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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 Hungarian delegation

Delegations will find in the Annex the comments from the Hungarian delegation on the above-mentioned proposal.

WRITTEN COMMENTS FROM HUNGARY ON THE
THE REVISION OF THE BREAKFAST DIRECTIVES - AGRICULTURAL PRODUCTS

Questions on honey

The proposal on honey is aimed at reducing the risk for consumers being misled by the labelling of honey blends with origin.

Do you think that the proposed change will sufficiently reduce that risk? You are welcome to motivate your answer.

The proposal reduces the risk for consumers being misled, but not sufficiently. That is why the countries should be listed in descending order of the weight of the honey used in the blend, similarly to the descending order of ingredients per the FIC regulation. This would prevent misleading practices where a preferred country of origin could be placed in first place even if its share is minimal in the blend.

Will the proposed change have any negative consequences on the administrative burden for producers and/ or packers? To what extent could this have an impact on the price to consumers?

Producers/packers can only comply with the current rules if they keep a record of the country of origin of the honey used. In addition, the monitoring rules also require this. Therefore, in our opinion the administrative burden can increase only very slightly. Accordingly, stricter marking rules will not have a direct price-increasing effect. At the same time, the measure may result in the displacement of imported honey from the EU market, which may cause a price increase, but at the same time it may lead to an improvement in the quality of the traded honey.

Some Member States have, in the Council, expressed a wish to see a requirement for labelling with a percentage/ share of the honey. If you propose this, can you see that Member State's control authorities will be able to verify this information?

Since analytical methods currently cannot separate batches in blends based on their origin, this control would only be possible as an administrative control of traceability documentation. The burden this would pose would depend on the control frequency and implementation of the Member State.

Further comment

We do not support a derogation from the requirement on origin labelling based on the weight of the package. The derogation of the FIC regulation (Article 16 point (2)) is the right approach for such derogations.

Questions on fruit juices

Do you agree to the inclusion of a category of fruit juice with reduced sugar?

Hungary welcomes the proposal to introduce the new category. A particularly important goal for our country is to guide consumers towards more health-conscious eating habits. With this product category, a healthy alternative would be introduced to replace the traditionally consumed products.

Do you agree that membrane filtration and yeast fermentation are to be authorised processes? (Is it sufficient to meet technical innovation)

Hungary welcomes and agrees with the authorization of these two new technologies. This should be sufficient to cover the innovation of the industry.

Will the requirement “all the other essential characteristics should remain unchanged” be an obstacle to placing these products on the market?

During the subtraction of the sugar, some material connected to the sugar also leaves the products. Therefore the products can not remain unchanged. This will not be an obstacle for placing these products on the market. However, after the sugar reduction, all other basic characteristics should remain unchanged.

Questions on jam

In the proposal on jam and marmalade the quantity of fruit required in jam and extra jam is increased.

Do you agree with the increase in the quantity of fruit required in jam and extra jam?

The proposal has the effect of increasing quality, which we agree with, however, the increased quality may cause a price increase. Hungary's consumers are price-sensitives, as a result of which there will be a group of consumers whose preferred product category will be pushed out of the market.

To what extent will these products improve health and sustainability

No specific research in this direction has been carried out in our country, so we cannot provide a precise answer to this question. Generally speaking health does not depend on specific products, but on several aspects that includes diet as well. As regards diet, it is important what products and how often people consume. Therefore such effect is difficult to measure at this point of time.

Do you agree with opening up for the term marmalade to be used also for jams?

We agree.

Do you expect that the increased requirement for fruit content may have an impact on the price to the consumer?

Raising the fruit content would result in increase in costs for the producer, and subsequently an impact on the price to the consumer.

Questions on milk products

Do you agree with authorising a treatment to produce lactose free dehydrated milk (similar to what is already possible for liquid milk)?

We agree with the authorization of the production of lactose free dehydrated milk, in order to make the widest possible range of lactose free products available, thus helping to meet the changing of consumer needs.

Honey

As regards the options presented in WK 7166/2023, Hungary's first choice would be **Option B** (descending order highlighted), but as we followed the discussions on this matter, an **option with percentages** (such as Option D or further options presented at the meeting, e.g. with thresholds of X%) would also be supported.

Hungary reiterates its position to **delete “containing more than 25g”** in Article 2 paragraph 4 point (a). We consider that the FIC Regulation (1169/2011/EU) provides a proper general derogation for such products.

We also propose to **set deadlines** for the Commission to complement and supplement the Directive as regards methods of analysis and quantitative parameters in Article 4. The Commission has repeatedly highlighted its intention to **support activities combatting adulteration** of honey blends, most recently in relation to the results of the EU coordinated action “From the Hives” (Honey 2021-2022). Hungary considers such amendment of the Directive would support the realization of this commitment.

„Article 4

1. For the purposes of the second paragraph of Article 9 of this Directive, the Commission ~~may~~ **shall, by [3 years from the entry into force of the Directive]**, taking into account international standards and technical progress, by means of implementing acts that are in accordance with Regulation (EC) No 882/2004 of the European Parliament and of the Council, set out methods of analysis to verify whether honey is compliant with the provisions of this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2) of this Directive. Until the adoption of such methods, Member States shall, whenever possible, use internationally recognised validated methods of analysis such as those approved by the Codex Alimentarius to verify compliance with the provisions of this Directive.

2. For the purpose of ensuring fair commercial practices and protecting consumer interests and enabling the setting out of relevant methods of analysis, the Commission shall be empowered to adopt delegated acts in accordance with Article 6 to supplement this Directive by laying down the quantitative parameters relating to the following:

(a) the criterion of ‘mainly’ as regards the floral or vegetable origin of honey as referred to in the first indent of Article 2(2)(b); and,

(b) the minimal content of pollen in filtered honey following removal of foreign inorganic or organic matter referred to in point 2(b)(viii) of Annex I.

The Commission shall adopt those delegated acts by [3 years from the entry into force of the Directive]. The Commission shall provide, in those delegated acts, for appropriate transitional arrangements for products placed on the market before the date of application of those delegated acts.”

Simultaneously, points 2 and 3 of Article 6 would become redundant, therefore they should be deleted as well.

Fruit juices

Hungary recommends to **delete the allowance for the use of sweeteners** from the part containing no added sugar in point b of Annex I, in order to be in line with Regulation 1924/2006/EC. Thus, the text of the draft would be changed to the following:

„A claim stating that sugars have not been added to fruit nectar, 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 ~~including sweeteners as defined in Regulation (EC) No 1333/2008.~~”

Fruit jams

As regards the options presented in WK 7166/2023, Hungary supports **Option D** and **Option B**. We generally agree with increasing the fruit content to empower more healthy diets. The difference between jams and extra jams is marginal in Option C, therefore we do not consider it the right approach.

Milk products

No comments.
