

Opinion of the European Economic and Social Committee on the Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption

COM(2010) 490 final

(2011/C 84/09)

Rapporteur working without a study group: **Pedro NARRO**

On 23 September and 7 October 2010 respectively the European Parliament and the Council decided to consult the European Economic and Social Committee, under Article 43(2) of the Treaty on the Functioning of the European Union, on the

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption

COM(2010) 490 final.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 15 December 2010.

At its 468th plenary session, held on 19 and 20 January 2011 (meeting of 20 January 2011), the European Economic and Social Committee adopted the following opinion by 159 votes to three with six abstentions.

1. Conclusions

1.1 The EESC supports the European Commission's initiative to amend Directive 2001/112 for the second time to make it comply with the Codex Alimentarius for fruit juices and nectars. Nevertheless, this compliance procedure should not just single out certain very specific aspects of the Directive, but should apply generally to all points of the aforementioned Community legislation.

1.2 The ban on adding sugar to fruit juices is an appropriate means of helping to prevent obesity. Nevertheless, the EESC does not support the additional obligation to label nectars as containing added sugar: the measure could mislead consumers, would constitute flagrant discrimination vis-à-vis other products and is not included in the Codex Alimentarius.

1.3 The EESC regrets that the proposal for a Directive omits the addition of up to 10 % mandarin orange juice to orange juice in the section on authorised ingredients. The Codex Alimentarius rules, with which the Directive aims to comply, authorises this technique which is widely used at international level and should thus be included in the text of the Directive.

1.4 The wording of the second part of Annex II should expressly mention the possibility that the fruit intended to be made into juices and fruit purées may be processed post harvest.

1.5 The EESC is pleased that tomatoes are included in the list of fruits used for fruit juice production.

1.6 The EESC is pleased that the dual classification/description differentiating between fruit juices (obtained

directly from crushing or pressing the fruit) and juices made from concentrates (obtained by reconstituting concentrated juices by addition of water) has been maintained. This differentiation ensures that consumers are given accurate information. It is important to maintain this distinction and that no nuances are included that might broaden the interpretation of the two definitions.

1.7 The EESC welcomes the fact that the European Commission's proposal allows the restitution of aromas in juices made from concentrate to be optional.

2. Context and summary of the Commission proposal

2.1 The European Commission is proposing a second amendment of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption. The aforementioned Directive sets out the technical provisions governing the composition, description, manufacturing specifications and labelling of the products concerned.

2.2 Directive 2001/112 was first amended by Directive 2009/106/EC. This technical amendment was undertaken to make Community legislation comply with the Codex Alimentarius for fruit juices and nectars (STAN 247-2005, which establishes quality criteria and labelling requirements for fruit juices and certain similar products) and the AIJN (European Fruit Juice Association) Code of Practice. The changes made essentially affected the establishment of minimum Brix values for 18 reconstituted fruit juices and fruit purées and of the sales name to be used for fruit juices from concentrate. The final date for transposition is 1 January 2011.

2.3 The Proposal for a Directive of the European Parliament and of the Council, COM(2010) 490, that is the subject of this opinion, is a second amendment of a distinctly technical nature which, like the first amendment, is based on including a series of provisions from the Codex Alimentarius that reflect the stipulations of the AIJN Code of Practice. The main new features of this proposal for a directive are the following:

- Removing sugar from the list of authorised ingredients for fruit juices. Nectars and specific products of Annex III may be sweetened by the addition of sugars or honey. The sales name must include the word 'sweetened' or 'with added sugar', followed by an indication of the maximum quantity of sugar added.
- Simplification of the provisions governing the restitution of flavour and aroma.
- The inclusion of tomatoes in the list of fruits used for fruit juice production.

2.4 The proposal for a Directive will follow the ordinary legislative procedure set out in the Treaty on the Functioning of the European Union. Member States will have 18 months to transpose the Directive into their national legislations once it has been approved.

3. Comments

3.1 The proposal for a Directive that is the subject of this opinion is primarily based on the need to make Community rules comply with international legislation, more precisely, the Codex Alimentarius for fruit juices and fruit purées. Thus, the Commission's proposed amendments should not depart in any way from the internationally accepted Codex Alimentarius provisions. On the other hand, it would be useful to include new provisions in line with those set out in the Codex Alimentarius.

3.2 One of the most important amendments included in the proposal for a Directive is the ban on adding sugar to fruit

juices and making it compulsory to indicate in the sales name that it has been added to nectars. The Commission-led ban is clearly justified in the context of the European strategy for preventing obesity. Nevertheless, in the case of nectars, the proposal departs from the provisions of the Codex Alimentarius, has no precedents as regards other products (soft drinks), is inconsistent with the horizontal regulations on labelling and seems unnecessary, given that the actual definition of nectars already indicates the addition of sugar.

3.3 The Commission proposal omits the option of adding mandarin orange juice without needing to label the product as a mixture of juices. However, the Codex Alimentarius (STAN 45-1981) allows the addition of up to 10 %, and this technique is used widely at international level by the main producer countries such as Brazil and the United States. In terms of globalised markets, the requirements of Directive 2001/112/EC put European citrus producers and their cooperatives at a competitive disadvantage compared with third countries. The EESC considers it necessary to make the European denomination 'orange juice' comply with the international rules of the Codex Alimentarius and thus supports the inclusion of up to 10 % mandarin orange juice as an authorised ingredient of orange juice. Adding mandarin orange juice to orange juice is justifiable because the two citrus species are botanically close and have similar organoleptic characteristics. Indeed, from an analytical point of view, this addition causes no discernable quality change.

3.4 The definition of fruit contained in Annex II (Definitions of Raw Materials) should clearly include treatment post harvest in the case of fruit intended for processing.

3.5 The EESC supports the inclusion of tomatoes in the list of fruits for fruit juice production and welcomes the fact that the two sales names for fruit juices and juices made from concentrate has been retained, thereby ensuring that consumers are given accurate information, and the fact that restituting the aroma of juices made from concentrate is an option.

Brussels, 20 January 2011.

The President
of the European Economic and Social Committee
Staffan NILSSON
