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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
- Comments from the Hungarian delegation

Delegations will find attached the Hungarian delegation's comments 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.

Hungarian comments and answers to ST 10222/3/23 REV3 and ST 14004/23**Honey*****Do Member States agree with the text proposed text regarding the labelling of honey blends?***

Hungary agrees to the proposed text. We still believe that if the percentage is required, it should apply to all components of the blend. However, we understand that not all the Member States are in favour of that, therefore we fully support the Presidency's approach, which provides Member States with the necessary flexibility on whether to define the exact percentage for only the four main components, or for all components. As regards the tolerance limit, the proposed 5% seems too high, as it could practically result in a 10% difference in two products with the same label. Therefore, we propose to lower the tolerance limit to 2-3%.

Proposal (in red) to amend Article 1 point (1) (b) of the draft:

(b2) **in paragraph 4, points (a) and (b) are 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 [containing more than 25 g];, together with the percentage that each one represents. A tolerance of 52 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?

In case of small packs, we still believe that the Regulation on food information to consumers (R 1169/2011) provides an adequate general derogation for the labelling of small packages, so we do not consider it justified to provide a further derogation. However, if it is needed for the compromise, we can support the Presidency's proposal.

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?

As regards the methods of analysis, we strongly support the Presidency's proposal on setting an obligatory deadline for the Commission to adopt an implementing act. As regards deadline, according to the Commission, a three-year work has already begun on this. Taking into account, that the new directive will only enter into force next spring at the earliest, the proposed 4-year deadline seems too long, instead 3 years would be appropriate.

Proposal (in red) to amend Article 1 point (2) of the draft:

(2) *In Article 4 , paragraph 1 is replaced by the following:*

'1. 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 [[fourthree] years after the entry into force of this amending Directive]. Until the adoption of such methods, Member States shall, whenever possible, use internationally recognised validated methods of analysis such as those approved by the Codex Alimentarius to verify compliance with the provisions of this Directive.

The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 7(2).'

Fruit juices

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

We still believe, that the statement "fruit juices contain only sugars that occur naturally in the fruit" should be available to use in reduced-sugar fruit juice categories as well.

Proposal (in red) to amend Article 2 point (1) (c) of the draft:

(c) the following ~~paragraph point 4~~ is inserted:

~~'4. 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, **6 and 7**, of Annex I to this Directive.

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

We agree to empower the Commission to develop the characteristics of fruit juices with a reduced sugar content in an implementing act.

Fruit jams

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

We can accept an increase in the fruit content, which can be either 50 or 100 grams. However, we think that there should be a decisive difference between “normal” and extra jam. The 50 grams difference proposed by the Presidency does not seem enough in this sense, therefore we suggest to define such thresholds, which provides a clearer distinction between the two categories. We do not have exact preferences for the numbers (such as 400g or 450g for jam, 500g or 550g for extra jam), but the difference should definitely be more than 50 grams.

Additional information sent on 24 October 2023

As requested via the Delegates Portal on the 18th of October, Hungary can support the following Presidency suggestions:

- the possibility to include a new empowerment for the Commission in order to lay down rules regarding the new technologies to be used to reduce the content of sugar in fruit juices;
 - the possibility to include a new empowerment for the Commission in order to lay down the methods of analysis, taking into account international standards and technical progress, to verify whether the products listed in Annex I, Part I, points 1(a), 1(b), 2, 6(a), 6(b) and 7 are compliant with the provisions of this Directive. In addition, until the adoption of such methods, Member States shall, whenever possible, use internationally recognised validated methods of analysis such as those approved by the Codex Alimentarius to verify compliance with the provisions of the Directive 2001/112/EC.
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