
EUROPEAN PARLIAMENT

Working Documents

1974-1975

20 June 1974

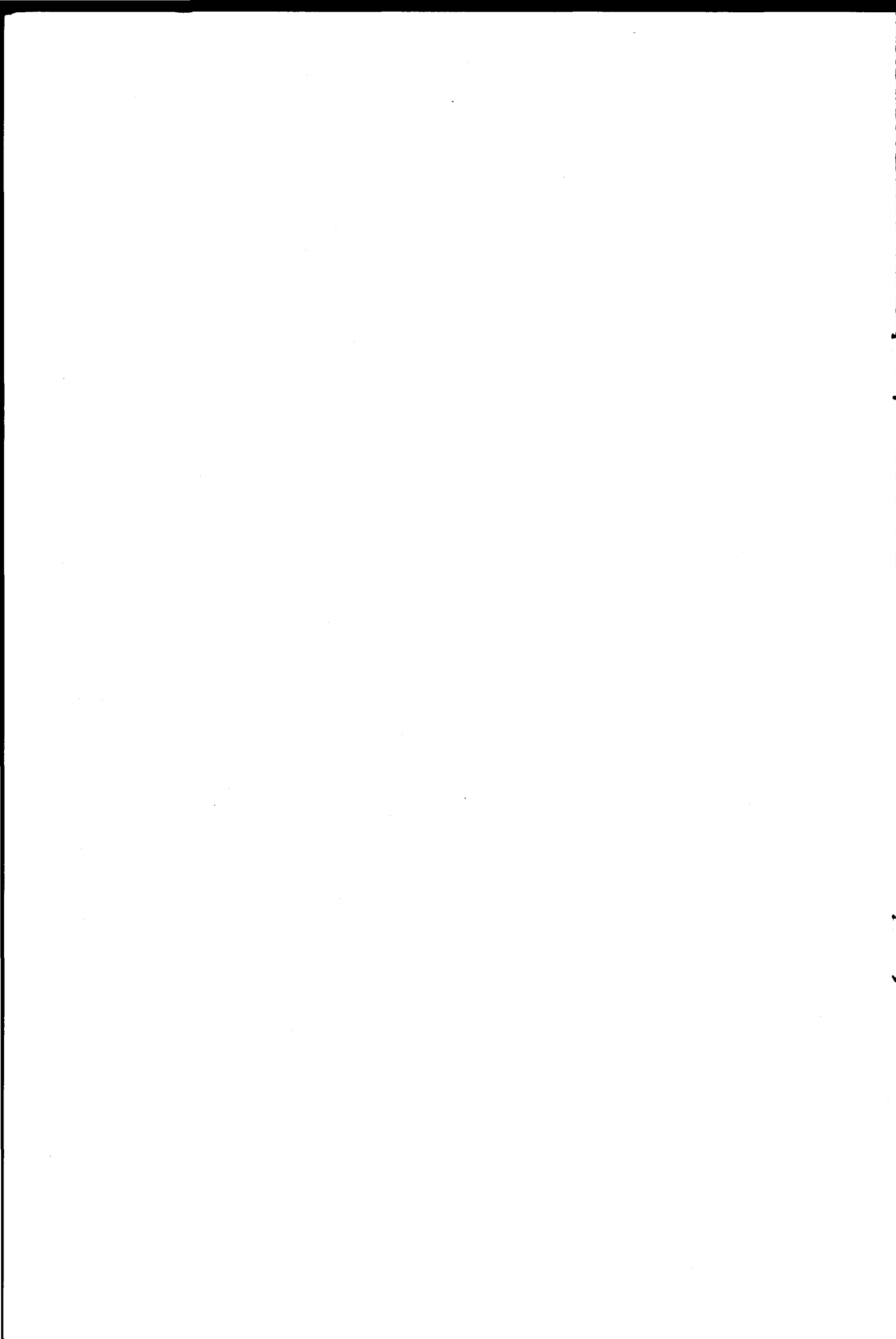
DOCUMENT 139/74

Report

drawn up on behalf of the Committee on Agriculture

on the amended proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to honey

Rapporteur: Mr Peter BRUGGER



By letter of 6 March 1974 the Commission of the European Communities forwarded to the European Parliament for information the proposal for a directive on the approximation of the laws of the Member States relating to honey which amends, pursuant to Article 149, second paragraph, of the EEC Treaty, the proposal for a regulation on the same subject submitted on 9 March 1970.

