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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

{SEC(2023) 162 final} - {SWD(2023) 97 final} - {SWD(2023) 98 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The so-called 'Breakfast Directives' are a set of seven Directives[1] that lay down common rules on the composition, sales name, labelling and presentation of certain foodstuffs so as to protect the interests of consumers and to ensure the free movement of these products within the internal market. They operate in a similar way as the marketing standards laid down for certain agricultural products in accordance with Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007[2], as they contain technical descriptions of agricultural products, their composition, characteristics and the production methods used.

Products for which such common rules are laid down may be marketed under the respective sales designations only if they conform to those rules. The use of these sales designations is normally of significant commercial value as consumers recognise them and decide on their purchases relying on them.

Outdated rules may impede innovation or fail to meet consumer expectations. In such circumstances, rules require adaptation. The current Breakfast Directives are more than ten years old. Over the last decade, the markets for foodstuffs have evolved significantly, driven by innovation but also changing societal concerns and consumers' demand. Therefore, it is appropriate to undertake a revision of certain rules of the Breakfast Directives.

This revision is also carried out against the backdrop of the Commission's Farm to Fork Strategy[3] and the UN's Sustainable Development Goals (Section 6.1). In the Farm to Fork Strategy, it was announced that the revision of Union marketing standards, which is understood to cover the Breakfast Directives due to their similarity with marketing standards, would aim to provide for the uptake and supply of sustainable products. Moreover, the Commission also undertook to seek opportunities to facilitate the shift to healthier diets[4] and

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1 Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts (OJ L 66, 13.3.1999, p. 26).
Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption (OJ L 197, 3.8.2000, p. 19).
Council Directive 2001/110/EC of 20 December 2001 relating to honey (OJ L 10, 12.1.2002, p. 47).
Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption (OJ L 10, 12.1.2002, p. 53).
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).
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).
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).

2 OJ L 347, 20.12.2013, p. 671.

3 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final.

4 This includes reducing the intake of free sugars in diets, as demonstrated in EFSA scientific opinion on the tolerable upper intake level for dietary sugars of 28 February 2022 https://www.efsa.europa.eu/en/efsajournal/pub/7074. Free sugars comprise added sugars as well as sugars naturally occurring in fruit juice and concentrated fruit juice whose structure has been broken down. Jellies are a product produced from fruit juice and sugar.

stimulate product reformulation, notably for foods high in fat, sugars and salt. Finally, to empower consumers to make informed and sustainable food choices, the Commission also announced that it would consider to propose the extension of mandatory origin or provenance indications to certain products, while fully taking into account impacts on the internal market.

Furthermore, as regards in particular Directive 2001/110/EC, conclusions of the Presidency of the Council on front-of-pack nutrition labelling, nutrient profiles and origin labelling of 15/16 December 2020[5] refers to Member States' calls at the Agriculture and Fisheries Council to revise that Directive with the aim to specify the countries of origin of the honey used in honey blends, and calls upon the Commission to start working on a legislative proposal to amend the Directive accordingly. The European Parliament, in its resolution of 20 October 2021 on a farm to fork strategy for a fair, healthy and environmentally-friendly food system[6] also calls on the Commission to propose legislative changes for honey labelling rules that will result in better consumer information.

In light of the above, the Breakfast Directives, notably Council Directive 2001/110/EC of 20 December 2001 relating to honey, Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption, Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption and Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption, should be revised.

- **Consistency with existing policy provisions in the policy area**

Each of the four Directives concerned by this proposal are stand-alone legislative acts regulating the products concerned. While the general food law rules apply unless otherwise provided in the Directives, there are no other legislative provisions directly concerning the aspects regulated in these Directives for honey, fruit juices and certain similar products, fruit jams, jellies and marmalades and sweetened chestnut purée or certain partly or wholly dehydrated preserved milk..

- **Consistency with other Union policies**

The revision contributes to the other actions under the Farm to Fork Strategy and Europe's Beating Cancer Plan[7], which aim to promote more sustainable and healthy diets. It is coherent with the forthcoming revision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council[8] on food information to consumers as regards origin and nutrition labelling. It also aims to be complementary to the announced proposal for a legislative framework for sustainable food systems.

