

# Effects of the proposed Regulation

## Summary

The draft Regulation transposes the requirements of Directive (EU) 2024/1438 of the European Parliament and of the Council amending Council Directive 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption. In addition to the transposition of European Union law, the compositional requirements for the product name ‘jam’, introduced as a national requirement, are amended.

The amendment sets out to do the following:

- increase the lower limit of fruit content in certain products (jams, jellies, marmalades),
- allow not to add sweeteners to products with reduced sugar content,
- waive the requirement to indicate the sugar content in the same field of vision as the name,
- allow to add to the product names ‘marmalade’ and ‘jelly marmalade’ the name of the citrus fruit used in the product,
- allow the use of the name ‘extra marmalade’ for marmalade produced from fruits other than citrus fruit meeting the compositional requirements for extra jam,
- delete from the Regulation the provisions on the treatment of raw materials with sulphur dioxide and sulphites and on the inclusion of sulphur dioxide in the list of ingredients,
- allow the use of concentrated juice as an optional ingredient in the preparation of jams and jellies,
- set the upper limit of soluble dry matter content for the product name ‘jam’ at 59 %.

## Mutual recognition

Products which do not comply with the requirements laid down in Regulation No 95 of the Minister for Agriculture of 6 November 2014 may also be placed on the market in Estonia. This may be done if the product has been lawfully manufactured in a country that is a contracting party to the Agreement on the European Economic Area or in Switzerland, or if it has been lawfully manufactured or placed on the market in a member state of the European Union or in Turkey, provided that the product is afforded protection equivalent to that provided for in Estonian legislation. The provision on the principle of mutual recognition in a more general form is laid down in § 5(8) of the Product Conformity Act, so it does not need to be set out in Regulation No 95 of the Minister for Agriculture of 6 November 2014. According to the principle of mutual recognition, a Member State may not impede the sale of a product which is already lawfully marketed in another Member State, even if that product has been manufactured according to technical or quality requirements different from those applicable to its own production.

## Entry into force

The draft Regulation shall enter into force on 14 June 2026. Products placed on the market or labelled before 14 June 2026 in accordance with the requirements still in force may continue to be marketed until the exhaustion of stocks. For the product name ‘jam’, the requirement for increased fruit content shall apply from 1 January 2027 and ‘jam’ produced until that date shall be allowed to be marketed until the exhaustion of stocks.

## Impact of the Regulation

At the drafting stage of Directive (EU) 2024/1438 of the European Parliament and of the Council, an impact assessment has been prepared by the Commission<sup>1</sup>, which has carried out an ex-ante impact assessment and the involvement of affected stakeholders.

The target group of the Regulation is food business operators involved in the handling of jams and other similar products.

### Effects related to the increase in fruit content.

The products regulated by the draft Regulation consist mainly of ingredients derived from fruit and sugar, while prescribing also the minimum levels of these ingredients in the products. The sugar content is regulated as the soluble dry matter content measured by refractometer, the main part of which is the sugar added to the product; however, the reading of the refractometer is also influenced by the amount of sugars, acids and soluble fibre from fruit contained in the product. Therefore, the increased fruit content allows for adding less sugar to the product. This, in turn, will make the composition of jams more health-friendly and will contribute to public health care. The increase in the minimum fruit content promotes the production of jams and jellies with a higher fruit content, thus supporting the fruit market.

The consultations carried out when preparing the draft revealed that the jams of some enterprises producing jam in Estonia already comply with the new requirements in terms of fruit content. Some companies were not in favour of increasing the fruit content, stating that the requirement to increase the fruit content would increase the price of the product and necessitate changes in the recipe and labelling. The resulting economic impact on businesses will be mitigated by the transitional period granted for the application of the new requirements.

### Effects related to the authorisation of products with reduced sugar content that do not use sweeteners.

According to the applicable Regulation, the regulated products must contain a defined quantity of soluble dry matter (measured with refractometer). Although fruits also contain sugars, sugar added to the product accounts for the main share of soluble dry matter in the regulated products. A product may contain less than the specified amount of soluble dry matter only if the sugar has been partly or wholly replaced by sweeteners. According to Regulation (EC) No 1333/2008 on food additives, sweeteners may be added to foods if one of the purposes is to replace sugars for the production of energy-reduced food, non-cariogenic food or food with no added sugars. For the purposes of that Regulation, food with no added sugars means food without any added mono- or disaccharides or food without any added food

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<sup>1</sup> Commission Staff Working Document. Impact Assessment report „Revision of EU marketing standards for agricultural products to ensure the uptake and supply of sustainable products“

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containing monosaccharides or disaccharides which is used for its sweetening properties, whereas energy-reduced food means food whose energy value has been reduced by at least 30 % compared with the original food or a similar product.

The proposed option not to use sweeteners when reducing the soluble dry matter content is linked to the conditions for the nutrition claim of reduced sugar content. According to them, the claim may be made on the label of a product only if the energy value of the product is equal to or less than the energy value of a similar product. In addition, the conditions for the claim of reduced [nutrient] content, according to which the product must contain at least 30 % less nutrient than the reference product, must be taken into account. To sum up these two conditions, the claim of reduced sugar content may be made if the sugar content of the product is 30 % less and the energy content of the product is no greater than that of a similar product. Since the energy content of the product derives mainly from sugar in the products covered by the Regulation to be amended, the energy content of products with reduced sugar content cannot remain equal to the energy content of similar products (i.e. jams and jellies whose sugar content has not been reduced). In conclusion, when manufacturing products containing less than the specified soluble dry matter content, the sugar content must be reduced by at least 30 % in products manufactured with or without sweeteners. Therefore, there are no additional conditions when granting the option to reduce the new soluble dry matter content.

## The effect of setting an upper limit for the soluble dry matter content in the product name 'jam'

In Estonia, the product name 'jam' refers to a product with a minimum soluble dry matter content of 40 %. Since no upper limit is laid down for the soluble dry matter content for the product name 'jam', it is currently unclear whether a product meeting the requirements for the composition of jam with soluble dry matter content equal to or greater than 60 % may also be referred to as jam. In order to better distinguish between a product covered by the product name 'jam' and similar products with a high sugar content which require the use of other product names (e.g. jam, jelly, marmalade), an upper limit of 59 % is set for the soluble dry matter content for the product called 'jam'. This means that products with soluble dry matter content of 60 % or greater cannot be described as jam in Estonia. This will allow consumers to distinguish more clearly between products with lower sugar content and will create a more level playing field for producers as there will be more competition in more similar product categories. Given that products with a high sugar content covered by the Directive are not produced in large quantities in Estonia, the impact of these amendments on Estonian producers is not significant.