









Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p> <p>2023/0105(COD)</p>	Awaiting signature of act
<p>Foodstuffs for human consumption: amending certain 'Breakfast' Directives</p> <p>Amending Directive 2001/110 1996/0114(CNS) Amending Directive 2001/112 1996/0115(CNS) Amending Directive 2001/114 1996/0116(CNS) Amending Directive 2001/113 1996/0118(CNS)</p> <p>Subject</p> <p>3.10.02 Processed products, agri-foodstuffs 3.10.03 Marketing and trade of agricultural products and livestock 3.10.05.02 Milk and dairy products 3.10.06.07 Sugar 3.10.06.08 Wine, alcoholic and non-alcoholic beverages 4.60.02 Consumer information, advertising, labelling 4.60.04.04 Food safety</p>	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	<p>ENVI Environment, Public Health and Food Safety</p>	<p> BERNHUBER Alexander</p> <p>Shadow rapporteur</p> <p> SIDL Günther</p> <p> CANFIN Pascal</p> <p> RIPA Manuela</p> <p> GANCIA Gianna</p> <p> VONDRA Alexandr</p> <p> HAZEKAMP Anja</p>		21/06/2023
	Committee for opinion	Rapporteur for opinion	Appointed	
	<p>IMCO Internal Market and Consumer Protection</p> <p>AGRI Agriculture and Rural Development</p>	<p>The committee decided not to give an opinion.</p>		23/05/2023
		<p> FRAGKOS Emmanouil</p>		

Key events

21/04/2023	Legislative proposal published	COM(2023)0201	Summary
08/05/2023	Committee referral announced in Parliament, 1st reading		
29/11/2023	Vote in committee, 1st reading		
04/12/2023	Committee report tabled for plenary, 1st reading	A9-0385/2023	
11/12/2023	Debate in Parliament		
12/12/2023	Results of vote in Parliament		
12/12/2023	Decision by Parliament, 1st reading	T9-0445/2023	Summary
12/12/2023	Matter referred back to the committee responsible		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.007 GEDA/A/(2024)001632	
10/04/2024	Decision by Parliament, 1st reading	T9-0193/2024	Summary
29/04/2024	Act adopted by Council after Parliament's 1st reading		
29/04/2024	Act adopted by Council after Parliament's 1st reading		

Technical information

Procedure reference	2023/0105(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2001/110 1996/0114(CNS) Amending Directive 2001/112 1996/0115(CNS) Amending Directive 2001/114 1996/0116(CNS) Amending Directive 2001/113 1996/0118(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting signature of act
Committee dossier	ENVI/9/11841

Documentation gateway					
Legislative proposal		COM(2023)0201	21/04/2023	EC	Summary
Document attached to the procedure		SEC(2023)0162	21/04/2023	EC	
Document attached to the procedure		SWD(2023)0097	21/04/2023	EC	
Document attached to the procedure		SWD(2023)0098	21/04/2023	EC	
Committee draft report		PE752.665	25/08/2023	EP	
Economic and Social Committee: opinion, report		CES2432/2023	20/09/2023	ESC	
Amendments tabled in committee		PE753.722	03/10/2023	EP	
Amendments tabled in committee		PE753.737	03/10/2023	EP	
Committee opinion	AGRI	PE752.691	17/11/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0385/2023	04/12/2023	EP	
Text adopted by Parliament, partial vote at 1st reading/single reading		T9-0445/2023	12/12/2023	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2024)001632	12/02/2024	CSL	
Text agreed during interinstitutional negotiations		PE759.007	12/02/2024	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0193/2024	10/04/2024	EP	Summary

Additional information		
Research document	Briefing	21/03/2024

Foodstuffs for human consumption: amending certain 'Breakfast' Directives

PURPOSE: to revise the so-called breakfast directives to better address consumer needs and sustainability.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the so-called Breakfast Directives are a set of seven directives laying down common rules on the composition, sale name, labelling and presentation of certain foodstuffs in order to protect the interests of consumers and ensure the free movement of these products in the internal market.

The Breakfast Directives are more than ten years old. Over the last decade, food markets have evolved considerably, driven by innovation but also by changes in societal concerns and consumer demand. Therefore, some of the rules of the Breakfast Directives need to be revised.