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5 Agriculture and Fisheries Council, 15/16 December 2020 (14048/20).

6 2020/2260(INI).

7 Communication from the Commission to the European Parliament and the Council Europe's Beating Cancer Plan, COM/2021/44 final.

8 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. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

Article 37 of the Treaty establishing the European Community (Amsterdam consolidated version) is the legal basis of the four Directives subject to this revision. Article 43 TFEU is the corresponding legal basis for amending those Directives.

• Subsidiarity (for non-exclusive competence)

The Treaty on the Functioning of the European Union provides that the competence for agriculture is shared between the Union and the Member States.

Union legislation on marketing standards for agricultural products, including the Breakfast Directives, has for many products replaced heterogeneous pre-existing national standards. The harmonisation of the laws of the Member States relating to the products covered by the four Breakfast Directive was justified by the fact that differences between national laws relating to the products concerned could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the functioning of the internal market. In light of the implications for the internal market, individual Member States could not sufficiently address the issue through national standards.

While Union marketing standards, including the Breakfast Directives, have successfully achieved their intended objectives, there is a need to amend them to address new needs, problems and issues that have emerged since the adoption of the acts, such as sustainability considerations. This proposal to amend four Breakfast Directives consist mainly of updating requirements and product definitions and therefore does not substantially modify the repartition of competence between the Union and Member States as set out by the amended legislation.

In particular, on origin labelling for honey, as stated in recital 5 of Directive 2001/110/EC Directive, consumers have the right to know the geographical origin of honey. Among others, various types of honey are produced on the basis of different plants and trees. Environmental, geographical and climate conditions may affect the product characteristics of the honey produced in various parts of the world. Blending honeys of different geographic origins also affect these characteristics. As a result, there is a close link between the product characteristics and quality of honey and its origin. To ensure that consumers are properly informed of the characteristics and quality of the honey they consume, it is indispensable that full information on those matters be available so that consumers are not misled. Therefore, the Directive currently applicable requires the country or countries where the honey has been harvested to be indicated on the label. However, it also provides the possibility to replace the list of countries of origin of the honey by one of the following, as appropriate: ‘blend of EU honeys’, ‘blend of non-EU honeys’, ‘blend of EU and non-EU honeys’. The lack of harmonisation of EU standards has resulted in differences in labelling of honeys across the Union that may mislead consumers and hinder the functioning of the internal market. For example, operators importing honey blends to be packed in a Member State that requires the individual list of countries may not know the specific countries of origin of the honey. Taking into account the close link between the quality of honey and its origin, and in light of the Farm to Fork Strategy’s objective of strengthening consumers in making informed choice, including on the origin of their food, and the need to improve the functioning of the internal market, it is appropriate to harmonise the rules on origin labelling and remove the possibility not to list the country or countries of origin where the honey originates in more than one country.

Furthermore, in the absence of a Union common rules on the reduction of naturally-occurring sugar in fruit juices, the quality and authenticity (i.e. the fact that the naturally-occurring sugar was indeed removed by a specific process, and not through water dilution or using juice of unripen fruit) of these beverages would not be harmonised across the Union. As such products will become increasingly available on the Union market, there is a need to set a Union legal framework to facilitate their free circulation among the Member States, while maintaining the protection of the interests of consumers as regards fruit juices (i.e. avoid confusion) and ensuring both effective and fair competition for operators and the quality and integrity of these reduced-sugar fruit juices, because of the process that can affect the characteristics of the product.

Finally, the Directive on dehydrated preserved milk should incorporate a treatment to produce lactose-free milk products, in order to respond to evolving consumer needs; and the English term 'evaporated milk' should be aligned with international standards.

- **Proportionality**

For each of the main proposed amendments to the four Breakfast Directives concerned, the approach taken does not exceed what is appropriate and necessary to achieve the objectives pursued.

