



Council of the
European Union

Brussels, 6 June 2023
(OR. en)

**Interinstitutional File:
2023/0105(COD)**

9697/23
ADD 23

LIMITE

**AGRI 271
AGRIORG 62
AGRILEG 86
FOOD 43
CODEC 939
IA 119**

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 German delegation

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

Comments from the German delegation

Germany thanks the Commission for its initiative to amend several Directives belonging to the so-called Breakfast Directives. At this technical stage, we have the following comments on the proposal:

Honey

Germany welcomes and supports the Commission's proposal to present honey by country of origin for blends and considers that the proposed amendment improves transparency and thereby reduces the risk of misleading consumers. Germany underlines that the legislative proposal should ensure that countries of origin are presented on the label in descending order of their quantity in the honey blend. Such an approach would contribute to better informing consumers for their purchasing decisions. We consider that the determination of the exact percentage and controls for verifying such percentages might be challenging and might put a high burden on food business operators.

Germany can agree that small packs with honey blends are exempted from origin labelling. However, we propose that such labelling has to be given on the outer package of these small honey packs, so that such information can be provided at any stage, in particular if the consumer asks for the respective information.

Fruit juice

Germany supports the authorisation of a category of fruit juice with reduced sugar content. In principle, we also agree with the processes to be used for their production, i.e. membrane filtration and yeast fermentation. However, we are concerned that the requirement that the final sugar-reduced fruit juice needs to keep all the other essential physical, chemical, organoleptic and nutritional characteristics is rather vague in that only few of such characteristics are defined. Thus, such requirement may be difficult to enforce. To resolve this, we propose that more details are given in relation to the processes in the legislative act, e.g. on the type(s) of yeast that may be used for yeast fermentation. Furthermore, we suggest the inclusion of a recital clarifying that the provisions apply without prejudice to specific provisions in Community legislation. This includes in particular the specific rules on novel foods.

As regards the proposal to introduce an (optional) indication "no fruit juices contain added sugars", Germany is very concerned about this proposal, as it may be contrary to the principles laid down in Regulation (EU) No. 1169/2011 and 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" highlights the fact that sugars have not been added to juices while, in fact, these products are a considerable source of sugars. In addition, we are concerned that such labelling option does not take into account the scientific findings for fruit juice consumption, as recently reviewed by the European Food Safety Authority and as depicted in their scientific opinion on the Tolerable upper intake level for dietary sugars.¹ As stated there, there is evidence for a positive and causal relationship between the intake of fruit juices and risk of some chronic metabolic diseases, mainly type 2 diabetes and gout. This relationship is likely mediated via the contribution of fruit juices to the total energy intake. We conclude that the statement "no fruit juices contain added

¹ doi: 10.2903/j.efsa.2022.7074

sugars” is likely to be in conflict with the ban on advertising with self-evident facts anchored in Regulation (EU) No. 1169/2011, has no added value for the consumer and likely misleads the consumer in terms of the health effects of added sugars vs. free sugars.

Jam and marmalade

Germany can support an increase in the fruit content of jam and extra jam. This option reflects the Commission’s Farm to Fork Strategy objectives related to public health and healthy diets.

Germany welcomes the option that Member States may choose the term marmalade for the product named jam. We are, however, concerned that the consumer may not understand the difference between, e.g., orange marmalade (containing ≥ 450 g orange/kg) and citrus fruit marmalade with orange (containing ≥ 200 g orange/kg). For a better understanding by the consumer of the difference between those two product categories, we could envisage a provision requesting that the fruit content be given in the same field of vision as the name of the food, to apply only for marmalade made from citrus fruit and in those countries opting for the term marmalade to be used for jam.

Milk products

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