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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 Estonian delegation

Delegations will find in the annex the comments from the Estonian delegation on the above-mentioned proposal.

Comments from the Estonian delegation

Thank you for the Commission proposal amending Directive 2001/110/EC on honey, Directive 2001/112/EC on fruit juices and similar products, Directive 2001/113/EC on fruit jams, jellies and marmalades and Directive 2001/114/EC on dehydrated milk. Thank you also for the opportunity to submit questions of clarification before meeting. Estonian questions are following:

Honey

- Is the amendment to Article 2(4)(a) intended to exempt only blend of honeys in packages of less than 25 g?
- Could you please clarify if the origin of the honey must be labelled if the package contains less than 25 g of honey?
- Have you analysed the compatibility of such a requirement with Article 16(2) of Regulation 1169/2011?

For the clarification, Article 16(2) of Regulation 1169/2011 provides for a derogation for the indication of information in the case of small packages: For packages or containers with a maximum surface area of less than 10 cm², only the particulars listed in Article 9(1)(a), (c), (e) and (f) (i.e. name of the food, allergens, net quantity and durability labelling) are mandatory on the package or on the label. Considering this, the indication of origin is not usually required on small packages.

Fruit juices

- Has the Commission also analysed the compatibility of the Directive 2001/112 with Regulation 1334/2008 on flavourings, as the Directive allows the restoration of the flavour of juices? Should there also be a reference to the Flavouring Regulation similarly as to the Food Additives Regulation?
- As the consumer may perceive the statement ‘no fruit juices contain added sugars’ in Article 3(4) on the labelling of a particular juice as a specific characteristic of that product, have you considered making this indication mandatory? For clarification that such a statement may be considered as attributing specific characteristics to a food and it is very similar to the claim allowed in the Food claims Regulation 1924/2006.
- The last paragraphs of points 6(a) and 6(b) of Part I of Annex I mentions the mixing of juice with reduced sugar content juice in the preparation of juice with reduced sugar content. It is not clear from the wording whether the 30% reduction in the sugar content of the final product in relation to the sugar content of the finished product is to be followed or not.
- Has the Commission analysed the designation of such a product where juice and juice with reduced sugar are mixed, but the sugar content of the final product is not reduced by 30%?
- In the case of reduced sugar juice, how can the basic nutritional characteristics of juice from the same fruit be maintained if the sugars are reduced?
- Is it also allowed to use the statement ‘no fruit juices contain added sugars’ on the product when blending juice and juice with reduced sugar content?

- The impact assessment mentions that science is sufficiently advanced to allow the authenticity of fruit juices with reduced sugar content to be verified. In order to enable Member States to carry out the effective control of the compliance of such products, and with a view to avoiding food fraud, does the Commission intend to draw up implementing guidelines on this subject?
- Annex 1, Part II, point 2, third indent - would it be correct to refer here to the fact that ingredients used in flavour restoration must comply with Regulation 1334/2008?

Fruit jams, jellies and marmalades

- Has the Commission also analysed the compatibility of Directive 2001/113 with Regulation (EC) No 1334/2008 on flavourings? Should there be a reference in the Directive to the Food Flavourings Regulation as there is to the Food Additives Regulation (1333/2008)?
- Is it reasonable to duplicate in article 2 point 6 requirement of labelling of sulphur dioxides considering the labelling of allergens on foodstuffs is more specifically regulated by Articles 9, 16 and 21 of Regulation 1169/2011 and Annex II?
- The impact assessment describes that increasing the fruit content reduces the amount of added sugar. Could you please clarify by how much the amount of added sugar is reduced. Has the Commission analysed how option of not reducing the overall sugar content in jams contributes to the reformulation of food with the aim of supporting healthy diets for consumers?
- If a Member State decides to allow the term 'marmalade' to be used to designate a product with the name 'jam', can it also lay down additional conditions to enable consumers to distinguish between jam and marmalade? For example, may it be required that the marmalade needs to be made from a purée?
- Could you please clarify whether the name of a citrus marmalade must also include the name of the citrus species (e.g. orange citrus marmalade) or whether the word 'citrus' may be omitted from the name of the citrus species (e.g. orange marmalade)?
- If the sugar content of a product is reduced by more than 30% and no sweeteners are used, could this lead to a situation where fruit puree is sold as a reduced sugar jam?

Dehydrated milk

- Could you please explain which changes in the composition of milk following a reduction in lactose content are meant in the second sentence of point 3(d) of Annex I?
- Could you please clarify whether the notification of the method of processing used to reduce lactose must comply with the requirements of Regulation 1169/2011 (in particular Annex VI thereto)? E.g. is the information given by the name of the product (e.g. 'reduced lactose milk', 'lactose-free milk') or is the treatment indicated near the name? What could be the lactose content threshold of the “reduced lactose milk” or “no lactose milk”?