

Draft
DECREE
of 2025,

amending Decree No 397/2021 on requirements for preserved fruit and vegetables, nuts, mushrooms, potatoes and their products and bananas

Pursuant to § 18(1)(a), (b), (g) and (h) of Act No 110/1997 on foodstuffs and tobacco products and amending certain related acts, as amended by Act No 306/2000, Act No 274/2003, Act No 316/2004, Act No 120/2008, Act No 139/2014 and Act No 180/2016, the Ministry of Agriculture lays down the following:

Article I

Decree No 397/2021 on requirements for preserved fruit and vegetables, nuts, mushrooms, potatoes and their products and bananas is amended as follows:

1. In the introductory part of § 1, the words ‘relevant legislation of the European Union¹⁾’ are replaced by ‘relevant acts of the European Union¹⁾’.

Footnote 1 reads as follows:

⁽¹⁾ Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption.
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.’.

2. Footnote 3 reads as follows:

⁽³⁾ § 2(1)(a) of Decree No.../2025 on requirements for natural sweeteners, foods with sweetening properties, confectionery, cocoa beans, cocoa and chocolate products, and honey.’.

3. At the end of § 2(1)(d), the words ‘; tomatoes, the edible parts of rhubarb stalks, carrots, sweet potatoes, cucumbers, pumpkins, melons and watermelons shall be considered to be fruit for the production of Extra jam’ are added.
4. At the end of § 2(1)(g), the words ‘; tomatoes, the edible parts of rhubarb stalks, carrots, sweet potatoes, cucumbers, pumpkins, melons and watermelons shall be considered to be fruit for the production of jam’ are added.

5. At the end of § 2(1)(i), the words ‘; tomatoes, the edible parts of rhubarb stalks, carrots, sweet potatoes, cucumbers, pumpkins, melons and watermelons shall be considered to be fruit for the production of jelly and Extra jelly’ are added.
6. At the beginning of § 2(1)(h), the word ‘citrus’ is added.
7. At the end of § 2(1), the full stop is replaced by a comma and the following subparagraph (x) is added:

‘x) sterilised fruit means a product with a covering liquid in a hermetically sealed container, the pH of which exceeds 4.0, and where either the contents of the consumer packaging have been heated during heat treatment to at least 121.1 °C or a sterilisation procedure has been used that ensures the destruction of the vegetative forms of micro-organisms and their spores.’.
8. At the end of § 2(2)(r), the full stop is replaced by a comma and subparagraph (s) is deleted.
9. In the introductory part of § 3(2), after the word ‘consumers⁸⁾’, the words ‘, the Regulation on marketing standards for the fruit and vegetables sector, certain processed fruit and vegetables and the bananas sector¹⁰⁾’ are inserted.

Footnote 10 reads as follows:

⁽¹⁰⁾ Commission Delegated Regulation (EU) 2023/2429 of 17 August 2023 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for the fruit and vegetables sector, certain processed fruit and vegetables and the bananas sector, and repealing Commission Regulation (EC) No 1666/1999 and Commission Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011.’.

10. In § 3(2)(d), the word ‘marmalade’ is replaced by ‘, citrus marmalade’.

11. § 3(2)(e) and (f) are deleted.

Subparagraphs (g) and (h) become (e) and (f).

12. In § 3(2)(e), the word ‘citrus’ is inserted after the word ‘sugar,’.

13. § 3(3) reads as follows:

‘(3) For the product ‘jam’, ‘Extra jam’, ‘special Extra jam’ and ‘Extra jam with reduced sugar content’, the name ‘jam’ may be replaced by the name ‘marmalade’. The first sentence does not apply to the products ‘jam’, ‘Extra jam’, ‘special Extra jam’ and ‘Extra jam with reduced sugar content’ made from citrus fruit.’.

14. In § 3(4), the text ‘(g)’ is replaced by ‘(e)’.

15. In § 4(1), the word ‘citrus’ is inserted after the word ‘for’.

16. § 4(2) is deleted and paragraph (1) becomes unnumbered.

17. In § 6(1), the words ‘Juice and peel may also be used’ are replaced by the words ‘Citrus fruit juice, including concentrated, and peel may be added’.

18. In § 6(5), the words ‘red fruit juices’ are replaced by the words ‘juices from red fruit, including concentrated’.

19. At the end of § 6(6), the words ‘, including concentrated’ are added.

20. In § 7(2), the words ‘, including concentrated’ are added after ‘juice’.

21. In § 7(3), the words ‘and liquid pectin’ are replaced by the words ‘, liquid pectin and food additives authorised under the Food Additives Regulation¹¹⁾’.