This revision is also carried out against the backdrop of the Commissions Farm to Fork Strategy and the UNs Sustainable Development Goals. The Commission announced that the revision of Union marketing standards, which is understood to cover the Breakfast Directives due to their similarity with marketing standards, would aim to provide for the uptake and supply of sustainable products. In addition, the Commission committed itself to seeking ways to facilitate the adoption of healthy diets and to encourage product reformulation, particularly for foods high in fat, sugar and/or salt. Lastly, the Commission announced that it would consider proposing the extension of mandatory origin or provenance indications to certain products, while fully taking into account impacts on the internal market.

CONTENT: the Commission proposes to revise the Breakfast Directives, in particular the Directives on (i) honey, (ii) fruit juices, (iii) fruit jams, jellies and marmalades, and chestnut purée, (iv) certain partly or wholly dehydrated preserved milk for human consumption.

Honey

To enhance the possibility for consumers to make informed choices, including with regard to the origin of their food, it is proposed to revise the rules for labelling the origin of honey and to provide for the country or countries of origin to be indicated on the packaging. As regards single portions of honey (breakfast packs), in view of their small size and the technical difficulties involved when the honey comes from several

countries, it is proposed to exempt these packs from the obligation to indicate each of the countries of origin of the honey.

Fruit juices

It will be possible for fruit juices to bear the mention with no added sugars to clarify that, contrary to fruit nectars, fruit juices cannot by definition contain added sugars a feature that most of the consumers are not aware of. Moreover, to address the growing consumer demand for products with lower sugar content, a reformulated fruit juice would be allowed to indicate reduced-sugar fruit juice on its label.

To support the production and marketing of fruits and to improve the minimum quality of nectars, it is proposed to lower the proportion of sugars and/or honey that may be added to fruit nectars that are naturally low in acidity and palatable as they are. It is also appropriate to add proteins from sunflower seeds to the list of authorised treatments and substances. To simplify further and adapt to consumer tastes, the term coconut water could now be used alongside coconut juice.

Jams and marmalades

It is proposed to increase the general minimum fruit content to 450g/1000g (as opposed to 350 g/1000 g currently), so far reserved for extra jam and extra jelly which, as a consequence, reduces the amount of added sugar needed to reach the minimum content of soluble dry matter in these products.

The term marmalade, authorised until now only for citrus jams, would now be allowed for all jams to introduce the possibility to adjust the name of the product to the most used locally. To avoid confusion among consumers, the term "citrus marmalade" should be used throughout the EU to designate the product hitherto defined as marmalade in order to distinguish the two product categories.

Wholly dehydrate preserved milk

In order to respond to evolving consumers needs, a treatment to produce lactose-free dehydrated milk products should be authorised. Furthermore, the particular designation for the English term evaporated milk in Annex II to that Directive should be aligned with the international standards defined in the Codex Standard for evaporated milks.

Foodstuffs for human consumption: amending certain 'Breakfast' Directives

The European Parliament adopted by 522 votes to 13, with 65 abstentions, amendments to the 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.

The matter was referred back to the committee responsible for interinstitutional negotiations.

Honey

Each honey marketed with a different identification than that of the beekeeper should have an identifier code linked to a traceability system that allows the competent authorities of Member States to trace back the entire supply chain of a given honey to beekeepers.

The country of origin where the honey has been harvested should be indicated on the label. If the honey has been harvested in one country only, that country should be indicated on the front-of-pack label close to the product brand name. If the honey consists of a blend of honeys harvested in several countries, the list of the countries of origin should be indicated on the front-of-pack label in descending order of quantity.

For packs containing more than 30g, the percentage share in weight for each country of origin should be indicated on the label using one of the following ranges:

- >90 %
- 70 %-90 %
- 50 %-70 %
- 30 %-50 %
- 10 %-30 %
- <10 %.

For packs containing 30g or less, the percentage share in weight for each country of origin may be indicated on the label using one of the following ranges:

- >75 %
- 50 %-75 %
- 25 %-50 %
- <25 %.

