



Council of the
European Union

Brussels, 12 May 2023
(OR. en)

Interinstitutional File:
2023/0105 (COD)

9328/23
ADD 6

LIMITE

AGRI 247
AGRIORG 53
AGRILEG 82
FOOD 37
CODEC 847
IA 104

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 in the Annex the comments from the Luxembourg delegation on the above-mentioned proposal.

Thank you for giving us the opportunity to send in questions regarding the proposal on the revision of the breakfast directives (ST 8624/23). LU welcomes the proposal and the crosslinks established to regulations (EU) No 1169/2011 and (EU) No 1924/2006.

We would very much appreciate to receive clarification on behalf of the Commission on the following points.

Directive 2001/110/EC on honey:

Art 1.2.: The revision foresees an exemption for packages containing less than 25g. Why did the Commission choose not to refer to Article 16.2. of FIC regulation (EU) No 1169/2011 that states that *“In the case of packaging or containers the largest surface of which has an area of less than 10 cm² only the particulars listed in points (a), (c), (e) and (f) of Article 9(1) shall be mandatory on the package or on the label.”*? This excludes the labelling of origin.

Directive 2001/112/EC on fruit juices and similar products:

Art.2.1.c.: The revision foresees that the statement “no fruit juices contain added sugars” can be used.

Regulation (EU) No 1924/2006 indicates in its Annex: *“WITH NO ADDED SUGARS A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties. If sugars are naturally present in the food, the following indication should also appear on the label: ‘CONTAINS NATURALLY OCCURRING SUGARS’*

Does the Annex of 1924/2006 apply here?

Annex I.1.a. foresees the addition of sugar reduced juices: why did the Commission not make reference to the Annex of Regulation (EU) No 1924/2006 indicating: *“The claim ‘reduced sugars’, and any claim likely to have the same meaning for the consumer, may only be made if the amount of energy of the product bearing the claim is equal to or less than the amount of energy in a similar product.”*

Directive 2001/113/EC on fruit jams, jellies and marmalades:

Art.3.1.c.: Concerning the labelling of the residual content of sulphur dioxide

Article 21 of FIC regulation (EU) No 1169/2011 provides the rules for the labelling of certain substances or products causing allergies or intolerances.

Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre are listed in Annex II of FIC regulation. To which extend is this provision a derogation from Article 21 of Regulation (EU) No 1169/2011?

Our questions don't prejudice any further comments on the proposal.