Footnote 11 reads as follows:

⁽¹¹⁾ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives, as amended.’.

22. In § 7(4), the words ‘citrus marmalade and jelly’ are inserted after ‘production of’.

23. In the introductory part of § 9(2), § 11(2) and in the introductory part of § 12(2), the words ‘the Regulation on marketing standards for the fruit and vegetable sector, certain processed fruit and vegetables and the bananas sector’ are inserted after the word ‘consumers’.

24. In § 13(1), the words 'shall not be exposed to sunlight when placed on the market' are replaced by the words 'shall not be exposed to direct sunlight when placed on the market for the final consumer'.

25. In § 17, the following paragraph (3) is added:

'(3) In addition to the information referred to in the Regulation on the provision of food information to consumers, the Act and the Decree on certain methods of labelling foodstuffs, bananas shall bear the indication of the country of origin in accordance with the Regulation on marketing standards for the fruit and vegetable sector, certain processed fruit and vegetables and the bananas sector.'

26. Annexes 1 and 2 read as follows:

Classification of preserved and prepared chilled fresh fruit into types and groups and the minimum fruit content per kg of foodstuff

Type	Group	Foodstuff	Minimum weight content of <u>purée or pulp</u> (in g per kg of foodstuff)	Note
Preserved fruit	<u>Extra jams/Extra marmalades</u> Special Extra jams/Special Extra marmalades Extra jams with reduced sugar content/Extra marmalades with reduced sugar content	in general	<u>500</u>	
		from red currants, rowanberries, sea buckthorn, black currants, quince and rosehips	<u>450</u>	
		from ginger	<u>280</u>	
		from cashew apple	<u>290</u>	
		from passion fruit (maracuja)	<u>100</u>	
	<u>Jams/Marmalades</u>	in general	<u>450</u>	
		from red currants, rowanberries, sea buckthorn, black currants, quince and rosehips	<u>350</u>	
		from ginger	<u>180</u>	
		from cashew apple	<u>230</u>	
		from passion fruit (maracuja)	<u>80</u>	
	Extra jellies	in general	<u>450</u>	
		from red currants, rowanberries, sea buckthorn, black currants, quince and rosehips	<u>350</u>	

		from ginger	<u>180</u>	
		from cashew apple	<u>230</u>	
		from passion fruit (maracuja)	<u>80</u>	
	Jellies	in general	<u>450</u>	
		from red currants, rowanberries, sea buckthorn, black currants, quince and rosehips	<u>350</u>	
		from ginger	<u>180</u>	
		from cashew apple	<u>230</u>	
		from passion fruit (maracuja)	<u>80</u>	
	Citrus marmalades	in general	200	of this at least 75 g originating from endocarp
	Fruit butter	sweetened and unsweetened, made from apricots	1700	can be made using apricot pulp, stewed apricots and dried apricot pulp
		sweetened and unsweetened, made from plums	1700	can be made with plum pulp, stewed plums and dried plum pulp
		sweetened and unsweetened, made with plums and apples	2200	at least 75 % fruit dry matter from plums
		sweetened and unsweetened, from apples	3 000	
		sweetened and unsweetened, from apples and pears	3200	at least 30 % fruit dry matter from apples
	Soft-cooked fruit pulp (klevela)	in general	1 500	
		from apricots	730	
		from strawberries	640	
	Chestnut purée		380	the fruit

				component is provided by chestnut purée
	Fruit sauce (purée)			
	Dried fruit			
	Sweetened fruit (candied fruit)			
	Fruit in spirits (fruit punch)	tinned	220	
		in a jar	450	
	Compote			
Processed chilled fresh fruit	Processed chilled fresh fruit			

Note: If fruits are mixed, the minimum content for the different types of fruit specified for jams, Extra jams, special Extra jams, Extra jams with reduced sugar content, jellies, citrus marmalades and chestnut purée, must be reduced proportionally to the percentage used.

