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INFORMATION NOTE

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee/Council |
| 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 - Outcome of the European Parliament's first reading (Brussels, 10 to 11 April 2024) |

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on the Environment, Public Health and Food Safety (ENVI), Pascal CANFIN (RE, FR), presented on behalf of ENVI a compromise amendment (amendment number 68) to the abovementioned proposal for a Directive, for which Alexander BERNHUBER (EPP, AT) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 10 April 2024, the plenary adopted the compromise amendment (amendment number 68) to the abovementioned proposal for a Directive. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

P9_TA(2024)0193

Foodstuffs for human consumption: amending certain 'Breakfast' Directives

European Parliament legislative resolution of 10 April 2024 on the 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 (COM(2023)0201 – C9-0140/2023 – 2023/0105(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0201),
 - 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 (C9-0140/2023),
 - 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 21 September 2023¹,
 - after consulting the Committee of the Regions,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 12 February 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Agriculture and Rural Development,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0385/2023),
1. Adopts its position at first reading hereinafter set out²;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

¹ OJ C, C/2023/881, 8.12.2023, ELI: <http://data.europa.eu/eli/C/2023/881/oj>.

² This position replaces the amendments adopted on 12 December 2023 (Texts adopted, P9_TA(2023)0445).

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 10 April 2024 with a view to the adoption of Directive (EU) 2024/... 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 Committee¹,

After consulting the Committee of the Regions **■** ,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C, C/2023/881, 8.12.2023, ELI: <http://data.europa.eu/eli/C/2023/881/oj>.

² Position of the European Parliament of 10 April 2024.

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. By means of those measures, the Commission seeks, inter alia, to stimulate product reformulation in the case of foods high in sugars and to facilitate the shift to healthy and sustainable diets. Furthermore, in order to empower consumers to make informed, healthy and sustainable food choices, the Commission 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/EC³ lays down definitions, names, common rules on composition, *and quality* and labelling requirements for honey.

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

(3) In the light of the close link between the quality of honey and its origin and the need to avoid consumers being misled with regard to the quality of the product, Directive 2001/110/EC lays down rules on the labelling of the origin for the purposes of indicating where the honey has been harvested. In particular, Article 2, point 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 can 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 that basis by Member States might have misled consumers and might have hindered the functioning of the internal market. ■

(4) *Given the particular interest shown by consumers in the geographical origin of honey, in the light of the Farm to Fork Strategy's objective of empowering consumers in making informed choices, including with regard to the origin of their food, and in the interest of preserving the efficient functioning of the internal market throughout the Union through harmonisation of the labelling rules, it is appropriate to revise the rules for honey origin labelling. This Directive should require, as a standard rule, that the country or countries of origin be indicated on the label in descending order together with the percentage of each origin, in the case of blends, with a tolerance of 5 % for each individual share within the blend, calculated on the basis of the operator's traceability documentation.*

- (5) *However, in order to ensure a certain degree of flexibility, Member States should be able to provide that, in the case of honey blends with more than four different countries of origin, it is allowed to indicate in terms of percentage only the four largest shares, as long as they represent together more than 50% of the total. Any remaining countries of origin should be indicated in descending order, as in the case where the standard rule is applied. Such flexibility does not interfere with the free movement of honey labelled in accordance with the standard rule, since the standard rule provides for more complete information to be given to consumers. It follows from the relationship between the standard rule and this flexibility that, in the case of more than four countries of origin, where the shares of the fifth or further countries of origin are identical to the fourth, it is not possible to indicate only the four largest shares and thus the standard rule should apply.*
- (6) *In the light of the reduced size of packs containing only a single portion of honey of 30 g or less and the resulting technical difficulties, it is appropriate to provide that, in the case of honey blends, instead of the full name of the countries of origin, a standardised and internationally known code can be used, namely the international standard ISO 3166 that defines internationally recognised codes of letters for the purpose of referring to countries. In particular, the use of the two-letter code alpha-2, which is recommended by the International Organization for Standardization as the general-purpose code, is appropriate to address the technical difficulties from the reduced size of the packs.*

