

TRANSPOSITION NOTE

The Fruit Juices and Fruit Nectars (Scotland) Regulations 2013 (“the 2013 Regulations”)

This transposition note relates to Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (“Directive 2001/112”) as most recently amended by Directive 2012/12/EU of the European Parliament and of the Council (“Directive 2012/12”).

Background

Directive 2001/112 was originally implemented in Scotland by the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (“the 2003 Regulations”). Directive 2001/112 was first amended by Commission Directive 2009/106/EC amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (“Directive 2009/106”). Directive 2009/106 was implemented in Scotland by the Fruit Juices and Fruit Nectars (Scotland) Amendment Regulations 2011 (“the 2011 Regulations”). Directive 2012/12 further amends Directive 2001/112. The 2013 Regulations revoke and consolidate the 2003 Regulations and the 2011 Regulations, and implement Directive 2001/112 as amended.

The 2013 Regulations

Certain Articles of Directive 2001/112 (as amended) do not need to be transposed into national law as they relate to general obligations on Member States, administrative provisions or deal with historical issues such as entry into force and the repeal of previous legislation.

Transposition table

Article in Directive 2001/112	Objective	Implementing provision	Responsibility
<u>Article 1 and Annex 1</u>	Sets out the products to which the Directive applies	Implemented throughout the Regulations, including by regulation 2 and Schedules 2, 3, 4,5, 6 and 7. To note: our Regulations - in compliance with the Directive - go wider than just applying to the 6 protected fruit juice products. They also cover other products by providing that no products can use one of the 6 protected product names unless the product is a regulated	The Scottish Ministers (on the advice of the Food Standards Agency) are responsible for all the measures taken to implement this Directive in Scotland. Applies to all

		product.	subsequent entries.
Article 2 Deleted.	N/A	N/A	
Article 3, Annex I, II and III Article 3 – introductory words	Applies Directive 2000/13/EC to the products to which Directive 2001/112 applies.	No provision needed. Directive 2000/13/EC applies anyway to fruit juice products, by virtue of Directive 2000/13/EC and the implementing provisions in the Food Labelling Regulations 1996, as amended. These provisions will be superseded by the provisions in Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as from 13th December 2014. Directive 2000/13/EC will be repealed on that date.	
Article 3(1)(a)	Restricting the use of products names	For fruit juice: regulation 4(1) and (3) and Schedule 2. For fruit juice from concentrate: regulation 5(1) and (2) and Schedule 3. For concentrated fruit juice: regulation 6(1) and (2) and Schedule 4. For water extracted fruit juice: regulation 7(1) and (2) and Schedule 5. For dehydrated fruit juice and powdered fruit juice:- regulation 8(1) and (2) and Schedule 6. For fruit nectar: regulation 9(1) and (3) and Schedule 7.	

Article 3(1)(b)	Allowing the use of alternative product names	For fruit juice: regulation 4(2) and Schedule 11 For fruit nectar: regulation 9(2) and Schedule 12	
Article 3(2)	Labelling of products made from a single kind of fruit	regulation 10(1) as read with 10(2)	
Article 3(3)	Labelling of products made from two or more kinds of fruit	regulation 10(1) as read with 10(3) and (4)	
Article 3(4) Deleted	N/A	N/A	
Article 3(5) – 1st subparagraph	Restoration - list of ingredients provision.	Regulation 20 plus paragraph 1 of Schedule 15. Plus wording in column 2 of the entry relating to Article 18(1) of Regulation (EU) No 1169/2011 in Part 2 of Schedule 4 to the draft Food Information (Scotland) Regulations 2013 (which are scheduled to be made during 2013).	
Article 3(5) – 2nd subparagraph	Added pulp or cells	Regulation 11	
Article 3(6)	Products which are mixtures of fruit juice and fruit juice from concentrate.	For fruit juice:- regulation 12. For fruit nectar:- regulation 14(4), (5) and (6)	
Article 3(7)	Labelling of fruit nectars.	Regulation 14(2) and (3) Regulation 13	

<u>Article 4</u>	Concentrated fruit juice – additional labelling requirements	Regulation 13	
<u>Article 5 and Annex I</u> 1st paragraph 2nd paragraph	Further provision about the products to which the Directive applies in relation to national measures. The provisions of the Directive apply to fruit juice etc. products placed on the market within the Union.	No provision as no such national measures adopted. No provision. New paragraph - placed on the market – incorporated more generally into the wording used throughout the Regulations. The wording ‘in trade’ is defined in regulation 3(1) as having the same meaning as in the Directive and the meaning of that expression will need to be interpreted taking into account the provisions in the second paragraph of Article 5.	As above.
<u>Article 6, Annex I, II and IV</u>	Sets out manufacturing requirements in terms of the treatments, substances and raw materials that can be used.	Regulation 3(1) and Schedules 2,3, 4, 5, 6, 7, 8, 9 and 10.	As above.
<u>Articles 7, 7a, 8, 9, 10, 11 and 12</u>		No provision needed in 2013 Regulations.	

<u>Annex I</u>	Product names, definitions of products and characteristics	Regulation 2 and Schedules 2 to 7	
<u>Annex II</u>	Definitions of raw materials	Regulation 3(1).	
<u>Annex III</u>	Particular designations for certain products listed in Annex I	Regulations 4(2), 9(2) Schedules 11 and 12	
<u>Annex IV</u>	Special provisions relating to fruit nectars	Paragraph 5 of Part 1 and Part 2 of Schedule 7	

<u>Annex V</u>	Minimum Brix level for reconstituted fruit juice and reconstituted fruit puree	Paragraphs 2 and 3 of Schedule 3 and Schedule 13	
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Additional requirements of Directive 2012/12 (not including those directly amending Directive 2001/112 which are set out above)

Article in Directive 2012/12	Objective	Implementing provision	Responsibility
<u>Article 2</u>	Sets out transposition and application date.	Regulation 1(2).	The Scottish Ministers (on the advice of the Food Standards Agency) are responsible for the measures taken to implement this Directive in Scotland.
<u>Article 3</u>	Sets out transitional measures.	Regulation 21. Date in Article 3.2 was corrected by a corrigendum http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:031:0083:0083:EN:PDF	As above