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

2012/0260(COD) - 05/12/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Julie GIRLING (ECR, UK) on the proposal for a directive of the European Parliament and of the Council amending Council Directive 2001/110/EC relating to honey.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Transformation of the ECJ-ruling of 6 September 2011: the report recalled that following the judgment of the Court of Justice of 6 September 2011 in case C-442/09, pollen derived from genetically modified crops is to be considered as an ingredient of honey, or of food supplements containing pollen, within the meaning of Regulation (EU) No 1169/2011 on the provision of food information to consumers.

In order to ensure freedom of information and choice for consumers, and taking into account the special characteristics of honey, this Directive should **consider pollen to be an ingredient**, but solely within the meaning of Article 2 and Article 12(2) of Regulation (EC) No 1829/2003 on genetically modified food and feed.

The report stressed that honey and other foods or food supplements, containing pollen derived from genetically modified crops are to be **labelled as foodstuffs containing ingredients produced from genetically modified organisms**. As honey is a natural product, it should be exempted from the requirement to bear a list of ingredients.

Alignment with the Lisbon Treaty (delegated acts): the proposal seeks to allow the Commission to amend the technical characteristics related to names, product descriptions and definitions in Annex I and composition criteria in Annex II to the present Directive. However, Members considered that these are all **essential elements** of the Directive. Therefore, the Commission proposal, in allowing amendment of essential elements, goes beyond the scope of delegated acts as outlined in the Treaty. For this reason, the report has removed these references from the Commission proposal.

The power to adopt delegated acts relating to non-essential elements should still to be conferred on the Commission. Therefore, Members called for **the proposal in Article 4** for delegated acts to set out methods for the verification of compliance of honey with the provisions of this Directive to be maintained.

Members have also amended the length of time for which the power to adopt delegated acts can be conferred on the Commission. This has been changed from an indeterminate period to **five years with tacit extension**.