- (7) *The Commission coordinated control plan for honey authenticity (2015-2017) and the Commission coordinated action “From the Hives” (2021-2022) highlight that a high percentage of honey placed on the Union market is suspected of being adulterated. It is necessary to ensure that harmonised methods of analysis are available to detect the adulteration of honey produced and marketed in the Union. Implementing powers should therefore be conferred on the Commission as regards developing such uniform methods, in addition to the existing implementing powers referred to in Article 4(1) of Directive 2001/110/EC. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴. It is appropriate to set a specific deadline for the exercise of those powers.*

⁴ *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 Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

- (8) *Certain heat treatments can result in the degradation of honey constituents, in particular enzymes. Pollen, which is a key constituent of honey and provides a link to its botanical origin, can give indications as to the geographical origin of the honey. In order to ensure fair commercial practices and protect consumer interests, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of the criteria to determine the floral, vegetable or geographic origin of honey, and to ensure that honey that is placed on the market is compliant with Directive 2001/110/EC, in particular to avoid enzyme deactivation and to ensure that pollen is not significantly removed.*

- (9) *In order to protect the interests of consumers, to limit, as much as possible, fraud linked to adulterated products that do not correspond to the designation of ‘honey’, to enable the validation of information provided about the honey’s origin and quality, and to provide utmost transparency, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of introducing traceability requirements that ensure the availability of and access to essential information concerning the origin of the honey, including the country of origin in the Union supply chain, from harvesting producer or importer to consumers. Harmonised traceability requirements for honeys produced in, and imported into, the Union are necessary to enable the competent authorities of Member States to trace the entire supply chain back at least to the first step within Union borders. Those rules should not add to the administrative burden on producers but should make it easier for consumers and the supervisory authorities to keep track of a honey's entire journey from harvesting to bottling in the Union. Therefore, through the new honey traceability requirements, accurate information on the origin of a honey and its authenticity in its supply chain should be ensured. With a view to a traceability system, and in order to formulate the most appropriate requirements, inter alia concerning analysis of available digital solutions or methods, including, where appropriate, a unique identifier code or similar techniques, the Commission should carry out a feasibility study.*

- (10) *When adopting those delegated acts, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁵. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*
- (11) *In order to support the Commission with the best available technical expertise, a platform should be established. That platform should, inter alia, provide recommendations for a Union traceability system that ensures the availability of and access to essential information on the origin of the honey, including, where appropriate, the country of origin, the year of production and a unique producer identifier, in the Union supply chain, from the harvesting producer or importer to the consumer. It should also support the future establishment of a Union reference laboratory for honey to improve controls and detect adulteration in honey through harmonised methods and to systematically test honey using the latest testing methods to prove the authenticity and quality of honey.*
- (12) Council Directive 2001/112/EC⁶ 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 OJ L 123, 12.5.2016, p. 1.

⁶ 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).

- (13) In 2012, Directive 2001/112/EC was amended by Directive 2012/12/EU of the European Parliament and of the Council⁷ to reflect 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 that change of compositional requirements for fruit juices, the fruit juice industry was *able* 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 and clear distinction between fruit juices and certain other similar products in terms of the addition of sugars in the products. That short time-span proved insufficient to inform consumers that, following the new rules on authorised ingredients, the addition of sugars is no longer authorised in fruit juices. *In accordance with Part II, point 2, fifth indent, of Annex I to Directive 2001/112/EC, fruit nectars containing neither added sugars nor sweeteners can 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 a result, for some consumers and health practitioners, it is still not clear that fruit juices, contrary to fruit nectars, cannot contain added sugars. *This might have misled consumers as research has shown that, where a choice is to be made between several products with an identical or very similar nutrition composition, the products bearing a nutrition claim would be preferred.*

⁷ *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).*

- (14) Therefore, considering, in particular, that consumers are increasingly aware of health concerns linked to the consumption of sugars, it is appropriate to revise the rules on the use of statements on sugars for fruit juices to allow consumers to make informed choices. It is therefore appropriate to *create a special rule* for the *voluntary use of a* statement indicating that ■ fruit juices contain *only naturally occurring* sugars. *Such a statement is intended to refer to characteristics that result from the definition of fruit juices set out in Directive 2001/112/EC, and from the authorised ingredients for fruit juices identified therein. The introduction of such a statement presents truthful and accurate information to consumers in line with the objectives of informing them about the nutrition characteristics of products, of making it easier to distinguish between fruit juices on the one hand and fruit nectars on the other hand, and of allowing consumers to make informed choices.*

- (15) 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 listed in Part II, point 3, of Annex I to Directive 2001/112/EC, and their total sugar content is lower than that of juice extracted from the fruit. As a result, they cannot bear the product name ‘fruit juice’, ‘concentrated fruit juice’ or ‘fruit juice from concentrate’.

