Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée 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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the opinion of the European Parliament[(2)],

Having regard to the opinion of the Economic and Social Committee[(3)],

Whereas:

(1) Certain vertical Directives relating to foodstuffs should be simplified in order to take account only of the essential requirements to be met by the products they cover so that those products may move freely within the internal market, in accordance with the conclusions of the European Council meeting in Edinburgh on 11 and 12 December 1992, as confirmed by those of the European Council meeting in Brussels on 10 and 11 December 1993.

(2) Council Directive 79/693/EEC of 24 July 1979 on the approximation of the laws of the Member States relating to fruit jams, jellies and marmalades and chestnut purée[(4)] 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 establishment and functioning of the common market.

(3) Directive 79/693/EEC was consequently designed to lay down definitions and common rules governing composition, manufacturing specifications and labelling of the products concerned, so as to ensure their free movement within the Community.

(4) Directive 79/693/EEC should be brought into line with general Community legislation on foodstuffs, and in particular legislation on labelling, colouring agents, sweeteners and other authorised additives and, for the sake of clarity, should be recast in order to make the rules on the conditions for the production and marketing of fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption more accessible.

(5) The general food-labelling rules laid down in Directive 2000/13/EC of the European Parliament and of the Council[(5)] should apply subject to certain conditions.

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(6) In order to take account of existing national traditions in the making of fruit jams, jellies and marmalades and sweetened chestnut purée, it is necessary to maintain existing national regulations authorising the marketing of such products with a reduced sugar content.

(7) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Community legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Directive, be better achieved by the Community. This Directive does not go beyond what is necessary in order to achieve the said objective.

(8) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(6)].

(9) To avoid creating new barriers to free movement, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to the products defined in Annex I.

It shall not apply to products intended for the manufacture of fine bakery wares, pastries or biscuits.

Article 2

Directive 2000/13/EC shall apply to the products defined in Annex I hereto, subject to the following conditions:

1. The product names listed in Annex I shall apply only to the products referred to therein and shall be used in trade to designate them.

   The product names used in Annex I may, however, be used in addition to the name and in accordance with practices used to designate other products which cannot be confused with those defined in Annex I.

2. The product names shall be supplemented by an indication of the fruit or fruits used, in descending order of weight of the raw materials used. However, for products manufactured from three or more fruits, the indication of the fruits used may be replaced by the words ‘mixed fruit’ or a similar wording, or by the number of fruits used.

3. The labelling shall indicate the fruit content by including the words ‘prepared with … g of fruit per 100 g’ of the finished product, after deduction of the weight of water used in preparing the aqueous extracts, if appropriate.

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4. The labelling shall indicate the total sugar content by the words 'total sugar content … g per 100 g', the figure indicated representing the value determined by refractometer at 20 °C for the finished product, subject to a tolerance of ± 3 refractometric degrees.

   The sugar content need not, however, be indicated where a nutrition claim is made for sugars on the labelling pursuant to Directive 90/496/EEC[(7)].

5. The particulars referred to in point 3 and the first subparagraph of point 4 shall appear in the same visual field as the product name and in clearly visible characters.

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 6(4) of Directive 2000/13/EC.

Article 3

For the products defined in Annex I, Member States shall not adopt national provisions not provided for by this Directive.

Article 4

Without prejudice to Directive 89/107/EEC[(8)] or to provisions adopted in order to give it effect, only the ingredients listed in Annex II hereto and raw materials which comply with Annex III hereto may be used in the manufacture of the products defined in Annex I hereto.

[F1 Article 5

For the purposes of taking into account technical progress and developments in relevant international standards, the Commission shall be empowered to adopt delegated acts in accordance with Article 6 to amend Annex II and Part B of Annex III.]

Textual Amendments

F1 Substituted by Regulation (EU) No 1021/2013 of the European Parliament and of the Council of 9 October 2013 amending Directives 1999/4/EC and 2000/36/EC of the European Parliament and of the Council and Council Directives 2001/111/EC, 2001/113/EC and 2001/114/EC as regards the powers to be conferred on the Commission (Text with EEA relevance).

[F1 Article 6

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 5 shall be conferred on the Commission for a period of five years from 18 November 2013. The Commission shall draw up a report in respect of the delegation of power not 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 not later than three months before the end of each period.

3 The delegation of power referred to in Article 5 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 5 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months from the date of notification of that act to the European Parliament and the Council or if before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.**]**

Textual Amendments

F1 Substituted by Regulation (EU) No 1021/2013 of the European Parliament and of the Council of 9 October 2013 amending Directives 1999/4/EC and 2000/36/EC of the European Parliament and of the Council and Council Directives 2001/111/EC, 2001/113/EC and 2001/114/EC as regards the powers to be conferred on the Commission (Text with EEA relevance).

Article 7

Directive 79/693/EEC is hereby repealed with effect from 12 July 2003.

References to the repealed Directive shall be construed as references to this Directive.

Article 8

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 12 July 2003. They shall forthwith inform the Commission thereof.

The measures shall be applied so as to:

— authorise the marketing of the products defined in Annex I if they comply with the definitions and rules laid down in this Directive, with effect from 12 July 2003,

— prohibit the marketing of products which do not comply with this Directive, with effect from 12 July 2004.

However, the marketing of products which fail to conform to this Directive but which were labelled before 12 July 2004 in accordance with Directive 79/693/EEC shall be permitted until stocks run out.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such reference shall be adopted by Member States.

Article 9

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 10

This Directive is addressed to the Member States.