The Committee on Agriculture took note of this document and at its meeting of 2-3 May 1974 decided to request authorization to draw up a report on the matter. In accordance with Rule 38 of the Rules of Procedure, the President of the European Parliament gave this authorization and named the Committee on Agriculture as the Committee responsible; the Committee on Public Health and the Environment was asked for its opinion.

The Committee on Agriculture appointed Mr BRUGGER rapporteur.

It considered the proposal for a directive at its meeting of 5-6 June 1974 and at the same meeting unanimously adopted Mr BRUGGER'S draft report.

The following were present:

Mr Houdet, chairman, Mr Laban, vice-chairman, Mr Brugger, rapporteur, Mr Baas, Mr Gibbons, Mr John Hill, Mr Hunault, Mr de Koning, Mr Liogier, Mr Martens, Mrs Orth and Mr Scott-Hopkins.

The opinion of the Committee on Public Health and the Environment is attached.

C O N T E N T S

	Page
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	11
General aspects of the proposals	11
Specific problems	13
Opinion of the Committee on Public Health and the Environment.....	15

The Committee on Agriculture hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the ^{amended} proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to honey

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(74) 179 final),
 - having regard to the report by the Committee on Agriculture and the opinion by the Committee on Public Health and the Environment (Doc. 139/74);
 - being unable to approve of any of the amendments made by the Commission to its original proposal for a regulation now contained in its proposal for a directive;
 - having regard to the fact that the Commission has adopted in its modified proposal none of the amendments put forward in its earlier opinion¹
1. urgently requests the Commission of the European Communities to incorporate, pursuant to the second paragraph of Article 149 of the EEC Treaty, the following amendments;
 2. instructs its President to forward this resolution, together with explanatory statement, to the Council and the Commission of the European Communities.

¹ See OJ No C101, 4.8.1970, p. 40

Proposal for a Council Directive
on the approximation of the laws
of the Member States relating to
honey

Preamble, recitals and
Articles 1 to 3

unchanged

Article 4

By way of derogation from Article
3(1) the term 'Kunstthonig' may still
be used for a period of 5 years
starting from the date of notifica-
tion of this Directive to describe
a product other than honey in
accordance with previous national
provisions governing this product.

Article 4

By way of derogation from Article
3(1) the term 'Kunstthonig' may still
be used for a period of 3 years
starting from the date of notifica-
tion of this Directive to describe
a product other than honey in
accordance with previous national
provisions governing this product.

Articles 5 to 7

unchanged

Article 8

1. Only the following inscriptions
shall be obligatory on the pack-
ages, containers or labels of
products which meet the criteria
in the Annex. These inscrip-
tions shall be clearly visible,
legible and indelible:

Article 8

1. unchanged

(a) the term 'honey' or one of
the terms referred to in Article
6(3);

(a) unchanged

(b) the net weight expressed in
grammes or kilogrammes;

(b) unchanged

(c) the name or the business
name and the address or the
registered Head Office of the
producer or the packer, or of
a retailer within the Community.

(c) unchanged

¹ For the complete text, see COM(74) 179 fin.

