



Council of the
European Union

Brussels, 17 May 2023
(OR. en)

9535/23

Interinstitutional File:
2023/0105(COD)

AGRI 259
AGRIORG 56
AGRILEG 85
FOOD 40
CODEC 901
IA 110

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	8624/23 + ADD 1-4
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 - Optional consultation of the Committee of the Regions ¹

1. On 21 April 2023 the Commission submitted to the Council the 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.

¹ The sole purpose of this note is to decide on the consultation of another institution/body and not on the substance.

2. The proposed revisions aim to help consumers make more informed choices for a healthier diet and contribute to prevent food waste. They include, among others, provisions on:
- **Origin labelling:** Clearer, mandatory origin labelling rules for **honey, nuts and dried fruits, ripened bananas, as well as trimmed, processed and cut fruit and vegetables** (such as packaged salad leaves).
 - **Food waste:** The proposed revisions address food waste and packaging waste. For example, so-called “**ugly**” **fruit and vegetables** (with external defects but still suitable for local/direct consumption) sold locally and directly by producers to consumers would be exempted from complying with marketing standards.
 - **Packaging:** Products intended for donation may be exempted from main labelling requirements.
 - **Fruit juices:** it will be possible for fruit juices to bear the mention “with no added sugars” to clarify that, contrary to fruit nectars, fruit juices cannot by definition contain added sugars – a feature that most of the consumers are not aware of. Moreover, to address the growing consumer demand for products with lower sugar content, a reformulated fruit juice would be allowed to indicate “reduced-sugar fruit juice” on its label. To simplify further and adapt to consumer tastes, the term “coconut water” could now be used alongside “coconut juice”.
 - **Jams and marmalades:** the **fruit content of jams will be increased** from 350 grammes to 450 grammes minimum (to 550 grammes for quality extra) per kilo of finished product. The term “marmalade”, authorised until now only for citrus jams, would now be allowed for all jams to introduce the possibility to adjust the name of the product to the most used locally.
 - **Eggs:** Solar panels may now be used in outdoor areas used in free-range production systems for eggs. The **marking of eggs would also be done directly at the farm** which will improve traceability.

4. Article 37 of the Treaty establishing the European Community (Amsterdam consolidated version) is the legal basis of the four Directives subject to this revision. The proposal for amending those Directives is based on Article 43 TFEU, which provides for the European Parliament and for the Council to act in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee. Thus, in principle, the Opinion of the Committee of the Regions is not required. However, taking into account the subject matter of the proposal in question and its possible impact for public and private entities also on sub-national level, it would appear appropriate to also consult the Committee of the Regions on the present Proposal.
5. The Permanent Representatives Committee is therefore invited to decide, in accordance with Article 19(7)(h) of the Council's Rules of Procedure, to consult the Committee of the Regions on the above Proposal and to request it to give its opinion as soon as possible.
