Production and marketing of honey: pollen in honey; aligning the Directive with the TFEU (Commission delegated and implementing powers)

2012/0260(COD) - 17/06/2013 - Document attached to the procedure

This Commission staff working document aims to give further explanations as regards the legality of the proposal for a Directive of the European Parliament and of the Council amending Council Directive 2001 /110/EC relating to honey.

The legal certainty of the proposal was questioned by the Council Legal Service as regards the qualification of pollen as a “constituent” of honey as opposed to an ingredient within the context of the ruling of the Court of Justice of the EU dated 6 September 2011, Bablok, C-442/09.

The Commission concludes that this proposal is based on different factual considerations than those put forward to the Court in the Bablok ruling and that it amends one of the acts (Directive 2001/110/EC) which was interpreted by the Court in the Bablok ruling.

Therefore, the Commission continues to consider that the proposal, as it stands, is **fully compatible with the existing case-law and is therefore legal**.