

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DIRECTIVE

of 30 June 1981

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

(81/487/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Whereas Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer<sup>(3)</sup>, pursuant to the first paragraph of Article 20 thereof, did not affect the provisions of Directive 75/726/EEC<sup>(4)</sup>, as last amended by the 1979 Act of Accession, relating to the labelling and presentation of fruit juices and similar products;

Whereas these provisions should, pursuant to the second paragraph of Article 20 of Directive 79/112/EEC, be adapted to the rules laid down in the said Directive, including those granting exemption or having a transitional nature;

Whereas the implementation of the new labelling arrangements for fruit juices and similar products should coincide simultaneously with that of Directive 79/112/EEC;

Whereas, pending the adoption of Community provisions in this field, the Member States should, for the time being, be free to lay down rules governing the labelling of products not for sale to the ultimate consumer,

HAS ADOPTED THIS DIRECTIVE :

*Article 1*

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

1. Article 11 shall be replaced by the following :

*'Article 11*

1. Directive 79/112/EEC shall apply to the products defined in Article 1 (5) to (8), in accordance with the following provisions.

2. (a) The names under which the products defined in Article 1 (5) to (8) are sold shall be the name reserved for them pursuant to Article 3 (1), (2) and (3).

<sup>(1)</sup> OJ No C 175, 14. 7. 1980, p. 87.

<sup>(2)</sup> OJ No C 182, 21. 7. 1980, p. 31.

<sup>(3)</sup> OJ No L 33, 8. 2. 1979, p. 1.

<sup>(4)</sup> OJ No L 311, 1. 12. 1975, p. 40.

However :

- (i) the use of the description "fruit nectar" may be made optional by Member States for one or more of the products referred to in Article 3 (2) where the descriptions listed therein are used to designate these products ;
  - (ii) for the product defined in Article 1 (8), the adjective "dried" may be replaced by the adjective "powdered" and may be accompanied or replaced by particulars of the specific process used (e.g. freeze-dried or any other similar reference).
- (b) The names under which they are sold shall be supplemented :
- (i) for products manufactured from two or more kinds of fruit, except as regards the use of lemon juice in accordance with Article 7 (2) (d), by a list of the fruits used, in descending order of the weight of the fruit juices or purées included, where appropriate after restoration ; the use of the term "fruit" shall be optional in this case ;
  - (ii) for products with sugar added within the limits laid down in Article 4 (2) (a) (ii), by the description "sweetened", followed by an indication of the maximum quantity of sugars added, calculated as dry matter and expressed as grams per litre ; the quantity indicated may not exceed the actual quantity added by more than 15 % ;
  - (iii) for the fruit nectars referred to in Article 3 (2) (c) which are not designated by the description "succo e polpa" alone, in accordance with the national provisions referred to in (a) (i), by the description "contains fruit pulp" or an equivalent description.
3. An obligation to declare the list of ingredients shall apply, subject to the following derogations :
- (a) (i) the restoration to its original state, by means of the substances strictly necessary for this operation :
    - of fruit juice from a concentrated fruit juice,
    - of a fruit purée from concentrated fruit purée ;

(ii) the restoration of the flavour :

- to concentrated fruit juice,
- to dried fruit juice,

shall not involve an obligation to declare the list of the ingredients used for this purpose.

- (b) The substances listed in the first indent of Article 4 (2) (b) shall not be considered as ingredients of one of the products defined in Article 1 (5) to (8) where the sulphur dioxide content of these products, as determined by analysis, does not exceed 10 mg per litre.

4. Indication of the following particulars shall also be compulsory on the labelling of the products defined in Article 1 (5) to (8) :

- (a) for fruit juice and nectar obtained wholly or partially from a concentrated product, the declaration "contains . . . made from concentrate", plus the name of the concentrated product used ; this declaration shall appear in the immediate vicinity of the product name, standing out prominently in bold lettering ;
- (b) for the products defined in Article 1 (5), (6) and (7), the carbon dioxide content of which is greater than 2 g per litre, the description "carbonated" ;
- (c) for concentrated fruit juice and dried fruit juice, an indication of the quantity of water to be added to restore the product ;
- (d) for fruit nectars, the actual minimum content of fruit juice, fruit purée or mixture of these ingredients, by the declaration "fruit content : . . . % minimum".

5. The particulars referred to in paragraph 4 (a), (b) and (d) shall appear in the same field of vision of those referred to in Article 11 (3) (a) of Directive 79/112/EEC.

6. The addition of L-ascorbic acid as provided for in Article 4 (1) (b) shall not authorize any reference to Vitamin C.'

2. The following Article shall be inserted :

*Article 11a*

Without prejudice to the provisions to be adopted by the Community in this field, the Member States shall remain free to determine the labelling rules for the products referred to in Article 2 (2) which are not to be delivered as such to the ultimate consumer.'

*Article 2*

Member States shall amend their laws as necessary to comply with this Directive and shall forthwith inform the Commission thereof. The laws thus amended shall apply so as to :

- permit not later than 1 July 1983 trade in those products which comply with this Directive,
- prohibit as from 1 July 1984 trade in those products which do not comply with this Directive.

*Article 3*

This Directive is addressed to the Member States.

Done at Luxembourg, 30 June 1981.

*For the Council*

*The President*

G. BRAKS

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