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Committee on Agriculture and Rural Development

2012/0260(COD)

12.9.2013

DRAFT OPINION

of the Committee on Agriculture and Rural Development

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 2001/110/EC relating to honey
(COM(2012)0530 – C7-0304/2012 – 2012/0260(COD))

Rapporteur: Mariya Gabriel

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SHORT JUSTIFICATION

The main purpose of the Commission proposal under consideration here is to incorporate into Directive 2001/110/EC, the 'Honey Directive', a provision stipulating that pollen is a natural constituent, and not an ingredient, of honey. The Commission proposal is a response to the judgment of the Court of Justice of the European Union (CJEU) in the 'Bablok' case (Case C-442/09), in which the Court found that pollen is an ingredient of honey within the meaning of the definition given in Article 6(4)(a) of Directive 2000/13/EC. The second major element of the Commission proposal is the replacement of the comitology procedure provided for in the directive by arrangements involving delegated acts as referred to in Article 290 TFEU.

The Commission and the CJEU disagree on the issue of pollen. The Commission asserts that pollen is naturally present in honey, because it is brought into the hive by the bees themselves, with no human involvement. For its part, the Court emphasises the fact that when the honeycombs are centrifuged in order to extract the honey, it is not only the alveoli containing honey which may be emptied, but also the neighbouring alveoli in which pollen is stored. As a result, the quantity of pollen found in honey is very often increased by beekeepers when they carry out the extraction process.

The CJEU's judgment raises fundamental questions concerning the coexistence of genetically modified crops and beekeeping. The CJEU has ruled that honey containing GM pollen will require authorisation under Article 4(2) of Regulation (EC) No 1829/2003 before it can be marketed, a stipulation which applies irrespective of whether pollen is defined as an ingredient or a constituent.

The Commission proposal does not challenge the CJEU's ruling that, following the amendment of Directive 2001/110/EC, honey containing GM pollen will continue to be covered by Article 3(1)(c) of that regulation, namely as 'food produced from or containing ingredients produced from GMOs'.

Rapporteur’s position

Your rapporteur endorses the Commission's proposal that pollen should be regarded as a natural constituent of honey.

Impact on the beekeeping sector

Your rapporteur takes the view that detailed consideration must be given to the direct and indirect impact on the beekeeping sector of the adoption or otherwise of the proposal.

Honey is regarded as a natural, healthy product. For that reason, if there is even a possibility of honey being labelled as containing GM pollen as an ingredient, its reputation as a natural product will clearly suffer. If pollen is described as an ingredient, consumers may get the - entirely wrong - idea that it is a separate product which is added to honey.

Classifying pollen as an ingredient would increase significantly the cost of the tests which have to be carried out in order to obtain the information needed for labelling purposes. That

cost might even exceed current production costs per hive. The impact will be felt much more keenly by amateur beekeepers, who produce small amounts of honey, than by professionals, who produce much larger quantities and who, simply by virtue of effects of scale, will be better able to bear the additional costs. It may even be that the introduction of the new requirements will prompt some amateur beekeepers to stop making honey.

The increased production costs linked to the requirement to carry out additional tests will also push retail prices up.

What is more, the Commission proposal does not challenge the conclusion reached by the CJEU. Following the amendment of Directive 2001/110/EC, honey containing GM pollen will continue to fall under Article 3(1)(c) of Regulation (EC) No 1829/2003, as 'food produced from or containing ingredients produced from GMOs'. This means that the quantity of GM pollen authorised in the context of the 0.9 % labelling threshold will need to be calculated as a percentage of the total quantity of the single-ingredient product 'honey', rather than as a percentage of the total quantity of pollen.

It is unlikely that the amount of GM pollen will exceed the threshold authorised for honey. In practice the relevant levels are between 0.005 and 0.05 %, taking all the ingredients, including pollen, together. In an extreme case, if the total quantity of matter not soluble in water were to be pollen of exclusively GM origin, this would amount to between 0.005 and 0.05 % of the total weight of the honey. As at the end of May 2013, no method had yet been devised of quantifying the proportion of a given amount of pollen which is made up of GM pollen.