On origin labelling for honey, the proposed amendment is aimed at ensuring that honey may move freely within the internal market and that, in view of the close link between the quality of honey and its origin, full information on the origin of honey is available for consumers. While replacing the list of individual countries with a reference to a blend may reduce the burden for operators, it is not adequate to ensure that full information on the origin of honey is available for consumers. In addition, as the obligation to list all individual countries where the honey originates, without the possibility to replace the individual names by the reference to a blend, is already a requirement in several Member States, this rule may have misled consumers and hindered the functioning of the internal market. Thus, removing the possibility not to list the country or countries of origin where the honey originates in more than one country is a proportionate approach to achieve the objectives pursued.

As regards reduced-sugar fruit juices, the approach taken is to create a new category of products and to set the bar for sugar reduction at the same level as the one laid down in Regulation (EC) No 1924/2006 of the European Parliament and of the Council[9] on nutrition claims for sugar reduction claims (minimum 30 %), so as to ensure coherence between these two legal frameworks and avoid confusion for the consumers, even though, for this new category of products, 'reduced-sugar' is not a nutrition claim but part of the product name per se. In addition, the final products will need all the other essential physical, chemical, organoleptic and nutritional characteristics, which are necessary to ensure that the consumers are offered a quality product.

As regards jams, approaches that would change the amount of sugar (i.e. lowering the minimum amount of sugar or removing the minimum sugar amount) would have had more drawbacks than advantages. Changing the threshold for the minimum amount of sugar needed in jams for proper preservation, consistency and mouthfeel has consequences. First, it is very complicated from a technical point of view as it requires to find a new appropriate level at which the jam will still jellify with the appropriate type and amount of pectins. Second, it would have a significant economic impact and a non-negligible environmental impact (i.e. creation of additional food waste because the jams have a shorter shelf-life, more water need

[9] 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).

to be used because more pectins are added, and the additional water content still would need to be evaporated and pasteurisation would take longer, both of which require additional energy consumption). Lowering the minimum threshold for the amount of sugar would also prevent the industry from marketing jam with a reduced sugar level in accordance with Regulation (EC) No 1924/2006 on nutritional claims, because it would no longer be technically possible to produce such type of jams. Hence, the approach to allow the continued use of the sales designation 'jam' and 'jelly' only for products with a higher minimum fruit content than currently required is the most appropriate option. This approach also does not prevent the industry from continuing to market jam with a reduced sugar level (at least lower than 30 %) in accordance with Regulation (EC) No 1924/2006 on nutritional claims.

Whenever possible, as is the case for dehydrated preserved milk, reference to internationally agreed standards is made, to avoid introducing disproportionate rules that would put the internal market at odds with the international standards.

- **Choice of the instrument**

The instrument chosen is a Directive as the existing legislation is embodied in Directives and there is no demonstrated need to replace them by a directly applicable Regulation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Preparing the revision, the Commission has published an external evaluation support study of marketing standards (the 'study')[10] and a staff working document on the evaluation of marketing standards (the 'evaluation')[11]. Both documents cover the Breakfast Directives.

Building on the study, the evaluation concluded that Union marketing standards have generally been effective in achieving their intended objectives, without causing significant unintended/unexpected effects. On jams, jellies and marmalades notably, thanks to provisions on minimal sugar content and the possibility for Member States to make derogations in that respect, the evaluation concluded that a satisfactory balance has been achieved between the consumer's interest in ensuring product preservation and the need to consider specific national characteristics, as well as policy priorities of promoting healthier diets (jams with lower free sugar content). The evaluation also found that Union marketing standards provide significant added value compared to international and private marketing standards because they: (i) are mandatory and the requirements must be complied with across the Union; (ii) are tailored to the specific operational and market situation of the Union; and, (iii) impose, for many products, more demanding quality requirements. The evaluation did identify that some existing standards potentially did not sufficiently accommodate changes in technology, marketing strategies and consumer preferences. That was the case for juices in particular, where the evaluation identified the following issue: Directive 2012/12/EU established that the addition of sugars to fruit juices was no longer allowed and after 28 October 2016 the use of the statement 'from 28 April 2015 no fruit juices contain added sugars' for fruit juices was no longer allowed, whereas other fruit-based beverages, including nectars, could continue to use

[10] Areté et al. (2020). Evaluation of marketing standards contained in the CMO Regulation, the 'Breakfast Directives' and CMO secondary legislation. Brussels: European Commission. https://doi.org/10.2762/475831.

