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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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 - Explanatory text for the Presidency drafting suggestions presented in document 10222/2/23 REV 2

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (10.07.2023)

Delegations will find attached the explanatory text, from the Swedish Presidency, for the drafting suggestions on the above mentioned proposal.

Explanatory text for the Presidency drafting suggestions presented in document 10222/2/23**REV 2**

Dear colleagues,

Thank you very much for your participation in the Working Party meeting discussing the Breakfast Directives on Monday the 12th of June 2023. Based on the discussion, we have issued a new revised version of the Presidency proposal. Below are some comments on the changes made in this latest version of the document. The comments below are limited to the changes made after the meeting on the 12th.

As said in the meeting of the 12th, no more Working Party meetings are foreseen during June. We can see that Member States now need some time to discuss the file and there is also a need to wait for the European Parliament to appoint a rapporteur and discuss the proposal.

We also submit the Presidency's proposal as it stands after discussions and suggestions in the four Working Party meetings held during May and June. We would like to thank you all for the creative discussions under these meetings and hand over this work to Spain on the 1st of July 2023.

Honey - Council Directive 2001/110/EC

- Please note that the (previously) added text that the countries of origin shall be indicated in descending order is introduced into point (a) and is part of all the options given.
- Option 3 has been put into square brackets as this option was given very little support in the discussions on June 12th, – only one country expressed preference for this option. Since Member States may analyse the options more in depth after the meeting we have however, let the option stay, while inserting it into square brackets.
- The text on the derogation for small packages of honey blends has also been put into square brackets. The reason here is likewise that very few Member States expressed support for this part of the Commission's proposal. A number of Member States expressed doubt on the necessity to have two derogations, one in (EC) No 1169/2011 for packets where the largest surface area is smaller than 10 cm² and one in the Honey Directive for packages of 25 gram and less.

- The level 25 *gram* in the derogation has also been put into square brackets. In this case it is because many small honey packages contain one ounce which is equivalent to around 28 gram. The derogation would therefore not cover these packages. If the derogation is kept, it would be appropriate to consider increasing the limit to cover 30 gram and less instead of up to 25 gram.

Fruit juices - Council Directive 2001/112/EC

- In Article 3 a new point 4 is inserted allowing fruit juices to be labelled with a statement saying that fruit juices contain no added sugar. The original proposed statement from the Commission was
 - No fruit juices contain added sugar

An alternative proposed statement (called Option 1) was introduced after a suggestion from one of the Member States

- Fruit juices contain only sugars that occur naturally in the fruit

In the discussions at the Working Party meeting on June 12th, option 1 received stronger support than the original proposal. The brackets that were around option 1 were therefore transferred to the original proposal to show this preference for option 1.

- In Annex 1 a new point 7 introduces a new category, *Concentrated reduced sugar fruit juice* following a suggestion from one of the Member States. It has been put into square brackets as all aspects of such an introduction have to be further looked into.
- In Annex III Part I points (e) (i) and (f) the text has been slightly modified but without any change in substance.

Fruit jams and marmalades - Council Directive 2001/113/EC

- In Annex II, indent 2, 3 and 4, the words *whether or not concentrated* have been inserted in order to allow for using concentrated fruit or vegetable juices as ingredients in jam.
 - Fruit juices, whether or not concentrated,
 - Red fruit juices, whether or not concentrated,
 - Red beetroot juice, whether or not concentrated,

In addition, the proposed deletion of the reference to Regulation (EC) No 1333/2008 in Annex III part B is being analysed further by the Commission.

With best regards from

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