The 0.9 % threshold is valid for food and for producers of organic products. On that basis, beekeepers and organic producers will no longer be treated in the same way, a state of affairs which could give rise to tension between the two sectors.

The debate on coexistence

Your rapporteur wishes to emphasise that the debate on the amendment of the Honey Directive must not get mixed up with the debate on coexistence. In 2012, GMOs, mainly insect-resistant MON 810 maize, were being grown commercially in five Member States (Spain, Portugal, Czech Republic, Romania and Slovakia). Non-authorised GMOs and the ingredients derived from them cannot be placed on the market, so that the regulation on the labelling of GMOs does not apply.

This uncertainty concerning the precise location of GM crops and the implications for farming and the environment seems to be at the heart of the discussion on the overall environmental impact of GMOs. It stems, however, not so much from the Commission proposal concerning the Honey Directive as from the fact that some Member States have not yet correctly implemented the directive on the registration of GMO crops.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments into its report:

Amendment 1

Proposal for a directive
Recital 4

Text proposed by the Commission	*Amendment*
(4) The Annexes to Directive 2001/110/EC contain technical elements which might have to be adapted or updated to take account of developments in relevant international standards. That Directive does not confer on the Commission appropriate powers to promptly adapt or update those Annexes to take account of developments in international standards. Therefore, for the consistent implementation of Directive 2001/110/EC, the power to adapt or update the Annexes to that Directive to take account not only of technical progress but also of developments in international standards should also be conferred on the Commission.	***deleted***

Or. fr

Justification

The annexes contain essential elements of the directive and therefore do not fall within the scope of delegated acts.

Amendment 2

Proposal for a directive
Recital 6

Text proposed by the Commission	*Amendment*
(6) Therefore, in order to take account of technical progress and, where appropriate, the developments in international standards, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to adapt or update the technical characteristics related to the product descriptions and definitions in the Annexes to Directive 2001/110/EC.	***deleted***

Or. fr

Justification

The annexes contain essential elements of the directive and therefore do not fall within the scope of delegated acts.

Amendment 3

Proposal for a directive
Article 1 – point 3
Directive 2001/110/EC
Article 6

Text proposed by the Commission	*Amendment*
The Commission shall be empowered to adopt delegated acts in accordance with Article 6a to amend the technical characteristics related to the names, product descriptions and definitions in Annex I and to the composition criteria for honey in Annex II, to take account of technical progress and, where appropriate, of the developments in relevant international standards.	***deleted***

Or. fr

Justification

The annexes contain essential elements of the directive and therefore do not fall within the

scope of delegated acts.

Amendment 4

Proposal for a directive
Article 1 – point 3
Directive 2001/110/EC
Article 6 a – paragraph 2

Text proposed by the Commission	*Amendment*
2. The power to adopt delegated acts referred to in ***Articles*** 4 ***and 6*** shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from (…). *(Publications Office is to fill in the date of entry into force of this amending Act).*	2. The power to adopt delegated acts referred to in ***Article*** 4 shall be conferred on the Commission for ***a*** period of ***five years*** from (…). *(Publications Office is to fill in the date of entry into force of this amending Act).* ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council oppose such extension no later than three months before the end of each period.***

Or. fr

Justification

The annexes contain essential elements of the directive and therefore do not fall within the scope of delegated acts.

Amendment 5

Proposal for a directive
Article 1 – point 3
Directive 2001/110/EC
Article 6 a – paragraph 3

Text proposed by the Commission	*Amendment*
3. The delegation of power referred to in ***Articles*** 4 ***and 6*** may be revoked at any time by the European Parliament or by the	3. The delegation of powers referred to in ***Article*** 4 may be revoked at any time by the European Parliament or by the Council.

Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.	A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. fr

Justification

The annexes contain essential elements of the directive and therefore do not fall within the scope of delegated acts.