- (d) the name of the country of origin for products imported from third countries; in the case of honey originating from a third country blended with a honey of Community or other origin the mention 'imported honey'.
2. By way of derogation from paragraph 2, and without prejudice to the provisions adopted by the Community with regard to the labelling of foodstuffs, the Member States may retain any national provisions which require mention of the country of origin. This indication, however, shall not be required for honey produced within the Community.
3. The term 'honey' referred to in paragraph 1(a) shall not be supplemented by:
- (a) a reference to the origin, whether blossom or plant, unless the product comes mainly from the source indicated and has the appropriate organoleptic and microscopic characteristics;
- (b) a geographical or topographical name, unless the product comes entirely from the region indicated;
- (c) a reference to the absence of any heating process, unless the product has been obtained entirely without heating.
4. If the honey is packed in containers of more than 10 kilogrammes net and is not retailed, it shall be permissible for the indications referred to in paragraph 1(b) and (c) to appear only on the accompanying documents.
2. deleted
3. unchanged
4. unchanged

5. The Member States shall not go beyond what is laid down in paragraph 1 in specifying the procedure for giving the details laid down in the said paragraph. However, the Member States may prohibit trade in honey on their territory if the inscriptions laid down in paragraph 1(a) do not appear in the national language(s) on one side of the package or container.

5. unchanged

6. During the transitional period provided for in Article 7, paragraph 2, weights other than metric, accompanied by their metric equivalent must be indicated in Ireland and the United Kingdom if those Member States so require.

6. unchanged

Article 9

unchanged

Article 10

1. If the procedure defined in this Article is used, the Standing Committee on Foodstuffs set up by the Council Decision of 13 November 1969, hereafter called the 'Committee', shall be convened by its President acting on its own initiative or at the request of a representative of a Member State.

Article 10

1. unchanged

2. The Commission's representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion thereon within the time laid down by the President on the basis of the urgency of the matter in question. It

2. unchanged

shall give its opinion by a majority of 41 votes, the Member States votes being weighted as laid down in Article 148(2) of the Treaty.

The President shall not take part in the voting.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the Committee's opinion.
- (b) If the measures envisaged are not in accordance with the Committee's opinion or if no opinion is given, the Commission shall submit to the Council, without delay, a proposal on the measures to be taken. The Council shall act by a qualified majority.
- (c) if at the end of 3 months starting from the date on which it was approached the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 11

This Directive shall not apply to products intended for export from the Community.

