

Agency Support Department 05 May 2025 Doc. no.2025/01953  
Legal Unit  
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## Proposal for new regulations on jam, jelly and marmalade

### 1. Summary

As a result of new EU legislation, the Swedish National Food Agency is proposing new regulations on jam, jelly and marmalade. A starting point for the proposed regulations is to keep costs and administrative burdens on food businesses as low as possible, and to enable flexibility in application..

In relation to the current regulations, it is proposed, inter alia:

As a general rule, the minimum quantity of fruit to be used in the manufacture of jams, marmalades and jellies is increased from 350 grams of fruit to 450 grams of fruit per 1,000 grams,

allowing the use of concentrated juice as an ingredient and adding to the list of authorised ingredients a reference to food additives authorised under Regulation (EC) No 1333/2008;

the use of the term “citrus marmalade of [for example orange]” may be used (in addition to the fact that only the word ‘citrus’ can be replaced by the fruit included, for example orange marmalade);

to delete the special provisions concerning in part, the marking of sugar content and sulphur dioxide content and partly sulphur dioxide content in raw materials.

The new rules shall be adopted by 14 December 2025 at the latest and shall apply from 14 June 2026. Products placed on the market or labelled before 14 June 2026 may be marketed until stocks are exhausted.

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## **2. Description of the problem and the change that is sought by the Swedish National Food Agency**

Council Directive 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended as foodstuffs is one of the so-called breakfast directives. The Breakfast Directives are seven directives which lay down rules on the composition, designation, labelling, and presentation of certain foodstuffs in order to protect consumers' interests and ensure the free movement of these products in the internal market.<sup>1</sup> Some of these directives<sup>2</sup> have now been amended, including Directive 2001/113/EC.

The amendments to Directive 2001/113/EC include an increase in the minimum quantity of pulp and puree<sup>3</sup> in jams and marmalades, from 350 grams of fruit to 450 grams of fruit per 1,000 grams of product. It also introduces the possibility of using concentrated juice as an ingredient. The amendment to the minimum permissible amount of fruit content is based on the desire to take into account the need to reduce the content of free sugars and to support the fruit market by stimulating the production of jams and jellies with higher fruit content.

Directive 2001/113/EC has been transposed into Swedish national law by the Swedish National Food Agency's regulations (LIVSFS 2003:17) on jams, jellies, and marmalades. The regulations regulate the quantity of fruit, designations, and the ingredients and fruits that may be used in the production of jams, jellies, and marmalades. Since the Directive has now been amended, the provisions must also be reviewed and amended.

Annex I to Directive 2001/113/EC restricts the designation 'marmalade' to a certain mixture of citrus fruits. However, Sweden has, pursuant to Article 2.1 of the Directive, provided that marmalade may, in accordance with practice, be used as a designation for mixtures of an appropriate consistency consisting, inter alia, of pulp and/or puree of one or more fruit varieties other than citrus fruit. Sweden

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1 Government Offices Fact Sheet 2022/23:FPM88 Amendment of the Breakfast Directives on

honey, jam and jelly, fruit juice, and preserved milk.

2 The Directives on honey, fruit juice, jam, jelly, marmalade and sweetened chestnut purée and certain forms of preserved milk, see Directive (EU) 2024/1438 of the European Parliament

On an amendment to the Council's Directives 2001/110/EC on honey, 2001/112/EC on fruit juices and certain similar products intended for foodstuffs, 2001/113/EC on jams, jellies and marmalades and sweetened chestnut purée intended as foodstuffs, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk intended as foodstuffs.

3 For extra jam and extra marmalade, only the minimum allowed quantity of fruit pulp is regulated.

has also introduced specific rules on citrus marmalade, where the pulp must come from citrus fruits and the word ‘citrus’ must be replaced by the citrus fruit used. Directive 2024/1438/EU, which amends Directive 2001/113/EC, Member States may use the designation marmalade to be used in their territory for fruits other than citrus and, in the same way as in the existing Swedish provisions, citrus marmalade is specifically regulated. According to the Directive, the word ‘citrus’ may be replaced by the fruit contained in it, such as orange, or the term ‘citrus marmalade of [for example orange]’ may be used.

In addition, Directive 2001/113/EC also contains provisions on the marking of total sugar content. This is now regulated by Regulation (EU) no 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers.<sup>4</sup> The specific regulation on the labelling of sugar content and sulphur dioxide is therefore no longer needed. The use of food additives is currently regulated by Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives, which contains specific provisions on jams and extra jams. Annex II to Directive 2001/113/EC has therefore been amended accordingly by Directive (EU) 2024/1438.

Directive 2001/113/EC provides for the possibility for Member States to authorise, in certain specific cases, the use of the names ‘jam’, ‘marmalade’, ‘jelly’ and ‘chestnut purée’ for products with a soluble dry matter content of less than 60 %. In the regulations currently in force, Sweden has chosen not to regulate the amount of soluble dry matter and may thus be considered to have introduced the exemption.