- (16) 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, and without prejudice to applicable Union law*, a new category of products should be created for fruit juices whose naturally occurring sugars have been *reduced* while *maintaining* the other essential physical, chemical, organoleptic and nutritional characteristics *of an average type of juice from the fruit which it comes from*. It should be possible for those products *to* bear the product name ‘reduced-sugar fruit juice’, ‘reduced-sugar fruit juice from concentrate’ *or ‘concentrated reduced-sugar fruit juice’*. In order to ensure consistency with Regulation (EC) No 1924/2006 of the European Parliament and of the Council⁸, the reduction of sugar content should be at least 30 % compared to an *average type of fruit juice*, fruit juice *from concentrate and concentrated* fruit juice *which it comes from, respectively*. It is therefore appropriate to include *those new 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 *and on* the authorised *processes* and substances *in Part II of that Annex. 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 those new categories of products.*

⁸ 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).

- (17) In accordance with Annex I to Directive 2001/112/EC, fruit nectars are allowed to contain added sugars, honey or both. 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 or honey that may be added to fruit nectars that are naturally low in acidity and palatable should be lowered.
- (18) *After the transposition of this Directive, it will be for the producers of the new categories of fruit juices, namely reduced-sugar fruit juice, concentrated reduced-sugar fruit juice, and reduced-sugar fruit juice from concentrate, to use the authorised processes in such a way that the final product meets the characteristics required by Directive 2001/112/EC. However, in order to attain the objectives of Directive 2001/112/EC, as amended by this Directive, in that respect, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting rules regarding the physical, chemical, organoleptic and nutritional characteristics of the reduced-sugar products concerned as well as the use of the authorised processes to reduce the amount of sugars. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

- (19) *In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission as regards methods of analysis to ensure compliance with the compositional characteristics of certain types of fruit juices marketed in the Union. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.*
- (20) *In the light of the Green Deal and the Farm to Fork Strategy's objective of supporting consumers in making informed choices, and in view of consumers' high interest in labelling that indicates the origin of food, the Commission should, at the latest 36 months after the entry into force of this Directive, present a report to the European Parliament and to the Council, providing an assessment of the feasibility of the different possibilities for labelling that indicates the country or countries of origin where the fruit or fruits used to manufacture fruit juice and fruit purée have been harvested, accompanied, where appropriate, by a legislative proposal.*
- (21) 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 been demonstrated to be an efficient tool for clarification of fruit juices. In order to take that progress into account, proteins from sunflower seeds should be added to the list of authorised treatments and substances.

- (22) The juice extracted from coconuts is increasingly marketed and consumed in the Union. In accordance with Article 3, point 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 (CXS 247-2005) indicates that the name ‘coconut water’ is a synonym of ‘coconut juice’, which is directly extracted from the coconut without expressing the coconut meat. ■ 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 for the possibility of using ‘coconut water’ in the official languages of the Union. In addition, as coconut juice from concentrate can be obtained by reconstituting concentrated coconut juice with potable water, it is appropriate to define a minimum Brix level for that product in Annex V to that Directive.

- (23) Council Directive 2001/113/EC⁹ lays down the essential requirements for the production, composition and labelling of fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption.
- (24) Article 2, point 4, of Directive 2001/113/EC provides for the mandatory indication of sugar content on the labelling, unless a nutrition claim for sugars is made on the labelling. That requirement went further than the rules laid down in Council Directive 90/496/EEC¹⁰ which provided that the inclusion of nutrition information on prepacked foods was voluntary unless a nutrition claim was made and that, where the nutrition claim was made for sugars, it was to include the amount of sugars. Directive 90/496/EEC has been repealed and replaced by Regulation (EU) No 1169/2011 of the European Parliament and of the Council¹¹. Pursuant to that Regulation, the provision of nutrition information on packaging is now mandatory. Therefore, a specific provision on labelling concerning sugars is no longer necessary in Directive 2001/113/EC and it is appropriate to delete it.

