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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	8624/23 + ADD 1- ADD 4
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 - Comments from the Netherlands delegation

Delegations will find attached the comments from the Netherlands in response to the request from the Presidency sent on 17 October, and the replies to the questions from the Presidency sent on 18 October, including replies to the questions posed by the Presidency in document 14004/23.

Answers from the Netherlands delegation to the questions of the Presidency in document no. 14004/23 and 10222/3/23

Below you will find the Netherlands delegation's comments on the proposals and questions posed in document no. 14004/23 and 10222/2/23.

3.1 Honey

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

The Netherlands remains reluctant to make it mandatory to state percentages of all countries of origin on the label for reasons of feasibility and enforceability.

To get a consistent taste and color of regular blends offered by blend-producing companies, companies have their own recipes for blends that can vary slightly depending on the characteristics of the purchased honey. Indication of exact percentages could be considered as competitively sensitive information.

The Netherlands would like to hear what possible legal consequences this could have.

The Netherlands does not agree with the proposed text in point 4 of doc 10222/3/23.

As of the proposal for the introduction of a derogation for Member States in point 4 to only indicate percentages of the four largest shares, the Netherlands cannot agree. This does not provide any flexibility at all.

Furthermore, a derogation does not meet the wish for harmonization that the Commission aims to achieve (whereas 3a).

The Netherlands is prepared to agree on the indication of country of origin in descending origin and the indication of origin if contributions are more than a large % in the blend (original option 2 or 3) and to allow a tolerance. The Netherlands can agree with the proposed tolerance of 5 %.

point 4 is replaced by the following:

'4. (a) 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, together with the percentage of origins with a share over XX % 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.

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

We can agree with the proposal of the presidency (to allow for a two-letter code on small packages cf. ISO 3166 code).

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?

If the period of 4 years would be feasible for the Commission to come with a proposal, we can agree.

3.2 Juices

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

No, the Netherlands still has some considerations about the proposal.

The Netherlands looks forward to the mentioned analysis of the Commission whether the now so called 'statement' falls under Regulation EC/1924/2006 on nutrition and health claims. We strongly prefer to use the claims regulation to regulate wording on the label, aiming for clear and comprehensive regulation of information to consumers, which is not misleading.

If it appears necessary to regulate claims or statements for juices separately in Directive 2001/112/EC, then the Netherlands still prefers the wording that is allowed under the claims regulation.

That would be: '*contains no added sugars*' accompanied by '*contains naturally occurring sugars*'.

The sugar characteristics of the product are clearly highlighted. The Netherlands sees no added value in stating on each individual label that all juices contain only naturally occurring sugars. In our opinion, that seems not so relevant when the consumer is about to buy or consume one product. In addition, the proposed wording '*fruit juices contains only...*' (at least in the Dutch language) can give the impression that it contains not so much sugars, which is not true. Or it may give the impression that naturally occurring sugars are healthy, which is not the case either.

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

Yes. With one remark, the Netherlands considers it very important that the conditions for using the name '*reduced sugar fruit juice*' is retained as is regulated in the claims regulation, ie at least 30% lower. The rules laid down in the implementing acts regarding the nutritional characteristics, should not be allowed to change the current reference amount of sugars in juices.

3.3 Extra jams

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

Yes, we do.