[11] European Commission (2020). Evaluation of marketing standards. Commission Staff Working Document SWD/2020/0230.

the ‘with no added sugars’ and the indication ‘contains only naturally occurring sugars’, creating confusion among consumers and resulting in unfair competition.

- **Stakeholder consultations**

In 2019, the Commission carried out an evaluation of marketing standards, including the Breakfast Directives because they are assimilated to marketing standards, and included a public consultation. More recently, between 8 June and 31 August 2021, the Commission carried out a public consultation on the revision of Union marketing standards for agricultural products, including the Breakfast Directives because they are assimilated to marketing standards, using its EU-Survey platform. The Commission also held a technical workshop with selected experts from the food supply chain, consumer groups, NGOs, and academia, in collaboration with the JRC on 9 September 2021[12] and consulted Member States in a targeted consultation from 17 September to 14 October 2021. The Commission also held complementary consultations and bilateral exchanges with key stakeholders via email and ad hoc video meetings.

As regards honey, the Union beekeeping sector very much supports stricter origin labelling rules and the indication of individual countries in honey blends. Honey importers and packers highlighted the need for a level playing field and having the same rules in all Member States.

As regards fruit juices, the juice industry supports the creation of a new category of fruit juices where naturally-occurring sugars have been removed to the extent that other essential characteristics are not affected. In addition, the sector expressed their interest in being able to use the fruit juice product name also when other ingredients and additives like spices, herbs and fibres have been added. However, this would change the essential characteristics of the fruit juices that are a product with a limited list of possible authorised ingredients and substances. Finally, the sector also asked for the possibility to indicate on the label the lack of added sugar in fruit juices.

As regards jams, jellies and marmalades, the main manufacturers would like to maintain the status quo on fruit and sugar content, while fruit suppliers are in favour of increasing the fruit content in those products.

- **Impact assessment**

The Commission prepared an impact assessment report on the revision of Union marketing standards for agricultural products, including the Breakfast Directives because they are assimilated to marketing standards, to update the rules to market development and ensure the uptake and supply of sustainable products[13]. The Regulatory Scrutiny Board gave a positive opinion with reservations on the impact assessment report on 21 September 2022[14]. As regards the changes covered in this Proposal, the Regulatory Scrutiny Board requested that impact assessment report be reinforced as regards the assessment and comparison of the options of the standards selected for in-depth assessments, as well as on the envisaged monitoring arrangements, which were addressed in the respective sections of the impact assessment report.

Concerning honey, the following approaches were considered:

- replacement of the term ‘non-EU’ with the non-EU countries of origin;

[12] Russo, C. et al. (2022). Workshop on Marketing Standards: Benefits and costs of EU marketing standards for agri-food products. JRC Technical Report. Luxembourg: European Union. https://doi.org/10.2760/635080.

[13] [to be completed by OP]

[14] [to be completed by OP]

- replacement of the term ‘non-EU’ with the geographic region of origin;
- obligatory indication of all individual countries of origin (Member States and third countries);
- obligatory indication of all individual countries of origin (Member States and third countries), including the percentage.

The preferred approach creates legal certainty for Union producer and honey importers. Member States and stakeholders highlighted at several occasions the need for improved consumer information on the origin of honey in blends. On balance, the third approach was retained as it would offer the exact identification of the countries of origin, thereby satisfying consumer demand, while limiting costs and burdens linked to the indication of the exact percentage of each origin in honey blends and being in line with the Union’s international obligations.

For reduced-sugar fruit juices, the following approaches were considered:

- Option I: to authorise certain treatments in fruit juice to reduce naturally-occurring sugars and, because the sugar level will be reduced below the mandatory levels, add a derogation to the minimum Brix levels for fruit juices from concentrate (provided that water addition does not overpass the water extracted for concentration).
- Option II: to authorise certain treatments or additional ingredients to reduce naturally-occurring sugar, while preserving all the other essential physical, chemical, organoleptic and nutritional characteristics of the final products (e.g. nutrients, taste, mouthfeel), for the use of the product names concerning fruit juice (fruit juice from concentrate, etc.).
- Option III: same as Option II, with the additional requirement that the reduction of sugar should be at least 30 % compared to a similar product, in accordance with Regulation (EC) No 1924/2006 on nutritional claims.

