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Subject: **REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL On the exercise of the power to adopt delegated
acts conferred on the Commission pursuant to Directive 2000/36/EC
of the European Parliament and of the Council of 23 June 2000
relating to cocoa and chocolate products intended for human
consumption, Council Directive 2001/110/EC of 20 December 2001
relating to honey, Council Directive 2001/111/EC of 20 December 2001
relating to certain sugars intended for human consumption, Council
Directive 2001/112/EC of 20 December 2001 relating to fruit juices and
certain similar products intended for human consumption, Council
Directive 2001/113/EC of 20 December 2001 relating to fruit jams,
jellies and marmalades and sweetened chestnut purée intended for
human consumption**

Delegations will find attached document COM(2019) 435 final.

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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

On the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption, Council Directive 2001/110/EC of 20 December 2001 relating to honey, Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption, Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption, Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption

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1. DIRECTIVE 2000/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 23 JUNE 2000 RELATING TO COCOA AND CHOCOLATE PRODUCTS INTENDED FOR HUMAN CONSUMPTION

1.1. Introduction

Directive 2000/36/EC of the European Parliament and of the Council¹ lays down definitions and common rules in respect of the composition, manufacturing specifications, packaging and labelling of cocoa and chocolate products.

Article 5 of the Directive empowers the Commission to adopt delegated acts to amend Sections C and D of Annex I for the purposes of taking into account technical progress and developments in relevant international standards.

1.2. Legal Basis

The report is required under Article 6(2). Pursuant to that provision, the power to adopt delegated acts referred to in Article 5 shall be conferred on the Commission for a period of five years from 18 November 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

1.3. Exercise of Delegation

The Commission has not adopted any delegated act pursuant to Article 5 since the Commission has not identified any need to amend Sections C and D of Annex I. The Commission does not intend to use the empowerment in the near future, but it cannot be excluded that it will become necessary.

1.4. Conclusions

The empowerment has not been used, because there was no legal obligation nor any necessity to use it. It, however, cannot be excluded that the empowerments will be needed in future.

2. COUNCIL DIRECTIVE 2001/110/EC OF 20 DECEMBER 2001 RELATING TO HONEY

2.1. Introduction

Council Directive 2001/110/EC² establishes definitions and lays down common rules on composition and the main labelling information of honey.

¹ Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption, OJ L 197, 3.8.2000, p. 19

² Council Directive 2001/110/EC of 20 December 2001 relating to honey, OJ L 10, 12.1.2002, p. 47

Article 4(2) empowers the Commission, for the purpose of ensuring fair commercial practices and protecting consumer interests and enabling the setting out of relevant methods of analysis, to adopt delegated acts in accordance with Article 6 to supplement the Directive by laying down the quantitative parameters relating to the following:

- (a) the criterion of ‘mainly’ as regards the floral or vegetable origin of honey as referred to in the first indent of Article 2(2)(b); and,
- (b) the minimal content of pollen in filtered honey following removal of foreign inorganic or organic matter referred to in point 2(b)(viii) of Annex I.

2.2. Legal Basis

The report is required under Article 6(2). Pursuant to that provision, the power to adopt delegated acts referred to in Article 4(2) shall be conferred on the Commission for a period of five years from 23 June 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power is tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

2.3 Exercise of Delegation

The Commission has not adopted any delegated act pursuant to Article 4(2) since the Commission has not identified any need. The Commission does not intend to use the empowerment in the near future, but it cannot be excluded that it will become necessary.

2.4. Conclusions

The empowerment has not been used, because there was no legal obligation nor any necessity to use it. It, however, cannot be excluded that the empowerments will be needed in future.

3. COUNCIL DIRECTIVE 2001/111/EC OF 20 DECEMBER 2001 RELATING TO CERTAIN SUGARS INTENDED FOR HUMAN CONSUMPTION

3.1. Introduction

Council Directive 2001/111/EC³ lays down rules on manufacturing and marketing conditions relating to certain sugars intended for human consumption.

Article 4 empowers the Commission to adopt delegated acts to amend Part B of the Annex for the purposes of taking into account technical progress and developments in relevant international standards.

³ Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption, OJ L 10, 12.1.2002, p. 53

3.2. Legal Basis

The report is required under Article 5(2). Pursuant to that provision, the power to adopt delegated acts referred to in Article 5 shall be conferred on the Commission for a period of five years from 18 November 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3.3. Exercise of Delegation

The Commission has not adopted any delegated act pursuant to Article 5 since the Commission has not identified any need to amend Part B of the Annex. The Commission does not intend to use the empowerment in the near future, but it cannot be excluded that it will become necessary.

3.4. Conclusions

The empowerment has not been used, because there was no legal obligation nor any necessity to use it. It, however, cannot be excluded that the empowerments will be needed in future.

4. COUNCIL DIRECTIVE 2001/112/EC TECHNICAL PROGRESS OF 20 DECEMBER 2001 RELATING TO FRUIT JUICES AND CERTAIN SIMILAR PRODUCTS INTENDED FOR HUMAN CONSUMPTION

4.1. Introduction

Council Directive 2001/112/EC⁴ lays down common rules governing the composition, use of reserved descriptions, manufacturing specifications and labelling of fruit juices and certain similar products.

Article 7 empowers the Commission to adopt delegated acts to amend the Annexes to this Directive, with the exception of Part I of Annex I, and of Annex II to bring the Annexes into line with developments in relevant international standards and to take into account technical progress.

4.2. Legal Basis

The report is required under Article 7a (2). Pursuant to that provision, the power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for a period of five years from 28 October 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

⁴ Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption, OJ L 010, 12.1.2002, p.58

4.3. Exercise of Delegation

The Commission has adopted one delegated act on the basis of Article 7 in order to take into account technical progress: **Commission Delegated Regulation (EU) No 1040/2014**⁵. This delegated act modified point 3 of Part II of Annex I that regulates the authorised treatments and substances to authorise plant proteins derived from either wheat, peas or potatoes for clarification of juices.

In line with the common understanding on delegated acts,⁶ Member States' experts were consulted in the Expert Group for Agricultural Markets, in particular concerning aspects falling under the single CMO Regulation. The Commission adopted Delegated Regulation (EU) 1040/2014 on 25 July 2014 and the Regulation was notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to the Delegated Regulation. After the expiry of the two-month period, the Commission Delegated Regulation (EU) 1040/2014 was published in the Official Journal of the European Union L 288 of 2 October 2014 and entered into force on 5 October 2014.

The Commission does at this moment not intend to use the empowerment, unless technical progress makes it necessary in future.

4.4. Conclusions

The Commission has exercised its delegated powers correctly. It cannot be excluded that the empowerments will be needed in future.

5. COUNCIL DIRECTIVE 2001/113/EC OF 20 DECEMBER 2001 RELATING TO FRUIT JAMS, JELLIES AND MARMALADES AND SWEETENED CHESTNUT PURÉE INTENDED FOR HUMAN CONSUMPTION

5.1. Introduction

Council Directive 2001/113/EC⁷ lays down definitions and common rules governing composition, manufacturing specifications and labelling of fruit jams, jellies and marmalades and sweetened chestnut purée.

Article 5 empowers the Commission to adopt delegated acts to amend Annex II and Part B of Annex III for the purposes of taking into account technical progress and developments in relevant international standards.

⁵ Commission Delegated Regulation (EU) No 1040/2014 of 25 July 2014 amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption to adapt its Annex I to technical progress, OJ L 288, 2.10.2014, p. 1

⁶ Common Understanding on delegated acts from 2011 (not published).

⁷ Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, OJ L 10, 12.1.2002, p. 67

5.2. Legal Basis

The report is required under Article 6(2). Pursuant to this provision, the power to adopt delegated acts referred to in Article 5 shall be conferred on the Commission for a period of five years from 18 November 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

5.3. Exercise of Delegation

The Commission has not adopted any delegated act pursuant to Article 5 since the Commission has not identified any need to amend Annex II or Part B Annex III. The Commission does not intend to use the empowerment in the near future, but it cannot be excluded that it will become necessary.

5.4. Conclusions

The empowerment has not been used, because there was no legal obligation nor any necessity to use it. It, however, cannot be excluded that the empowerments will be needed in future.

The Commission invites the European Parliament and the Council to take note of this Report.