⁹ 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).

¹⁰ Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs (OJ L 276, 6.10.1990, p. 40).

¹¹ 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).

- (25) *In the light of the Green Deal and the Farm to Fork Strategy's objective of supporting consumers in making informed choices and in view of consumers' high interest in labelling that indicates the origin of food, the Commission should, at the latest 36 months after the entry into force of this Directive, present a report to the European Parliament and to the Council, providing an assessment of the feasibility of the different possibilities for labelling that indicates the country or countries of origin where the fruit or fruits used to manufacture fruit jams, jellies, citrus marmalades and sweetened chestnut purée have been harvested, accompanied, where appropriate, by a legislative proposal.*
- (26) 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, that is 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.

- (27) 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 those products is reduced. In order to stimulate the production of jams *and jellies* with an increased fruit content and thus support the fruit market while taking into account the need to reduce the amount of free sugars, the minimum quantity of fruit to be used in the manufacture of *jams and jellies* laid down in Annex I to Directive 2001/113/EC should be increased. Similarly, with a view to helping consumers 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.
- (28) 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, *consumers commonly use* the terms ‘marmalade’ and ‘jam’ interchangeably to refer to jams from fruits other than citrus fruits. In order to take into account *that common use by consumers*, where such use exists, *and while taking into account the fact that the harmonised name remains ‘jam’*, Member States should be able to authorise, *on their territory*, the use of the term ‘marmalade’ for the product name ‘jam’ *in the case of jams from fruits other than citrus fruits. Consequently*, in order to avoid consumer confusion, the term ‘citrus marmalade’, *where the term ‘citrus’ could be exchanged for the name of the citrus fruit or fruits used*, should be used across the Union for the product until now defined as ‘marmalade’ in order to distinguish the two product categories. It is therefore appropriate to revise Directive 2001/113/EC accordingly as regards the product *names ‘marmalade’ and ‘citrus marmalade’*.

- (29) *However, in a Member State that does not avail itself of the option to refer to ‘jam’ as ‘marmalade’ because consumers do not use those terms interchangeably in that Member State, it should remain possible, in the case of citrus marmalade that is manufactured from three or more fruits, to authorise on that Member State's territory the use of the indication ‘mixed fruit marmalade’ or ‘[x] fruits marmalade’, where x is the number of fruits used.*
- (30) Annex II to Directive 2001/113/EC lists the additional ingredients that can be used in the manufacturing of products covered by that Directive. Citrus fruit juice can be used as an acidifying agent in jam, extra jam, jelly and extra jelly obtained from other types of fruit. Compared to juice that does not come from concentrate, ■ fruit juice in its concentrated form is less voluminous and less heavy to transport, more stable, can be preserved for 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 ■ fruit juice. It is therefore appropriate to specify in that Annex that where specific juices are *allowed for use in the different categories of jam, extra jam, jelly and extra jelly, they can be used in concentrated form.*

- (31) *The use of food additives is currently regulated by Regulation (EC) No 1333/2008 of the European Parliament and of the Council¹², which contains specific provisions regarding jam and extra jam. It is therefore appropriate to delete the fourth indent in Part B, point 1 of Annex III to Directive 2001/113/EC and to amend Annex II thereof accordingly.*
- (32) Council Directive 2001/114/EC¹³ lays down definitions and common rules governing the composition, manufacturing specifications and labelling of certain preserved milk.
- (33) 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 **reduce the level of lactose in** milk products should be authorised. Furthermore, the particular designation for the English term 'evaporated milk' in Annex II to that Directive should be **made consistent** with the international standards defined in the Codex Standard for evaporated milks (CXS 281-1971).

¹² 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).

¹³ 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).

- (34) 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 Council¹⁴ was repealed and replaced by Regulation (EU) No 1169/2011. Council Directive 89/107/EEC¹⁵ and European Parliament and Council Directive No 95/2/EC¹⁶ were repealed and replaced by Regulation (EC) No 1333/2008. ***Council Directive 98/83/EC¹⁷ was repealed and replaced by Directive (EU) 2020/2184 of the European Parliament and of the Council¹⁸.*** 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.***
- (35) Directives 2001/110/EC, 2001/112/EC, 2001/113/EC and 2001/114/EC should therefore be amended accordingly.

