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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 Finnish delegation

Delegations will find attached the Finnish 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.

Comments from Finland**1. HONEY****1.1 Traceability of honey (AM 21, 56)**

Finland supports the reform of the origin labelling provision for honey blends. The origin labelling shall be developed so that the labelling requirements can be implemented and that the accuracy of labelling can be supervised without an unreasonable administrative burden. If the control authorities are unable to verify the accuracy of the information given on the labelling, this might even increase the opportunities for fraudulent practices rather than prevent it.

The EP has proposed that honey marketed with a different identification than that of the beekeeper shall have an identifier code linked to a traceability system (AM 21) that allows the competent authorities of Member States to trace back the entire supply chain of a given honey to beekeepers. Finland considers that the proposal is somewhat unclear and goes quite far. Honey producers and packers shall have an adequate traceability system. However, the requirements for the traceability system must be such that they do not impose an unreasonable administrative burden.

Regarding the EP's proposal on traceability requirements on honey (AM 56) Finland considers that proper analytical methods are essential for the detection of quality characteristics and the origins of the honey as well as for detection of honey adulteration. Finland can support setting a deadline for establishing a harmonized methodology. However, time limits proposed by the EP are rather tight. The proposed new Article 4a para 2 is unclear.

Finland can support the proposal of the EP that an EU Reference laboratory for honey (AM 61) shall be established to improve controls and to detect adulteration in honey.

**1.2. Proposed change of the definition of honey (AM 19, 20, 26, 27, 29, 30, 31, 32, 67)**

The EP has proposed to amend the definition of honey by prohibiting the procedure of ultrafiltration, artificial evaporation and vacuum evaporation, and introducing a new type of honey, called 'unheated honey'. These proposals have not been discussed during the negotiations in the Council. Introducing new provisions without prior thorough analysis is not in accordance with the rules of Better Regulation.

Finland can accept the proposal to remove the category of '*filtered honey*' from the Directive (AM 5, 19, 20 and 26, 27, 31). Since pollen is the key element present in honey, the product should not be called honey if the pollen has been removed especially by ultrafiltration process.

In order to reach a compromise Finland can accept the proposal to establish a new category of honey called '*unheated honey*' (AM 29). However, the EP's proposal needs to be clarified. We find it absolutely necessary that '*unheated honey*' is allowed to be warmed up. For example, Finnish honey easily crystallizes and it is not possible to pack it without warming. The proposed temperature is not clear enough and it would be better to define the temperature as '+45-50 degrees'. EP has proposed (AM 6) that 'if the honey is treated above 40°C (+/-5°C), the term '*heated honey*' should appear on the label' but this proposal is not included in the amendments related to the Articles of the Directive. We are not in favour of the term '*heated honey*'. It might confuse consumers especially in the countries like Finland, where honey is not pasteurized in a high temperature.

We can also accept the proposal to prohibit the *vacuum evaporation process* for honeys (AM 7, 30). This process affect the quality of honey, for example aromas and enzymes.

### **Origin labelling of honey blends**

Regarding the origin labelling of honey blends, the Council's mandate included a possibility for a national exemption. Finland supports the proposal that where the number of countries of origin in honey blends is more than four, MS may provide that the obligation to indicate the percentage only applies to the four countries of origin representing the four largest shares among all countries of origin.

It is also important to maintain the 5 % tolerance in the Council's mandate as it will reduce the administrative burden for the operators considerably.

## **2. FRUIT JUICE**

### **2.1 Origin labelling of fruit in fruit juices (AM 33)**

In general, consumers need sufficient and correct information to support their purchasing decisions. Therefore, Finland supports the reform of the origin labelling provisions of foodstuffs. The origin labelling shall be developed so that the labelling requirements can be implemented and that the accuracy of labelling can be supervised without an unreasonable administrative burden.

The EP has proposed origin labelling for fruit juices. Finland does not support the mandatory origin labelling of fruits used to manufacture the fruit juice. The origin labelling for fruit juices was not discussed during the negotiations in the Council. There are no impact assessments on the feasibility of such a measure, nor on its environmental, social, and economic impacts for the operators. Introducing such a consequential provision without prior analysis is against the rules of Better Regulation.

In the production of fruit juices, fruits are chosen for their particular characteristics and specifications as well as the price and availability of the fruits. Complex mandatory origin labelling of fruits used to manufacture fruit juices will take away all flexibility for companies to deviate sourcing in case of supply chain problems. Mandatory origin labelling of fruit juices would require major changes in the operations of companies, as harvests and availability of fruits vary and fruits are stored in silos and pools where fruits are mixed. Mandatory origin labelling would also mean constant adaptation of food labels leading to higher costs, rising packaging waste and significant additional logistics. Depending on the situation, mandatory origin labelling would also require changes to the acquisition, storage and manufacture of raw materials as well as product development.

## **2.2 Restriction of claims for reduced-sugar fruit juices (AM 36)**

EP has proposed to restrict claims for reduced-sugar fruit juices and to prohibit any claims suggesting that the reduced-sugar fruit juices would have positive properties in comparison to non-reduced sugar fruit juices. Finland considers it important that the claims do not mislead the consumer. Any claims for reduced-sugar fruit juices must comply with the provisions of the Food information Regulation (EU) No 1169/2011 and the Regulation on Nutrition and Health Claims (EC) No 1924/2006. We do not consider it necessary to include a specific provision on claims in this directive.

## **2.3 Proposal to subordinate the creation of the new categories of reduced-sugar fruit juices to the adoption of criteria for ‘the essential physical, chemical, organoleptic and nutritional characteristics of an average type of juice’ (AM 37, 38)**

The EP has proposed to clarify the criteria for ‘the essential physical, chemical, organoleptic and nutritional characteristics of an average type of juice’ in the definition of the new categories of reduced-sugar fruit juices. The Commission should present a legislative proposal for the definition by 31 December 2024 and the provisions on reduced-sugar fruit juices would be applicable after the adoption of this definition.

Finland considers it necessary to lay down uniform rules for the new categories of reduced-sugar fruit juices on the use of the authorised treatment processes and the resulting physical, chemical, organoleptic and nutritional characteristics of the products. We support the approach in the Council’s mandate to empower the Commission to adopt implementing acts laying down these rules. We can also accept the formulation of the provision into a more binding form with a time limit. We don’t see it necessary to link the application of the provisions on reduced-sugar fruit juices with the detailed rules laid down by implementing acts.

### 3. JAM

#### 3.1 Origin labelling of fruits and sugar in jams and jellies (AM 39)

EP has proposed mandatory origin labelling for fruits and sugar used to produce jams.

Finland does not support the mandatory origin labelling of fruit and sugar in jams. The origin labelling was not discussed during the negotiations in the Council. There are no impact assessments on whether the origin labelling of fruit and sugar in jams is technically feasible, what negative impacts the complex mandatory origin labelling would have e.g. on environment and food waste, and what kind of costs it would trigger, including the increase of consumer prices.

Fruits are products that are subject to fluctuations and their supply depends on climate, weather, quality and price. The impact of climate change over the recent years has worsened the situation and increased the need for flexible supply chains. Complex mandatory origin labelling would hinder the flexibility for companies to deviate sourcing in case of supply chain problems. Mandatory origin labelling would require major changes in the operations of companies and would also mean frequent adaptation of food labels leading to higher costs, rising packaging waste and significant additional logistics.