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General Secretariat

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NOTE

From:	General Secretariat of the Council
To:	Working Party on Agricultural Products Special Committee on Agriculture (SCA)
N° Cion doc.:	ST 8624/23 + ADD 1-4
Subject:	Breakfast Directives

Delegations will find in annex the tentative proposals for the wording concerning

1. Empowerments on honey
2. Expert group/platform on honey (compromise proposal for EU reference laboratory)

in the framework of the negotiations with the European Parliament on the above mentioned Commission proposal. The documents are shared for transparency and to support the discussion in the SCA on 29 January, with a view of reaching an agreement in the coming trilogue. Please note that these wordings are provisional, do not constitute the final text and have not been agreed with the Parliament.

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1. Empowerments Honey

Concerned rows of 4 CD:

- Methods of analyses: 44f, 44g, 44q, 44r, 44s
- Unheated honey: 44h, 44i, 44j, 44k
- Invertase: 44n, 44p
- Pollen: 44l, 44m

Article 4 is replaced by the following:

The Commission is empowered, taking into account international standards and technical progress, to adopt implementing acts laying down the methods of:

- (a) analysis to verify whether honey is compliant with the provisions of this Directive;
- (b) analysis to detect adulterated honey.

The Commission shall adopt the implementing acts provided for in point (b) of the first subparagraph by ... [four years from the date of entry into force of this amending Directive].

Until the adoption of the implementing acts, the Member States shall, whenever possible, use internationally recognized validated methods of analysis, such as those approved by the Codex Alimentarius, to verify compliance with the provisions of this Directive.

The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 7(2).

The following article is inserted:

Article 4a (new)

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

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

- (b) the composition criteria, to ensure that honey, with the exception of ‘baker’s honey’ as referred to in point 3 of Annex I, that is placed on the market or intended for human consumption has not been heated or treated in such a way that the natural enzymes have been either destroyed or significantly inactivated, taking into account the invertase index;
- (c) the criteria to ensure and verify that pollen is not removed from honey and pollen density and spectrum are not modified in honey, with the exception of ‘baker’s honey’ as referred to in point 3 of Annex I, when placed on the market or intended for human consumption, taking into account the content of pollen, minimal size of pollen and mesh size of filters;
- (d) the minimal content of pollen in baker’s honey following the removal of foreign inorganic or organic matter;
- (e) the criteria to determine the place where the honey is harvested, considering the possibility of, inter alia, a Union-wide traceability system from the harvesting producer or importer to the consumer, using, where appropriate, a unique identifier code or similar techniques.

The Commission shall adopt the delegated acts referred to in points (b) to (e) following feasibility analysis.

The Commission shall provide, in the delegated acts referred to in the first subparagraph, for appropriate transitional arrangements for products placed on the market before the date of application of such delegated acts.

2. In order to adapt the composition criteria listed in Annex II to the criteria adopted with the delegated acts referred to in point (b) of paragraph 1, the Commission is empowered to adopt delegated acts in accordance with Article 6 to amend that Annex.

2. Expert group/platform on honey

The following Article 4b is inserted:

Article 4b

1. The Commission shall establish a [platform / expert group] composed of the following:
 - a) representatives of the Member States, and national agencies or designated laboratories;
 - b) experts representing relevant stakeholders of the honey supply chain;
 - c) experts representing civil society;
 - d) experts appointed in a personal capacity, who have proven knowledge and experience in the areas covered by this Directive;
 - e) experts representing academia, including universities, research institutes and other scientific organisations.
2. The [platform / expert group] shall:
 - a) **gather data** for the harmonisation of methods to improve controls and detect adulteration in honey and for methods to control the authenticity of honey
 - b) provide recommendations for a Union traceability system, that allows tracing back the honey to the harvesting producer or importer
 - c) provide recommendations on the possible need to update the composition criteria and other quality parameters laid down in this Directive
 - d) provide recommendations and evaluate requirements to establish a EU reference laboratory
3. The [platform / expert group] shall be chaired by the Commission and constituted in accordance with the horizontal rules on the creation and operation of Commission expert groups. In that context the Commission may invite experts with specific expertise on an ad hoc basis.