



Council of the
European Union

Brussels, 24 October 2023
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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 Luxembourg delegation

Delegations will find attached the Luxembourg 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.

**LU comments on the Presidency suggestions concerning the Directive amending various
Breakfast Directives (doc. 10222/3/23 REV3 and 14004/23)**

On honey (art.1.):

- In our view, the exemption on small packages provided for in Art 16.2. of regulation 1169/2011 should apply, no more and no less. Therefore, packages whose largest size is less than 10 cm² would be exempted from labelling.

- Luxembourg would like the 5% tolerance to be clarified in recital 3(a) and article 1b). We are flexible on the degree of tolerance but we would like to have a clear understanding of what is meant in practice. For example, would that mean a tolerance $\pm 5\%$ or 5% in total, allowing $\pm 2.5\%$ tolerance?

Concerning juices (art.2.):

- We support the declaration as stated in article 2.1.c, but it does not seem useful to us if the declaration is not mandatory. That is why we would prefer to use a “shall” provision in art 2.c instead of a “may”.

Additional information sent on 24 October 2023

As requested, we would like to inform you that we are in favour of the two new topics proposed.

“Therefore, the Presidency would like to have your opinion regarding the following new topics:

- 1. 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; and*
- 2. 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.”*