¹⁴ 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).

¹⁵ 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).

¹⁶ 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).

¹⁷ ***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).***

¹⁸ ***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).***

- (36) 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.
- (37) In order to take into account the interests of economic operators that 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 allow those products to be marketed for a limited time beyond the transposition period.
- (38) *Since the objective of this Directive, namely to amend the Union rules on the 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

■ Directive 2001/110/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*
applies 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,
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).’;

- (b) *point 2 is replaced by the following:*

***‘2. the product names referred to in Annex I, points 2 and 3, shall apply only to
the products defined therein and shall be used in trade to designate them.
Those names may be replaced by the simple product name ‘honey’, except in
the case of comb honey, chunk honey or cut comb in honey and baker's
honey.***

However,

- (a) in the case of baker's honey, the words 'intended for cooking only' shall appear on the label in close proximity to the product name;*
- (b) except in the case of baker's honey, those names may be supplemented by information concerning the honey's:*
 - floral or vegetable origin, if the product comes wholly or mainly from the indicated source and presents the organoleptic, physico-chemical and microscopic characteristics of the indicated origin,*
 - regional, territorial or topographical origin, if the product comes entirely from the indicated source,*
 - specific quality criteria;';*

(c) *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 on the label *in the principal field of vision, in descending order of their share in weight, together with the percentage that each of those countries of origin represents. A tolerance of 5 % shall be allowed for each individual share within the blend, calculated on the basis of the operator's traceability documentation.*

However, Member States may provide that, with regard to honey placed on the market in their territory, where the number of countries of origin of honey in a blend is greater than four and the four largest shares represent more than 50 % of the blend, it is allowed to indicate with the percentage only those four largest shares, and that the remaining countries of origin are to be indicated in descending order without a percentage.

In the case of packages containing net quantities of honey of less than 30 grammes, the names of the countries of origin may be replaced by a two-letter code, in accordance with the latest version of the international standard ISO 3166-1 two-letter code (alfa-2) in force;

■

- (b) ■ the particulars to be indicated pursuant to subpoint (a) of this point shall be considered to be mandatory particulars in accordance with Article 9 of *Regulation (EU) No 1169/2011*’;

(2) *Articles 3 and 4 are replaced by the following:*

‘Article 3

In the case of baker’s honey, bulk containers, packaging and sales documentation shall clearly indicate the full product name as set out in point 3 of Annex I.

Article 4

The Commission may, taking into account international standards and technical progress, adopt implementing acts laying down the methods of analysis to verify whether honey is compliant with this Directive.

The Commission shall, by ... [four years from the date of entry into force of this amending Directive], taking into account international standards and technical progress, adopt implementing acts laying down the methods of analysis to detect adulterated honey.

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

Until the adoption of the relevant implementing acts, Member States shall, whenever possible, use internationally recognised validated methods of analysis, such as those approved by the Codex Alimentarius, to verify compliance with this Directive.’;

(3) *the following Articles are inserted:*

‘Article 4a

- 1. For the purpose of ensuring fair commercial practices and protecting consumer interests, the Commission is empowered to adopt delegated acts in accordance with Article 6 to supplement this Directive by laying down the following:*
 - (a) the criterion of ‘mainly’ as regards the floral or vegetable origin of honey as referred to in Article 2, point 2, second subparagraph, point (b), first indent;*
 - (b) composition criteria to ensure that honey, with the exception of baker’s honey as defined in point 3 of Annex I, which is placed on the market as honey or used in a product intended for human consumption has not been heated or treated in such a way that the natural enzymes have been either destroyed or significantly deactivated, taking into account the invertase index;*

- (c) *the criteria to ensure and verify that pollen is not removed from honey and that the absolute pollen content and pollen spectrum are not modified in honey, with the exception of baker's honey as defined in point 3 of Annex I, when placed on the market as honey or used in a product intended for human consumption, taking into account the pollen content, minimal size of pollen and mesh size of filters;*
- (d) *the minimal pollen content in baker's honey following the removal of foreign inorganic or organic matter;*
- (e) *the methods and criteria to determine the place where honey has been harvested and Union-wide traceability requirements for honey from the harvesting producer or importer to the consumer.*

The Commission shall adopt the delegated acts referred to in points (b) to (e) of the first subparagraph by ... [five years from the date of entry into force of this amending Directive].

