Honey **III**


(Ordinary legislative procedure: first reading)

Amendment 17

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-442/09, 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 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

Amendment

(1) Council Directive 2001/110/EC defines honey as the natural sweet substance produced by bees. Honey consists essentially of different sugars, predominantly fructose and glucose, as well as other substances such as organic acids, enzymes and solid particles derived from honey collection. Directive 2001/110/EC preserves the natural character of honey by limiting human intervention that could alter the composition of honey. In particular, that Directive prohibits the addition of any food ingredient to honey, including food additives, or to make any other additions other than honey. Similarly, that Directive prohibits the removal of any constituent particular to honey, including pollen, unless it is unavoidable in the removal of foreign matter. Those requirements are in line with the Codex Alimentarius standard for honey.

---

1 This matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0440/2013).
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\textsuperscript{11} should be amended accordingly.

\textsuperscript{11} OJ L 10, 12.1.2002, p. 47.

Amendment 2

Proposal for a directive
Recital 1 a (new)

\textit{Text proposed by the Commission}

(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\textsuperscript{*} should be amended accordingly.


Amendment 18

Proposal for a directive
Recital 1 b (new)

\textit{Text proposed by the Commission}

(1b) Pollen is part of the composition criteria for honey set out by Directive 2001/110/EC. Available evidence, including empirical and scientific data, confirms that honeybees are the origin of the presence of pollen in honey. Pollen grains fall into nectar which is collected by honeybees. In the hive collected nectar containing pollen grains is transformed into honey by the bees. According to the
available data, additional pollen in honey can come from pollen on bees' hair, pollen in the air inside the hive and from pollen packed by bees in cells which might incidentally open during the extraction of honey by operators. It follows that pollen enters into the hive as a result of the activity of the bees and is naturally present in honey regardless of whether or not operators extract the honey. Furthermore, there is no intentional addition of pollen into honey by operators, such an addition being prohibited by Directive 2001/110/EC.

Amendment 19
Proposal for a directive
Recital 1 c (new)

Text proposed by the Commission

(1c) Regulation (EU) No 1169/2011 of the European Parliament and of the Council\(^1\) defines an 'ingredient' as any substance used in the manufacture or preparation of a foodstuff and still present in the finished product, even in altered form. This definition implies an intentional use of a substance in the manufacture or preparation of a foodstuff. Taking into account the natural character of honey, and in particular the natural origin of the presence of constituents particular to honey, including pollen, it is necessary to clarify that pollen and any other constituents particular to honey should not be considered as 'ingredients' of honey within the meaning of Regulation (EU) No 1169/2011.

Amendment 6
Proposal for a directive
Recital 1 d (new)

Text proposed by the Commission

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

Amendment 23
Proposal for a directive
Recital 1 e (new)

Text proposed by the Commission

(1e) Coexistence measures at Member State level established in accordance with Article 26a of Directive 2001/18/EC should ensure that standard analyses of honey are not necessary, inter alia by setting minimum distance requirements.

Amendment 7
Proposal for a directive
Recital 4

Text proposed by the Commission

(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

(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.

Amendment 20
Proposal for a directive
Article 1 – point 1
Directive 2001/110/EC
Article 2 – point 5

Text proposed by the Commission

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 12
Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2001/110/EC
Article 6

Text proposed by the Commission

Article 6

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

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).

Amendment

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.

* Date of into force of the 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

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
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 15**

**Proposal for a directive**

**Article 1 – point 3**

Directive 2001/110/EC

Article 6a – paragraph 5

*Text proposed by the Commission*

5. 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, 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.

*Amendment*

5. 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 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.
* 12 months after the entry into force of the amending directive.