It is therefore appropriate to fix a specific period for the Commission to develop such methods, in accordance with Article 4(1) of that Directive.**

- (4) Council Directive 2001/112/EC<sup>4</sup> lays down the essential requirements to be met regarding production, composition and labelling of fruit juices and certain similar products intended for human consumption in order to protect the interests of consumers and to enhance the free movement of those products.
- (5) In 2012, Directive 2001/112/EC was amended by Directive 2012/12/EU of the European Parliament and of the Council<sup>5</sup> to reflect the new rules on authorised ingredients, such as those pertaining to the addition of sugars, which were no longer authorised in fruit juices. In the light of this change of compositional requirements for fruit juices, the fruit juice industry was allowed to use, for one year only, a statement indicating that no fruit juices contain added sugars, in order to inform consumers and enable them to make an immediate clear distinction between fruit juices and other certain similar products in terms of the addition of sugars in the products. This short time-span proved insufficient to inform society that, following the new rules on authorised ingredients, the addition of sugars is no longer authorised in fruit juices. As a result, for some of the consumers and health practitioners, it is still not clear that fruit juices, contrary to fruit nectars, cannot contain added sugars.
- (6) In turn, in accordance with Part II, point 2, indent 5 of Annex I, to Directive 2001/112/EC, fruit nectars containing neither added sugars nor sweeteners could bear the nutrition claim ‘with no added sugars’ or any claim likely to have the same meaning for the consumer, accompanied by the indication ‘contains naturally occurring sugars’, as listed in the Annex to Regulation (EC) No 1924/2006 of the European Parliament and of the Council<sup>6</sup>. This, together with the fact that fruit juices may not **always** bear a nutrition claim on sugars nor the indication ‘contains naturally occurring sugars’, may have misled consumers as research has shown that among several products with identical or very similar nutrition composition, the product with a nutrition claim would be preferred.

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<sup>4</sup> 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).

<sup>5</sup> Directive 2012/12/EU of the European Parliament and of the Council of 19 April 2012 amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (OJ L 115, 27.4.2012, p. 1).

<sup>6</sup> 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 (OJ L 404, 30.12.2006, p. 9).

- (7) Therefore, considering, in particular, that consumers are increasingly aware of health concerns linked to the consumption of sugar, it is appropriate to revise the rules on the use of statements on sugar for fruit juices to allow consumers to make informed choices. It is therefore appropriate to reintroduce, without a time limitation, the possibility for the **industry producers** to use the statement indicating that **no the fruit juices contain only sugars that occur naturally in the fruit. no added sugars.**
- (8) As a result of technical progress, new processing techniques have been or are being developed to entirely or partially remove naturally occurring sugars in fruit juices and fruit juices from concentrate, in order to address the growing consumer demand for products with a lower sugar content. Such products can be marketed in the Union to the extent that they comply with all relevant legislation. However, those products are obtained by applying a treatment that is not one of the authorised treatments in Part II, point 3, of Annex I to Directive 2001/112/EC and their total sugar content, known as Brix level for an aqueous solution, is lower than that of juice extracted from the fruit. As a result, they may not bear the product name ‘fruit juice’ or ‘fruit juice from concentrate’.
- (9) Such products are becoming increasingly available on the Union market. In order to facilitate the placing on the internal market of those products **and to allow for product reformulation and innovation, taking also into account the need to encourage product reformulation to reduce the amount of sugars present in fruit juices, and without prejudice to other applicable Union law**, a new category of products should be created for fruit juices whose naturally occurring sugars have been entirely or partially removed while keeping all the other essential physical, chemical, organoleptic and nutritional characteristics. These products should bear the product name ‘reduced-sugar fruit juice’ or ‘reduced-sugar fruit juice from concentrate’ and to have a Brix level lower than that of the juice extracted from the fruit. In order to ensure consistency with Regulation (EC) No 1924/2006 the reduction of sugar content should be at least 30 % compared to fruit juice and fruit juice from concentrate **respectively**. It is therefore appropriate to add **the these** new **category-categories** of products in Part I of Annex I to Directive 2001/112/EC as well as to lay down rules on the authorised ingredients for those products, as well as the authorised treatments and substances. **As in the case of other types of fruit juices, the use of sweeteners or the addition of ingredients with sweetening properties should not be allowed for these new categories of products.**

- (10) In accordance with Annex I to Directive 2001/112/EC, fruit nectars may contain added sugars and/or honey. In order to support the production and marketing of fruit, while taking into account the need to stimulate product reformulation to reduce the amount of sugars present in fruit nectars, the proportion of sugars and/or honey that may be added to fruit nectars that are naturally low in acidity and palatable should be lowered.

