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

(submitted to the Council by the Commission)

COM(78) 332 final

EXPLANATORY MEMORANDUM

1. Article 7(2)(d) of Council Directive 75/726/EEO of 17 November 1975 on the approximation of the laws of the Member States concerning fruit juices and certain similar products¹, 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 oriterion 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 notification².

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

¹OJ No L 311, 1.12.1975, p. 40

²The 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 Nember States.

∞ 2 æ

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

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 products¹, 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 oitrus 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;

¹OJ No L 311, 1.12.1975, p. 40

Whereas the second indent of the second subparagraph of Article 18(1) of Directive 75/726/EEC obliges Nember 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)(o) 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:

"(°) 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

AINME

SPECIAL NECTARS PROVISIONS MELATING TO FRUIT

• Fruits with highly add into imedible in their natural state Gaavas Passion fruit (Passiflors edults) Blackourrants Matteourrants Redourrants Rodourrants Rodourants Rodourants Rodourants Rodourants Rodourants Rodourants Rodourants	Noctars made from	Minimum total acid content expressed as tartaric acid (g'per litre of finished product)	Minimum juice and/ or purée contant (% by weight of finished product)
Passion fruit (Passiflora edulis)325Blackourrants825Whiteourrants825Redourrants825Gooseberries930Salow-thorn berries930Sloes925Sloes830Plums630Quetsches630Rowanberries830Rowanberries830Rowanberries630Rowanberries630Sour cherries830Sour cherries6(1)40Siberries740Biberries740Strawberries750Raspberries6(1)40Strawberries640Strawberries750Apples930other fruits belonging to this category7Pears2.5(1)50Pears2.5(1)50Pears3(1)45Other fruits belonging to this category5Sour fulls550	Fruits with highly acid juice inedible in their natural state		
Nickourrants825Miteourrants825Redourrants825Redourrants825Gooseherries930Sallow-thorn berries930Sless830Plums630Quetsches630Rose hips (fruits of Rosa sp.)8Sour oherries8Rose hips (fruits of Rosa sp.)8Sour oherries6(1)Bilberries7Apricots6(1)Apricots6(1)Apricots6(1)Cramberries9Other fruits belonging to this7category-I- Fruits with juice edible in their natural stateApples2.5(1)Pears2.5(1)Sour ohers3(1)4550Other fruits belonging to this category-5050Other fruits belonging to this category-5050Chruits fruits50Sour ohers3(1)4550Strawberries50Sour ohers50Sour		6	25
Miniteourrants825Redourrants825Gooseberries930Sellow-thorn berries925Sloes930Plums630Quetsches630Rowenberries630Rowenberries840Sour cherries840Sour cherries840Sour cherries6(1)40Bilberries740Bilberries740Apricots750Raspberries6(1)40Mulberries/blackborries640Cranberries930Other fruits belonging to this7category-25I. Fruits with juice edible in their natural state50Apples2.5(1)50Peans2.5(1)50Peans2.5(1)50Peans550Other fruits belonging to this category50Other fruits belonging to this category50		.8/1 0	
Notice930Geoseberries930Sallow-thorn berries925Sless830Plums630Quetsches630Rowanberries630Rose hips (fruits of Rosa sp.)840Sour cherries830Other cherries830Strawberries740Bilberries740Bilberries740Strawberries6(1)40Strawberries5(1)40Mulberries/blackborries640Granberries930Quinces930Agaroles (Neapolitan medlars)830Other fruits belonging to this-25Is Fruits with juice edible in their natural state3(1)45Apples2.5(1)50Pears3(1)45Other fruits belonging to this550Other fruits belonging to this550			
