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Explanatory note on the implementation of Council Directive 2001/110/EC relating to honey¹

This note contains the interpretation of the Commission departments. It is without prejudice to any decision that may be taken by the Court of Justice which alone is competent to give a legally binding ruling on the validity and interpretation of instruments adopted by the Community institutions.

Introductory remark:

Council Directive 2001/110/EC relating to honey seeks to provide the fullest possible information about the quality and geographical origin of honey. It defines the product that may be marketed using the name 'honey' by establishing a number of criteria for its composition which have to be observed. The main varieties of honey are defined in terms of their botanic origin or method of production and/or presentation.

The Directive entered into force on 1 August 2003; it prohibits the marketing of products which fail to comply on 1 August 2004 (with the exception of those labelled before that date).

Since the publication of the Directive, the Commission has received a large number of requests for its interpretation and proposals for amendments, mainly concerning the names under which certain honeys are sold. An explanatory note should therefore be drawn up to make it easier for the Member States and operators to understand the various provisions of the Directive.

I- Does the designation '*Liquid Swedish honey with added fructose for cooking*' comply with the Directive?

¹ OJ L 10, 12.1.2002, p. 47.

Under Article 2, point 1 of Directive 2001/110/EC (the “honey” Directive) the term ‘honey’ is reserved for the product defined in point 1 of Annex I and is used in trade to describe that product.

The second paragraph of Annex II of the “honey” Directive provides that when placed on the market as honey or used in any product intended for human consumption, honey must not have added to it any food ingredient, including food additives.

The addition of natural or artificial flavourings or outside sugars is clearly at variance with the provisions of the “honey” Directive which seeks to protect honey when it is being marketed. The designation ‘honey’ may not appear on the labelling of foodstuffs to which food products have been added, including food additives. The designation ‘honey with added fructose’ would not therefore be accepted.

II- In which circumstances may the word ‘honey’ be used in the name of a compound foodstuff? Must the percentage of honey in a compound foodstuff be shown?

Article 2, point 3 of Directive 2001/110/EC provides expressly that honey intended for use in baking may be used as an ingredient in a compound foodstuff. In that case, it is stated that the term ‘honey’ may be used in the product name of the compound food (‘honey’ or ‘with honey’) instead of the term ‘baker’s honey’ provided that the latter term is used in the list of ingredients. For example, it is possible to market ‘hazel nuts with honey’, ‘fruit with honey’, etc.

Article 2, point 1 of Directive 2001/110/EC provides that the term ‘honey’ may be applied only to the product defined in Annex I . Consequently, where there is a risk of the consumer being misled, the sales designation must not use the word honey as part of a compound name (for example, ‘...honey’, ‘honey...’, ‘ ...honey...’) if the product fails to comply in full with the requirements of the Directive, as would be the case, for example, with a mixture of glucose syrup and honey. In these cases the words ‘with honey’ must be used.

As well as the special provisions contained in the ‘honey’ Directive, it is important to note that under Article 7 of Directive 2000/13/EC, where honey is an ingredient in a compound product, the quantity used must be shown where:

- the word honey ‘appears in the name under which the foodstuff is sold or is usually associated with that name by the consumer’;
- the honey is ‘emphasised on the labelling in words, pictures or graphics’ ;
- honey as an ingredient ‘is essential to characterise a foodstuff and to distinguish it from products with which it might be confused because of its name or appearance’.

However, under Article 7(3)(a), the indication of the quantity (of honey used in a compound product) is not compulsory if the honey is ‘used in small quantities for the purposes of flavouring’.

III- Can the terms ‘thousand flowers honey’ and ‘mixed flowers honey’ be used as a trade designation in addition to the legal name under which the product is sold?

Directive 2001/110/EC includes among the main varieties of honey depending on their botanic origin 'blossom honey or nectar honey' and defines it as 'Honey obtained from the nectar of plants' (Annex I, point 2(a)(i)). The legal name in the Directive does not permit 'blossom honey' to be replaced by 'mixed flower honey', or 'thousand flower honey'.

Article 2, point 2(b) provides that the sales 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'. As French names make no reference to a particular botanic species, this exception does not apply in this case.

In addition to the specific rules on the labelling of honey under Directive 2001/110/EC, the general rules on foodstuffs' labelling laid down by Directive 2000/13/EC of the European Parliament and the Council apply.

The words 'thousand flowers' and 'mixed flowers' may be added to the label therefore in a different position from the sales designation provided that the interests of consumers are respected under Directive 2000/13/EC on the labelling of foodstuffs. As these names are associated in consumers' minds with a unique, multifloral environment and not with honey obtained mainly from mixtures of single-flower honeys (rape, sunflower, etc.), this type of composite honey may not bear those names. In other words, the flowers and plants must share the same growing period and geographical origin.

