



Council of the
European Union

Brussels, 9 January 2024
(OR. en)

**Interinstitutional File:
2023/0105(COD)**

**16745/23
ADD 18**

LIMITE

**AGRI 822
AGRIORG 152
AGRILEG 349
FOOD 99
CODEC 2489
IA 365**

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 Irish delegation

Delegations will find attached the Irish 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.

Ireland's comments to questions posed by the Belgian Presidency in document 16745/23 of 20 December 2023 on the main differences between the mandate of the Council and the mandate of the European Parliament.

Honey – Council Directive 2001/110/EC

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)?

While the benefits of a traceability system are acknowledged, Ireland has concerns that there has been no assessment of how this would work in practice and that verification of the claims made would be difficult. The proposal for such mandatory traceability processes would have questionable effectiveness until appropriate harmonised methods of analysis have been developed that can verify labelling claims to an evidential standard. The obligation on controls inspectors to conduct traceability checks and mass balance exercises would be burdensome and time consuming, particularly to determine the accuracy of the percentage of honey origin used in the overall product as sourced from the beekeepers.

- As the traceability system was not previously discussed or assessed, consultation time with relevant stakeholders and time to assess information would be required to consider this proposal and the practicality of its implementation.
- The additional cost and administrative burden expected to arise for producers, including EU producers and importers, may result in delays in supply and may reduce EU supplies if the costs are prohibitive for producers. The proposal may also lead to increased prices for consumers.

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)?

- It is important that the information on the product label is accurate, will provide consumers with information on the type and quality of honey they are purchasing, and that the information can be verified through official controls.
- We require further information on what methods of analysis have been developed or whether they can be developed to check and verify accuracy of the term "unheated honey" so that we can consult further with experts on this technical issue.

Fruit Juice – Council Directive 2001/112/EC

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)?

- This mandate was not included in the Commission's proposal and therefore lacks the Impact Assessment required for an in-depth analysis. Furthermore a mandatory origin indication is under discussion within the revision of the FIC Regulation which is based on Impact Assessments and Commission reports analysing the associated costs and benefits to such a measure including legal effects on the internal market and on international trade. Similar analysis has not been undertaken for this proposal.
- Compulsory country of origin labelling was introduced in the Commission's proposal as an anti-fraud measure on honey following the EU coordinated action report "From the Hives" (Honey 2021-2022). Fruit juice does not have a similar issue to that of honey.
- Fruits, by their very nature, are products subject to fluctuations, and their sourcing depends on a number of factors including climate, weather, geography, quality, crop management and prices. If, due to climatic circumstances or weather havoc for other reasons, the supply of raw materials in one country or region is low, this will automatically lead to a higher demand for raw materials in other countries, necessitating flexible alternative sourcing from other countries. The impact of climate change over recent years has aggravated this situation and increased the need for flexible sourcing which if the proposal was implemented would result in frequent label changes and increased burden on producers.
- In addition, as there is no scientific method by which the origin of fruit can be determined, this proposal would add a significant burden for Competent Authorities carrying out control activities. The origin and respective percentage of fruit in each batch would need to be traced via documentation, which would be an extremely large burden.
- The complexity of the production process must be considered: Fruit Juices are not necessarily a single origin product: a recipe may contain *different types of juices* with *different origins of fruits* to give the best taste and depending on customer requirements which may result in different batches being produced for different requirements.
- Supplying detailed information on raw materials related to recipes could threaten intellectual property rights, damage competition, and prevent innovation or the creation of new tastes.
- With the current Fruit Juice Directive, fruit juices produced and marketed in the EU are guaranteed to meet a high level of quality, regardless of their origin. Unlike in the case of honey, without sufficient basis for the proposal, the reasons for the proposal may be open to interpretation not least which might be to associate origin with quality.

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)?

In the context of FIC, Farm to Fork and the sustainable food systems approach, the consumer should be fully informed of the product characteristics. Once the information is clear to the consumer it will allow them to make more informed decisions.

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)?

We support the creation of new categories of fruit juices, it will allow the consumer to choose healthier, reduced sugar options and promote food reformulation. However no impact assessment has been undertaken on this proposal.

Jam – Council Directive 2001/113/EC

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)?

Origin of fruits in jams

- Most points already made under the question on the origin labelling of the fruits in Fruit Juice will have cross-over relevance to the origin labelling of fruits in fruit Jams but it is considered appropriate to repeat them here.
- This mandate was not included in the Commission’s proposal and therefore lacks the Impact Assessment required for an in-depth analysis. Furthermore a mandatory origin indication is under discussion within the revision of the FIC Regulation which is based on Impact Assessments and Commission reports analysing the associated costs and benefits to such a measure including legal effects on the internal market and on international trade. Similar analysis has not been undertaken for this proposal.
- Compulsory country of origin labelling was introduced in the Commission’s proposal as an anti-fraud measure on honey following the EU coordinated action report “From the Hives” (Honey 2021-2022). jams does not have a similar issue to that of honey.
- Fruits, by their very nature, are products subject to fluctuations, and their sourcing depends on a number of factors including climate, weather, geography, quality, crop management and prices. If, due to climatic circumstances or weather havoc for other reasons, the supply of raw materials in one country or region is low, this will automatically lead to a higher demand for raw materials in other countries, necessitating flexible alternative sourcing from other countries. The impact of climate change over recent years has aggravated this situation and increased the need for flexible sourcing which if the proposal was implemented would result in frequent label changes and increased burden on producers.

