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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 - Comments from the Danish delegation

Delegations will find attached the Danish delegation's comments and replies in response to the request from the Presidency sent on 20 December 2023, and that can be found in document 16745/23.

QUESTIONS FOR THE SCA

With a view to the meeting of the Special Committee on Agriculture on 8 January 2024, the incoming Belgian Presidency would like to invite delegations to exchange views on the main differences between the mandate of the Council and the mandate of the Parliament. In particular, the Presidency will invite delegations to share their views on amendments 21 and 56 (traceability of honey), 33 (origin labelling of fruit in fruit juices) and 39 (origin labelling of fruits and sugar in jams and jellies).

Member States will find hereunder a preliminary analysis of the mandate of the European Parliament, together with some questions. The views to be shared during the SCA are included in the questions 1.1, 2.1 and 3.1.

Delegations are invited to provide written replies by 8th January 2024, cob.

1. HONEY

Although there are differences between the Council's and the European Parliament's mandate concerning origin labelling of honey, the Council in general shares the interest of the Parliament in strengthening the origin labelling of honey whereby the countries of origin should be indicated in descending order together with their respective share of weight. The Parliament's mandate however does not allow for any national exemptions, as it is foreseen in the Council's mandate for the four largest shares. In addition, both Council and the Parliament support a derogation for small packages.

Besides the revision of the origin labelling the Parliament wants to introduce a traceability system for honey that would require Member States to trace back the entire supply chain of a given honey to beekeepers. Therefore, each honey marketed with a different identification than that of the beekeeper would have to be identified with an identifier code. Such a traceability system was not discussed, and is not foreseen, in the Council's mandate.

Furthermore, the Parliament also would like to amend the definition of honey by prohibiting the procedures of ultrafiltration, artificial evaporation and vacuum evaporation, and introducing a new type of honey, called ‘unheated honey’. These changes were not foreseen in the Council’s mandate.

Questions:

1.1 What is the opinion of the Member States on the introduction of a traceability system that requires Member States to trace back the entire supply chain of a given honey to beekeepers or harvesting operators in the case of imported honey (AM 21, 56)?

Denmark considers that the existing rules on traceability are sufficient. It would be disproportionate to establish an extended traceability system for honey. It is doubtful whether the EU can demand third countries to establish a traceability system, as it must be assumed not to be in line with WTO rules.

1.2 What is the opinion of the Member States on the proposed change of the definition of honey, in particular to exclude ultrafiltration, artificial evaporation and vacuum evaporation as allowed techniques and to introduce a new type of honey, namely ‘unheated honey’ (AM 19, 20, 26, 27, 29, 30, 31, 32, 67)?

Denmark will have to consider this proposal further.

2. FRUIT JUICE

In the case of fruit juices, the Parliament wants to introduce origin labelling for fruit juices whereby the country of origin of the fruit used to manufacture the juice should be indicated on the front label. This is similar to the Parliament’s amendments on origin labelling for honey. In contrast, this was not discussed, and is not foreseen in the Council’s mandate.

Both the Council and the Parliament want to introduce two new categories of fruit juices, namely ‘reduced-sugar fruit juice’ and ‘reduced-sugar fruit juice from concentrate’, although the Council mandate also includes ‘concentrated reduced-sugar fruit juice’.

Regarding these reduced-sugar fruit juices, whether from concentrate or not, the Parliament wants to prohibit in the labelling any claim that suggests that the product would have positive properties in comparison to non-reduced fruit juices, for example that it contains less calories or is a healthier alternative. Even referring to the reduction of the sugar content would be prohibited anywhere else than in the legal name of the product. This was not discussed, and is not foreseen in the Council’s mandate.

Furthermore, the Parliament wants to explicitly prohibit the addition of additional sugars or sweeteners to the reduced-sugar juices. The Council's mandate refers to *"the use of sweeteners or the addition of ingredients with sweetening properties should not be allowed"* in the recitals which follows from the application of the rules already provided for in Annex I, part 2.

The Commission's proposal allows for the use of membrane filtration and yeast fermentation to remove naturally occurring sugars, provided that "all the other essential typical physical, chemical, organoleptic and nutritional characteristics of an average type of juice of the fruit from which it comes" are maintained. In order to clarify these terms, the Council proposed in its mandate to empower the Commission to adopt implementing acts in order to lay down uniform rules on the use of the authorised treatment processes and the resulting physical, chemical, organoleptic and nutritional characteristics of the products. The Parliament however proposes to clarify those criteria, in a definition, whereby the provisions on reduced-sugar fruit juices should only apply after the adoption of this definition. This definition has to be presented by the Commission as a legislative proposal by 31 December 2024.

Questions:

2.1 What is the opinion of the Member States on the proposal to introduce origin labelling for fruit in fruit juices (main AM 33)?

Denmark cannot support this proposal. Denmark has the general opinion mandatory origin labelling should not be extended to more products.

2.2 What is the opinion of Member States on the proposal to restrict claims for reduced-sugar fruit juices and to prohibit any comparative claims for those products in comparison with the fruits they originate from or 'normal' fruit juices (AM 36)?

Denmark finds that the existing rules on claims and misleading labelling are sufficient. Denmark can therefore not support this proposal.

2.3 What is the opinion, in principle, of the Member States on the proposal to subordinate the creation of the new categories of reduced-sugar fruit juices to the adoption of criteria better defining the essential physical, chemical, organoleptic and nutritional characteristics of an average type of juice (AM 37, 38)?

Denmark considers that there is no need to further define the characteristics of fruit juice.

3. JAM

The Parliament wants to introduce origin labelling for jams whereby the country of origin of the fruits and the sugar used to produce jams should be indicated on the label. This is similar to the European Parliament's amendments concerning origin labelling for honey and fruit juices. In contrast, this was not discussed, and is not foreseen in the Council's mandate.

Question:

3.1 What is the opinion of the Member States on the proposal to introduce origin labelling for fruits and sugar in jams (AM 39)?

Denmark cannot support this proposal. Denmark has the general opinion that mandatory origin labelling should not be extended to more products.

4. OTHER

4.1 Are there any other issues Member States wish to express concerning the content of the mandate of the European Parliament?

Denmark has at this stage no further observations with regard to of the mandate of the European Parliament.