IV- Can a reference to more than one floral or vegetable origin be shown on the labelling?

Article 2, point 2(b) of Directive 2001/110/EC states that except in the case of filtered honey and baker's honey, the names referred to in Annex I 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'.

As a rule, the adjectives 'wholly' or 'mainly' concern single-flower honeys only. The term 'mainly' must be interpreted as being more restrictive than 'predominantly' and must be understood to mean 'almost entirely'. It is rare for a single-flower honey to contain 100% pollen of the same botanic origin and for that reason a certain tolerance is permitted because of the term 'mainly'.

In order to comply with the first indent of Article 2, point 2(b), and in particular respect the organoleptic, physico-chemical and microscopic characteristics, the honey in question can only be mixed with another single-flower honey of the same botanic origin. Any other type of mixture or dilution would not ensure respect for these characteristics and consequently may not use a single-flower name.

A name/Names referring to the floral and/or vegetable origin may be used provided that the flowers or vegetables mentioned have the same nectar and/or honeydew production period and the same geographical origin (example – fruit and dandelion honeys). Each botanic origin given must be significant and the honey must come wholly or mainly from the sources indicated. As in the case of the single-flower name, the honey must have the

organoleptic, physico-chemical and microscopic characteristics of the origin it is invoking.

Where the flowers or vegetables do not have the same nectar and/or honeydew production period and the same geographical origin, the dual/multiple floral and/or vegetable origin may be indicated on condition that the first indent of Article 2, point 2(b) is observed and the word 'mixture' is clearly shown on the label. The latter indication is essential in this case in that honey is defined in Annex I to Directive 2001/110/EC as a 'natural sweet substance produced by bees'. The consumer's perception of honey in general is of a natural product 'unprocessed' by humans and produced in a unique environment. Once two single-flower honeys are blended by man and the resulting mixture cannot exist naturally given the different nectar production periods and geographical areas, the consumer must be told that the product is a 'mixture' where the name is supplemented by information referring to its floral or vegetable origin.

V- Regarding the indication of the origin of the honey on the label, can the name of a production region in a Member State or third country be used in place of the name of the country or countries of origin?

Article 2, point 4(a) of Directive 2001/110/EC provides that 'the country or countries of origin where the honey has been harvested shall be indicated on the label'.

Article 2, point 2(b) of Directive 2001/110/EC provides also that the name 'honey' (excluding filtered and baker's honey) may be supplemented by information referring to the regional, territorial or topographical origin, if the product comes entirely from the indicated source'.

The reference to the country is obligatory therefore, since the regional or territorial origin may only be mentioned as a supplement. This is because a region known in one Member State or another part of the world is not necessarily known in other Member States.

VI- Can the reference to the origin of the honey in the case of 'honey mixtures' under Article 2, point 4(a) be replaced by the name 'honeys from...'?

In principle, each country in which part of a honey mixture originates must be mentioned on the label. However, it is also possible to indicate only 'mixtures of honeys originating in the EC', 'mixtures of honeys not originating in the EC', or 'mixtures of honeys originating and not originating in the EC'.

According to Article 2, point 4(b) the particulars referred to in point (a) are considered as indications within the meaning of Article 3 of Directive 2000/13/EC. They are consequently mandatory names.

Information that the honey is a mixture coming from different countries is essential for the consumer. In view of the close link between the quality of honey and its origin, and the fact that it is essential that full information be given on these points in order to avoid misleading the consumer about the quality of the product, the Directive does not authorise

the replacement of the words 'mixtures' by 'honeys from' in situations where they replace the list of countries of origin.

VII- Does the Directive provide that the various indications must be shown on a particular place on the label ?

Article 2, point 2(a) states expressly that in the case of baker's honey the words "intended for cooking only" must appear on the label in close proximity to the product name'.

Concerning the other mandatory indications, Article 2, point 4(b) provides also that the indication of the origin and especially the particulars provided for in point (a) must be labelled in accordance with Directive 2000/13/EC on the labelling of foodstuffs, and in particular Articles 13, 14, 16 and 17. They form part of the mandatory indications therefore.

Bearing in mind Article 13 of Directive 2000/13/EC, in situations where honey is prepacked, all the mandatory indications (in particular the origin) under the special honey Directive and the general Directive on labelling must appear on the prepackaging or on an associated label (or on commercial documents only where the honey is intended for associations to be prepared there).

