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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 Estonian delegation

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

**Comments from the Estonian delegation**

Estonia welcomes the Commission's initiative to amend the Breakfast Directives, which are over 10 years old. Their revision is necessary in the light of the sustainability targets we have set in the Farm to Fork Strategy. Such changes must certainly also take into account the consistency between horizontal and vertical law, which increases legal clarity and improves its uniform application within the EU.

**Honey**

Estonia supports the Commission's proposal to present honey by country of origin for blends and considers that the proposed amendment reduces the risk of misleading consumers. In addition to the existing proposal, Estonia supports the countries of origin to be presented in descending order of the quantity of honey and to include the percentage of honey content from each country. Such an approach would contribute to better informing consumers for their purchasing decisions and avoiding misleading them.

The Commission has proposed an exception for the presentation of origin for blends of honey when the packaging size is 25 g or less. Estonia considers that since horizontal requirements on the labelling of small packages, including origin, are already set out in Regulation (EU) No 1169/2011 of the European Parliament and of the Council (exception for packaging with an area of less than 10 cm<sup>2</sup>), it is not necessary to regulate this in the Honey Directive. The issue of the capacity of the information on packaging is not related to the quantity of the product, but to the area of the packaging. Therefore, in order to address the issue of the capacity of the information, the exemption should be linked to the surface area of the packaging rather than to the quantity.

We ask the Commission to clarify whether the proposed exemption for the indication of countries of origin for the marketing of small quantities of honey (25 g or less) takes into account the Commission's proposal for a regulation on packaging and packaging waste, (published at the end of last year), which envisages a ban on certain forms of packaging, including individual packaging of preservatives and other additives used in the HORECA sector.

Estonia also stresses the need to develop EU-wide generally accepted methods and relevant databases to facilitate compliance with authenticity and origin requirements and verification of compliance.

**Fruit juices**

Estonia supports the authorisation of the sugar-reduced fruit juice category and the processes necessary for the production of products of these categories. We agree with membrane filtration and yeast fermentation as authorised as eligible processes.

Estonia finds that the text of the Directive regarding sugar-reduced fruit juice categories (points 6(a) and 6(b) of Part I of Annex I) needs clarification as regards the following part "all the other essential characteristics should remain unchanged". In the case of reduced sugar juice, how can the essential nutritional characteristics of juice from the same fruit be maintained if the sugars are reduced?

Estonia is concerned about the Commission's proposal to introduce the indication "no fruit juices contain added sugars" on juice, as the amendment proposed in the draft is contrary to the principles laid down in the FIC Regulation and may be misleading for the consumer. According to Article 7(1)(c) of the FIC Regulation, food information must not be misleading and imply that a food has specific characteristics where such properties are in fact in all similar foods, or that it contains or does not contain certain ingredients and/or nutrients. In view of this, the indication 'no fruit juices contain added sugars' is not in line with Article 7(1)(c) of the FIC Regulation, since such an indication emphasises the absence of added sugars in juice. It attributes a specific characteristic to the juice, which may mislead the consumer. In addition, we would point out that in addition to juices, there are other food categories where the consumer's awareness of the composition of the product is not high, so there is a precedent here and this may lead us to exceptions, which are ultimately misleading for the consumer.

In addition, we ask the Commission for clarification on the name of the final product in case of blending of juice with reduced sugar content (sugar reduction is less than 30 % in the final product).

We ask the Commission for clarification on the requirements of fructose syrup and sugars extracted from fruit, as set out in point 5 of Annex II of the Juice Directive. They are allowed to be added, but there are no specific requirements as to which products are to be understood as such.

### **Jam and marmalades**

Estonia can support an increase in fruit content in jam and extra jam, but prefers to reduce the soluble dry matter standard. This option would take more into account the Commission's Farm to Fork Strategy objectives related to public health and healthy diets.

Estonia suggests adding the reference of Regulation 1334/2008 on flavourings in order to achieve better coherence with this Regulation.

With regard to the requirements for the presence of sulphur dioxide residues, we consider that there is no need to duplicate it, since the presentation of allergens on food labels is further regulated by the FIC Regulation.

Estonia can support the replacement of the word "citrus marmalade" by a type of fruit (e.g. "orange marmalade" instead of "orange citrus marmalade").

Also, in the case 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?

### **Milk products**

Estonia supports the Commission's proposal regarding the treatments used for the production of lactose-free dehydrated milk.

We need clarification from which lactose content it can be indicated that the lactose content of dehydrated milk has been reduced or that it is free of lactose. Estonia finds that for the purpose of uniform application of the requirements, the lactose content should be defined by EU legislation.