***(10a) In order to guarantee that the new categories of products covered by this amending directive, namely reduced sugar fruit juice, concentrated reduced sugar fruit juice, and reduced sugar fruit juice from concentrate, remain within the scope of the products as defined in Annex I of Directive 2001/112/EC, implementing powers should be conferred on the Commission as regards uniform rules concerning the physical, chemical, organoleptic and nutritional characteristics of those new categories of products. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>7</sup>.***

- (11) Part II, point 3, of Annex I to Directive 2001/112/EC regulates the authorised treatments and substances for fruit juices and certain similar products. Protein from sunflower seeds is increasingly used for direct human consumption and has demonstrated to be an efficient tool for clarification of fruit juices. In order to take into account this further progress, proteins from sunflower seeds should be added to the list of authorised treatments and substances.

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<sup>7</sup> **Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).**

- (12) The juice extracted from coconuts is increasingly marketed and consumed in the Union. In accordance with Article 3(2) of Directive 2001/112/EC, the legal name of that product is ‘coconut juice’. However, the international standard reflected in the Codex General Standard for fruit juices and nectars (Codex Stan 247-2005), adopted by the Codex Alimentarius Commission during its 28th session held from 4 to 9 July 2005, indicates that the name ‘coconut water’ is a synonym of ‘coconut juice’ which is directly extracted from the coconut without expressing the coconut meat. ~~In order to bring Directive 2001/112/EC in line with that international standard, it~~ *It* is therefore appropriate to add ‘coconut water’ as a particular designation in Annex III to that Directive. In order to ensure that the particular designation can be easily understood by all consumers in the Union, it is appropriate to provide the possibility of using ‘coconut water’ in the official languages of the Union. In addition, as coconut juice may be obtained by reconstituting concentrated coconut juice with drinkable water, it is appropriate to define a minimum Brix level for this product in Annex V to that Directive.
- (13) Council Directive 2001/113/EC<sup>8</sup> lays down the essential requirements to be met regarding production, composition and labelling of fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption.

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<sup>8</sup> Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption (OJ L 10, 12.1.2002, p. 67).



- (14) Article 2(4) of Directive 2001/113/EC requires the mandatory labelling of sugar content on the labelling, unless a nutrition claim for sugars is made on the labelling. This requirement went further than the rules laid down in Council Directive 90/496/EEC<sup>9</sup>, where the inclusion of nutrition information on prepacked foods was voluntary unless a nutrition claim was made and where the nutrition claim was made for sugars, it was to include the amounts of sugar. Directive 90/496/EEC has been repealed and replaced by Regulation (EU) No 1169/2011 of the European Parliament and of the Council<sup>10</sup>. Pursuant to that Regulation the provision of nutrition information on packaging is now mandatory. Therefore, a specific provision on sugar labelling is no longer necessary in Directive 2001/113/EC and it is appropriate to delete it.
- (15) Part I of Annex I to Directive 2001/113/EC lays down the minimum quantity of fruit to be used in the manufacture of jam, jelly, extra jam or extra jelly. The use of the terms ‘extra jam’ and ‘extra jelly’ is reserved for products manufactured with a higher quantity of fruit compared to ‘jam’ and ‘jelly’, respectively. Part II of that Annex sets the minimum content of soluble dry matter (i.e. sugars whether naturally occurring in the fruit or added) for those products, and, in order to take into account existing national traditions in the making of fruit jams, jellies and marmalades and sweetened chestnut purée, it allows Member States to authorise a lower minimum content of soluble dry matter.

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<sup>9</sup> Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs (OJ L 276, 6.10.1990, p. 40).

<sup>10</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

- (16) Where the quantity of fruit used to manufacture jams and jellies is increased, the amount of added sugar needed to reach the minimum content of soluble dry matter in these products is reduced. In order to stimulate the production of jams with an increased level of fruit content and thus support the fruit market while taking into account the need to reduce free sugar content, the minimum quantity of fruit to be used in the manufacture of jam, and extra jam laid down in Annex I to Directive 2001/113/EC should be increased. ~~In order to stimulate the production of jellies with an increased level of fruit content and thus support the fruit market, the minimum quantity of fruit to be used in the manufacture of jelly and extra jelly laid down in Annex I to Directive 2001/113/EC should be increased.~~ Similarly, in view of helping consumers to make better informed, healthy food choices, it is appropriate to authorise the use of the reserved names defined in Part I of that Annex for products which have a soluble dry matter content of less than 60 % but meet the conditions applying to the nutrition claim ‘reduced sugars’ laid down in the Annex to Regulation (EC) No 1924/2006 as regards reduced sugar.
- (17) Annex I to Directive 2001/113/EC restricts the term ‘marmalade’ to a particular citrus fruit mixture. However, in a number of official languages of the Union, while the legal names laid down in that Annex have been used in trade to designate the products referred to therein, the ~~consumers society at large~~ uses interchangeably the terms ‘marmalade’ and ‘jam’ to refer to jams from fruits other than citrus fruits. In order to take into account these ~~consumer habits practices~~ where it is the case, Member States should be able to authorise that the term ‘marmalade’ may be used for the product name ‘jam’ *in the case of jams from fruits other than citrus fruits*. In order to avoid consumer confusion, the term ‘citrus marmalade’ should be used across the Union for the product until now defined as ‘marmalade’ in order to distinguish the two product categories; *where the term “citrus” could be exchanged for the name of the citrus fruit(s) used*. ~~This is also in line with Such approach is already used in~~ the international standard reflected in the Codex General Standard for jams, jellies and marmalades, (Codex Stan 296-2009), adopted by the Codex Alimentarius Commission during its 32nd session held from 29 June to 4 July 2009, which establishes a distinction between citrus marmalade and non-citrus marmalade. It is therefore appropriate to revise that Directive accordingly as regards the product name ‘marmalade’.

- (18) Annex II to that Directive lists the additional ingredients that may be used in the manufacturing of products covered by the Directive. Citrus fruit juice may be used as acidifying agent in jam, extra jam, jelly and extra jelly obtained from other types of fruit. Compared to juice not from concentrate, citrus fruit juice in its concentrated form is less voluminous and less heavy to transport, more stable, can be preserved a longer time and requires less energy consumption to evaporate the water content when manufacturing the final jam or jelly product. Its use in jam, extra jam, jelly and extra jelly production is therefore more sustainable than fresh citrus fruit juice. Therefore, it is appropriate to add **concentrated citrus fruit juice, fruit juice, citrus fruit juice, red fruit juice and red beetroot juice, concentrated or not**, in the list of additional ingredients laid down in that Annex, **to be allowed for use in the different categories of jam, extra jam and jelly, in accordance with that Annex.**
- (18a) ***The use of foods additives is currently regulated in Regulation (EC) No 1333/2008, which contains specific provisions regarding jam and extra jam. It is therefore appropriate to delete the fourth indent in Annex III, Part B, point 1 of Directive 2001/113/EC and to amend accordingly Annex II thereof.***
- (19) Council Directive 2001/114/EC<sup>11</sup> lays down definitions and common rules governing the composition, manufacturing specifications and labelling of certain preserved milk.
- (20) Point 3 of Annex I to Directive 2001/114/EC lists the treatments authorised to partly or wholly dehydrate preserved milk. In order to respond to evolving consumers' needs, a treatment to **produce reduce the level of** lactose **in-free** milk products should be authorised. Furthermore, the particular designation for the English term 'evaporated milk' in Annex II to that Directive **should be aligned should be is made coherent** with the international standards defined in the Codex Standard for evaporated milks (Codex Stan 281-1971).

<sup>11</sup> Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption (OJ L 15, 17.1.2002, p. 19).

- (21) Directives 2001/110/EC, 2001/112/EC, 2001/113/EC and 2001/114/EC contain references to repealed acts. Directive 2000/13/EC of the European Parliament and of the Council<sup>12</sup> was repealed and replaced by Regulation (EU) No 1169/2011. Council Directive 89/107/EEC<sup>13</sup> and European Parliament and Council Directive No 95/2/EC<sup>14</sup> were repealed and replaced by Regulation (EC) No 1333/2008 of the European Parliament and of the Council<sup>15</sup>. **Council Directive 98/83/EC<sup>16</sup> was repealed and replaced by Directive (EU) 2020/2184 of the European Parliament and of the Council<sup>17</sup>.** Those references should therefore be replaced by references to the relevant provisions of Regulations (EU) No 1169/2011, **and** (EC) No 1333/2008, **and Directive (EU) 2020/2184, respectively.**
- (22) Directives 2001/110/EC, 2001/112/EC, 2001/113/EC and 2001/114/EC should therefore be amended accordingly.
- (23) 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. In order to allow operators sufficient time to adjust to the new requirements, those national provisions transposing this Directive should only apply from 24 months after the date of entry into force of this Directive.

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<sup>12</sup> 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 (OJ L 109, 6.5.2000, p. 29).

<sup>13</sup> Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption (OJ L 40, 11.2.1989, p. 27).

<sup>14</sup> European Parliament and Council Directive No 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners (OJ L 61, 18.3.1995, p. 1).

<sup>15</sup> Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

<sup>16</sup> **Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).**

<sup>17</sup> **Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1 ).**

(24) 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, it is necessary to establish appropriate transitional measures. Therefore, this Directive should provide that those products may continue to be marketed for a limited time beyond the transposition period.;

*(24a) Since the objectives of this Directive, namely amending the Union rules on composition and labelling of honey, fruit juices, fruit jams, jellies and marmalades, and certain partly or wholly dehydrated preserved milk, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.;"*

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

#### **Amendments to Directive 2001/110/EC**

**Article 2 of** Directive 2001/110/EC is amended as follows:

**(1) Article 2 is amended as follows:**

**(1 a)** the introductory sentence is replaced by the following:

‘Regulation (EU) No 1169/2011 of the European Parliament and of the Council\* shall apply to the products defined in Annex I to this Directive, subject to the following conditions:

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\* Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).’;

(b2) ~~in paragraph 4, points (a) and (b) are point 4 is~~ replaced by the following:

**4. (a) The country of origin where the honey has been harvested shall be indicated on the label. If the honey originates in more than one country, the countries of origin where the honey has been harvested shall be indicated in descending order of their share in weight on the label of packs [containing more than 25 g] ;, together with the percentage that each one represents. A tolerance of 5 percent shall be allowed for each share, calculated on the basis of the operator's traceability documentation.**

**However, Member States may provide that, where the number of countries of origin in honey blends is more than four, the obligation to indicate the percentage only applies to the four countries of origin representing the four largest shares.**

**In the case of packages of less than 30 grams, the countries of origin may be indicated by means of a two-letter code, in accordance with latest version in force of the international standard ISO 3166-1 two letter code (alfa-2);**

~~**[Option 0] [Only descending order, no additional text]**~~

~~**[Option 1] For the origin with the largest share, the percentage % shall be indicated. In case two or more origins have the same largest share, that share shall be indicated for all of them. A tolerance of [3%] shall be allowed.**~~

~~**[Option 2] For origins with a share of over [30%], the percentage % shall be indicated. If the origin with the largest share is lower than [30%], its percentage shall be indicated. A tolerance of [3%] shall be allowed.**~~

~~**[Option 3] If the share of one particular origin exceeds [50%], this shall be indicated by supplementing the mention of that country by "more than [50%]".]**~~

**(b) For the purposes of Regulation (EU) No 1169/2011 and in particular Articles 12 to 15 thereof, the particulars to be indicated according to point (a) of this paragraph shall be considered as mandatory particulars in accordance with Article 9 of that Regulation (EU) No 1169/2011; ;**

(2) *In Article 4 , paragraph 1 is replaced by the following:*

*‘1. The Commission is empowered, taking into account international standards and technical progress, to adopt implementing acts to set out methods of analysis to verify whether honey is compliant with the provisions of this Directive. As regards methods of analysis to detect adulterated honey, the Commission shall adopt those implementing acts by [[four] years after the entry into force of this amending Directive]. Until the adoption of such methods, Member States shall, whenever possible, use internationally recognised validated methods of analysis such as those approved by the Codex Alimentarius to verify compliance with the provisions of this Directive.*

*The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 7(2).’.*

## *Article 2*

### **Amendments to Directive 2001/112/EC**

Directive 2001/112/EC is amended as follows:

(1) Article 3 is amended as follows:

(a) the introductory sentence is replaced by the following:

‘Regulation (EU) No 1169/2011 of the European Parliament and of the Council\* shall apply to the products defined in Annex I to this Directive, subject to the following conditions:

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\* Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).’;

- (b) in **paragraph point 1, subpoint (b)**, is replaced by the following:

‘(b) As an alternative to the product names referred to in **subparagraph subpoint (a)**, Annex III provides a list of particular designations. ~~The~~ **Where the operator uses the** designations listed in Annex III, Part I, **they shall** ~~may~~ be used in the language and under the conditions laid down therein. ~~÷~~ **Concerning t** ~~The~~ designations listed in Annex III, Part II, **Member States in which the product is placed on the market may stipulate that those designations are to be** ~~may be used in~~ **one or more of** the official languages of the Union. ~~of the Member State where the product is placed on the market~~’;

- (c) the following **paragraph point 4** is inserted:

‘4. ~~Without prejudice to Regulation (EC) No 1924/2006 of the European Parliament and of the Council<sup>22</sup>, t~~The statement

~~[Original option from Commission ‘no fruit juices contain added sugars’ may appear]~~

~~[Option 1 (alternative): “fruit juices contain only sugars that occur naturally in the fruit”]~~

**may appear** on the label in the same field of vision as the name of the products referred to in Part I, point 1, of Annex I to this Directive.

<sup>22</sup> 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 (OJ L 404, 30.12.2006, p. 9).’;

- (d) **paragraph point 6** is replaced by the following:

‘6. Without prejudice to Article 22 of Regulation (EU) No 1169/2011 for mixtures of fruit juice and fruit juice from concentrate, and for fruit nectar obtained entirely or partly from one or more concentrated products, the labelling shall bear the words ‘from concentrate(s)’ or ‘partially from concentrate(s)’, as appropriate. That information shall be entered close to the product name, standing out well from any background, in clearly visible characters.’;



- (2) Article 6 is replaced by the following:

*Article 6*

Without prejudice to Regulation (EC) No 1333/2008, only the treatments and substances listed in Part II of Annex I to this Directive and the raw materials complying with Annex II to this Directive may be used to manufacture the products defined in Part I of that Annex I. Moreover, fruit nectars shall comply with the provisions of Annex IV to this Directive.’;

- (2a) In Article 7, the following paragraph is added:**

***‘The Commission is empowered to adopt implementing acts to lay down uniform rules regarding the physical, chemical, organoleptic and nutritional characteristics of the products listed in Annex I, Part I, points 6(a), 6(b) and 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7b.’;***

- (2b) The following Article is inserted:**

***1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health (the “Committee”) established by Article 58(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council. The Committee is a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council.***

***2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.***

***Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.***

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- (3) Annexes I and III are amended in accordance with Annex I to this Directive;

(3a) in Annex IV, the twenty-fourth row concerning 'Quinces' is replaced by the following:

‘

|                                      |    |
|--------------------------------------|----|
| Quinces ( <i>Cydonia oblonga</i> L.) | 50 |
|--------------------------------------|----|

~~Annex IV to Directive 2001/112/EC is amended as follows:~~

~~Quince (*Cydonia oblonga* L.) 50 %’;~~

(4) in Annex V, the following row is inserted in alphabetical order:

‘

|             |                       |     |
|-------------|-----------------------|-----|
| Coconut (*) | <i>Cocos nucifera</i> | 4,5 |
|-------------|-----------------------|-----|

’.

### Article 3

#### Amendments to Directive 2001/113/EC

Directive 2001/113/EC is amended as follows:

(1) Article 2 is amended as follows:

(a) the introductory sentence is replaced by the following:

‘Regulation (EU) No 1169/2011 of the European Parliament and of the Council\* shall apply to the products defined in Annex I to this Directive, subject to the following conditions:

\_\_\_\_\_

\* Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).’;

(b) ~~paragraph point~~ 4 is deleted;

- (c) ~~paragraph point 6 is deleted; replaced by the following:~~

~~‘6. Where the residual content of sulphur dioxide is more than 10 mg/kg, its presence shall be indicated on the list of ingredients by way of derogation from Article 20 of Regulation (EU) No 1169/2011.’;~~

- (2) Article 4 is replaced by the following:

*‘Article 4*

~~Without prejudice to Regulation (EC) No 1333/2008 of the European Parliament and of the Council\*\*;~~

*Only the ingredients listed in Annex II to this Directive and raw materials which comply with Annex III to this Directive may be used in the manufacture of the products defined in Annex I to this Directive.*

~~\*\* Regulation (EC) 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).’;~~

- (3) Annex I is amended in accordance with Annex II to this Directive;
- (4) in Annex II, the ~~third~~ *second to fifths* indent ~~are is~~-replaced by the following:

*‘– fruit juice, whether or not concentrated: only in jam,*

*– citrus fruit juice, whether or not concentrated: in products obtained from other types of fruit: only in jam, extra jam, jelly and extra jelly,*

*– red fruit juices, whether or not concentrated: only in jam and extra jam manufactured from rosehips, strawberries, raspberries, gooseberries, redcurrants, plums and rhubarb,*

*– red beetroot juice, whether or not concentrated: only in jam and jelly manufactured from strawberries, raspberries, gooseberries, redcurrants and plums,’;*

**(4a) in Annex II, the following indent is added:**

**‘- food additives authorised in accordance with the provisions of Regulation (EU) 1333/2008 of the European Parliament and of the Council\*: in all products.**

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**\* Regulation (EC) 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).’;**

**(5) ~~in Annex III, Part B, point 1, the fourth indent is replaced by the following:~~**

**~~‘— with the exception of the raw materials used in the manufacture of ‘extra’ products: the use of sulphur dioxide (E 220) or its salts (E 221, E 222, E 223, E 224, E 226 and E 227) as an aid to manufacture provided that the maximum sulphur dioxide content laid down in Regulation (EC) No 1333/2008 is not exceeded in the products defined in part I of Annex I.’.]~~**

***In Annex III, Part B, point 1, the fourth indent is deleted.***

#### *Article 4*

### **Amendments to Directive 2001/114/EC**

Directive 2001/114/EC is amended as follows:

**(1) in Article 3, the introductory sentence is replaced by the following:**

**‘Regulation (EU) No 1169/2011 of the European Parliament and of the Council\* shall apply to the products defined in Annex I to this Directive, subject to the following conditions:**

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**\* Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).’;**

(2) in Annex I, point 3, the following **sub**point is added:

‘(d) Reduction of the lactose content by conversion to glucose and galactose.

Modifications in the composition of milk ~~following as a result of~~ this treatment shall be allowed only if they are indelibly indicated on the packing of the product so that it can be easily seen and read. However, such indication shall ~~be without prejudice to not remove~~ the obligation as regards nutrition labelling laid down by Regulation (EU) No 1169/2011. Member States may limit or prohibit modifications to the composition of milk referred to in this **sub**point-~~(d)~~.’;

**(2a) in Annex I, point 4, the following subpoints are added:**

***‘(c) Authorized food enzymes in accordance with Regulation (EC) No 1332/2008 of the European Parliament and of the Council\*.***

***(d) Authorized food additives in accordance with Regulation (EC) No 1333/2008 of the European Parliament and of the Council\*\*.***

***\* Regulation (EC) 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (OJ L 354, 31.12.2008, p. 7).***

***\*\* Regulation (EC) 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).’;***

(3) in Annex II, point (a) is replaced by the following:

‘(a) The English term ‘evaporated milk’ means the product defined in Annex I, **point** (1)(b).’.

## *Article 5*

### **Transposition**

1. Member States shall adopt and publish, by [OP please insert the date = 18 months after the date of entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from [OP please insert the date = 24 months after the date of entry into force of this Directive].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

## *Article 6*

### **Transitional measures**

Products which are placed on the market or labelled before [OP please insert the date = 24 months after the date of entry into force of this Directive], in accordance with Directives 2001/110/EC, 2001/112/EC, 2001/113/EC and 2001/114/EC, may continue to be marketed until the exhaustion of stocks.

## *Article 7*

### **Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 8*

**Addressees**

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*



ANNEX I

Annexes I and III to Directive 2001/112/EC are amended as follows:

(1) Annex I is amended as follows:

**(aa) in Part I, point (b) the first paragraph is replaced by the following:**

***‘The product obtained by reconstituting concentrated fruit juice defined in point 2 with potable water that meets the criteria set out in Directive (EU) 2020/2184 of the European Parliament and of the Council\*.***

***Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1 ).’***

(a) in Part I, the following point ~~is~~ **6** ~~is/are~~ added:

**‘6. (a) Reduced-sugar fruit juice**

The product obtained from the product defined in point 1(a) where naturally occurring sugars have been removed by at least 30 % by using a process authorised under the conditions laid down in Part II, point 3, of Annex I, which maintains all ~~the~~ other essential physical, chemical, organoleptical and nutritional characteristics of ~~the original product, an average type of juice of the fruit from which it comes with the exception of changes in those characteristics directly resulting from decreasing the sugar content.~~

***This product may be obtained by*** ~~The mixing of~~ reduced-sugar fruit juice with fruit juice and/or fruit purée ~~is authorised in the production of reduced-sugar fruit juice.~~