Before adopting those delegated acts, the Commission shall carry out feasibility studies. In the feasibility study it carries out concerning point (e) of the first subparagraph, the Commission shall include an analysis of available digital solutions or methods, including, where appropriate, a unique identifier code or similar techniques.

The Commission shall provide, in the delegated acts referred to in the first subparagraph, for appropriate transitional arrangements for products placed on the market before the date of application of those delegated acts.

2. *The Commission is empowered to adopt delegated acts in accordance with Article 6 to amend Annex II by adapting the composition criteria listed in that Annex to the criteria laid down in the delegated acts referred to in paragraph 1, first subparagraph, point (b), of this Article.*

Article 4b

1. *A platform is established composed of the following:*

- (a) *representatives of the Member States, competent authorities and designated laboratories;*
- (b) *experts representing relevant stakeholders in the honey supply chain;*
- (c) *experts representing civil society;*
- (d) *experts appointed in a personal capacity who have proven knowledge and experience in the areas covered by this Directive;*
- (e) *experts representing academia, including universities, research institutes and other scientific organisations.*

2. *The platform shall:*

- (a) *gather data for methods to improve authenticity controls of honey, in particular methods for the detection of adulteration in honey, with a view to possibly harmonising them;*
- (b) *provide recommendations for a Union traceability system, with a view to tracing the honey back to the harvesting producer or importer;*
- (c) *provide recommendations on the possible need to update the composition criteria and other quality parameters laid down in this Directive;*
- (d) *provide recommendations with a view to establishing a Union reference laboratory.*

3. *The platform shall be chaired by the Commission. The Commission shall adopt rules on the composition and working methods of the platform. The Commission may invite experts with specific expertise on an ad hoc basis.’;*

(4) *Annex I is amended as follows:*

(a) *in point 2(b), subpoint (viii) is deleted;*

(b) *in point 3, the third indent is replaced by the following:*

‘— *have been overheated, or*

— *have been obtained by removing foreign inorganic or organic matter in such a way as to result in the significant removal of pollen.*’

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* applies 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, 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).’;

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

‘(b) As an alternative to the product names referred to in **subpoint (a)**, Annex III provides a list of particular designations. **Where an operator uses** the designations listed in Part I of Annex III, **they shall** be used in the language and under the conditions laid down therein. **With regard to** the designations listed in Part II of Annex III, **Member States in which the product is placed on the market may stipulate that those designations are to be used in one or more of the official languages of the Union.**’;

(c) the following **point** is inserted:

‘4. ■ The statement ‘■ fruit juices contain **only naturally occurring** sugars’ may appear on the label in the same field of vision as the name of the products referred to in point 1 of Part I ■ of Annex I.’;

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

‘6. Without prejudice to Article 22 of Regulation (EU) No 1169/2011 for
■ mixtures of fruit juice *from concentrate or reduced-sugar* fruit juice from
concentrate *with fruit juice or with reduced-sugar fruit juice, as well as* 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*

■ Only the treatments and substances listed in Part II of Annex I and the raw materials
complying with Annex II may be used to manufacture the products defined in Part I of
Annex I. Moreover, fruit nectars shall comply with Annex IV.’;

(3) *Article 7 is amended as follows:*

(a) *the sole paragraph is numbered as paragraph 1;*

(b) *the following paragraphs are added:*

- ‘2. The Commission is empowered to adopt delegated acts in accordance with Article 7a supplementing this Directive by laying down rules regarding the physical, chemical, organoleptic and nutritional characteristics of the products listed in points 6(a), 6(b) and (7) of Part I of Annex I and regarding the use of the authorised processes to reduce sugars referred to in point 3 of Part II of that Annex.*
- 3. The Commission may adopt implementing acts laying down the methods of analysis, taking into account international standards and technical progress, to verify whether the products listed in points 1(a), 1(b), 2, 6(a), 6(b) and 7 of Part I of Annex I are compliant with this Directive.*

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7b(2).

