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From:	General Secretariat of the Council
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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 10222/3/23 REV 3

Delegations will find attached the explanatory text, from the Spanish Presidency, for the drafting suggestions on the above mentioned proposal. The document also contains questions for the Special Committee of Agriculture.

Explanatory text for the Presidency drafting suggestions presented in document 10222/3/23

REV 3

1) **Introduction**

- On 21 April 2023 the Commission submitted a 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
- The aim of the proposal is to **update certain EU marketing standards**, which are more than 10 years old, in order to adapt them to changes and technological developments in different sectors, as well as to new demands for information, composition and quality on the part of consumers and society in general.
- The products covered by the amending directive are **honey, fruit juices and other similar products, fruit jams, jellies and marmalades**, sweetened chestnut cream and certain types of partially or totally dehydrated **preserved milk**.
- Since 16 May, 4 Working Parties (WP) were organized under the Swedish Presidency (in May and June), and 2 WPs on this topic have been organized until now during the Spanish Presidency, (in July and September).
- In general, there is **a broad consensus** among Member States (MSs) on the amendments to be adopted in the case of **jams, juices and milk**.

- However, in the case of honey, a substantial number of MSs expect a more ambitious proposal, in particular as regards **the labelling of blends**, as highlighted both in the written comments received, and in the discussions in the Agricultural and Fisheries Council (AGRIFISH) and in the indicated above WPs.
- The main concern is regarding the **honey blends label**. MSs have highlighted the importance to protect the interest of consumers and support the EU beekeeping sector **addressing the unfair competition** caused by the high volume of honey imported into the EU, suspected of not complying with the provision of the EU Honey Directive according to the Commission's report "*From the hives*"¹.

Other points discussed were the following:

Council Directive 2001/110/EC of 20 December 2001 on honey

- To maintain or delete the Commission's proposal to exempt packs of less than 25 g from the obligation to indicate the origin labelling in the case of honey blends. Furthermore, discussions also took place regarding the specific weight of these packs (25 g or higher).
- The need to set a fix deadline for exercising by the Commission the empowerment to develop harmonized methods of analysis to detect honey fraud.

Council Directive 2001/112/EC of 20 December 2001 on fruit juices and other similar products intended for human consumption

- The specific wording regarding the labelling of juices to indicate that no fruit juice contains added sugars. Furthermore, discussions took place if this wording presents a derogation from the rule on nutrition claim under Regulation (EC) No 1924/2006.
- In addition to the Commission proposal for the establishment of a new product category for "fruit juice with reduced sugar", to add also a new category for fruit juice with reduced sugar from concentrate.

¹ [official-controls_food-fraud_2021-2_honey_report_euca.pdf \(europa.eu\)](https://ec.europa.eu/food/food/food_safety_and_quality/official-controls_food-fraud_2021-2_honey_report_euca.pdf)

- The way to ensure that the characteristics of the original juice product are maintained when reducing the content sugar.

Council Directive 2001/113/EC of 20 December 2001 on fruit jams, jellies and marmalades and sweetened chestnut cream intended for human consumption.

- To agree regarding the specific increase in the minimum amount of fruit to be used in the preparation of jams, jellies, extra jams, and extra jellies included in the Commission proposal.
- To clarify the Commission proposal allowing Member States to use interchangeably the term ‘marmalade’ and ‘jam’ to refer to jams from fruits others than citrus fruits. Some MSs raised concerns about the translation into their languages.

2) Presidency drafting suggestions:

Taking into account discussion during the above-indicated WPs and the written comments received, the Spanish Presidency presents the revised text 10222/3/23 REV3.

In comparison to the Commission proposal, the Presidency would like to highlight in bold the following main amendments:

2.1 Honey:

2.1.1 Labelling of honey blends and small packages:

~~The~~the country of origin where the honey has been harvested shall be indicated on the label. If the honey originates in more than one country, the countries of origin where the honey has been harvested shall be indicated **in descending order of their share in weight** on the label ~~of packs~~ **containing more than 25 g**;; together with the percentage that each one represents. A tolerance of 5 percent shall be allowed for each share, calculated on the basis of the operator’s traceability documentation.

However, Member States may provide that, where the number of countries of origin in honey blends is more than four, the obligation to indicate the percentage only applies to the four countries of origin representing the four largest shares.

In the case of packages of less than 30 grams, the countries of origin may be indicated by means of a two-letter code, in accordance with latest version in force of the international standard ISO 3166-1 two letter code (alpha-2);

Justification:

A significant number of Member States requested to be more ambitious in relation to the labelling of honey. Therefore, it has been proposed as a solution to establish the mandatory indication of all the countries of origin where the honey has been harvested, in descending order by weight, together with the percentage that each of the country represents. However, in relation to percentages, Member States may indicate, where the number of countries of origin of honey blends exceeds four, the percentages of the four countries of origin representing the four largest shares. In the case it cannot be identified the percentages of the four countries of origin representing the largest share, for e.g. 10 countries with 10% each, the possibility to indicate only the share of the four main countries would not apply and all the shares of the countries of origin would need to be included in the label.