Article 12 and 13

3. The Commission shall adopt measures that shall be of immediate application.

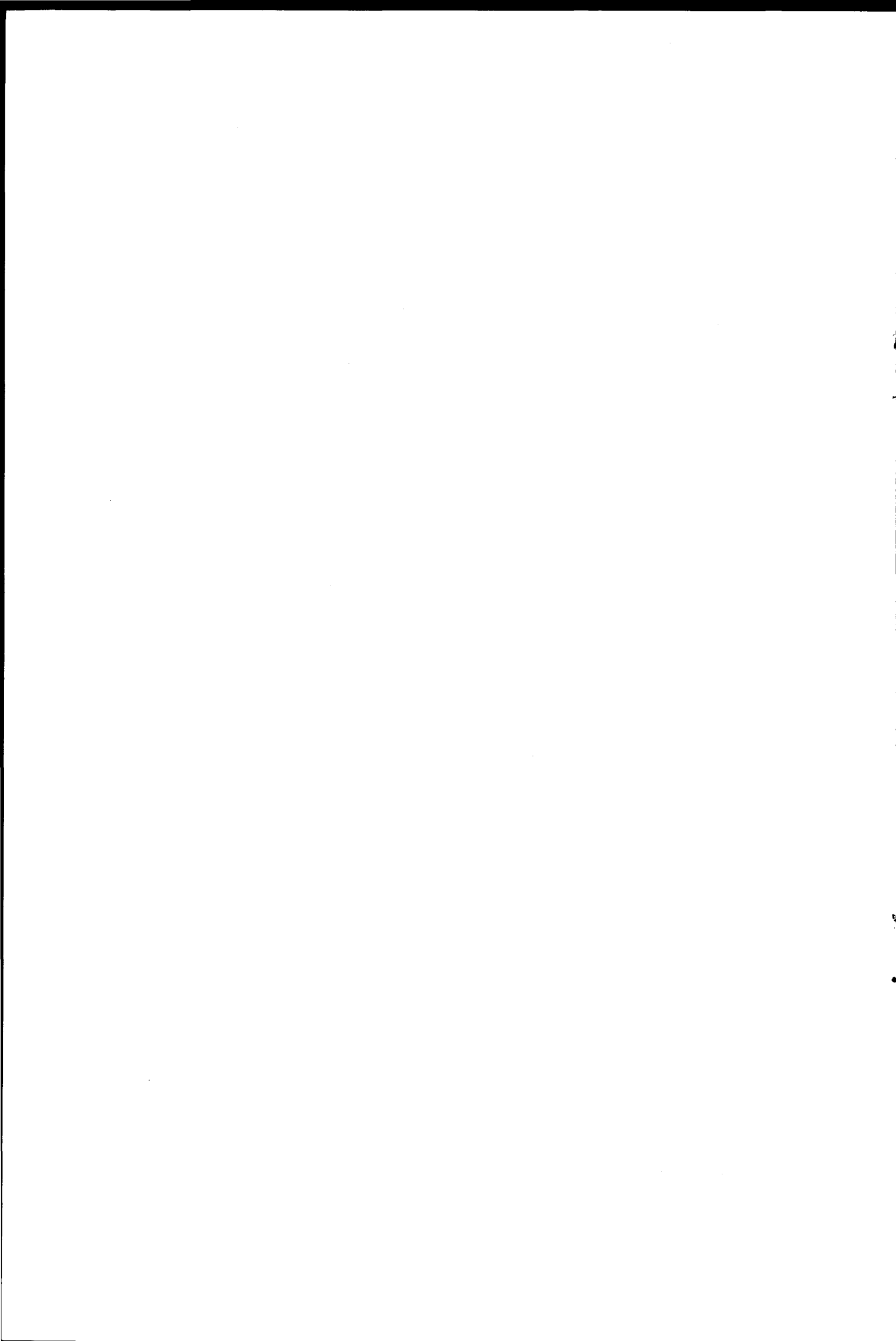
However, where these are not in accordance with the Committee's express opinion, they shall immediately be notified by the Commission to the Council; in such a case the Commission may postpone the implementation of the measures it has drawn up by a maximum of one month from the date of notification.

The Council, which shall act according to the voting procedure laid down in Article 43(2) of the Treaty, may take an alternative decision within the space of one month.

Article 11

This Directive shall not apply to products intended for export from the Community which shall bear a distinctive inscription.

unchanged



EXPLANATORY STATEMENT

General aspects of the proposals

1. By letter of 6 March 1974, the Commission forwarded, for information, a proposal for a directive to the Council on the approximation of the laws of the Member States relating to honey. This document consisted of the amendment, submitted by the Commission pursuant to Article 149(2) of the Treaty, of an earlier proposal on the same subject-matter on which the European Parliament gave an opinion at its part-session of 9 July 1970, on the basis of a report submitted by Mr Zaccari (Doc. 83 of 7 July 1970) on behalf of the Committee on Agriculture.
2. The Committee on Agriculture considered this new proposal and, at its meeting of 2 and 3 May 1974, decided to submit a new report on this matter. The reasons for this decision reside essentially in the fact that a comparison of the two texts reveals that the new proposal, while containing changes of some importance, adopts very few of the amendments proposed in the Committee's earlier report.
3. A change of general import in the new proposal is its legal form. Whereas in 1970 the Commission chose to deal with the subject in the form of a regulation, it is now submitting a proposal for a directive.

Although in the explanatory memorandum to the proposal, the Commission indicates the reasons for giving the text the form of a directive, referring in particular to the opinion expressed in this connection in a discussion in the Council, it should be mentioned that the legal form of a regulation has the advantage of giving immediate validity to Community rules in all Member States, while provisions contained in a directive become truly operative only after a specific period (generally from one to two years) granted to allow the adjustment or amendment of national laws, regulations or administrative rules.

It is recalled, moreover, that the Zaccari report expressed satisfaction at the fact that the Commission had submitted a proposal for a regulation and not for a directive.

Indeed, whereas in the past the Commission has confined itself to drawing up proposals for directives in cases concerning the approximation of laws for foodstuffs, there has for a long time been considerable support in Parliament for using the form of a regulation.

4. The approximation of the laws relating to food products by legislative act is of interest for two reasons: on the one hand, by eliminating conflicting elements in the laws of the Member States apt to distort the conditions of competition and hinder the free movement of goods, it facilitates marketing, makes for a better use of agricultural products and thus in general raises the level of farmers' incomes; on the other, it presents an opportunity for generalizing throughout the Community regulations that afford the consumer better guarantees as to product quality, correct information regarding contents, and related controls.

It is in this context, then, that the Committee on Agriculture intends, within the limit of its responsibilities, to consider the new proposal with reference to the previous one with a view to formulating its observations and proposing possible modifications.

5. By comparison with the proposal for a regulation of 1970, the proposal for a directive under consideration is, moreover, characterized by a number of derogations from the general principles laid down as Community rules in the standard proposal, principles which remain essentially unchanged.

These derogations, according to the Commission, were due to the need to reflect production situations and consumer habits which could be neither changed rapidly nor eliminated without allowing a reasonable period of time for the necessary adjustments.

These derogations were mainly necessitated by the need to make allowance for the situation of the Community following its enlargement. But it should be pointed out that the original 1970 proposal was not unanimously approved by a Council still composed of the representatives of the original Community of the Six; and it was this that prompted the Commission to modify its 1970 proposals on certain points.

6. The Committee on Agriculture notes that the Commission proposes the following derogations from the original text: Article 4 (referring to the use of the term 'Kunsthonig' for a period of five years); Article 6(3) (the substitution of the term 'industrial honey' for 'honey' from a product whose diastase activity and hydroxymethylfurfural content do not comply with those laid down); Article 7(2) and Article 8(6) (regarding the weights of marketable products); Article 8(2) (indication of country of origin for products imported from third countries).

7. The Committee on Agriculture, while noting the reasons given in the explanatory memorandum preceding the proposal and the information given by the Commission and recognizing that technical reasons do exist for the various

derogations included in the directive, feels bound to point out that, generally speaking, recourse to derogations constitutes a distortion, if only temporary, of the real objectives of a Community regulation that is general in scope.

Subject, however, to the foregoing observations on the general aspects of the proposal, the Committee on Agriculture will confine itself in the following section to putting forward a few concrete proposals for amending the text under consideration on those points it considers of particular importance and to reiterating certain points which it made in its earlier report on the subject.

Specific problems

8. The Committee on Agriculture notes that Article 4 permits, by way of derogation, the sale for a period of 5 years of a product described as 'Kunsthonig' whose composition (essentially: invert sugar, colouring matter and flavourings) do not conform to the requirements laid down for honey. Since the product in question is one whose consumption is considerable in certain Member States (Germany, Denmark), the Commission's arguments for such a derogation may seem reasonable; the Committee on Agriculture considers that the period of time involved could, however, be reduced to 3 years. There is no question of prohibiting these products at the end of this time, but simply of marketing them under a different name.

9. Article 8(2) provides for a derogation, pending the introduction of 'horizontal' legislation on the labelling of foodstuffs in the Community, whereby Member States may retain any national provisions which require mention of the country of origin for honey imported from third countries.

This problem, of importance for the information of the consumer as to the place of origin of the product concerned, was associated, in the initial 1970 proposal, with that concerning the designation of products resulting from the blending of honey from third countries with a honey of Community or other origin, for which the Commission proposed the compulsory indication 'foreign honey!':

At that time, the Committee on Agriculture, together with the Committee on Social Affairs and Health Protection, which had been asked for its opinion, had given its approval to the requirement that the name of the third country be indicated on the label on the grounds that it was necessary to 'take account of the wishes of Community apiarists and of the consumers' right to be informed of the honey's country of origin', as the Committee on Social Affairs and Health Protection stated in its opinion. However, it changed the indication 'foreign honey' to 'imported honey', in the belief that the latter term was more realistic.