Members also stipulated that an EU reference laboratory for honey should be established to improve controls and to detect adulteration in honey through systematic testing of honey, using the latest test methods to prove the authenticity and quality of honey.

The Commission should adopt, through delegated acts, a harmonised methodology to determine the precise origins of honey and honey authenticity. This methodology should, by means of laboratory testing or any other method deemed appropriate, enable competent authorities to trace honey back to its country or countries of origin and shall allow detection of the lowest possible levels and all types of adulteration in order to ascertain honey authenticity.

Fruit juices

The country of origin of the fruit used to manufacture the juice shall be indicated on the front-label. If the fruit used originates in more than one country, the countries of origin shall be indicated on the label in descending order according to their proportion in the fruit juice.

The statement contains only naturally occurring sugars may appear on the label.

Labelling for mixtures of fruit juice and fruit juice from concentrate, for reduced-sugar fruit juice, for reduced-sugar fruit juice from concentrate, and for fruit nectar obtained entirely or partly from one or more concentrated products, the labelling should bear the words from concentrate(s) or partially from concentrate(s), as appropriate.

Claims regarding positive properties, such as health benefits, ingredients or nutritional value, in comparison to the natural fruits contained in the fruit juice should not be made on the labelling for reduced-sugar fruit juice or reduced-sugar fruit juice from concentrate.

By 31 December 2024, the Commission should present a legislative proposal to amend Annex I in order to introduce a definition of essential physical, chemical, organoleptical and nutritional characteristics of an average type of juice, covering the main fruits used in fruit juices.

Members stated that any form of additional sugar or sweetener, whether natural or artificial, is strictly prohibited in reduced-sugar fruit juice. They considered that new processing techniques have been or are being developed to entirely or partially remove naturally occurring sugars in fruit juices and fruit juices from concentrate, in order to address the growing consumer demand for products with a lower sugar content. Those new techniques should not lead to the use of sweeteners or additives to compensate for the effect of sugar reduction on the taste, texture and quality of the final product.

For jams, jellies, marmalades and sweetened chestnut purée, the country of origin of the fruit used should also be indicated on the front label. If the product is made from a single type of fruit and the fruit used originates from more than one country, the countries of origin must be indicated on the label in descending order of the proportion by weight of fruit and sugars from the said countries used to make the product.

For products using a mixture of different fruits originating in several countries, the countries of origin should be indicated on the label in descending order of the proportion by weight of fruits originating in the said countries used to manufacture the product.

Penalties

Member States should lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and should take all measures necessary to ensure that they are implemented. The penalties provided for should be effective, proportionate and dissuasive.

Foodstuffs for human consumption: amending certain 'Breakfast' Directives

The European Parliament adopted 603 votes to 9, with 10 abstentions, a legislative resolution on the 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.

The position adopted by the European Parliament at first reading under the ordinary legislative procedure is as follows:

Honey

Given the particular interest shown by consumers in the geographical origin of honey, the Directive requires that the country or countries of origin be indicated on the label in descending order, as well as the percentage of each origin in the case of blends, with a tolerance of 5% for each individual part within the blend, calculated on the basis of the operator's traceability documentation.

In order to guarantee a certain degree of flexibility, Member States may provide that, in the case of blends of honeys with more than four different countries of origin, it is permissible to indicate in percentage terms only the four largest parts, provided that together they represent more than 50% of the total. The other countries of origin must be indicated in descending order.

In the case of packages containing net quantities of honey of less than 30 grammes, the names of the countries of origin may be replaced by a two-letter code, in accordance with the latest version of the international standard ISO 3166-1 two-letter code (alfa-2) in force.

In the case of bakers honey, bulk containers, packaging and sales documentation should be clearly indicate the full product name.

The Commission may, taking into account international standards and technical progress, adopt implementing acts laying down the methods of analysis to verify whether honey is compliant with this Directive. It should, by four years from the date of entry into force of this amending Directive, taking into account international standards and technical progress, adopt implementing acts laying down the methods of analysis to detect adulterated honey.

