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

2012/0260(COD) - 15/05/2014 - Final act

PURPOSE: to amend Council Directive 2001/110/EC to align the implementing power of the Commission on the provisions laid down in the Treaty on the Functioning of the European Union (TFEU) and explicitly clarify the status of pollen, being a natural constituent particular to honey, rather than an ingredient of honey.

LEGISLATIVE ACT: Directive 2014/63/EU of the European Parliament and of the Council amending Council Directive 2001/110/EC relating to honey.

CONTENT: the Directive lays down that **pollen is a natural constituent of, not an ingredient of, honey**. It also clarifies the labelling requirements for the cases where honey originates in more than one Member State or third country. In these cases, the indicator of the country of origin may replaced by one of the the following indications, as appropriate: i) “blend of EU honeys”; ii) “blend of non-EU honeys”, iii) “blend of EU and non-EU honeys”.

Finally, the Directive **reviews the scope of the existent power conferred on the Commission**, in the light of the distinction between the delegated powers and the implementing competences of the Commission, introduced by articles 290 and 291 of the TFEU.

The Commission may, taking into account international standards and technical progress, by means of **implementing acts**, set out methods of analysis to verify whether honey is compliant with the provisions of this Directive.

In order to ensure fair commercial practices, to protect consumer interests and to enable the setting out of relevant methods of analysis, the power to **adopt delegated acts** should be delegated to the Commission to supplement the Directive lay down two parameters for the criterion of ‘mainly’ as regards the floral or vegetable origin of honey and the minimal content of pollen in filtered honey following removal of foreign inorganic or organic matter.

The power to adopt the delegated acts shall be conferred on the Commission for a period of **five years (with tacit extension) from 23 June 2014**. The European Parliament or the Council may object to a delegated act within a period of **two months** from the date of notification (this period can be extended for two months). If the European Parliament or the Council make objections, the delegated act will not enter into force.

ENTRY INTO FORCE: 23.06.2014.

TRANSPOSITION: by 23.06.2015. The measures shall apply from 24.06.2015.

Products placed on the market or labelled before 24.06.2015, in line with Directive 2001/110/EC, may continue to be marketed until the exhaustion of stocks.