Physical and chemical quality requirements for preserved and prepared chilled fresh fruit

Jams, jellies, marmalades, chestnut purée, klevela, fruit butters, fruit sauces, sweetened fruit and compotes

Foodstuff	Refractometric dry matter (%)	Acidity (as citric acid monohydrate) (%)
jams/marmalades	at least 60	-
Extra jams/Extra marmalades	at least 60	-
special Extra jams /special Extra marmalades	42-59	-
Extra jams with reduced sugar content/Extra marmalades with reduced sugar content	not more than 41	-
jellies and Extra jellies	at least 60	-
citrus marmalades	at least 60	-
chestnut purée	at least 60	-
klevela	at least 38	0.6 - 2.6
fruit butter	at least 60	0.6 - 2.6
fruit sauces	not more than 29	
sweetened fruit	at least 70	not specified
compotes	not more than 48	0.3 - 2.5

Note: refractometric dry matter is determined refractometrically at 20 °C for the finished product with a tolerance of +/- 3 %.

The lowest content of refractometric dry matter need not be complied with for jams, Extra jams, special Extra jams, Extra jams with reduced sugar content, jellies and Extra jellies, marmalades and chestnut purées, provided that in these products the sugar has been wholly or partly replaced with a sweetener.

Extra jam with reduced sugar and special Extra jam are reserved names for products in accordance with the second sub-paragraph of point II of Annex I to Council Directive 2001/113/EC on fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption.

27. Annex 6 reads as follows:

Classification of preserved and prepared chilled fresh vegetables into groups and subgroups

Type	Group	Subgroup
preserved vegetables	pasteurised vegetables	
	sterilised vegetables	
	lacto-fermented vegetables	
	vegetable sauce	
	vegetable purée	
	dried vegetables	
	sweetened (candied) vegetables	
	vegetables in vinegar	
	vegetables in salt	
	tomato sauce	concentrated
		unconcentrated
	tomato purée	
	ketchup	Prima, Extra, Special
	vegetable crisps	
	vegetables in oil	
	other*	
prepared chilled fresh vegetables	prepared chilled fresh vegetables	

*For example: vegetables preserved by the addition of a chemical preservative.’.

28. In Annex 7, Part D is deleted.

29. In Annex 7, Part F, the words ‘chemically preserved’ are replaced by the words ‘preserved by the addition of a preservative’.

30. Table 3 in Annex 8 reads as follows:

'Table 3

Permitted deviations from sensory requirements for sterilised and pasteurised whole cucumbers

Description of the deviation (number of deviations evaluated in a sample of 20 cucumbers)	Maximum number of occurrences of the deviation (in pieces)
curved cucumbers	7
cucumbers of irregular shape	7
appearance defects	3
mechanical damage	2
remnants of the stalks	3
inappropriate consistency	1
inappropriate colour	1
cavities	1
total quantity of these permitted deviations	7

31. Annex 10 reads as follows:

'Annex 10 to Decree No 397/2021

Classification of nuts and peanuts into groups and subgroups

Type	Group	Subgroup
Nuts	walnuts	in the shell
		kernels
		kernels, ground
	hazelnuts	in the shell
		kernels
		kernels, roasted
		kernels, ground
	almonds	in the shell
		kernels, unshelled
		kernels, shelled
		kernels, roasted
		kernels, chopped
		kernels, ground
		kernels, sliced
		kernels, roasted and salted
	cashew nuts	kernels, unroasted
		kernels, roasted
		kernels, roasted and salted
	macadamia nuts	in the shell
		kernels, unroasted
		kernels, roasted
		kernels, roasted and salted
	pecan nuts	in the shell
		kernels
	pistachios	in the shell
		in the shell, roasted
		kernels, unroasted
		kernels, roasted
		kernels, roasted and salted
	Brazil nuts	in the shell
		kernels
	coconuts	fresh in the shell
		coconut crisps
		coconut, grated
		coconut, grated and roasted
	pine nuts	kernels
	edible chestnuts	shelled
		unshelled
Peanuts	-	unshelled, unroasted
		unshelled, roasted

Nuts and peanuts		shelled, roasted
		shelled, roasted, salted
	paste (cream) of nuts/peanuts	
	prepared nuts/peanuts	
	flour from nuts/peanuts	defatted
		non-defatted

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32. Annex 12 reads as follows:

'Annex 12 to Decree No 397/2021

Physical and chemical requirements for the quality of nuts and peanuts

Group	Subgroup	Maximum water content (% w/w)		Maximum foreign matter (% w/w)
		whole fruits	kernels	
walnuts	in the shell	12.0	8.0	4.0
	kernels		5.0	1.0
hazelnuts	in the shell	12.0	7.0	2.0
	kernels		6.0	0.25
almonds	in the shell	11.0	7.0	3.0
	kernels		6.5	0.25
cashew nuts	kernels		5.0	0.1
	kernels, roasted		3.0	0.1
Brazil nuts	in the shell	12.0	12.0	2.0
	kernels	4.5	4.5	1.0
coconuts	fresh in the shell	47.0		not permitted
	coconut, grated		3.0	not permitted
pine nuts	kernels (seeds)		7.0	0.05
macadamia nuts	in the shell	10.0		2.0
	kernels		2.0	0.25
pistachio nuts	in the shell, unroasted		6.5	0.2
	in the shell, roasted		4.0	0.2
	in the shell, roasted and salted		4.0	0.2
	kernels, unroasted		6.5	0.2
	kernels, roasted and salted		4.0	0.1
pecan nuts	kernels, roasted and salted		4.0	0.1
	kernels		5.0	1.15
peanuts	unshelled, unroasted	9.0		4.0
	unshelled, roasted	4.0		6.0
	shelled, roasted	4.0	5.0	0.2
	shelled, roasted, salted	4.0	5.0	0.2

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33. In Annex 17, Table 2, the words '5 mm under the skin' are replaced by 'after peeling'.

34. Annex 18 reads as follows:

'Annex 18 to Decree No 397/2021

Physical, chemical and sensory requirements for potato products

	Physical and chemical requirements	Sensory requirements
ware potatoes, raw, peeled		tubers clean, rigid, not slimy, cross-sectional diameter from 30 to 80 mm, green tubers not more than 2 % by weight, unpeeled tubers not more than 6 % by weight, other defects not exceeding 2 % by weight, total number of defects not exceeding 10 % by weight
ware potatoes, peeled, pre-cooked, cooked or otherwise preserved	<p>salt content in brine at least 0.8 % and not more than 1.4 %</p> <p>solid percentage of declared weight at least 62 %</p> <p>dry matter at least 87 %</p>	clean tubers, evenly sized or sliced, but not more than 5 % fragments in finished product, soft consistency, not overcooked, colour according to variety, without foreign taste, in brine with a slightly salty taste, brine clear to slightly cloudy
ware potatoes, dried	<p>dry matter at least 87 %</p> <p>swelling index of at least 68 %</p>	dried tubers in the shape of cubes, slices, noodles, size of not more than 10 mm, without peels and eyes, yellow or slightly greyish, occasional dark spots, clean aroma without burnt smell, without foreign taste
potato flour	dry matter at least 87 %	fine flakes, from white to yellow, taste and smell of dried potatoes, free of foreign flavour and aroma
mashed potatoes, dried	dry matter at least 87 %	non-sticky, loose yellowish substance without foreign smell and flavour
fried potato crisps	<p>dry matter at least 95 %</p> <p>fat content not more than 42 %</p>	brittle, crispy potato slices, without admixtures, loose salt content not exceeding 0.5 % by weight, colour balanced,

		occasional brown edges, taste pleasantly salty, free of foreign odours and flavours, 5 % by weight of the product with dark spots and 5 % by weight of fragments up to 20 mm
potato fries, pre-fried	moisture content not more than 76 % free fatty acid content (as oleic acid) in fat not more than 1.5 % cross-section with edges measuring at least 5 mm	products clean, with smooth or corrugated cuts, in one package with the same cross-section, uniform colour without excessive appearance defects (stains, eyes, burns, fragments), free of foreign aromas and flavours, brittle consistency, not hard or mushy, total defect content of not more than 12 %
potato slices, pre-fried	moisture content not more than 76 % free fatty acid content (as oleic acid) in fat not more than 1.5 % cross-section with edges measuring at least 5 mm	potato slices smooth or corrugated, free of foreign odours and flavours, clean, healthy, uniform colour without excessive appearance defects (stains, eyes, burns, fragments), total defect content of not more than 12 %
potato croquettes, pre-fried	dry matter at least 30 %, fat content at least 3 %	products of slightly irregular spherical or oval shape, gold-beige surface colour, yellow-white inside, crunchy surface consistency, soft inside, not slimy, smell and taste of potato dough, slightly salty, free of foreign odours and flavours
mashed potatoes, cooked	dry matter at least 25 %	when frozen, small loose granules of yellow and white colour, after preparation a porridge-like substance of fine consistency without larger clumps

Article II

Transitional provisions

Preserved fruit and vegetables, nuts, mushrooms, potatoes and their products and bananas placed on the market or labelled before the effective date of this Decree in accordance with the requirements of Decree No 397/2021, as amended before the effective date of this Decree, may be sold until stocks are exhausted.

Article III

Technical regulation

This Decree was notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

Article IV

Effective date

This Decree shall come into effect on 14 June 2026.

Minister of Agriculture: