Council Directive 2001/110/EC of 20 December 2001 relating to honey

COUNCIL DIRECTIVE 2001/110/EC

of 20 December 2001

relating to honey

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the opinion of the European Parliament[(2)],

Having regard to the opinion of the Economic and Social Committee[(3)],

Whereas:

(1) Certain vertical directives relating to foods should be simplified in order to take account only of the essential requirements to be met by the products they cover in order that those products may move freely within the internal market, in accordance with the conclusions of the European Council held in Edinburgh on 11 and 12 December 1992, confirmed by those of the European Council in Brussels on 10 and 11 December 1993.

(2) Council Directive 74/409/EEC of 22 July 1974 on the harmonisation of the laws of the Member States relating to honey[(4)] was justified by the fact that differences between national laws on the definition of honey, the various types of honey and the characteristics required of it could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the common market.

(3) Directive 74/409/EEC and its subsequent amendments consequently established definitions, specified the different types of honey which could be placed on the market under appropriate names, laid down common rules on composition and determined the main labelling information so as to ensure the free movement of these products within the Community.

(4) For the sake of clarity Directive 74/409/EEC should be recast, in order to make rules on the conditions for the production and marketing of honey more accessible and to bring it into line with general Community legislation on foodstuffs, particularly legislation on labelling, contaminants and methods of analysis.

(5) The general food-labelling rules laid down in Directive 2000/13/EC of the European Parliament and of the Council[(5)] should apply subject to certain conditions. In view of the close link between the quality of honey and its origin, it is indispensable that full information on those matters be available so that the consumer is not misled regarding the quality of the product. The particular consumer interests as regards the geographical

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characteristics of honey and full transparency in this regard necessitate that the country of origin where the honey has been harvested should be included in the labelling.

(6) No pollen or other individual ingredient of honey is to be removed, unless that is inevitable when organic and inorganic foreign materials are removed. That process may be carried out by filtering. Where such filtering leads to the removal of a significant quantity of pollen, the consumer must be correctly informed to that effect by means of an appropriate indication on the label.

(7) Honey the name of which includes indications concerning floral, vegetable, regional, territorial or topographical origin or specific quality criteria may not have filtered honey added to it. So that the transparency of the market may be improved, the labelling of filtered honeys and baker's honeys must be mandatory for every transaction on the bulk market.

(8) As the Commission stressed in its communication to the European Parliament and the Council of 24 June 1994 on European apiculture, the Commission may adopt methods of analysis to ensure compliance with the compositional characteristics and additional specific statements for all honey marketed in the Community.

(9) It is desirable to take account of the work achieved on a new Codex standard for honey, adjusted, as appropriate, to the specific requirements of the Community.

(10) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Community legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Directive, be better achieved by the Community. This Directive does not go beyond what is necessary to achieve the said objective.

(11) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(6)].

(12) To avoid creating new barriers to free movement, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to the products defined in Annex I. These products shall meet the requirements set out in Annex II.

Article 2

Directive 2000/13/EC shall apply to the products defined in Annex I, subject to the following conditions:

1. the term ‘honey’ shall be applied only to the product defined in Annex I, point 1, and shall be used in trade to designate that product;

2. the product names referred to in Annex I, points 2 and 3, shall apply only to the products defined therein and shall be used in trade to designate them. These names may be replaced by the simple product name ‘honey’, except in the case of filtered honey, comb honey, chunk honey or cut comb in honey and baker's honey.

   However,

   (a) in the case of baker's honey, the words ‘intended for cooking only’ shall appear on the label in close proximity to the product name;

   (b) except in the case of filtered honey and baker's honey, the product names may be supplemented by information referring to:
   - floral or vegetable origin, if the product comes wholly or mainly from the indicated source and possesses the organoleptic, physico-chemical and microscopic characteristics of the source,
   - regional, territorial or topographical origin, if the product comes entirely from the indicated source,
   - specific quality criteria;

3. where baker's honey has been used as an ingredient in a compound foodstuff, the term ‘honey’ may be used in the product name of the compound food instead of the term ‘baker's honey’. However, in the list of ingredients, the term as referred to in Annex I, point 3, shall be used;

4. (a) **[**[F1]The country or countries of origin where the honey has been harvested shall be indicated on the label.

