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A7-0440/ 001-016

AMENDMENTS 001-016

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

Report

Julie Girling

Honey

A7-0440/2013

Proposal for a directive (COM(2012)0530 – C7-0304/2012 – 2012/0260(COD))

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) Following the judgment of the Court of Justice of 6 September 2011 in case C-442/09⁸, pollen ***in honey*** is to be considered as an ingredient ***within the meaning of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. The judgment of the Court was based on the consideration relying on the facts brought before it that pollen in honey is mainly due to the centrifugation carried out by the beekeeper for the purposes of honey collection. However, pollen only enters into the hive as a result of the activity of the bees and it is naturally present in honey regardless of whether or not the beekeeper extracts the honey through centrifugation. It is necessary therefore to clarify, without prejudice to the***

Amendment

(1) Following the judgment of the Court of Justice of 6 September 2011 in case C-442/09⁸, pollen ***derived from genetically modified crops*** is to be considered as an ingredient ***of honey, or of food supplements containing pollen, within the meaning of Regulation (EU) No 1169/2011*** of the European Parliament and of the Council^{8a}.

application of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed to genetically modified pollen in honey, that pollen is a constituent of honey, which is a natural substance that has no ingredients, and not an ingredient within the meaning of Directive 2000/13/EC. Therefore, Council Directive 2001/110/EC of 20 December 2001 relating to honey should be amended accordingly.

⁸ OJ C 311, 22.10.2011, p. 7.

⁸ OJ C 311, 22.10.2011, p. 7.

^{8a} ***Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ C 311, 22.10.2011, p. 7).***

⁹ OJ L 109, 6.5.2000, p. 29.

¹⁰ OJ L 268, 18.10.2003, p. 1.

¹¹ OJ L 10, 12.1.2002, p. 47.

Justification

Transposition of the ECJ-ruling of 6 September 2011.

Amendment 2

**Proposal for a directive
Recital 1 a (new)**

Text proposed by the Commission

Amendment

(1a) In order to take account of consumers' increasing sensitivity over the presence of genetically modified organisms in food and of their rights to be informed thereof, and in accordance with Regulation (EU) No 1169/2011, Council Directive 2001/110/EC* should be amended accordingly.

**** Council Directive 2001/110/EC of 20 December 2001 relating to honey (OJ L 10, 12.1.2002, p. 47).***

Amendment 3

Proposal for a directive Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) In order to ensure freedom of information and choice for consumers, and taking into account the special characteristics of honey, this Directive should consider pollen to be an ingredient, but solely within the meaning of Article 2 and Article 12(2) of Regulation (EC) No 1829/2003.

Amendment 4

Proposal for a directive Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) Regulation (EU) No 1169/2011 defines an ingredient as being a substance used in the manufacture of a food. It is indispensable for the production of honey and the pollination of crops that beehives are intentionally placed in locations where bees are able to visit certain plant species. The composition of the honey

produced mainly depends on where beehives are located and when that honey is harvested. Pollen derived from genetically modified crops should therefore be regarded as ingredient species-specifically.

Justification

This is current practice in the laboratories today anyway, and is in accordance with how any other food is tested today. Honey should not be treated differently from other food in this respect. As an example, it is very likely that almost all pollen in "rapeseed-honey" from Canada originates from GM-crops. It would therefore be highly misleading for the consumer if such honey would not have to be labelled as "containing ingredients produced from GMOs".

Amendment 5

**Proposal for a directive
Recital 1 d (new)**

Text proposed by the Commission

Amendment

(1d) In accordance with Regulation (EC) No 1829/2003, honey and other foods or food supplements, containing pollen derived from genetically modified crops are to be labelled as foodstuffs containing ingredients produced from genetically modified organisms.

Justification

Transformation of the ECJ-ruling of 6 September 2011.

Amendment 6

**Proposal for a directive
Recital 1 e (new)**

Text proposed by the Commission

Amendment

(1e) As honey is a natural product, it should be exempted from the requirement to bear a list of ingredients.

Amendment 7

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**

Amendment 8

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**

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2001/110/EC

Article 2

Text proposed by the Commission

Amendment

(1) In Article 2, the following point is added:

deleted

‘5. Pollen, being a natural constituent particular to honey, shall not be considered an ingredient, within the meaning of Article 6(4) of Directive 2000/13/EC, of the products defined in Annex 1 to this Directive’

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 1 a (new)

Directive 2001/110/EC

Article 2 – point 5 (new)

Text proposed by the Commission

Amendment

(1a) In Article 2, the following point is added:

“5. By way of derogation from Article 9 of Regulation (EU) No 1169/2011, a list of ingredients shall not be required for honey. However, pollen shall be considered to be an ingredient within the meaning of Articles 2 and 12 of Regulation (EC) No 1829/2003.”

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 1 b (new)

Directive 2001/110/EC

Article 2 – point 6 (new)

Text proposed by the Commission

Amendment

(1b) In Article 2, the following point is added:

“6. Honey and other foods or food supplements containing pollen derived from genetically modified crops shall be considered to be foodstuffs containing ingredients produced from genetically

modified organisms and shall be labelled in accordance with the requirements laid down in Regulation (EC) No 1829/2003, and in particular Articles 12(2) and 24(2) thereof.”

Justification

Transposition of the ECJ-ruling of 6 September 2011.

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2001/110/EC

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

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.

Amendment 13

Proposal for a directive

Article 1 – point 3

Directive 2001/110/EC

Article 6a – 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 ...*. **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 opposes such extension not later than three months before the end of each period.

**O.J. - please insert the date: date of entry into force of this amending directive.*

Amendment 14

Proposal for a directive

Article 1 – point 3

Directive 2001/110/EC

Article 6a – paragraph 3

Text proposed by the Commission

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 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.

Amendment

3. The delegation of power referred to in **Article 4** may be revoked at any time by the European Parliament or by the 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 **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.

Amendment 15

Proposal for a directive

Article 1 – point 3

Directive 2001/110/EC

Article 6a – point 5

Text proposed by the Commission

A delegated act adopted pursuant to **Articles 4 and 6** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months from the date of notification of that act to the European Parliament and the Council or if,

Amendment

A delegated act adopted pursuant to **Article 4** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months from the date of notification of that act to the European Parliament and the Council or if, before the expiry of that

before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 16

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, point (1) by [*date*]. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1, point (1) by ...*. They shall forthwith communicate to the Commission the text of those provisions.

****O.J. - please insert the date: 12 months after the entry into force of this amending directive.***