Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption

COUNCIL DIRECTIVE 2001/111/EC

of 20 December 2001

relating to certain sugars 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 European Council held in Edinburgh on 11 and 12 December 1992, as confirmed by those of the European Council in Brussels on 10 and 11 December 1993.

(2) Council Directive 73/437/EEC of 11 December 1973 on the approximation of the laws of the Member States concerning certain sugars intended for human consumption[(4)] was justified by the fact that differences between national laws on certain categories of sugar 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 73/437/EEC was consequently designed to lay down definitions and common rules on the manufacturing characteristics, packaging and labelling of the products concerned so as to ensure their free movement within the Community.

(4) The Commission intends to propose, as quickly as possible, and at all events before 1 July 2000, the inclusion in Council Directive 80/232/EEC of 15 January 1980 on the approximation of the laws of the Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain prepackaged products[(5)] of a range of nominal weights of the products covered by this Directive.

(5) Directive 73/437/EEC should be recast in order to make the rules on manufacturing and marketing conditions relating to certain sugars intended for human consumption more accessible and, furthermore, in order to bring it into line with general Community legislation on foodstuffs, particularly legislation on labelling, colouring matter and other authorised additives, extraction solvents and methods of analysis.

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(6) The general food-labelling rules laid down in Directive 2000/13/EC of the European Parliament and of the Council[6] should apply subject to certain conditions.

(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[7].

(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 Part A of the Annex.

However, this Directive shall not apply to the products defined in Part A of the Annex when they take the following forms: icing sugars, candy sugars, sugars in loaf form.

Article 2

Directive 2000/13/EC shall apply to the products defined in Part A of the Annex hereto subject to the following conditions and derogations:

1. Without prejudice to point 5 below, the product names listed in Part A of the Annex shall apply only to the products referred to therein and shall be used in trade to designate them.

   The product name referred to in point 2 of Part A of the Annex may also be used to designate the product referred to in point 3 thereof.

   However,

   — the products defined in Part A of the Annex may, in addition to the compulsory product name, also bear qualifying terms commonly used in the various Member States;

   — the product names may also be used in product names made up to designate other products, in accordance with custom,

   provided that such names are not liable to mislead the consumer.

2. For pre-packaged products weighing less than 20 g, the net weight need not be indicated on the labelling.

3. The labelling shall indicate the dry matter and invert sugar content of sugar solution, invert sugar solution and invert sugar syrup.

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4. The labelling shall include the qualifying term ‘crystallised’ for invert sugar syrup incorporating crystals in the solution.

5. Where the products referred to in points 7 and 8 of Part A of the Annex contain fructose in proportions greater than 5 % on a dry matter basis, they shall, in respect of their product name and as ingredients, be labelled as ‘glucose-fructose syrup’ or ‘fructose-glucose syrup’ and ‘dried glucose-fructose syrup’ or ‘dried fructose-glucose syrup’, respectively, to reflect whether the glucose component or the fructose component is in greater proportion.

Article 3

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

[*F1**Article 4*

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 5 to amend Part B of the Annex.**]**

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 5*

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 4 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 4 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 4 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.**]**

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Article 6

Directive 73/437/EEC is hereby repealed with effect from 12 July 2003.

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

Article 7

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 Part A of the Annex if they conform to the definitions and rules laid down in this Directive, with effect from 12 July 2003;

— prohibit the marketing of products which fail to conform to 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 73/437/EEC shall be permitted until stocks run out.

When Member States adopt these measures, these 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 8

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

Article 9

This Directive is addressed to the Member States.