Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption

COUNCIL DIRECTIVE 2001/112/EC

of 20 December 2001

relating to fruit juices and certain similar products 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 in order that those products may move freely within the internal market, in accordance with the conclusions of the Edinburgh European Council on 11 and 12 December 1992, as confirmed by those of the Brussels European Council on 10 and 11 December 1993.

(2) Council Directive 93/77/EEC of 21 September 1993 relating to fruit juices and certain similar products[(4)] was intended to codify Directive 75/726/EEC[(5)] on the same subject.

(3) Directives 75/726/EEC and 93/77/EEC had been justified by the fact that differences between national laws concerning fruit juices and nectars intended for human consumption 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.

(4) The said Directives had consequently laid down common rules governing the composition, use of reserved descriptions, manufacturing specifications and labelling of the products concerned, in order to ensure their free movement within the Community.

(5) For the sake of clarity, Directive 93/77/EEC should be recast in order to make the rules on manufacturing and marketing conditions for fruit juices and certain similar products more accessible.

(6) Directive 93/77/EEC should also be brought into line with general Community legislation on foodstuffs, particularly legislation on labelling, colouring matter, sweeteners and other authorised additives.

(7) 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,

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presentation and advertising of foodstuffs[6], and in particular Article 7(2) and (5) thereof, should apply subject to certain conditions. It should be clearly indicated when a product is a mixture of fruit juice and fruit juice from concentrate, and, for fruit nectar, when it is obtained entirely or partly from a concentrated product. The list of ingredients in the labelling bears the names of both the fruit juices and fruit juices from concentrate used.

(8) Subject to Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs[7], the addition of vitamins to the products defined by this Directive is permitted in some Member States. However, the extension of this possibility to the whole of the Community is not envisaged. Therefore, Member States are free to authorise or prohibit the addition of vitamins and also minerals as part of the manufacturing process. In all circumstances, however, the principle of the free movement of products within the Community should be observed in accordance with the rules and principles laid down in the Treaty.

(9) 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.

(10) 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[8].

(11) 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.

[[F1]The products defined in Annex I are subject to provisions of Union law applicable to food, such as Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety[9], unless this Directive provides otherwise.**]**

Textual Amendments

F1 Inserted by 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.

[F2]Article 2

. . . . . .

Textual Amendments

F2 Deleted by 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.

Article 3

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

1. (a) The product names listed in Annex I shall apply only to the products referred to therein and shall, without prejudice to subparagraph (b), be used in trade to designate them.

   (b) As an alternative to the product names referred to in subparagraph (a), Annex III provides a list of particular designations. These designations may be used in the language and under the conditions laid down in Annex III.

2. If the product comes from a single kind of fruit, the name of the latter shall be substituted for the word 'fruit'.

3. **[**[F3]For products manufactured from two or more fruits, except where lemon and/or lime juice are used under the conditions laid down in point 2 of Part II of Annex I, the product name shall be composed of a list of the fruits used, in descending order of the volume of the fruit juices or purées included, as indicated in the list of ingredients. However, in the case of products manufactured from three or more fruits, the indication of the fruits used may be replaced by the words 'several fruits' or a similar wording, or by the number of fruits used.**]**

4. **[**[F2]. . . . .**]**

5. The restoration of the products defined in part I of Annex I to their original state, by means of the substances strictly necessary for this operation, shall not entail an obligation to enter on the labels a list of the ingredients used for this purpose.

   The addition to fruit juice of extra pulp or cells as defined in Annex II shall be indicated on the labelling.

6. Without prejudice to Article 7(2) and (5) of Directive 2000/13/EC 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 '**[**[F4]from concentrate(s)**]**' or '**[**[F4]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.

7. For fruit nectars, the labelling shall indicate the minimum content of fruit juice, fruit purée or any mixture of those ingredients, by the declaration 'fruit content: … % minimum'. That information shall be located in the same field of vision as the product name.

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Textual Amendments

F2 Deleted by 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.

F3 Substituted by 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.

F4 Substituted by Commission Directive 2009/106/EC of 14 August 2009 amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption.

[F3 Article 4

The labelling of concentrated fruit juice referred to in point 2 of Part I of Annex I, not intended for delivery to the final consumer, shall bear a reference indicating the presence and quantity of added lemon juice, lime juice or acidifying agents permitted by Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives[10]. This reference shall appear on one of the following:

— on the packaging,

— on a label attached to the packaging, or

— on an accompanying document.**]**

Textual Amendments

F3 Substituted by 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.

Article 5

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

[F1This Directive shall apply to the products defined in Annex I which are placed on the market within the Union in accordance with Regulation (EC) No 178/2002.**]**

Textual Amendments

F1 Inserted by 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.

Article 6

Without prejudice to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption[11], only the treatments and substances listed in part II of Annex I and the raw materials complying with Annex II may be used to manufacture the products defined in part I of Annex I. Moreover, fruit nectars shall comply with the provisions of Annex IV.

[F3 Article 7

In order to bring the Annexes to this Directive into line with developments in relevant international standards and to take into account technical progress, the Commission shall be empowered to adopt delegated acts in accordance with Article 7a to amend the Annexes to this Directive, with the exception of Part I of Annex I, and of Annex II.**]**

Textual Amendments

F3 Substituted by 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.

[F1 Article 7a

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 7 shall be conferred on the Commission for a period of five years from 28 October 2013. The Commission shall draw up a report in respect of the delegation of power 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 7 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.

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 7 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 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 Inserted by 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.

F2 Article 8

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