In addition, most of the MSs considered that there is no need for a derogation regarding the mandatory indication of all the countries of origin based on the weight of the packaging. The reason is that there is already a derogation for small packages with a surface smaller than 10 cm² in Regulation (EU) No. 1169/2011. However, in order to allow the legibility of the labelling of small packages of less than 30 g, the Presidency has included the possibility that the countries of origin can be indicated by a two-letter code, in accordance with the international standard ISO. Finally, taking into account the existing products on the market, it was considered more appropriate to increase to 30 g the weight of the small packages.

2.1.2 Setting a fix deadline for the development by the Commission of an implementing act to harmonized methods of analysis to detect honey fraud.

The Presidency proposes to replace Article 4 paragraph 1 of the honey Directive by the following:

The Commission is empowered, taking into account international standards and technical progress, to adopt implementing acts to set out methods of analysis to verify whether honey is compliant with the provisions of this Directive. As regards methods of analysis to detect adulterated honey, the Commission shall adopt those implementing acts by [[four] years after the entry into force of this amending Directive]. Until the adoption of such methods, Member States shall, whenever possible, use inter nationally recognized validated methods of analysis such as those approved by the Codex Alimentarius to verify compliance with the provisions of this Directive.

Justification:

A number of MSs called for action from the Commission to address the shortcomings identified in the Commission's report "*From the hives*". Taking into account the existing empowerment in the current honey directive and the information from the Commission regarding the ongoing works for the development of validated methods of analysis for the detection of adulterated honey, the Presidency proposes a period of four years is set for the Commission to develop the relevant implementing act.

2.2 Fruit juices:

2.2.1 Indication that no fruit juice contains added sugars:

The Presidency proposes the following amendments:

~~Without prejudice to Regulation (EC) No 1924/2006 of the European Parliament and of the Council**,~~†The statement

~~{Original option from Commission ‘no fruit juices contain added sugars’ may appear}~~

~~{Option 1 (alternative): “fruit juices contain only sugars that occur naturally in the fruit”}~~may appear on the label in the same field of vision as the name of the products referred to in Part I, point 1, of Annex I to this Directive.

Justification:

A significant number of MSs agreed with the statement: “fruit juices contain only sugars that occur naturally in the fruit” as an alternative to Commission proposal. The statement informs consumers that sugar is not an authorized ingredient in fruit juices but also highlight that fruit juices only contain the natural sugars of the fruit.

During the WPs, the Commission explained that, according to them, this statement is not a nutrition and health claim in within the meaning of Regulation (EC) No 1924/2006. Some MSs requested to include such clarification in the text. However, the analysis whether this statement falls under Regulation (EC) No 1924/2006 is still ongoing. For that reason, the clarification is not included in the revised text.

2.2.2 To ensure that the characteristics of the original product is maintained when reducing the content sugar

The Presidency proposes in Article 7 of the fruit juice Directive to add the following paragraph:

The Commission is empowered to adopt implementing acts to lay down uniform rules regarding the physical, chemical, organoleptic and nutritional characteristics of the products listed in Annex I, Part I, points 6(a), 6(b) and 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7b.

Justification:

Some MSs requested clarifications about the physical, chemical, organoleptic, and nutritional characteristics of fruit juices and how these characteristics are maintained when reducing the content sugar. For that reason, the Presidency proposes to introduce an empowerment to allow the Commission for the establishment of uniform rules concerning the physical, chemical, organoleptic and nutritional characteristics of the new products covered by the directive (reduced sugar fruit juice, concentrated reduced sugar fruit juice, and reconstituted reduced sugar fruit juice), so it is proposed to empower the Commission to adopt implementing acts in accordance with the examination procedure.

2.3 Fruit jams, jellies and marmalades and sweetened chestnut cream

2.3.1 To agree regarding the specific increase in the minimum amount of fruit to be used in the preparation of jams and extra jams included in the Commission proposal.

The Presidency proposes the following amendments for extra jams:

The quantity of pulp used for the manufacture of 1 000 g of finished product must not be less than:

- ~~550~~**500** g as a general rule,
- 450 g for redcurrants, Rowanberries, sea-buckthorns, blackcurrants, Rosehips and quinces,
- ~~3~~**250** g for ginger,
- 290 g for cashew apples,
- 100 g for passion fruit.’;

Justification:

MSs have proposed different figures for the increase in the minimum amount of fruit to be used in the preparation of jams and extra jams. As a compromise, the Presidency proposes an increase of 50 grams with respect to the current standard for extra jam category.

In the case of jam category, the increase in the minimum amount of fruit proposed by the Commission, 100 grams, is maintained.

3) Questions for the delegates:

3.1 Honey:

Do Member States agree with the text proposed text regarding the labelling of honey blends?

Do Member States agree with the text proposed regarding the labelling of the small packages of honey blends?

Do Member States consider that the 4 years deadline for the Commission to make use of the empowerment to develop harmonized methods of analysis to detect honey fraud needs to be included in the text?

3.2 Juices:

Do Member States agree with the text proposed statement regarding the sugars present in the fruit juices?

Do Member States agree with giving the Commission empowerment to develop the characteristics of reduced sugar fruit juices in an implementing act?

3.3 Extra jams:

Do Member States agree with the new proposal of increasing of fruit in extra jams?