**(b) Reduced-sugar fruit juice from concentrate**

The product obtained from the products defined in point 1(b) or point 2 where naturally occurring sugars have been removed by at least 30 % by using a process authorised under the conditions laid down in point 3 of Part II of Annex I, which maintains all ~~the~~ other essential physical, chemical, organoleptical and nutritional characteristics of ~~the original product, an average type of juice of the fruit from which it comes with the exception of changes in those characteristics directly resulting from decreasing the sugar content,~~ and that have been reconstituted with potable water that meets the criteria set out in ~~Directive 98/83/EC~~ *Directive (EU) 2020/2184*.

*This product may be obtained by* ~~The~~ mixing ~~of~~ reduced-sugar fruit juice from concentrate with fruit juice, fruit juice from concentrate, *reduced-sugar fruit juice*, fruit purée and/or fruit purée from concentrate ~~is authorised in the production of reduced-sugar fruit juice from concentrate.~~

***f7. Concentrated reduced-sugar fruit juice***

*The product obtained from fruit juice of one or more fruit species by the physical removal of a specific proportion of the water content and where naturally occurring sugars have been removed by at least 30 % by using a process authorised under the conditions laid down in point 3 of Part II of Annex I, which maintains all ~~the~~ other essential physical, chemical, organoleptical and nutritional characteristics of the original product an average type of juice of the fruit from which it comes. Where the product is intended for direct consumption, the removal shall be at least 50 % of the water content.*

*Flavour, pulp and cells obtained by suitable physical means from the same species of fruit may be restored to the concentrated fruit juice.f;*

(b) Part II is amended as follows:

(i) point 2 is amended as follows:

- the third indent is replaced by the following:

‘— For fruit juice, fruit juices from concentrate, concentrated fruit juices, reduced-sugar fruit juice and reduced-sugar fruit juices from concentrate: restored flavour, pulp and cells;’;

- the fifth indent is replaced by the following:

‘— For fruit nectars: restored flavour, pulp and cells; sugars and/or honey up to 20 % of the total weight of the finished products referred to in Part I of Annex IV, 15 % of the total weight of the finished products referred to in Part II of Annex IV and 10 % of the total weight of the finished products referred to in Part III of Annex IV; and/or sweeteners;

A claim stating that sugars have not been added to fruit nectar, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties, including sweeteners as defined in Regulation (EC) No 1333/2008. ~~If sugars are naturally present in fruit nectar,~~ *Where such a claim is used* the following indication ~~should~~ *shall* also appear on the label: ‘contains naturally occurring sugars’;’;

- the seventh indent is replaced by the following:

‘— For products defined in Part I, points 1 to 6, in order to regulate acidic taste: lemon and/or lime juice and/or concentrated lemon and/or lime juice, up to 3 g per litre of juice, expressed as anhydrous citric acid;’;

- the following indent is added:

‘— For reduced-sugar fruit juice: water to the extent strictly necessary to restore the water lost due to the sugar-reduction process.’;

(ii) point 3 is amended as follows:

- the thirteenth indent is replaced by the following:

‘– Plant proteins from wheat, peas, potatoes or sunflower seeds for clarification.’;

- the following indent is added:

‘– Processes to remove naturally occurring sugars, to the extent that they maintain all the other essential physical, chemical, organoleptical and nutritional characteristics of an average type of juice of the fruit from which it comes: membrane filtration, yeast fermentation.’;

(2) Annex III is replaced by the following:

*‘ANNEX III*

## **PARTICULAR DESIGNATIONS FOR CERTAIN PRODUCTS LISTED IN ANNEX I**

### **I. Particular designations that may only be used in the language of the designation**

(a) ‘vruchtendrank’, for fruit nectars;

(b) ‘Süßmost’;

The designation ‘Süßmost’ may be used only in conjunction with the product names ‘Fruchtsaft’ or ‘Fruchtnektar’:

(i) for fruit nectar obtained exclusively from fruit juices, concentrated fruit juices or a mixture of these products, unpalatable in the natural state because of their high natural acidity;

(ii) for fruit juice obtained from apples or from pears, with the addition of apples where appropriate, but with no added sugar;

(c) ‘succo e polpa’ or ‘sumo e polpa’, for fruit nectars obtained exclusively from fruit purée and/or concentrated fruit purée;

(d) ‘æblemest’, **for synonym of** apple juice ~~with no added sugar~~;