- In addition, as there is no scientific method by which the origin of fruit can be determined, this proposal would add a significant burden for Competent Authorities carrying out control activities. The origin and respective percentage of fruit in each batch would need to be traced via documentation, which would be an extremely large burden.
- Although the additional information may support the Farm to Fork Strategy's objective of strengthening consumers in making informed choices it will be burdensome on jam manufacturers in terms of costs, labelling and packaging.
- Apart from the need for flexibility of sourcing, the complexity of the production process for blended jams and the impact of the Parliament proposal on the production costs must be fully considered:
 - Fruits come from various origins; for example, there are more than 10 countries of origin for strawberries.
 - jams may be made from a blend of fruit origins and packings. Usually at least 3 origins, often 5 and more:
 - Blending is essential to ensure a consistent taste throughout the seasons, as well as during the course of a season or crop year.
 - Since fruit is a living organism, each lot possesses distinct characteristics. The jam manufacturer adjusts the blending to meet the quality parameters of each lot. Consequently, the specific blending may change for each production run.
 - We are advised that the EP proposal could mean that a typical jam producing company could face approximately one hundred interruptions of the production process per day due to label change. This could amount to several thousand interruptions per year, with totally avoidable waste of food products and energy, resulting in one month's loss of productivity per year.
- In the case of a jam made from a single fruit, such as strawberry jam, it would be highly challenging and costly to adjust the labels accordingly for each source of strawberries. This challenge becomes even more complex for products containing two or more fruits. In some instances, maintaining a stock of labels with different percentages and origins for each ingredient is impossible.
- Practical limitations, such as the limited space available on the back-of-pack label for some products, present additional barriers.
 - Due to the additional administrative and increased cost burden, the proposal may have unforeseen consequences resulting in possible reduced numbers of producers, reduced supplies, and increased prices for consumers.

Origin of Sugar in jams

- Amongst the technical complications for sugar in jams are:
 - A mandatory requirement for origin information on sugar would necessitate fundamental adjustments to the current production practices in the sugar manufacturing industry. This would impose disproportionate costs and have an enormous impact on various aspects of sugar production, including sourcing, storage, and processing.
 - Sugar manufacturing is typically conducted through a continuous production process. To illustrate this, consider cases where sugar beets are grown in Country A and then transferred to Country B for processing, alongside sugar beets already present in Country B."
 - The proposed introduction of country of origin labelling for sugar is grounded in the desire to meet consumers' increasing demand for transparency in understanding the origin of their food. However, as sugar is a standardised product at the EU level under Directive 2001/11/EC, which lays down the properties that products placed on the market as "sugar" must have. Accordingly, "sugar" consists of at least 99.7% sucrose.
 - The requirement to disclose its origin may provide limited informative value to consumers. Moreover, such labelling could potentially mislead consumers by leading them to associate quality characteristics with the origin of sugar: this could create an expectation that sugar from different origins possesses distinct qualities.

Other

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

- The EU Principle of Proportionality should be observed when introducing new systems of controls to market products in order to safeguard the free movement of goods and to ensure that good quality, healthy and safe products are not cost prohibitive to the average consumer.
- The introduction of a system of traceability and of ingredients/raw materials origin should be achieved in a manner least burdensome to producers and controls authorities and backed up by a cohesive analysis method across all Member States and with due regard to single market principles and objectives.
- We would favour a proportionate approach to the development of any new legislative proposals where due consideration is given to the impact in particular on artisan, small and medium sized enterprises. We support the availability of reports on impact assessment, cost/benefit reports and general information on the legal effects on the internal market and on international trade when new proposals are introduced. We would like to highlight the challenges involved with providing a fully informed evaluation of all possible concerns and issues intrinsic to new proposals/measures without the benefit of such reports and evidence based analysis.

- In this respect Ireland fully supports the three stated objectives of the Better Regulation agenda, (i) to ensure EU policymaking is based on evidence, (ii) making EU laws simpler and better and avoiding unnecessary burdens, (iii) involving citizens, businesses and stakeholders in the decision-making process.
 - The changes to the Directive will mean additional costs for food businesses in terms of investing in new labelling and packaging, appropriate transitional measures will need to be established to facilitate implementation.
 - Laboratories will also need time to research and develop methods of analysis to verify origin claims to an evidential standard. More time should be permitted for consultation on the new proposals which will have an impact for food businesses and on official controls.
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