Until the adoption of the relevant implementing acts, Member States shall, whenever possible, use internationally recognised validated methods of analysis such as those approved by the Codex Alimentarius to verify compliance with this Directive.’;

(4) *Article 7a is amended as follows:*

(a) *paragraph 2 is replaced by the following:*

‘2. The power to adopt delegated acts referred to in Article 7(1) shall be conferred on the Commission for a period of five years from 28 October 2013. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

The power to adopt delegated acts referred to in Article 7(2) shall be conferred on the Commission for a period of five years from ... [date of entry into force of this amending Directive]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.’;

(b) *in paragraph 3, ‘Article 7’ is replaced by ‘Article 7(1) and (2)’;*

(c) *in paragraph 5, ‘Article 7’ is replaced by ‘Article 7(1) or (2)’;*

(5) *the following Articles are inserted:*

‘Article 7b

- 1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002 in respect of Article 7(3) of this Directive. That 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.

Article 7c

No later than ... [36 months after the entry into force of this amending Directive], the Commission shall present a report to the European Parliament and to the Council providing an assessment of the feasibility of the different possibilities for labelling indicating the country or countries of origin where the fruit or fruits used to manufacture a fruit juice or fruit purée have been harvested. That report shall be accompanied, where appropriate, by a legislative proposal.

** 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 Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).’;*

- (6) Annexes I and III are amended in accordance with Annex I to this Directive;
- (7) *in Annex IV, Section I, the twenty-fourth row concerning ‘Quinces’ is replaced by the following: ‘Quinces (Cydonia oblonga L.) 50’;*
- (8) in Annex V, the following row is inserted in between the rows concerning ‘Blackcurrant’ and ‘Grape’:

‘

| | | |
|-------------|--------------------------|-----|
| Coconut (*) | <i>Cocos nucifera</i> L. | 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* applies 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, 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).’;

(b) *in point 2, the following subparagraph is added:*

‘By way of derogation from the first subparagraph, Member States that do not authorise the use of the terms ‘marmalade’ and ‘extra marmalade’ for the product names ‘jam’ and ‘extra jam’, as provided for in the first and second indent of Part I of Annex I, may authorise, on their territory, the use of the indication ‘mixed fruit marmalade’ or ‘[x] fruits marmalade’, where x is the number of fruits, in the case of citrus marmalade manufactured from three or more fruits.’;

(c) *point 4* is deleted;

(d) point 5 is replaced by the following:

‘5. The particulars referred to in point 3 shall appear in the same visual field as the product name and in clearly visible characters.’;

(e) *point 6 is deleted;*

(2) Article 4 is replaced by the following:

‘Article 4

■ Only the ingredients listed in Annex II and raw materials which comply with Annex III may be used in the manufacture of the products defined in Annex I.’;

(3) *the following Article is inserted:*

‘Article 6a

No later than ... [36 months after the entry into force of this amending Directive], the Commission shall present a report to the European Parliament and to the Council providing an assessment of the feasibility of the different possibilities for labelling indicating the country or countries of origin where the fruit or fruits used to manufacture fruit jams, jellies, citrus marmalades and sweetened chestnut purée have been harvested. That report shall be accompanied, where appropriate, by a legislative proposal.’;

(4) Annex I is amended in accordance with Annex II to this Directive;

(5) Annex II is amended as follows:

(a) the *second to sixth indents are* 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,*
- *essential oils of citrus fruits: only in citrus marmalade and jelly marmalade,’;*

(b) *the following indent is added:*

- ‘— *food additives authorised in accordance with Regulation (EC) No 1333/2008 of the European Parliament and of the Council**.

* *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).’;*

(6) 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:

* 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).’;

- (2) Annex I is amended as follows:

- (a) in point 3, the following *subpoint* is added:

‘(d) Reduction of the lactose content by conversion to glucose and galactose. Modifications in the composition of milk *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. Such indication is *without prejudice to* the obligation regarding 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 *subpoint*.’;

(b) *in point 4, the following subpoints are added:*

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

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

* *Regulation (EC) No 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) 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).’;*

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

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

Article 5
Transposition

1. Member States shall adopt and publish, by ... [18 months from the date of entry into force of this amending Directive], the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission.