On balance, the third approach was retained as it was the most efficient and proportionate to ensure that the consumer is correctly informed about the product and that the product is of quality. The approach creates a clear legal framework and allows for commercial plannability for both larger players and SMEs which are developing this new product and enables the basis for a return on investment concerning their research and development. Science is advanced enough to allow for the verification of the authenticity of the sugar-reduced fruit juices. In addition, it does not add a significant burden on national control authorities. There is a demand for processed products reformulation, especially products with lower free sugars content, both from consumers and health authorities. The approach addresses this demand. Given that the food business operators and consumers are already accustomed to the threshold of 30 % reduction for all products as regards nutritional claims on sugar content, it appears coherent to use the same 30 % threshold for reduced-sugar fruit juices, rather than allowing any possible level of reduced sugar content, even below 30 %.

All approaches provide the juice sector as a whole, whether for future imports from outside the Union or future marketing intra-Union, with a positive impact in terms of assurance of return on investment, hence a positive economic impact for the manufacturers. The preferred approach provides more opportunities in terms of market segmentation, allowing for a better appreciation of the quality of the final product. Ensuring that the consumers get products with reduced-sugar content (reduced-sugar fruit juice with an overall better nutritional profile) contributes to the objective of empowering consumers to make informed, healthy and sustainable food choices. The same is true for ensuring that the product names do not create

confusion for the consumers and lead them to choosing a product that is not in accordance with their expectations. The preferred approach mandates a sugar reduction of at least 30 %. The emphasis on the health aspect is even more prominent because the sugar reduction level would be at least 30 % and not any value below that. However, the risk of this approach is that less products would be sold on the market with such a low level of sugar compared to the approaches not mandating at least a 30 % reduction. However, with a required mandatory indication of the product being sugar-reduced, consumers would be more prominently alerted about the sugar-reduced characteristic of the product. No direct environmental effects are anticipated as none of the processes used to reduce naturally-occurring sugars are understood to necessitate the use of products impacting significantly the environment or be particularly energy-consuming.

As regards jams, the following approaches were considered:

- to remove the required minimum amount of total sugars entirely;
- to lower the required minimum amount of total sugars, and to set it at, for example, 55 % like it is done in France, Germany and the Netherlands or at 50 %;
- to increase the general minimum fruit content to 450g/1000g (as opposed to 350 g/1000 g currently), so far reserved for ‘extra jam’ and ‘extra jelly’ which, as a consequence, reduces the amount of added sugar needed to reach the minimum content of soluble dry matter in these products.

On balance, the third approach was retained as it was the most efficient and proportionate to ensure that the amount of added sugar needed to reach the minimum content of soluble dry matter in these products is reduced while maintaining the essential characteristics of the product (preservation, consistency and mouthfeel). This approach entails that the current level of fruit content used for ‘extra jam’ and ‘extra jellies’ becomes the new level of fruit content to be used for ‘jams’ and ‘jellies’, while a yet-higher fruit content value is to be used for the products named ‘extra jam’ and ‘extra jellies’. This is an economically sound option based on demand-driven market segmentation considerations both from an internal market and international trade point of view, which promotes more wholesome products with less free sugars. It does not create additional food waste. It creates no new administrative burden, while maintaining the status quo on the possibility for Member States to adapt to their national preferences and reduce in their national legislation the minimum sugar content of jams and jellies.

