COUNCIL DIRECTIVE

of 14 June 1989

amending for the third time Directive 75/726/EEC on the approximation of the laws of the Member States concerning fruit juices and certain similar products

(89/394/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100a thereof,

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

In cooperation with the European Parliament (2),

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

Whereas Directive 75/726/EEC (4), as last amended by the Act of Accession of Spain and Portugal, makes no provision for the possibility of producing fruit nectars without the addition of sugar; whereas in view of changes in eating habits the existence of such products should be envisaged;

Whereas it is not possible to extract the juice of certain tropical fruits without the pulp; whereas it therefore appears necessary to provide for the possible use of fruit purée in the manufacture of certain fruit juices;

Whereas the option of replacing all sugars by honey within the limits laid down should be extended to all fruit nectars, and the option of using sugars and honey together in certain nectars should be removed;

Whereas the sweetening of certain concentrated fruit juices should be authorized only if they are intended for direct sale to the consumer, since the sweetening may not exceed the permitted limits at the final stage,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 75/726/EEC is hereby amended as follows:

1. Article 1 (7) shall be replaced by the following:

'7. **Fruit nectar:**

(a) The unfermented but fermentable product obtained by the addition of water and sugars to fruit juice, concentrated fruit juice, fruit purée, concentrated fruit purée or to a mixture of these products which also conforms with the Annex.

(b) However, it may be decided under the procedure in Article 14 that, in the case of certain fruits whose juice has a high natural sugar content, nectar may be produced from them without the addition of sugars.'

2. Article 4 (1) (a) shall be replaced by the following:

'(a) the mixing of one or more kinds of fruit juices and/or fruit purées (as defined in Article 1 (2) and (5));'.

3. Article 7 (2) (c) and (d) shall be replaced by the following:

'(c) the total replacement of sugars with honey, within the 20 % limit specified in (a);

(d) in the case of the production of the fruit nectars referred to in Article 3 (2) (c) which are obtained from apples, pears or peaches or a mixture of these fruits, the addition of citric acid in a quantity not greater than five grams per litre of finished product; the citric acid may, however, be replaced totally or partially by an equivalent quantity of lemon juice.'

4. Article 7 (3) and (4) shall be deleted.

5. Article 8 (a) shall be replaced by the following:

'(a) the treatments and processes listed in Article 4 with the exception of the provisions in paragraph 2 (a). However, the addition of sugars provided for in that point (a) shall be authorized only for prepackaged concentrated fruit juices intended for the ultimate consumer and provided that the sweetening is indicated in the description; in that case the total quantity of sugars added expressed in relation to the volume of the juice "obtained from concentrated . . ." may not exceed the limit authorized in Article 4 (2) (a) (i) and (ii).

(1) OJ No C 24, 31. 1. 1987, p. 12.
(2) OJ No C 122, 9. 5. 1988, p. 78, and OJ No C 120, 16. 5. 1989.
(3) OJ No C 150, 2. 6. 1987, p. 16.
(4) OJ No L 311, 1. 12. 1975, p. 40.