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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 - Explanatory text for the Presidency drafting suggestions presented in document 15106/23

Delegations will find attached the explanatory text, from the Spanish Presidency, concerning the most recent changes introduced by the Presidency on the above mentioned proposal.

Most recent changes

The **main changes** introduced by the Presidency in order to address delegation's questions and comments, are the following:

- Recital 3a: text has been added to specify in more detail how the 5% of tolerance applies.
- Recital 3aa: a clarification has been added regarding how to apply the flexibility rule on the label of honey blends.
- Recital 3b: it has been redrafted to better explain the possibility of using the ISO code instead of the full name of the countries in the case of the reduced size single packs of honey blends.
- Recital 3c: text has been added regarding the delegation of implementing powers given to the Commission to establish harmonized methods of analysis for honey including the establishment of a specific time deadline for the exercise of those powers.
- Recital 6: the reference to Regulation (EC) No 1924/2006 is deleted, since it is not referred to in Annex I, part 2, fifth indent of Directive 2001/112 concerning the fruit nectars.
- Recital 7: it has been redrafted with a new statement related sugar content that may appear on fruit juices label as a special rule to attain the objectives of the directive.
- Recital 7a: it has been added to explain that the statement is necessary to achieve the objectives of the directive, namely, to inform consumers about the fact that fruit juices do not, by definition, contain added sugars and thus, allow them to be distinguished from fruit nectars and to make informed choices.
- Recital 9: in relation to the characteristic of the new categories of fruit juices, the word “essential” has been replaced by “typical” to be in line with the description included in Annex I Part I point 1 of Directive 2001/112/EC.

- Recital 10a: it has been redrafted to better describe the Commission empowerment as regard the characteristic of the reduced fruit juices categories and the treatment used for the reduction of the sugar content.
- Recital 10b: it has been added to give the Commission a new empowerment regarding the development of methods of analysis to ensure the compliance of certain fruit juices with the provisions of the Directive 2001/112/EC.
- Recital 16: a reference to jellies has been added since the fruit content in jellies also increase as it is linked to the content of fruit of jams.
- Article 1 (1)(b): it has been redrafted to better express the labelling rules for honey blends.
- Article 2 (1)(c): a new version of the statement regarding the content of sugar in fruit juices is proposed to achieve policy consistency with horizontal legislation (Regulation (EU) No 1169/2011 and Regulation (EU) No 1924/2006) while attaining the specific objectives of the directive. In addition, all relevant product categories in Annex I, part 1 are added to ensure consistency and equal treatment.
- Article 2 (2): the reference to Regulation (EC) No 1333/2008 has been removed to avoid overlapping with Annex I part II.2, second indent, of the Directive 2001/112/EC.
- Article 2(2a)(a): technical change following the addition of new paragraphs in this article.
- Article 2(2a)(b)(2): a new drafting is proposed regarding the empowerment given to the Commission in relation to the use of the new sugar reduction techniques and the characteristics of the products obtained.
- Article 2(2a)(b)(3): a new paragraph is added to give the Commission the empowerment to establish methods of analysis to verify whether certain types of juices are compliant with the Directive 2001/112/EC.

- Article 2(2b): technical change following the addition of new paragraphs in article 7.
 - Article 2(2c): a new article is added to specify which Committees shall assist the Commission regarding the use of the given empowerments.
 - Article 3(4a): the last part of the text is deleted, since Regulation (EC) 1333/2008 establishes in which products an additive can be used.
 - Annex I(1)(a): in the definitions of the new categories of reduced sugar fruit juices the word “essential” is replaced by “typical” to be in line with the definitions included in Annex I, Part I, point 1 of Directive 2001/112/EC; furthermore, the paragraphs defining reduced sugar fruit juice and reduced sugar fruit juice from concentrate is amended to indicate that the permitted changes regarding the characteristics of the original product are due to the reduction of the sugar content as such and not to the reduction processes carry out to remove the sugars.
 - Annex I(1)(b)(i): in the third and seventh indents the new category 7, concentrated reduced sugar fruit juices is added.
 - Annex I(2): in paragraph (d)(ii) a new particular designation that may only be used in the language of the designation is added.
 - Annex II (1)(a), in the text to replace the second indent, “Extra jam”, the word “their” has been taken out for consistency with the text concerning “Jam” and also to be linguistically correct.
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