This approach would automatically reduce the sugar added in the products. This approach could theoretically raise the costs for the processors but this is estimated to be a marginal increase as the vast majority of jams marketed in the Union already have a level of fruit content equal to or above the one currently required for extra jams. There would be some costs to the sector to adapt all the labels for packaging. This economic impact could be addressed with a transition phase in the application of the new rules. Raising the fruit content in jams to the level of extra jams across the board would only have an impact of cost and organisation of production on manufacturers that do not currently produce extra jams, because for their products, they would have to modify their production to increase the fruit content to continue using the product name ‘jam’. The economic impact would therefore be rather limited. As regards social impact, this approach aims to impact the level of free sugar in jams and the amount of complete fruit consumed, but not the shelf life, since the minimum total sugar content remains unchanged. It would also not remove the possibility for Member States to authorise lower minimum sugar content and would not prevent the marketing of jams with

a reduced sugar level (at least lower than 30 %) in accordance with Regulation (EC) No 1924/2006 on nutritional claims. At equal serving size, this change would lead to an increase of the complete fruit content in jams and a lower intake of free sugars. The main impact of this option would be to no longer have products labelled as jam with lower complete fruit content available on the Union market, raising the standard across the board for consumers, ensuring higher quality for consumers. No direct environmental effect is expected. If anything, it may create an increased outlet for fruit not conforming to marketing standards for fresh consumption and in this sense, have a positive impact on food waste. However, this positive impact is difficult to quantify, as it depends on each type of fruit and each producing region in the Union.

The proposal to amend the four Directives is anticipated to have no direct environmental effect. Therefore, there are no identified issues that significantly harm the environment or incoherence with the European Climate Law[15].

The preferred approaches were considered to contribute to the following sustainable development goals (SDG)[16]:

– SDG #2 End hunger, achieve food security and improved nutrition and promote sustainable agriculture (2.4 By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality).

– SDG #3 Ensure healthy lives and promote well-being for all at all ages (3.4 By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being).

– SDG #8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (8.2 Achieve higher levels of economic productivity through diversification, technological upgrading and innovation, including through a focus on high-value added and labour-intensive sectors).

– SDG #12. Ensure sustainable consumption and production patterns (12.8 By 2030, ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature).

The proposal concerns the rules for definitions, names, common rules on composition and labelling requirements for honey, fruit juices and jams. It does not purport to change any automation process that the industry or the authorities have or will put in place to manufacture or control the quality of the products concerned. In that sense, no impact is expected on the 'digital by default' principle[17].

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15 Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999, OJ L 243, 9.7.2021, p. 1.

16 https://undocs.org/A/RES/71/313.

17 Commission Communication, 2030 Digital Compass: the European way for the Digital Decade, COM(2021) 118.

- **Regulatory fitness and simplification**

In the evaluation, the potential for simplification of the rules on honey, jams, jellies and marmalades, fruit juices and certain similar products, and dehydrated preserved milk was found to be limited, given the relatively low costs of complying with Union marketing standards and the fact that the stakeholders consulted (business operators and competent authorities) did not identify any overlaps/redundancies in the provisions that might lead to unnecessary costs. In this view, no efficiency gains nor a simplification related to the implementation of the policy can be expected.

- **Fundamental rights**

The revision respects the rights enshrined in the Charter of Fundamental Rights of the European Union (Articles 51, 52); an effective system of EU marketing standards, including the Breakfast Directives, will in particular contribute to stakeholders' ability to conduct a business on a level playing field across the internal market (Article 16), while protecting the interests of consumers and contributing to meeting their expectations.

4. BUDGETARY IMPLICATIONS

The proposal has no impact on the budget of the European Union.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

An implementation plan is not considered needed for these revisions as Member States have a long experience of implementing the four Breakfast Directives concerned and the proposed revisions are of a very technical scope.

The impact of the main revisions of the four Breakfast Directives concerned will be evaluated as follows:

The impact of detailed origin labelling of honey blends on the EU honey market will be evaluated by monitoring the development of sales of honey with different origin indication. This information is not available on a systematic basis. A representative market survey will be necessary. Ideally, the Commission will base such survey on information from the individual Member States.

The impact of the creation of a new category of products in Directive 2001/112/EC will be evaluated by monitoring the evolution of reduced-sugar fruit juice in terms of sales and market shares in the Union over the medium-term using market reports and Euromonitor data, to assess the uptake and consumer interest in reduced-sugar fruit juices.