In view of the two reasons given at that time, the Committee on Agriculture considers it necessary to reiterate its point of view in this respect and proposes, therefore, that provision be made for the compulsory indication on labels of the name of the country of origin for honey imported from third countries and, moreover, the indication 'imported honey' for blends of Community honey with honey from third countries.

10. The Committee on Agriculture furthermore points out that, in Article 10, the Commission has not adopted the amendment proposed earlier in the Zaccari report, relating to the procedure to be used by the Standing Committee on Foodstuffs; yet this amendment was tabled and adopted on several occasions in Parliament in similar cases.

This modification would give the Commission the right independently to introduce measures of immediate application; it would need to request a further decision from Council only if the Committee on Foodstuffs delivered a dissenting opinion. The Committee on Agriculture considers that in this way the role of the Committee on Foodstuffs remains in large measure 'consultative', and the Commission retains the power of initiative which is subject to the control of Parliament.

11. A further point, on which the Committee on Agriculture proposed an amendment in its earlier opinion and which has not been incorporated into the new proposal, concerns Article 11; it refers to products intended for export from the Community, to which the provisions of the present directive are not to apply.

In its earlier report, the Committee opined that such products 'should bear a distinctive indication' so that controls could be effected.

OPINION OF THE COMMITTEE ON PUBLIC HEALTH AND THE ENVIRONMENT¹

Mr Roger HOUDET
Chairman of the Committee
on Agriculture
European Parliament
LUXEMBOURG

Luxembourg, 17 June 1974

Dear Mr Chairman,

At its meetings of 9-10 May and 6-7 June 1974 in Brussels, the Committee on Public Health and the Environment considered the proposal for a Council directive on the approximation of the laws of the Member States relating to honey (COM (74) 179 final),

1. First it must be noted that this proposal replaces the earlier proposal for a regulation on the production and marketing of honey (COM (70) 217 final) on which the European Parliament delivered an opinion on 9 February 1970 (OJ C 101, 4 August 1970, p.40).

The Commission justifies the formal change from 'regulation' to 'directive' by the wish of Member States for legislation on foodstuffs to be based on a directive rather than a regulation because a directive allows them more freedom to adapt national legislation to its provisions.

The Committee on Public Health and the Environment is convinced, however, that a regulation (which, pursuant to the provisions of Article 189 of the Treaty, shall be binding in its entirety

and directly applicable in all Member States) is the most appropriate means of attaining the objective of consumer and health protection.

2. Article 4 of the proposal for a directive provides that by derogation from Article 3 (1) the term 'Kunsthonig' may still be used in trade for a period of five years. This term designates in West Germany and Denmark a synthetic product composed of invert sugar, colouring and aromatics which, although not dangerous to health, bears no relation to honey and its organoleptic properties.

This article, which does not exist in the earlier proposal for a regulation, may well lead the consumer to confuse 'honig' with genuine honey.

The Committee on Public Health and the Environment considers that the use of misleading terms to designate a product other than honey must be absolutely forbidden in order to genuinely safeguard the name 'honey'.

The name of the product currently sold as 'Kunsthonig' must therefore be changed completely. In any case trade in this product should not be allowed to continue for a period of five years starting from the date of notification of the directive which makes this stipulation.

3. The Committee on Public Health and the Environment notes that in respect of labelling this proposal for a directive does not take into account the case of a product consisting of a mixture of honey originating in the Community and honey originating elsewhere.

Article 5 (1) (c) of the proposal for a regulation proposed using the inscription 'foreign honey' for such mixtures; the Committee on Public Health had proposed 'imported honey' instead.

The Committee on Public Health and the Environment confirms the absolute necessity for this inscription and insists on the insertion of an article in the directive providing for the labelling of mixtures of honey of various origins.¹

Yours sincerely,

¹This opinion was adopted unanimously on 17.6.74
The following were present: Mr Della Briotta (Chairman); Mr Scott-Hopkins and Mr Jahn (Vice-Chairmen); Mr Gibbons, Mr Van der Gun, Mr Martens, Mr Artzinger (deputizing for Mr Springorum), Mr Cipolla, Mr Walkhoff and Mrs Orth