

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 332 final

Brussels, 19 July 1978

Proposal for a  
COUNCIL DIRECTIVE  
amending Directive 75/726/EEC on the approximation of the laws  
of the Member States concerning fruit juices and  
certain similar products

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(submitted to the Council by the Commission)

COM(78) 332 final



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EXPLANATORY MEMORANDUM

1. Article 7(2)(d) of Council Directive 75/726/EEC of 17 November 1975 on the approximation of the laws of the Member States concerning fruit juices and certain similar products<sup>1</sup>, authorizes the addition of citric acid or lemon juice to pulpy nectars obtained from pears or peaches or a mixture of the two.

This authorization needs to be extended to pulpy nectars obtained from sweet cherries and apples, as the (natural) acid content of some of these fruits harvested in the Community is too low.

2. The Annex to the Directive fixes the minimum (natural) acid content of fruit nectars.

The Commission has been informed that the acidity figures adopted for apples, pears, peaches and citrus fruits did not permit the use of a large proportion of Community production because of the low natural acid content. The figures need therefore to be reduced so that these fruits can be used.

At the same time, it is advisable not to apply the criterion of minimum (natural) acid content to pulpy nectars which can be acidified, as this criterion has no purpose in the case of products whose acid content can be corrected by the addition of acid.

3. The second indent of the second subparagraph of Article 18(1) of Directive 75/726/EEC obliges Member States to prohibit trade in those products which do not comply with the Directive three years after notification<sup>2</sup>.

The Commission proposes that this time limit be extended to four years for the Member States who desire it. The market in fruit juices and nectars is at present going through a difficult period as a result of the very poor weather in the summer of 1977 which affected sales. The fact

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<sup>1</sup>OJ No L 311, 1.12.1975, p. 40

<sup>2</sup>The Directive was notified to the Member States on 19 November 1975

that consumption was lower than forecast led in several Member States to the formation of stocks which cannot be disposed of within the time fixed by Directive 75/726/EEC. The Member States should therefore be allowed to extend this deadline in order to avoid loss.

4. The Commission takes the opportunity of this amendment to propose the correction of an error in Article 16(1)(e) of Directive 75/726/EEC.

This subparagraph allows Member States to authorize the substitution of lactic acid for citric acid in nectars obtained from apples or pears or from a mixture of these fruits. However, Article 7(2)(d) of Directive 75/726/EEC restricts the addition of acid to pulpy nectars, and this restriction must therefore be included in Article 16(1)(e).

5. When preparing this proposal, the Commission obtained the opinion of the Member States and of the Advisory Committee on Foodstuffs.
6. This proposal is based on Article 43 and 100 of the Treaty since it concerns both agricultural and non-agricultural products.

Consultation of the European Parliament is required by Article 43. In addition, the second paragraph of Article 100 stipulates that the European Parliament and the Economic and Social Committee must be consulted as implementation of the proposed Directive will involve the amendment of legislation in some Member States.

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

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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,

Having regard to the Opinion of the Economic and Social Committee,

Whereas Article 7(2)(d) of Council Directive 75/726/EEC of 17 November 1975  
on the approximation of the laws of the Member States concerning fruit  
juices and certain similar products<sup>1</sup>, authorizes the addition of citric  
acid or lemon juice to pulpy nectars obtained from pears or peaches or a  
mixture of the two;

Whereas this practice should be extended to pulpy nectars obtained from  
sweet cherries and apples, in view of the low natural acid content of  
certain of these fruits harvested in the Community;

Whereas the Annex to Directive 75/726/EEC fixes the minimum natural  
acid content for fruit nectars;

Whereas the figures for nectars obtained from apples, pears, peaches and  
citrus fruits are in certain cases too high in view of the intrinsic  
analytic characteristics of some of the fruit produced in the Community;  
whereas these figures should therefore be lowered;

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<sup>1</sup>OJ No L 311, 1.12.1975, p. 40

Whereas the minimum natural acid content has no significance in the case of products whose acid content can be corrected by the addition of an acid; whereas, therefore, this criterion should not apply to these products;

Whereas the second indent of the second subparagraph of Article 18(1) of Directive 75/726/EEC obliges Member States to prohibit trade in those products which do not comply with the Directive three years after notification;

Whereas, because of poor sales in 1977, it will not always be possible to dispose of existing stocks before this deadline; whereas the Member States should therefore be authorized to extend the time limit to four years;

Whereas Article 16(1)(e) allows Member States to authorize the substitution of lactic acid for citric acid for the acidification of certain nectars; whereas this possibility should be restricted to pulpy nectars,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. Article 7(2)(d) shall read:

"(d) in the case of the production of the fruit nectars referred to in Article 3(2)(c) which are obtained from apples, pears, peaches, sweet cherries or a mixture of these fruits, the addition of citric acid in a quantity not exceeding 5 grams per litre of finished product; the citric acid may, however, be replaced totally or partially by an equivalent quantity of lemon juice."

2. Article 16(1)(e) shall read:

"(e) up to 5 grams per litre of lactic acid may be added to the fruit nectars referred to in Article 3(2)(c), where these are obtained from apples or pears or from a mixture of these fruits";

3. The second indent of the second subparagraph of Article 18(1) shall read:  
" - prohibit trade in those products which do not comply with this Directive three years after notification. This time limit may be extended to four years by the Member States".
4. The Annex shall be replaced by the Annex hereto.

Article 2

Member States shall take all necessary steps to comply with this Directive with effect from 1 July 1979, and shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels

For the Council

The President

## ANNEX

SPECIAL PROVISIONS RELATING TO FRUIT NECTARS

Nectars made from	Minimum total acid content expressed as tartaric acid (g per litre of finished product)	Minimum juice and/or puree content (% by weight of finished product)
<b>I. <u>Fruits with highly acid juice inedible in their natural state</u></b> Guavas 6 25 Passion fruit ( <i>Passiflora edulis</i> ) 8 25 Blackcurrants 8 25 Whitecurrants 8 25 Redcurrants 8 25 Gooseberries 9 30 Sallow-thorn berries 9 25 Sloes 8 30 Plums 6 30 Quetsches 6 30 Rowanberries 8 30 Rose hips (fruits of <i>Rosa</i> sp.) 8 40 Sour cherries 8 35 Other cherries 6(1) 40 Bilberries 7 40 Elderberries 7 50 Raspberries 7 40 Apricots 6(1) 40 Strawberries 5(1) 40 Mulberries/blackberries 6 40 Cranberries 9 30 Quinces 7 50 Azaroles (Neapolitan medlars) 8 30 Other fruits belonging to this category - 25		
<b>II. <u>Fruits with juice edible in their natural state</u></b> Apples 2.5(1) 50 Pears 2.5(1) 50 Peaches 3(1) 45 Citrus fruits 5 50 Other fruits belonging to this category - 50		

(1) Limit not applicable in the case of the product referred to in Article 3(2)(c)