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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 Irish delegation

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

Comments from the Irish Delegation on**(1) Presidency revised text (Doc no 10222/1/23 REV 1 - Dated 8 June 2023); and****(2) Answers to questions from Swedish Presidency (Doc no: WK 6565/2023 – Dated 26 May 2023)****1. Proposal to amend Council Directives 2001/110/EC relating to honey****Revised text proposed for Article 2 (a)**

- We welcome the Commission proposal that aims to harmonise labelling rules for honey blends on the EU/Single market. We recognise the importance of the role of labels in supporting the Single Market and it is important that any new labelling rules are simple, verifiable, and do not place disproportionate costs on food business operators and control authorities.
- With regard to the proposed text in respect of honey blends, it is acknowledged that the current origin-labelling rules for blends of honey may be misleading in some circumstances. It is our understanding that EU Commission research¹ indicates that EU consumers would like to clarity on the EU content of the honey products they purchase as compared with non-EU.
- However, we are not convinced that the proposed text of document no. 10222/1/23 REV 1 will bring clarity for consumers in that regard and we have concerns that it may disadvantage EU producers. We are also not convinced that the previous text of document no. WK 7166/2023 INIT provides the appropriate clarity and consider that it would be onerous for food business operators to implement, for control authorities to enforce, may lead to supply chain difficulties, increased costs for consumers and reduce choice for consumers.
- In regard to the proposed amendment and options 0-3, our specific observations are as follows:

[Option 0] [Only descending order, no additional text]

- When compared with the current requirement to declare “EU and non-EU” we do not consider that listing countries in descending order would bring greater clarity for consumers between EU and non-EU sources: we consider that there is potential that this would give rise to confusion for consumers, and also that it could disadvantage EU producers. To illustrate, in theory, 40% could be sourced from one third country and this would presumably appear first; the balance of 60% could in theory come from one for more EU countries but any such EU countries would appear

¹ EU COORDINATED ACTION "From the hives" https://food.ec.europa.eu/system/files/2023-03/official-controls_food-fraud_2021-2_honey_report_euca.pdf

listed in descending order below the third country. Alternatively an EU country with 40% origin share could be listed first and if the balance 60% was from any non-EU countries would be listed below that.

- We also consider that any benefits accruing from this proposal would not outweigh the additional cost and control burden this option may present for FBOs and control authorities. Given the supply chain difficulties EU producers can encounter due to climate and geo-political issues, costs and contractual issues, and other circumstances, the costs of re-labelling to accommodate identifying alternative origin sources at country level could be significant. This could also give rise to increased packaging waste and reduced choice options for food producers and consumers if the costs of changing supply sources are a factors and increase costs for consumers.
- In addition, control bodies and the food business operators will still have to work out the percentage for each source to determine the descending order creating an additional burden on the food businesses or control authorities without any real benefit for consumers, and we note there is no tolerance provided.
- Finally, the risk of error is high and the consequences for non-compliance with labelling requirements can be significant. Irish control bodies currently do not have the technology to test percentages on samples, so this would be a manual exercise of checking sources documentation, invoices etc.

We are opposed to Option O.

Options 1, 2 and 3

- All options would appear to be based on the same principle that some percentage per country of origin is indicated: we foresee difficulties whether or not such percentages are included in a list of countries in descending order.

[Option 1] For the origin with the largest share, the percentage % shall be indicated. In case two or more origins have the same largest share, that share shall be indicated for all of them. A tolerance of [3%] shall be allowed.

- This requires the largest share to be indicated by the percentage or where two or more origins have the same largest share, that share shall be indicated for all of them with a tolerance of 3%.

- We consider this option also has the risk of disadvantaging EU producers and misleading consumers: in theory the single largest share may be from an EU or third country but the balancing share could be from either EU and non-EU, or EU only, or non-EU only and the total could exceed the single largest share.
- Our comments on the additional burden on food producers and control authorities, supply chain disruption, increased cost and risk of error made at Option [0] equally apply here even taking account the tolerance.

We are opposed to Option 1.

[Option 2] For origins with a share of over [30%], the percentage % shall be indicated. If the origin with the largest share is lower than 30%, its percentage shall be indicated. A tolerance of [3%] shall be allowed.

- This would require the FBO to indicate the percentage per country of all shares over 30%. The balancing share is not required to be indicated.
- This Option could present a similar risk for EU producers and consumers such that in theory if the largest single share is over 30% the balance share could be from a range of sources EU and Non-EU, or EU only, or non-EU only. As the percentage is still required to be calculated based on the other sources, similar difficulties are foreseen as in Option [1] including costs on food producers and control authorities supply chain difficulties, and risk of error.

We are opposed to Option 2.

[Option 3] If the share of one particular origin exceeds [50%], this shall be indicated by supplementing the mention of that country by "more than [50%]".

- This would require only an indication that a source exceeds 50% origin could disadvantage EU producers.
- To illustrate, in theory 99% could be sourced from the EU and this would be indicated only as more than 50% which would not reflect the total EU source bearing in mind the clarity consumer requires.