The mandatory indications must be 'easy to understand and marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible'. In addition, 'They shall not in any way be hidden, obscured or interrupted by other written or pictorial matter'.

The information that must appear in line with these requirements in the case of honey is as follows:

Mandatory indications under Directive 2000/13/EC:

- the name under which the product is sold,
- the net quantity,
- the minimum keeping period,
- the special conditions for conservation and use,
- the business name and address of the manufacturer or packer or of a seller established within the Community.

Mandatory indications under Directive 2001/110/EC:

- 'intended for cooking only' in the case of baker's honey,
- the country or countries of origin in which the honey was harvested.

VIII- Which specific quality criteria may supplement the designation honey ?

Article 2, point 2(b) of Directive 2001/110/EC provides that except in the case of filtered honey and baker's honey, the product names referred to in Annex I may be supplemented by information referring to 'specific quality criteria'.

Since the Directive does not give a more precise definition of these potential specific quality criteria, explanations are called for.

First, it should be made clear that all non-filtered and non-baker's 'honey', provided it meets all the requirements set by the Directive, may bear these additional indications. These specific quality criteria are not reserved exclusively therefore for honeys marketed under official quality signs (PDO, PGI type).

It is not possible in practice or desirable to draw up an exhaustive list of specific quality criteria but these fall under Directive 2000/13/EC on the labelling and presentation of foodstuffs and especially of Article 2.

These additional indications must not under any circumstances be such as to mislead the buyer, in particular as to the 'identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production', or 'by attributing to the foodstuff effects or properties which it does not possess' and 'by suggesting that the foodstuff possesses special characteristics when in fact all similar foodstuffs possess such characteristics'. For example, indications such as "100% honey" and "bee honey" would be unacceptable where 'all honeys possess such characteristics'.

It must also be possible to verify the additional indications used.

Indications relating, for example, to texture, harvesting period ('summer honey', 'spring honey'), method of preparation ('unpasteurised honey', 'non-heat treated honey'), and other precise analytical criteria may be used provided they are more restrictive than those listed in Annex II to the Directive), or to physico-chemical, organoleptic (flavour and aroma) and microscopic characteristics.

IX- In the case of mixtures of honeys of different sources, is a minimum quantity from each source mentioned necessary in order to be able to invoke Article 2, point 4(a) of Directive 2001/110/EC ?

Since Directive 2001/110/EC contains no special provisions, reference should be made to the general provisions on the labelling of foodstuffs.

Article 2 of Directive 2000/13/EC provides that the labelling must not be such as to mislead the buyer in particular as to the characteristics concerning 'composition, quantity, origin or provenance...'.

Where several sources (names of EU, non-EU countries) are shown on the label, the quantity of each one cannot be insignificant otherwise it would mislead the consumer.

X- In the case of baker's honey, must the words 'intended for cooking only' which must be shown in close proximity to the product name also appear on the bulk containers not intended for the final consumer?

Article 2 of Directive 2001/110/EC is in keeping with the application of Directive 2000/13/EC and its provisions are therefore aimed only at the marketing of products intended to be supplied in their natural state to the final consumer.

Consequently, inclusion of the words 'intended for cooking only' is required only in the case of 'baker's' honey sold to the final consumer.

The bulk sale of honey not intended for the final consumer is governed by Article 3 of Directive 2001/110/EC which states that bulk containers, packaging and commercial documentation must give the full name of the product as shown in Annex I, point 3, namely 'baker's honey'. The words 'intended for cooking only' on the other hand are not required in the case of bulk containers which are not sold to the final consumer.

XI- Must the reference to regional, territorial or topographical origin be linked automatically with a geographical administrative area?

The second indent of Article 2, point 2(b) of Directive 2001/110/EC provides that the product name may be supplemented by information relating to "regional, territorial or topographical origin, if the product comes entirely from the indicated source". Since the areas mentioned above make no reference to administrative districts, it is not essential for the origins shown on the label to consist of administrative areas.

With regard to territorial or topographical origin, it is possible for example for "forest honey" and "mountain honey" to be marketed provided they come from areas that are entirely wooded or mountainous respectively. Honey produced in a park in an urban environment may not use the name "forest honey"

In the case of topographical names, it is not mandatory to indicate the forest or mountain from which the honey comes. However, if a territorial origin is claimed the name of the forest or mountain range must be shown.

Forest honey refers, in addition to the territorial and topographical aspects, to a botanical source. Consequently, in accordance with the first indent of Article 2, point 2(b) it must also possess the organoleptic, physico-chemical and microscopic characteristics of that source. In particular, forest honey must consist substantially of honeydew honey.