   Notwithstanding the first subparagraph, if the honey originates in more than one Member State or third country, the indication of the countries of origin may be replaced with one of the following, as appropriate:
   - ‘blend of EU honeys’,
   - ‘blend of non-EU honeys’,
   - ‘blend of EU and non-EU honeys’;**]**

   (b) For the purpose of Directive 2000/13/EC and in particular Articles 13, 14, 16 and 17 thereof, the particulars to be indicated according to subparagraph (a) shall be considered as indications according to Article 3 of that Directive**[**[F1];**]**

5. **[**[F2]pollen, being a natural constituent particular to honey, shall not be considered to be an ingredient, within the meaning of point (f) of Article 2(2) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council[(7)], of the products defined in Annex I to this Directive.**]**

Textual Amendments

F1 Substituted by Directive 2014/63/EU of the European Parliament and of the Council of 15 May 2014 amending Council Directive 2001/110/EC relating to honey.

F2 Inserted by Directive 2014/63/EU of the European Parliament and of the Council of 15 May 2014 amending Council Directive 2001/110/EC relating to honey.

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Article 3

In the case of filtered honey and baker's honey, bulk containers, packs and trade documents shall clearly indicate the full product name, as referred to in Annex I, point 2(b)(viii), and point 3.

[*F1* *Article 4*

1 For the purposes of the second paragraph of Article 9 of this Directive, the Commission may, taking into account international standards and technical progress, by means of implementing acts that are in accordance with Regulation (EC) No 882/2004 of the European Parliament and of the Council[8], set out methods of analysis to verify whether honey is compliant with the provisions of this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2) of this Directive. Until the adoption of such methods, Member States shall, whenever possible, use internationally recognised validated methods of analysis such as those approved by the Codex Alimentarius to verify compliance with the provisions of this Directive.

2 For the purpose of ensuring fair commercial practices and protecting consumer interests and enabling the setting out of relevant methods of analysis, the Commission shall be empowered to adopt delegated acts in accordance with Article 6 to supplement this Directive by laying down the quantitative parameters relating to the following:

a the criterion of ‘mainly’ as regards the floral or vegetable origin of honey as referred to in the first indent of Article 2(2)(b); and,

b the minimal content of pollen in filtered honey following removal of foreign inorganic or organic matter referred to in point 2(b)(viii) of Annex I.

The Commission shall provide, in those delegated acts, for appropriate transitional arrangements for products placed on the market before the date of application of those delegated acts.**]**

Textual Amendments

F1 Substituted by Directive 2014/63/EU of the European Parliament and of the Council of 15 May 2014 amending Council Directive 2001/110/EC relating to honey.

Article 5

For the products defined in Annex I, Member States shall not adopt national provisions not provided for by this Directive.

[*F1* *Article 6*

1 The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 4(2) shall be conferred on the Commission for a period of five years from 23 June 2014. 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.

3 The delegation of power referred to in Article 4(2) 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 the delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 4(2) 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.**]**

Textual Amendments

F1 Substituted by Directive 2014/63/EU of the European Parliament and of the Council of 15 May 2014 amending Council Directive 2001/110/EC relating to honey.

[*F1**Article 7*

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health (the "Committee") established by Article 58(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council[(9)]. The Committee is a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council[(10)].

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.**]**

Textual Amendments

F1 Substituted by Directive 2014/63/EU of the European Parliament and of the Council of 15 May 2014 amending Council Directive 2001/110/EC relating to honey.

Article 8

Directive 74/409/EEC is hereby repealed with effect from 1 August 2003.

References to the repealed Directive shall be construed as references to this Directive.

Article 9

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 August 2003. They shall forthwith inform the Commission thereof.

The measures shall be applied so as to:

— authorise the marketing of the products defined in Annex I if they conform to the definitions and rules laid down in this Directive, with effect from 1 August 2003;

— prohibit the marketing of products which fail to conform to this Directive, with effect from 1 August 2004.