- Alternatively, more than 50% could in theory be 51% and could be from a third country with the total of the balancing 49% could be from the EU.
- We are not convinced that this option delivers on the stated objective.
- As per the other options, indicating the percentage for one source still requires the Food Business Operators and control bodies to determine the percentage for all other sources and still gives rise to the risk of reduced supply chains, additional cost for consumers, producers and control bodies and risk of error referred to in our previous responses.

We are opposed to Option 3.

Conclusion.

We consider that the balance between EU and Non-EU is the critical point to be highlighted on the label: indications are that this is important to EU consumers. It is important to ensure that consumers have clarity in relation to product coming from outside the European Union. It is also important to ensure there are no unforeseen consequences of the proposals that would disadvantage EU producers of honey in the choices consumers make, based on what is presented to them on the labels that may unintentionally be misleading.

The reality is that EU consumers demand for honey exceeds EU production capacity. We are concerned that the options proposed will not allow for the recognition of EU honey.

As indicated, all options have challenges relating to additional administrative burden and costs to both businesses and competent control authorities, supply chain challenges, the ability to test and all of these could potentially disadvantage EU producers and indeed consumers.

From a healthy diet perspective, increased costs for food producers and disruption to supply chains leading potential shortages of honey on the supermarket shelves could mean that consumers may replace their use of honey with another highly processed sweetener, such as sugar, a less healthy option. The risk of constraining the availability of honey due to price or availability needs to be carefully balanced against bringing appropriate clarity to consumers. The options as presented do not provide assurance as to those risks.

Nor do we consider that assigning percentages per country on the label is the appropriate solution given the additional burden for producers and control authorities, risks to supply chains and limiting choice and risk of error.

A consideration might be for the EU percentage only to be provided at EU/Non-EU level rather than at country level which would not place the same constraints on sourcing as there would be greater flexibility for producers than if the proposal for indications was at country level.

2. Questions from Swedish Presidency (Doc no: WK 6565/2023)

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

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

- The proposal is that the country or countries of origin should be mentioned on the packaging rather than the existing provision that allows for 'Blend of EU/Non-EU honeys.'
- Ireland considers that yes the proposal may provide consumers with more specific information so they are not misled but that depends on how robust the control regime will be to ensure the information is correct. Food businesses source the honey from different countries at different times giving rise to the risk of error of incorrect labelling information.
- Requiring country of origin could result in additional costs on producers which could result in reduced flexibility for sourcing which would reduce choice and increase costs for consumers.

b. 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?

- Yes. Food business source honey from different countries at different times meaning that labels and volume may need to be changed placing an additional expense and administrative burden on food business operators that will be required to change their labels. This will also require increased

official controls and the additional costs burden for producers is likely to lead to additional costs for consumers and reduced choice. There is also a risk that consumers may replace their use of honey with another highly processed sweetener, such as sugar a less healthy option.

- c. 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?**
- We foresee significant difficulties in any proposal that requires food business operators to define percentages per country depending on where the honey is sourced. This would also be very difficult to control and would place a significant burden on the food business operators and well as control authorities to ensure and control percentages and ensure labels are correct. The risk of error would be high in our view. Ireland does not have the equipment to calculate percentage by analysis of the honey.

Fruit juices: The proposal on fruit juices is aimed at creating a category for fruit juices where the sugar content has been reduced in response to such products already being on the market. The requirement for a reduction of at least 30 % of the sugar is in line with similar legislation. Membrane filtration and yeast fermentation are stated as authorised processes.

- a. Do you agree to the inclusion of a category of fruit juice with reduced sugar?**
- *This new product category 'Reduced sugar fruit juice,' presents a healthier alternative for consumers.*
- b. Do you agree that membrane filtration and yeast fermentation are to be authorised processes?**
- No response provided.
- c. Will the requirement "all the other essential characteristics should remain unchanged" be an obstacle to placing these products on the market?**
- No response provided.

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

- a. Do you agree with the increase in the quantity of fruit required in jam and extra jam?**

- Changing the threshold for the minimum amount of sugar needed in jams may have other consequences, such as preservation (possibility of shorter date of minimum durability), organoleptic and texture properties. It is our understanding that an increase will not necessarily result in a reduction of the carbohydrate resulting from sugars in the final product. Increasing the minimum fruit content will also result in an increase in the cost of the final product that will either be passed on to the final consumer, or that could stop the manufacturing of certain jams.

b. To what extent will these products improve health and sustainability?

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

- In relation to marmalade, the proposal is to allow the interchangeable use of 'jam' and 'marmalade,' with the specific requirement to use the designation 'citrus marmalade' for what Ireland knows now as marmalade, could result in some confusion amongst consumers in Ireland. Marmalade is the term use for marmalade and never jam.

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

- Yes. The purchase of additional fruit may lead to an additional cost. Further our understanding is that FBOs will no longer be able to call their product jam unless they meet the specific criteria. This will mean extra costs for recipe redevelopment and labelling. There will therefore likely be a cost impact for consumers.

Milk products.

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

- The introduction of a treatment to produce lactose-free dehydrated milk similar to what is already in place for liquid milk will be helpful to consumers with an allergy to lactose.

Ends

19 June 2023