Member States shall implement the amendments to the Directive into national law by 14 December 2025. Directive 2024/1438/EU provides that the provisions shall apply from 14 June 2026, and products placed on the market or labelled before 14 June 2026 in accordance with Directive 2001/113/EC may continue to be marketed until stocks are exhausted.

Finally, Directive (EU) 2024/1438 calls on the Commission to submit to the European Parliament and to the Council, no later than three years after its entry into force, a report and, if appropriate, a legislative proposal, on the possibility of introducing a labelling requirement for the country or countries of origin of the

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<sup>4</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.

fruit used to produce jams, jellies, citrus marmalades, and sweetened chestnut purée.

### **3. Consequences expected if no action is taken**

As a member of the EU, Sweden is obliged to transpose EU directives into national law. If the national provisions are not updated, this means that Sweden infringes EU law. A failure to act would also mean that the desired objectives of the amendments to the Directive, to promote fruit cultivation within the Union and to reduce the amount of free sugars in jams and marmalades, would not be achieved.

### **4. Possible alternatives to achieve the change**

The amendments to Directive 2001/113/EC must be implemented in Swedish law as a result of Sweden's membership in the EU. There is no room to leave the legal situation unchanged because Sweden would then breach its obligations under EU law. There is therefore no alternative to amending the rules, but there are some options for Member States. In Section 5 below, the Swedish National Food Agency sets out its view on how the Directive should be implemented in Sweden.

### **5. The Swedish National Food Agency's proposal**

The Swedish National Food Agency is proposing that the current regulations LIVSFS 2003:17 be reviewed in their entirety, and thereby be repealed and replaced by new regulations.

When Directive 2001/113/EC was implemented in Swedish law, the possibility in the Directive to use designations in accordance with practice was used to designate other products that cannot be confused with the products concerned by the Directive. The designation marmalade may therefore, in accordance with the rules currently in force, also be used for fruit other than citrus fruit. Given that the existing Swedish regulations have since been in force for more than 20 years, it can be assumed that marmalade corresponds to what consumers expect. The Swedish National Food Agency therefore sees no reason to amend the current regulation stating that the designation marmalade may be used for suitable mixtures of a certain consistency.

In the opinion of the Swedish National Food Agency, there is no reason to limit the possibilities for companies to use one or other term with regard to the designation citrus marmalade. According to the Directive, the word citrus may be replaced by the fruit included, e.g. orange, or the term citrus marmalade of [e.g. orange] may be used. There can be no risk of consumers being misled about the content of the product and businesses are free to choose the expression that they

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wish to use. This will be a change in relation to the current regulations but does not need to lead to any changes for companies.

The definition of 'jam' is governed by Directive 2001/113/EC. It should therefore be noted that Member States cannot have a national definition of jam which deviates from the definition of the Directive.

The current regulations do not regulate the quantity of dry matter in the products covered by the regulations. The Swedish National Food Agency does not see any reason to change its view in this part, but proposes that the exemption in Part II of Annex 1 to 2001/113/EC continue to apply.

Directive 2001/113/EC regulates the minimum quantity of fruit to be used in the production of jams and marmalades. The minimum quantity of fruit has now been amended by Directive (EU) 2024/1438, and Member States do not have the possibility to introduce any specific national rules in this part. The Swedish National Food Agency is therefore proposing that the minimum amount of fruit that, according to the general rule, should be used in the production of jams, marmalades, and jellies be increased from 350 grams of fruit per 1,000 grams to 450 grams of fruit per 1,000 grams.<sup>5</sup> As a general rule, for the designations extra jam, extra marmalade, and extra jelly,<sup>6</sup> a minimum of 500 grams of fruit per 1,000 grams is proposed, as opposed to 450 grams per 1,000 grams previously. The amendments also allow the use of concentrated juice as an ingredient.

In addition, the Swedish National Food Agency, in accordance with the amendments made to Directive 2001/113/EC, proposes that the specific provisions on the labelling of sugar content and sulphur dioxide are removed,<sup>7</sup> a reference to<sup>8</sup> food additives authorised under Regulation (EC) No 1333/2008 of the European Parliament and of the Council is added to the list of authorised ingredients; and the specific rules concerning sulphur dioxide content in raw materials are removed.

The labelling of sugar content and sulphur dioxide is regulated by Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers and therefore no such provisions are needed in the new rules. The use of food additives is regulated by Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food

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5 For some fruits, such as red currants, black currants and rowan berries, other levels apply.

6 Here too, there are other levels for certain fruits.

7 See §§ 9 and 11 of LIVSFS 2003:17.

8 See Annex 2 to the proposal for the new regulations.

additives. The Regulation contains special provisions on jam and extra jam and, for the sake of clarity, a reference to the Regulation should be included in the annex to the new regulations. This reference thus replaces the current reference to the Swedish National Food Agency's Regulations on food additives on maximum permissible sulphur dioxide content.

The Swedish National Food Agency is only proposing some linguistic and editorial amendments. This means, inter alia, that the provision on jelly marmalade is moved to Annex 1, but it is not amended in substance.