Notice930Geoseberries930Sallow-thorn berries925Sless830Plums630Quetsches630Rowanberries630Rose hips (fruits of Rosa sp.)840Sour cherries830Other cherries830Strawberries740Bilberries740Bilberries740Strawberries6(1)40Strawberries5(1)40Mulberries/blackborries640Granberries930Quinces930Agaroles (Neapolitan medlars)830Other fruits belonging to this-25Is Fruits with juice edible in their natural state3(1)45Apples2.5(1)50Pears3(1)45Other fruits belonging to this550Other fruits belonging to this550		8	-
Sallow-thorn berries925Sloes830Plums630Quetsches630Rowanberries630Rowanberries840Sour cherries840Sour cherries6(1)40Bilberries740Bilberries740Bilberries740Apricots6(1)40Strawberries640Apricots6(1)40Strawberries640Other fruits belonging to this category725I. Fruits with juice edible in their natural state30Apples2.5(1)50Pears2.5(1)50Other fruits belonging to this category-50Other fruits belonging to this category-50			
Slees830Plums630Quetsches630Rowanberries630Rose hips (fruits of Rosa sp.)840Sour cherries6(1)40Dilberries740Bilberries740Bilberries740Apricots6(1)40Strawberries740Mulberries/blackberries7Mulberries/blackberries6(1)Mulberries/blackberries6Mulberries9Quinces7Azarcles (Neapolitan medlars)8Other fruits belonging to this category-252.5(1)Pears2.5(1)Pears3(1)Other fruits belonging to this category50Citrus fruits3(1)Solution5Solution5Solution5		1 ó	
Flums630Quetsches830Rowamberries830Rose hips (fruits of Rosa spe)840Sour cherries840Sour cherries6(1)40Bilberries740Bilberries740Bilberries740Strawberries740Apricots5(1)40Strawberries740Mulberries/blackberries640Cramberries930Quinces750Azaroles (Neapolitan medlars)830Other fruits belonging to this category-25Is Fruits with juice edible in their matural state5050Apples2.5(1)5050Pears2.5(1)5050Citrus fruits55050Other fruits belonging to this category-50		8	
Quetsches630Rowanberries830Rose hips (fruits of Rosa sp.)830Sour cherries835Other cherries835Other cherries740Bilberries740Bilberries740Apricots740Apricots5(1)40Mulberries/blackberries6(1)40Nulberries/blackberries640Opinoes730Azarcles (Neapolitan medlars)830Other fruits belonging to this category-25I. Fruits with juice edible in their natural state3(1)45Other fruits belonging to this category-50Peaches3(1)4550Other fruits belonging to this category-50		6	
Rose hips (fruits of Rosa sp.)840Sour cherries835Other cherries6(1)40Bilberries740Bilberries750Raspberries740Apricots5(1)40Strawberries6(1)40Mulberries/blackberries640Cranberries930Quinces930Quinces750Azarcles (Neapolitan medlars)830Other fruits belonging to this category-25I. Fruits with juice edible in their natural state2.5(1)50Peaches3(1)4550Other fruits belonging to this category503(1)Other fruits belonging to this category5050Other fruits belonging to this category5050Sources3(1)50Sources5050Other fruits belonging to this category50	T F F F	6	30
Sour cherries835Other cherries6(1)40Bilberries740Elderberries750Raspberries740Apricois6(1)40Strawberries6(1)40Mulberries/blackberries640Cranberries930Quinces750Azarcles (Neapolitan medlars)830Other fruits belonging to this category-25I. Fruits with juice edible in their natural state2.5(1)50Peaches3(1)4550Other fruits belonging to this category-50	Rowanberries	8	
Other cherries6(1)40Bilberries740Elderberries750Raspberries740Apricots6(1)40Mulberries/blackborries640Cranberries640Quinces630Agarcles (Neapolitan medlars)830Other fruits belonging to this category25I. Fruits with juice edible in their natural state205(1)50Pears205(1)50Pears3(1)45Other fruits belonging to this category50Other fruits belonging to this category50	Rose hips (fruits of Rosa sp.)	8	
Bilberries740Elderberries750Raspberries740Apricots6(1)40Strawberries640Strawberries640Cranberries930Quinces750Azarcles (Neapolitan medlars)830Other fruits belonging to this category25I. Fruits with juice edible in their natural state2.5(1)50Pears2.5(1)50Pears2.5(1)50Other fruits belonging to this category50Other fruits belonging to this category50Other fruits belonging to this category50		8	
Elderberries750Raspberries740Apricots6(1)40Strawberries5(1)40Mulberries/blackbouries640Cranberries930Quinces750Azaroles (Neapolitan medlars)830Other fruits belonging to this25I. Fruits with juice edible in their matural state2.5(1)Apples2.5(1)50Pears2.5(1)50Straw fruits3(1)Citrus fruits belonging to this5Other fruits belonging to this5Other fruits belonging to this5		6(1)	