- (e) (i) 'sur ... saft', together with the name (in Danish) of the fruit used, for juices **with no added sugar** obtained from blackcurrants, cherries, redcurrants, whitecurrants, raspberries, strawberries or elderberries,
- (ii) 'sød ... saft' or 'sødet ... saft' together with the name (in Danish) of the fruit used, for juices obtained from this fruit, with more than 200 g of added sugar per litre;
- (f) 'äppelmust/äpplemust', ~~for synonym of ours with~~ apple juice ~~with no added sugar~~;
- (g) 'mosto', synonym of grape juice;
- (h) 'smiltsērķšķu sula ar cukuru' or 'astelpaju mahl suhkruga' or 'słodzony sok z rokitnika' for juices obtained from seabuckthorn berries with no more than 140 g of added sugar per litre.

## **II. Particular designations that may be used in the official language(s) of the Member State where the product is placed on the market**

- (a) 'coconut water', for the product which is directly extracted from the coconut without expressing the coconut meat, as a synonym of coconut juice.'
-

ANNEX II

Annex I to Directive 2001/113/EC is amended as follows:

(1) Part I is amended as follows:

(a) the first and second indents are replaced by the following:

‘– ‘Jam’ is a mixture, brought to a suitable gelled consistency, of sugars, the pulp and/or purée of one or more kinds of fruit and water. However, citrus jam may be obtained from the whole fruit, cut into strips and/or sliced.

Member States may, however, in order to take account of *consumer habits societal practices*, authorise that the term ‘marmalade’ be used for the product name ~~ed~~ ‘jam’, *except in the case of citrus jam*.

The quantity of pulp and/or purée used for the manufacture of 1 000 g of finished product must not be less than:

- 450 g as a general rule,
- 350 g for redcurrants, rowanberries, sea-buckthorns, blackcurrants, rosehips and quinces,
- ~~2~~150 g for ginger,
- 230 g for cashew apples,
- 80 g for passion fruit.

– ‘Extra jam’ is a mixture, brought to a suitable gelled consistency, of sugars, the unconcentrated pulp of one or more kinds of fruit and water. However, rosehip extra jam and seedless raspberry, blackberry, blackcurrant, blueberry and redcurrant extra jam may be obtained entirely or in part from unconcentrated purée of the respective fruits. Citrus extra jam may be obtained from the whole fruit, cut into strips and/or sliced.

Member States may, however, in order to take account of their *consumer habits* ~~societal practices~~, authorise that the term ‘extra marmalade’ be used for the product name ‘extra jam’, *except in the case of citrus extra jam*.

The following fruits may not be used mixed with others in the manufacture of extra jam: apples, pears, clingstone plums, melons, water-melons, grapes, pumpkins, cucumbers and tomatoes.

The quantity of pulp used for the manufacture of 1 000 g of finished product must not be less than:

- ~~550~~ 500 g as a general rule,
- 450 g for redcurrants, rowanberries, sea-buckthorns, blackcurrants, rosehips and quinces,
- ~~3~~250 g for ginger,
- 290 g for cashew apples,
- 100 g for passion fruit.’;

(b) the fifth and sixth indents are replaced by the following:

‘– ‘Citrus marmalade’ is a mixture, brought to a suitable gelled consistency, of water, sugars and one or more of the following products obtained from citrus fruit: pulp, purée, juice, aqueous extracts and peel. *The term “citrus” may be exchanged for the name of the citrus fruit(s) used.*

The quantity of citrus fruit used in the manufacture of 1 000 g of finished product must not be less than 200 g of which at least 75 g must be obtained from the endocarp.

— The name ‘jelly marmalade’ may be used where the product defined as citrus marmalade contains no insoluble matter except possibly for small quantities of finely sliced peel.’;

(2) Part II is replaced by the following:

‘II. Products defined in Part I must have a soluble dry matter content of 60 % or more as determined by refractometer, except for those products that fulfil the requirements of Regulation (EC) No 1924/2006 of the European Parliament and of the Council\*\*\* as regards reduced sugar, and those products in respect of which sugars have been wholly or partially replaced by sweeteners.

Without prejudice to Article 17(1) of Regulation (EU) No 1169/2011, Member States may, in order to take account of certain particular cases, authorise the reserved names for products defined in Part I which have a soluble dry matter content of less than 60 %.

\*\*\* 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 (OJ L 404, 30.12.2006, p. 9).’

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