

PUBLISHED REPLACEMENT EU ACT INITIAL ASSESSMENT OF IMPACT

DSC REF: DSC/07/2024

Published Replacement EU Act

Directive (EU) 2024/1438 of the European Parliament and of the Council of 14 May 2024 amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption. OJ L, 2024/1438, 24.5.2024

[Directive - EU - 2024/1438 - EN - EUR-Lex \(europa.eu\)](#)

The four Directives which are being amended are in Annex 2 (31) to the Windsor Framework.

Summary of the Act

The new Directive amends four of seven EU Directives known colloquially as the Breakfast Directives. The measures update rules on composition, labelling and processing for the marketing of honey, fruit juice, jams and marmalades, and preserved milks. Specifically, changes are made to four Directives:

- 2001/110/EC relating to honey
- 2001/112/EC relating to fruit juices and certain similar products intended for human consumption,
- 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and
- 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption

The four Directives are currently transposed into Northern Ireland legislation in:

- The Honey Regulations (Northern Ireland) 2015
- The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013
- The Jam and Similar Products Regulations (Northern Ireland) 2015
- The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018

The European Commission states that the legislation aims to increase transparency and empower consumers to make more informed and healthier food choices. These changes fall under the EU's policy framework 'A Farm to Fork Strategy for a fair,

healthy and environmentally friendly food system’.

Some of the provisions in the directive introduce new requirements, while others are for Northern Ireland to decide on introducing. The nature of the legislative changes varies, with some of the proposals necessitating changes by businesses where others provide greater flexibility and opportunities for innovation for industry.

The implementation of these changes in Northern Ireland will not extend to goods placed on the Northern Ireland market through the Northern Ireland Retail Movement Scheme (NIRMS).

Honey

This Directive requires the country or countries of origin to be indicated on the label in descending order, together with the percentage of each origin, in the case of blends. The current labelling terms of ‘a blend of EU honeys’, ‘a blend of non-EU honeys’ or ‘a blend of EU and non-EU honeys’ will no longer be permitted. It is our current understanding that the honey industry in Northern Ireland is primarily Small and Medium sized Enterprises producing single source honey. Changes to rules on labelling of honey blends would have no impact on single source honey producers. We are conducting further engagement to better understand any benefits and challenges for stakeholders.

Member States and Northern Ireland have the option to introduce national measures to allow businesses to indicate only the four largest shares within a honey blend. An ISO country code can be used for small packs (<30g).

Filtered honey is removed from the list of permitted designations. It is our understanding that this will prevent the significant removal of pollen in Honey, which will enhance honey authenticity testing.

The Directive empowers the European Commission to carry out further work to look at a number of technical aspects, such as the criterion ‘mainly’ as regards the floral or vegetable origin of honey, the composition criteria relating to heating and enzyme destruction, criterion to ensure and verify that pollen has not been removed from honey and criteria for pollen in bakers’ honey, as well as verification for place of harvest. In addition, it empowers the Commission in respect of introducing future traceability requirements that ensure the availability of and access to essential information concerning the origin of the honey. These empowerments for future work by the Commission do not give rise to any immediate changes for food business operators or consumers at this time.

Jams, Jellies, Marmalades and Chestnut Puree

The new rules increase the minimum fruit content for jam from 350g of fruit per 1000g of finished product to 450g (100g increase); and an increase in the minimum fruit content for extra jam or extra jelly (the use of this term extra is reserved for products manufactured with a higher quantity of fruit compared to 'jam') from 450g of fruit per 1000g of finished product, to 500g (50g increase). The amendment increases the amount of fruit required for jam making, in turn, reducing amount of added sugar needed to reach the minimum content of soluble dry matter (60%) in those products.

Food businesses will be allowed to use concentrated fruit juice as a clarifying agent in jam.

The current designation of 'Marmalade' will change to 'Citrus Marmalade'. Other permitted designations will include 'Orange Marmalade' or 'Mixed Fruits Marmalade', where only citrus fruits are used. This means some product labelling would need to change, which could be done during the 2-year transition period.