For the purpose of ensuring fair commercial practices and protecting consumer interests, the Commission is empowered to adopt delegated acts by laying down the following:

- the criterion of mainly as regards the floral or vegetable origin of honey;
- composition criteria to ensure that honey, with the exception of bakers honey as defined in point 3 of Annex I, which is placed on the market as honey or used in a product intended for human consumption has not been heated or treated in such a way that the natural enzymes have been either destroyed or significantly deactivated, taking into account the invertase index;
- the criteria to ensure and verify that pollen is not removed from honey and that the absolute pollen content and pollen spectrum are not modified in honey;
- the methods and criteria to determine the place where honey has been harvested and Union-wide traceability requirements for honey from the harvesting producer or importer to the consumer.

Before adopting those delegated acts, the Commission should carry out feasibility studies. The Commission should include an analysis of available digital solutions or methods, including, where appropriate, a unique identifier code or similar techniques.

It was also agreed that an EU platform of experts should be set up to gather data to improve controls, detect adulteration in honey and to provide recommendations for an EU traceability system that allows for the honey to be traced back to the harvesting producer or importer.

Juices, jams and marmalade

For jams and marmalades, the general rule will be that at least 450 grams of fruit must be used to produce 1 kilo of jam and marmalades (500 grams for high quality extra jam: apples, pears, clingstone plums, melons, water-melons, grapes, pumpkins, cucumbers and tomatoes).

The amended text provides that the label contains only naturally occurring sugars should be allowed for fruit juices.

In addition, to meet the growing demand for low-sugar products, it was agreed that reformulated fruit juices may be labelled reduced-sugar fruit juice if at least 30% of naturally occurring sugars have been removed. However, producers may then not use sweeteners to compensate for the effect of sugar reduction on the taste, texture and quality of the final product.

No later than 36 months after the entry into force of this amending Directive, the Commission should present a report to the European Parliament and to the Council providing an assessment of the feasibility of the different possibilities for labelling indicating the country or countries of origin where the fruit or fruits used to manufacture fruit jams, jellies, citrus marmalades and sweetened chestnut purée have been harvested. That report should be accompanied, where appropriate, by a legislative proposal.

Transparency				
BERNHUBER Alexander	Rapporteur	ENVI	19/02/2024	Austria Juice GmbH
BERNHUBER Alexander	Rapporteur	ENVI	23/01/2024	Copa-Cogeca
BERNHUBER Alexander	Rapporteur	ENVI	19/01/2024	Deutscher Imkerbund e.V. Biene Österreich
BERNHUBER Alexander	Rapporteur	ENVI	17/11/2023	CEFS
BERNHUBER Alexander	Rapporteur	ENVI	15/11/2023	Belgian PermRep
BERNHUBER Alexander	Rapporteur	ENVI	15/11/2023	Federation Europeenne Des Emballeurs Et Distributeurs De Miel - European Federation of Honey Packers and Distributors
BERNHUBER Alexander	Rapporteur	ENVI	15/11/2023	Fachverband der Nahrungs- und Genussmittelindustrie
OLEKAS Juozas	Shadow rapporteur for opinion	AGRI	31/10/2023	AIJN
TOLLERET Irène	Shadow rapporteur for opinion	AGRI	14/09/2023	FIAC Fruits
OLEKAS Juozas	Shadow rapporteur for opinion	AGRI	14/09/2023	Famille Michaud Apiculteurs
FERNANDES José Manuel	Member	08/12/2023	FIPA - Federação das Indústrias Portuguesas Agro-Alimentares	
THALER Barbara	Member	06/12/2023	Vereinigung der österreichischen Industrie - Industriellenvereinigung	
WÖLKEN Tiemo	Member	05/12/2023	Deutsche Imkerverband	
SKYTTEDAL Sara	Member	29/11/2023	Livsmedelsföretagen	
THALER	Member	28/11/2023	Wirtschaftskammer	

Barbara			Österreich
BUSCHMANN Martin	Member	16/11/2023	Hague Corporate Affairs Better Juice
THALER Barbara	Member	15/11/2023	Land Tirol Darbo Unterweger Früchteküche GmbH
THALER Barbara	Member	15/11/2023	Wirtschaftskammer Österreich
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FERNANDES José Manuel	Member	13/11/2023	Hague Corporate Affairs Better Juice