



**COUNCIL OF THE
THE EUROPEAN UNION**

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2010/0254 (COD)**

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DENLEG 22
SAN 39
AGRI 105
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ADDENDUM TO THE "I/A" ITEM NOTE

from : General Secretariat of the Council
to : COREPER/COUNCIL

No. Cion prop.: 14046/10 DENLEG 94 SAN 191 AGRI 355 CODEC 899

Subjet : 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 **(first reading)**

- Adoption of the legislative act (LA + S)
=Statements

COMMON GUIDELINES

Consultation deadline: 7.3.2012

German declaration

For Germany, appropriate provisions for fruit juices are of particular importance. However, some of the proposed provisions amending Directive 2001/112/EC would lead to a decisively less restrictive EU legislation and would involve a deterioration of the quality of the affected products, and thus potentially misleading consumers as concerns the quality standard.

This is especially relevant as regards the proposed changes relating to restoration of natural fruit flavour of fruit juice (directly obtained from the fruits, not from concentrate) and fruit juice from concentrate.

- According to the existing EU-law, only the fruit flavour temporarily lost during processing of the fruit juice may be restored to the same juice at the end of the production process. The proposed less restrictive approach, i.e. permitting also the addition of flavour obtained during other production processes and a more or less unrestricted addition of flavour, does not correspond to consumer expectations as regards fruit juice.
- In addition, the proposed changes towards a voluntary instead of a mandatory flavour restoration of fruit juice from concentrate as required under existing EU-law also induce a deterioration of the quality of the products and misleading of consumers. This is especially relevant as regards fruit juice from concentrate containing several fruits (,several fruits juice') since according to the proposed changes, flavour of a high quality fruit contributing essentially to the taste of the final product, does not need to be restored any longer. Consumers may rightly expect that a ,several fruits juice' contains natural fruit flavour from all of the fruits used for the production of the respective fruit juice from concentrates.

A deterioration of the quality of fruit juices from concentrate is also connected with the lowering of the requirements concerning water used for restoration. According to the existing EU-law, drinking water would not be sufficient in general taking into account the high quality standards as regards the production of fruit juice from concentrate. In fact, using drinking water could result in an unintended accumulation of e. g. sodium or nitrate.

Concerning the amendment of Directive 2011/112/EC, Germany would have favoured very much a more quality- and consumer related approach. Therefore, Germany is not in a position to agree to the compromise text amending Directive 2001/112/EC as proposed due to the remaining concerns.

Joint declaration from the United Kingdom, Italy, France, Greece, Spain and Portugal

The UK, Italy, France, Greece, Spain and Portugal express their concern about the potential wider impact of the provision on Annex I, chapter II, point 2, fifth indent, second paragraph of the present Directive. They underline that such a provision should not be used in the future for other food categories from Regulation 1924/2006. They will examine any future proposal by the Commission on the use of the claim "no added sugar" in the context of Regulation 1924/2006 and with the aim to avoid any inconsistencies with other relevant pieces of EU legislation.