Member States and Northern Ireland can choose to authorise the term 'marmalade' interchangeably with 'jam', when referring to jams from fruits other than citrus fruits.

There may be increased production costs associated if jam producers need to increase fruit content. It is our current understanding that jam producers in Northern Ireland are small artisan manufacturers. We are conducting further engagement to better understand any implications, including if these jam producers are already producing jams above the current minimum fruit content and already meeting the new minimum requirements.

Fruit Juices

The Directive introduces three new fruit juice categories, aligning with EC 1924/2006 on nutrition and health claims, where at least 30% of the sugar has been reduced from an average type of fruit juice.

- Reduced-sugar fruit juice,
- Reduced sugar fruit juice from concentrate,
- Concentrated reduced-sugar fruit juice.

Availing of these new changes will be at the discretion of food businesses and creates an option to produce and market reduced sugar fruit juice. This would in turn provide the consumer with a reduced sugar alternative to average fruit juices currently available. It is our current understanding that the European Commission intends to adopt delegated acts at a later date clarifying rules on the physical, chemical, organoleptic and nutritional characteristics of these new categories of reduced sugar products.

The Directive permits the statement ‘fruit juices contain only naturally occurring sugars’ on the label. ‘Coconut Water’ and ‘Coconut Juice’ are added to permitted designations, with a minimum Brix level of 4.5. The Brix level quantifies the dissolved sugar content in juice. This is in line with Codex Stan 247-2005, which is the international standard for fruit juices and nectars.

The Directive authorises proteins from sunflower seeds for clarification of fruit juices, noting that proteins from sunflower seeds are increasingly used for direct human consumption.

Partly or wholly dehydrated preserved milk.

Align the designation ‘evaporated milk’ with the international standard for evaporated milk: Codex Standard (CXS 281-1971). This aligns the standard with ‘condensed milk’. Therefore, the two terms can be used interchangeably. The distinction between evaporated milk and sweetened condensed milk remains.

The use of treatments that produce reduced lactose dehydrated milk products will be permitted. This isn’t a mandatory requirement, however, provides an option for Northern Ireland businesses to produce reduced lactose dehydrated milk products, or otherwise make these products available on the Northern Ireland market. This could provide consumers with a reduced lactose alternative for dehydrated milk products.

Transposition

Requirements must be transposed into national legislation (via secondary legislation) by 14 December 2025. To allow operators time to prepare, requirements will apply from 14 June 2026.

Department(s) Responsible

The Food Standards Agency is responsible for this policy area in Northern Ireland.

Initial Assessment of Impact

Information on the potential impacts of this legislation are included in the above “Summary of the Act” section.

UK Government Explanatory Memorandum

Defra submitted an Explanatory Memorandum on the European Commission’s original Breakfast Directives proposal in June 2023.

[20230608 - COM 2023 201 - Explanatory Memorandum.pdf](#)
([publishing.service.gov.uk](#))

An updated UK Government Explanatory Memorandum will be shared directly with the Committee.

Analysis by the European Commission on its Impact Assessment

The European Commission's Impact Assessment which accompanied the legislative proposal in April 2023 does not make any mention of Northern Ireland or Northern Ireland stakeholder input.

The Impact Assessment notes that “underlying quantitative evidence [for revision of marketing standards] may be characterised as limited...This being said, stakeholders, including consumers, generally expect that the benefits of a revision of marketing standards outweigh the costs.”

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=SWD:2023:97:FIN>

Departmental Engagement

This policy area falls under the Food Compositional Standards and Labelling (FCSL) Provisional Common Framework, which sets out arrangements for cooperation between officials in Defra, Food Standards Scotland, and the Food Standards Agency regarding FCSL policy and legislation. FSA officials are engaged in four-nation policy discussions under this Framework.

In August 2023, the FSA informed Northern Ireland stakeholders about the potential updates to the “Breakfast Directives” when they were at proposal stage. The proposals have evolved over time, with the FSA conducting analysis as certainty emerged. The FSA is now engaging directly with stakeholders on the final legislation to inform our consideration of implications for Northern Ireland.