## **6. The authorisations on which the Swedish National Food Agency's decision-making power is based**

The regulations are adopted pursuant to Sections 6 and 7 of the Food Ordinance (2006: 813). However, as regards the possibility of allowing the designation marmalade to be used for all fruits (not only citrus fruits) and not regulating the soluble dry matter content, the Swedish National Food Agency currently has no authority to regulate this. In order for this possibility to be implemented by the Swedish National Food Agency, the Government needs to give the Swedish National Food Agency a special authorisation in this part. These rules are therefore proposed on the understanding that this will happen.

## **7. Compliance with the obligations resulting from Sweden entering the European union**

The proposal entails the implementation of EU provisions in Swedish law. The provisions comply with the obligations that follow from Sweden's membership in the European Union.

The proposed regulations must be notified in accordance with Section 6 of the Ordinance (1994:2029) on Technical Rules because the proposal is deemed to contain technical rules. This is not a question of strict implementation of the directive, since it is proposed that the name 'marmalade' be used for all fruits and that the exemption for soluble dry matter be maintained. Notification of technical rules entails an initial standstill period of three months during which the regulations cannot be adopted.

The proposal does not contain any changed requirements for service activities. The Swedish National Food Agency therefore considers that the proposal is not subject to notification under the Ordinance (2009:1078) on services in the internal market.

## **8. Analysis of the Swedish National Food Agency's proposal**

### **8.1. Who is affected by the proposal?**

The proposal concerns companies that are producers of jams and marmalades, etc. The size of the companies varies from large companies active on the global market to small, local companies.

Other individuals, municipalities, regions, or states are not directly affected by the proposal.

### **8.2. Description and estimate of the costs and benefits of the draft regulations for**

Svensk Dagligvaruhandel has stated that the requirements in Directive 2024/1438/EU for increased fruit content will lead to a price increase of between 7 and 30 per cent for existing EMV goods<sup>9</sup>. The price increase of 30 percent is calculated on products containing 35 percent fruit or berries. The costs will also vary depending on how the harvest will be in the current year.

It has been argued by a jam producer that demands for increased fruit quantities risk leading to Swedish-produced products and products from the EU being replaced by products from outside the EU. The company also fears that many Swedish consumers will not be prepared to pay for the increased cost of fruit and berries.

### **8.3. Description of other relevant impacts**

In the light of the requirement to increase fruit content, one possible consequence is that there may be products with different names instead of jams and marmalades, especially in the low-price segment and, for example, in the public sector. As can be seen from Section 8.2, it has also been argued that a possible consequence may be that consumers to a greater extent choose other products than those from Sweden and the EU.

#### **8.3.1. Sustainability**

Directive 2024/1438/EU is part of the Commission's Farm to Table Strategy for a fair, healthy and environmentally-friendly food system. As shown in Section 2 above, one of the reasons for the increase in the minimum permissible fruit content is the desire to support the fruit market while taking into account the need to reduce the percentage of free sugars.

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<sup>9</sup> Own branded products (EMVs) are products that retailers sell under their own brand but do not manufacture themselves.

### **8.3.2. Civil Preparedness**

The proposal for a regulation has no direct impact on civil preparedness. It can also be noted that there is no explicit possibility for Sweden to derogate from the provisions in the event of heightened preparedness or war.

### **8.4. Date of entry into force and information initiatives**

Member States shall implement the amendments to the Directive into national law by 14 December 2025. Directive 2024/1438/EU provides that the provisions shall apply from 14 June 2026, and products placed on the market or labelled before 14 June 2026 in accordance with Directive 2001/113/EC may continue to be marketed until stocks are exhausted. The Swedish National Food Agency therefore proposes a corresponding regulation in the regulations.

When the regulations are adopted, the Swedish National Food Agency intends to provide information about the changes on its website and through other relevant information channels, such as company news and control news. The Swedish National Food Agency will also update relevant information texts on the Agency's website.

### **8.5. Prevention of excessive costs or restrictions beyond what is necessary**

One way to prevent far-reaching costs is the transitional provisions that provide an opportunity for a conversion period for businesses. Directive 2024/1438/EU provides that the provisions shall apply from 14 June 2026, and products placed on the market or labelled before 14 June 2026 in accordance with Directive 2001/113/EC may continue to be marketed until stocks are exhausted. The Swedish National Food Agency therefore proposes a corresponding regulation in the regulations.

A starting point for the proposed regulations is to keep costs and administrative burdens on food businesses as low as possible, and to enable flexibility in application. The Swedish National Food Agency has made use of the possibilities provided by the Directive.

## **9. Impact on municipal self-government**

The Swedish National Food Agency's proposal does not affect municipal self-government.



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## **10. Evaluation of the impact**

The Swedish National Food Agency continuously reviews the Agency's regulations. No specific evaluation beyond this is currently considered necessary. However, if reasons arise, a specific evaluation and review may be carried out.

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