The impact of the revision of the composition of jams and jellies will be evaluated by reviewing at regular intervals the level of sales of jams and other products covered by the Directive versus other spreadable products or other fruit-based products, as well as expanding the scope of existing surveys such as Eurostat's survey on consumption of fruit and vegetables, as well as national nutritional surveys, to other products containing fruit, to evaluate the level of consumption of jams and jellies in the Union.

In addition, the Commission will make use of existing channels to monitor the implementation of marketing standards in general to collect information and data on how the proposed revisions of the Breakfast Directives are implemented in the market by operators, how they are perceived by consumers, how they are controlled by authorities, what their general added value is. This includes tabling a regular dedicated discussion on the standards

in the Expert Group on the Common Organisation of the Market in agricultural products with delegates from Member State authorities and in the Civil Dialogue Group with relevant stakeholders. The information will then be used, together with others, in a study that the Commission plans to conduct in the medium-term on the functioning of the marketing standards (including the Breakfast Directives) and their contribution to the market functioning.

- **Explanatory documents (for directives)**

This proposal does not require any explanatory document on its transposition as it is sufficiently self-standing.

- **Detailed explanation of the specific provisions of the proposal**

Article 2(4) of Directive 2001/110/EC 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'. 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 on the packaging. In light of the reduced size of the packs containing only a single portion of honey (breakfast packs) and the resulting technical difficulties, where the honey originates in more than one country, it is therefore appropriate to exempt those packs from the obligation of listing all individual countries of origin.

In 2012, Directive 2001/112/EC was amended by Directive 2012/12/EU of the European Parliament and of the Council 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 consequence, for some consumers and health practitioners, it is still not clear that fruit juices, contrary to fruit nectars, cannot contain added sugars.

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'. This, together with the fact that fruit juices may not 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.

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 to use the statement indicating that no fruit juices contain added sugars.

As a result of technical progress, new processing techniques have been or are being developed to remove naturally occurring sugars in fruit juices and fruit juices from concentrate, to address the growing consumer demand for products with a lower sugar content. While such products can be marketed in the Union to the extent that they comply with all relevant legislation, they may not bear the product name 'fruit juice' or 'fruit juice from concentrate', since a treatment other than those authorised in Part II, point 3, of Annex I to Directive 2001/112/EC has been applied to obtain those products and their total sugar content (Brix level) is lower than the ones of the juice as extracted from the fruit.

As such products are becoming increasingly available on the Union market, it is appropriate, in order to facilitate their placing on the internal market, while taking into account the need to encourage product reformulation to reduce the amount of sugars present in fruit juices, to create a new category of products for fruit juices whose naturally occurring sugars have been 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 the ones of the juice as extracted from the fruit. It is also appropriate to lay down rules on the authorised ingredients for these products, as well as the authorised treatments and substances. It is expected that as a result of technical progress, new processing techniques will be developed. Pursuant to Articles 7 and 7a of Directive 2001/112/EC, the Commission is empowered to adopt delegated acts to lay down, amongst others, the authorised treatments in Part II, point 3 of Annex I to the Directive, in order to bring them into line with developments in relevant international standards or to take into account technical progress, particularly as regards reduction of the sugar content of fruit juices.

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 fruits and to improve the minimum quality of 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.

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.

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 Council Directive 2001/112/EC in line with that international standard, it is therefore appropriate to add a particular designation for 'coconut water' in its Annex III. That particular designation may be used in the respective official languages. In addition, as coconut juice may be obtained by reconstituting concentrated coconut juice with potable water, it is appropriate to define a minimum Brix level for this product, in Annex V to that Directive.

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 of 24 September 1990 on nutrition labelling for foodstuffs, 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 should 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 on the provision of food information to consumers. Pursuant to Regulation (EU) No 1169/2011 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.

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' are reserved for products manufactured with a higher quantity of fruit compared to 'jam' and 'jelly', respectively. Part II of Annex I to the same Directive 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.

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, that is, both the added sugars and those naturally present in fruit juice, 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 to 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 Annex I to Directive 2001/113/EC 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.

