

Brussels, 24 August 2021

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**PROFEL Position**  
**EU review of “Breakfast directives” as part of the consultation on the review of**  
**Marketing Standards**

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PROFEL is the European Association of Fruit and Vegetable Processing Industries, representing over 500 companies in 11 European countries through national associations and direct company membership<sup>1</sup>.

PROFEL companies annually produce 485,000 Tons of fruit preserves and jams.

Marketing standards for jams, jellies, marmalades and similar products as currently regulated in Council Directive 2001/113/EC of 20 December 2001 and prior to that in Directive 79/693/CEE have played a major role in supporting and promoting a positive evolution of the sector since their entry into force.

The provisions of the current Directive and of its predecessor have for more than 40 years defined the most important parameters for high quality jams and similar products. This applies to raw materials, the manufacturing process, as well as for the selection of the fruit, the minimum quantities of fruits and the fruit processing. Removing these specifications would likely result in a gradual decline in product quality that would neither be in the interest of the European producers nor of the European consumers.

PROFEL members consider the Directive as the backbone of the industry in terms of quality standards, benchmarking and fair competition and important for consumers in their expectation regarding a product denominated as jam or marmalade. All other similar products on the market are both measured against these quality benchmarks and used as a basis for related legislation, for example provisions for nutrition claims and labelling. Any change to the reference brix of the Directive would be problematic for jams reduced in sugars, and particularly their shelf life after opening, and would have serious detrimental repercussion at national level in several Member States resulting in additional confusion for national legislation linked to claims.

EU Jam producers successfully export their high-quality products to many third country destinations. As far as international standards are concerned, the Codex Alimentarius Standard for JAMS, JELLIES AND MARMALADES (CODEX STAN 296-2009) provides the minimum quality rules for international trade. The standard is also based on 60° brix.

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<sup>1</sup> The combined turnover amounts to roughly €22 billion. PROFEL's member companies annually produce approximately 3.3 million Tons of frozen vegetables, 2,1 million Tons of canned vegetables, 1 million Tons of canned deciduous fruit and compotes, 485,000 Tons of fruit preserves and jams, and 50,000 Tons of dried vegetables.

The EU Directive is in many ways more detailed than the Codex Alimentarius Standard; and fulfils a more detailed objective by establishing stricter provisions regarding compositional product standards (ingredients, additives) whilst at the same time offering more flexibility regarding total sugar content. Many other third countries, similar to EU activities with the Jam Directive, also have legislation upon such products that is more detailed than, but still based upon, the Codex Standard, for example Australia and USA where the minimum brix is 65° and in Canada where it is 66°.

**Question 34:** *Currently, marketing standards for jams stipulate a minimum sugar content. Technological progress allows using less sugar to preserve the jams. How should the minimum sugar content in jams be regulated in EU marketing standards?*

**Answer:** The current minimum sugar for jams should be kept

Currently, the consumer can choose in the market from a wide range of jams, marmalades, and sugar-reduced jams, marmalades and fruit spreads.

- In addition to products with a soluble dry matter content of not less than 60° brix according to Directive (EC) 2001/113, there are even now possibilities to produce and to offer products with a lower Brix content.
- The current structure of the Jam Directive leaves a certain flexibility to Member States to respect their cultural traditions and recipes whilst retaining an overarching harmonisation between Member States.
- Additionally, it is possible to produce sugar reduced products, in compliance with the requirements of the Claims Regulation (EC) No 1924/2006 and Regulation (EC) No 1333/2008 regarding food additives.
- Furthermore, an important market segment has developed in parallel over recent years with the introduction of an innovative product range of fruit spreads, without putting into question traditional jams as reference products. Fruit spreads tend to have a higher fruit content and less sugar, meeting the consumer demand for products with less sugar.

The coexistence of products manufactured under the Marketing Standards of the Directive and the range of high-quality products outside the scope of the Directive has guaranteed the greatest possible variety of fruit-based spreads for consumers, while at the same time continuing to meet consumer demand for traditional quality products with familiar tastes.

The flexibility within the Directive makes the marketing of such products already possible but changing the Directive would remove an important quality reference point currently recognised and respected by Member States.

Taking into account the changing consumer expectations and health recommendations towards dietary sugars, the Directive already allows for variations regarding a reduced sugar content when implementing the Directive at national level, while serving as the reference against which to measure any such national derogations.

Therefore it would be wrong to assume that lowering the minimum soluble dry matter content of the Directive would result in an increase of reduced-sugar products.

**Question 35:** *Currently, EU legislation does not allow marketing a product as “marmalade” if it is not made with products obtained from citrus fruit.*

**Answer:** The definition of marmalade being made from citrus fruit should continue to apply.

Regarding the use of the term “Marmalade”, the sector also calls for the status quo. In general, European consumers readily differentiate between jams and marmalades, although in some countries and EU languages consumers treat the terms “jam” and “marmalade” as synonyms in common understanding. However, authorising marmalades to contain other than citrus fruit would likely lead to confusion in the marketplace and consumer perception of being offered inferior quality products. To avoid such confusion, with a product well established over 40 years (defined in Directive 79/693/CEE superceded by Directive 2001/113/EC), producers ask not to change the definition of the term “Marmalade” with the consequential risk to intra-EU trade.

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