Raspberries740Apricots5(1)40Strawberries5(1)40Mulberries/blackberries640Cranberries930Quinces750Azaroles (Neapolitan medlars)830Other fruits belonging to this25I. Fruits with juice edible in their natural state2.5(1)Apples2.5(1)50Pears2.5(1)50Pears3(1)45Other fruits belonging to this50Other fruits belonging to this50Citrus fruits50Other fruits belonging to this50Citrus fruits50Other fruits belonging to this50Citrus fruits50Other fruits belonging to this50Citrus fruits50Citrus fruits		7	
Apricots6(1)40Strawberries5(1)40Mulberries/blackberries640Cranberries930Quinces750Azarcles (Neapolitan medlars)830Other fruits belonging to this category25I. Fruits with juice edible in their natural state2.5(1)50Apples2.5(1)50Pears Citrus fruits2.5(1)50Souther fruits belonging to this category50Souther fruits belonging to this category50		7	
Strawberries 5(1) 40 Mulberries/blackberries 6 40 Cranberries 9 30 Quinces 7 50 Azarcles (Neapolitan medlars) 8 30 Other fruits belonging to this 25 I. Fruits with juice edible in 2.5(1) their natural state 2.5(1) Apples 2.5(1) Pears 2.5(1) Peaches 3(1) Citrus fruits belonging to this 50 other fruits belonging to this 50 other fruits belonging to this 50 0 ther fruits belonging to this 50		7	a
Mulberries/blackberries640Cranberries930Quinces750Azaroles (Neapolitan medlars)830Other fruits belonging to this category25I. Fruits with juice edible in their matural state25Apples2.5(1)Pears Peaches2.5(1)Other fruits belonging to this category50Other fruits belonging to this category50Souther fruits belonging to this category50			
Cranberries930Quinces750Azarcles (Neapolitan medlars)830Other fruits belonging to this category25I. Fruits with juice edible in their natural state25Apples2.5(1)Pears2.5(1)Pears2.5(1)Feaches3(1)Citrus fruits50Other fruits belonging to this category50	Strawberries)(1)	·
Quinces750Azarcles (Neapolitan medlars)830Other fruits belonging to this category25I. Fruits with juice edible in their natural state25Apples2.5(1)Pears2.5(1)Feaches3(1)Citrus fruits50Other fruits belonging to this category505050	witt deliged dieck deliged		
Azarcles (Neapolitan medlars) 8 30 Other fruits belonging to this category 25 I. Fruits with juice edible in their natural state 25 Apples 2.5(1) Pears 2.5(1) Pears 30 Other fruits belonging to this category 50 Other fruits belonging to this category 50		7	1
Other fruits belonging to this category25I. Fruits with juice edible in their natural state25Apples Pears Peaches Citrus fruits Other fruits belonging to this category2.5(1) 2.5(1) 50 3(1)50 50 50 50 50			
category 25 I. Fruits with juice edible in their natural state Apples Pears Peaches Citrus fruits Citrus fruits belonging to this category 50 205(1) 3(1) 50 205(1) 50 205(1) 50 3(1) 50 50 50 50 50 50 50 50 50 50			
I. Fruits with juice edible in their natural state Apples 2.5(1) 50 Pears 2.5(1) 50 Peaches 3(1) 45 Citrus fruits 50 50 Other fruits belonging to this 50 50 Solution 50 50 Solution 50 50 Other fruits belonging to this 50 50 Solution 50 50		CBD CED	25
their natural stateApplesPearsPeachesCitrus fruitsOther fruits belonging to thiscategory			
Apples2.5(1)50Pears2.5(1)50Peaches3(1)45Citrus fruits550Other fruits belonging to this550cetegory-50			
Pears2.5(1)50Peaches3(1)45Citrus fruits550Other fruits belonging to this550cetegory-50	their natural state		
Citrus fruits Other fruits belonging to this category 50		2.5(1)	50
Citrus fruits 5 50 Other fruits belonging to this 5 category 50		2.5(1)	50
Citrus fruits 5 50 Other fruits belonging to this 5 category 50		3(1)	45
category 50		5	50
	ceregory		50
		- Martin Balance and a state of the second state of the second state of the second state of the second state of	
1) Limit not applicable in the case of the product referred to in Article	I Limit not conlinate in the and	a of the sealest all	mad the dre trability -

÷

•