Annex I to Directive 2001/113/EC restricts the term 'marmalade' to a particular citrus fruit mixture. However, in a number of Union languages, while the legal names laid down in Annex I to Directive 2001/113/EC have been used in trade to designate the products referred to therein, the 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 practices where it is the case, Member States should be able to authorise that the term 'marmalade' is used for the product name 'jam'. 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. This is also in line with 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 Directive 2001/113/EC accordingly as regards the product name 'marmalade'.

Annex II to Directive 2001/113/EC 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 in the list of additional ingredients laid down in Annex II to Directive 2001/113/EC.

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 lactose-free dehydrated milk products should be authorised. Furthermore, the particular designation for the English term 'evaporated milk' in Annex II to that Directive should be aligned with the international standards defined in the Codex Standard for evaporated milks (Codex Stan 281-1971).

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 of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs was repealed and replaced by Regulation (EU) No 1169/2011. 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 and European Parliament and Council Directive No 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners were repealed and replaced by Regulation (EC) 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives. Those references should therefore be replaced by references to the relevant provisions of Regulation (EU) No 1169/2011 and Regulation (EC) 1333/2008.

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 to 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.

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 end of the transposition period.

2023/0105 (COD)

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[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

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[3] 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

1 OJ C […], […], p. […].
2 OJ C […], […], p. […].
3 Council Directive 2001/110/EC of 20 December 2001 relating to honey (OJ L 10, 12.1.2002, p. 47).

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. 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 on the packaging. In light of the reduced size of the packs containing only a single portion of honey (breakfast packs) and the resulting technical difficulties, it is therefore appropriate to exempt those packs from the obligation of listing all individual countries of origin, where the honey originates in more than one country.

(4) Council Directive 2001/112/EC[4] 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[5] 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[6]. This, together with the fact that fruit juices may not 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.

(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

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4 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).

5 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).

6 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).

choices. It is therefore appropriate to reintroduce, without a time limitation, the possibility for the industry to use the statement indicating that no fruit juices contain 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, taking also into account the need to encourage product reformulation to reduce the amount of sugars present in fruit juices, 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. It is therefore appropriate to add the new category 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.

(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.

(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.

(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 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[7] 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.

(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[8], 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[9]. 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.

(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

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7 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).

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

9 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).

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 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 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 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. This is also in line with 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 in the list of additional ingredients laid down in that Annex.

(19) Council Directive 2001/114/EC[10] 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 lactose-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 with the international standards defined in the Codex Standard for evaporated milks (Codex Stan 281-1971).

(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[11] was repealed and replaced by Regulation (EU) No 1169/2011. Council Directive 89/107/EEC[12] and European Parliament and Council Directive No 95/2/EC[13]

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10 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).

11 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).

12 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).

were repealed and replaced by Regulation (EC) No 1333/2008 of the European Parliament and of the Council[14]. Those references should therefore be replaced by references to the relevant provisions of Regulations (EU) No 1169/2011 and (EC) No 1333/2008.

(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 to 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.

(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,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2001/110/EC

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

(1) 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 paragraph 4, points (a) and (b) are replaced by the following:

'(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 of packs containing more than 25 g;

(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.'.

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13 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).

14 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).

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:

_____

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

'(b) As an alternative to the product names referred to in subparagraph (a), Annex III provides a list of particular designations. The designations listed in Annex III, Part I, may be used in the language and under the conditions laid down therein. The designations listed in Annex III, Part II, may be used in the official language of the Union of the Member State where the product is placed on the market.';

(c) the following paragraph 4 is inserted:

'4. Without prejudice to Regulation (EC) No 1924/2006 of the European Parliament and of the Council**, the statement 'no fruit juices contain added sugars' 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.

** 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 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.';

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

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

‘

Coconut (*)	*Cocos nucifera*	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 4 is deleted;

(c) paragraph 6 is 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 indent is replaced by the following:

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

(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.'.

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 (OJ L 304, 22.11.2011, p. 18).';

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

'(d) Reduction of the lactose content by conversion to glucose and galactose. Modifications in the composition of milk following 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 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 point (d).';

(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	*For the Council*
The President	*The President*