They shall apply those measures from ... [24 months from the date of entry into force of this amending 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 measures 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 ... [24 months from the date of entry into force of this amending 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 ...,

For the European Parliament

For the Council

The President

The President

ANNEX I

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

(1) Annex I is amended as follows:

(a) *in Part I, point 1(b), the first paragraph is replaced by the following:*

‘The product obtained by reconstituting concentrated fruit juice as 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).’;*

(b) in Part I, the following *points are* added:

‘6. (a) Reduced-sugar fruit juice

The product obtained from fruit juice as defined in point 1(a) where the amount of naturally occurring sugars has been reduced by at least 30 % by using a process authorised under the conditions laid down in point 3 of Part II which maintains all the other essential physical, chemical, organoleptic and nutritional characteristics of an average type of juice of the fruit which it comes from.

■ Reduced-sugar fruit juice *may be obtained by mixing reduced-sugar fruit juice with fruit juice, fruit purée or both.*

(b) Reduced-sugar fruit juice from concentrate

The product obtained from fruit juice from concentrate as defined in point 1(b) where the amount of naturally occurring sugars has been reduced by at least 30 % by using a process authorised under the conditions laid down in point 3 of Part II which maintains all the other essential physical, chemical, organoleptic and nutritional characteristics of an average type of juice of the fruit which it comes from, or the product obtained by reconstituting concentrated reduced-sugar fruit juice as defined in point 7 with potable water that meets the criteria set out in Directive (EU) 2020/2184.

*Reduced-sugar fruit juice from concentrate may be obtained by mixing reduced-sugar fruit juice from concentrate with one or more of the following products: fruit juice, fruit juice from concentrate, **reduced-sugar fruit juice**, concentrated fruit purée **and** fruit purée.* ■

7. Concentrated reduced-sugar fruit juice

The product obtained from concentrated fruit juice as defined in point 2 where the amount of naturally occurring sugars has been reduced by at least 30 % by using a process authorised under the conditions laid down in point 3 of Part II which maintains all the other essential physical, chemical, organoleptic and nutritional characteristics of an average type of product, or the product obtained from reduced-sugar fruit juice as defined in point 6(a) by the physical removal of a specific proportion of its water content. Where the product is intended for direct consumption, the removal shall be at least 50 % of the water content.’;

(c) Part II is amended as follows:

(i) point 2 is amended as follows:

- *the second indent is replaced by the following:*
 - ‘– *Food additives authorised in accordance with Regulation (EC) No 1333/2008; however, sweeteners are not allowed in the manufacture of the products listed in Part I of this Annex, except for fruit nectars;*’;
- *the third indent is replaced by the following:*
 - ‘– For fruit juice, fruit juice from concentrate, concentrated fruit juice, reduced-sugar fruit juice, reduced-sugar fruit juice from concentrate *and concentrated reduced-sugar fruit juice*: 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. ***Where such a claim is made***, the following indication ***shall*** also appear on the label: ‘contains naturally occurring sugars’;’;

- the seventh indent is replaced by the following:
 - ‘– For products defined in points 1 to **7 of Part I**, 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 and reduced-sugar fruit juice from concentrate: 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:

‘– ***Only for reduced-sugar fruit juice, reduced-sugar fruit juice from concentrate and concentrated reduced-sugar fruit juice:***

processes to ***reduce*** the amount of naturally occurring sugars, to the extent that they maintain all the other essential physical, chemical, organoleptic and nutritional characteristics of an average type of juice of the fruit which it comes from, namely membrane filtration and 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 be used only in the language of the designation

- (a) ‘vruchtendrank’, for fruit nectars;

- (b) ‘Süßmost’, to 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) (i) ‘æblemost’, *synonym of* apple juice ■ ;
 - (ii) *‘æblemost fra koncentrat’, synonym of apple juice from concentrate;*
- (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’, *synonym of* apple juice ■ ;
 - (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 *one or more* of the *official languages of the Union*
- (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 *the terms commonly used by consumers*, authorise, *on their territory*, the use of the term ‘marmalade’ for the product *name* ‘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,
 - **180** 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 *the terms commonly used by consumers*, authorise, *on their territory*, the use of the term ‘extra marmalade’ 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:

- **500** g as a general rule,
- 450 g for redcurrants, rowanberries, sea-buckthorns, blackcurrants, rosehips and quinces,
- **280** 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. *In the product name ‘citrus marmalade’, the term ‘citrus’ may be replaced by the name of the citrus fruit 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).’