

Status: Point in time view as at 01/07/2009.

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ANNEX XIII

MARKETING OF MILK FOR HUMAN CONSUMPTION REFERRED TO IN ARTICLE 114(2)

I. Definitions

For the purposes of this Annex:

- (a) 'milk' means the produce of the milking of one or more cows;
- (b) 'drinking milk' means the products referred to in point III intended for delivery without further processing to the consumer;
- (c) 'fat content' means the ratio by mass of parts of milk fat per hundred parts of milk in the milk concerned;
- (d) 'protein content' means the ratio by mass of parts of protein per hundred parts of milk in the milk concerned (obtained by multiplying by 6,38 the total nitrogen content of the milk expressed as a percentage by mass).

II. Delivery or sale to the final consumer

1. Only milk complying with the requirements laid down for drinking milk may be delivered or sold without processing to the final consumer, either directly or through the intermediary of restaurants, hospitals, canteens or other similar mass caterers.
2. The sales descriptions to be used for those products shall be those given in point III of this Annex. Those descriptions shall be used only for the products referred to in that point, without prejudice to their use in composite descriptions.
3. Member States shall adopt measures to inform consumers of the nature and composition of the products concerned where the absence of such information is likely to cause confusion.

III. Drinking milk

1. The following products shall be considered as drinking milk:
 - (a) raw milk: milk which has not been heated above 40 °C or subjected to treatment having equivalent effect;
 - (b) whole milk: heat-treated milk which, with respect to fat content, meets one of the following requirements:
 - (i) standardised whole milk: milk with a fat content of at least 3,5 % (m/m). However, Member States may provide for an additional category of whole milk with a fat content of 4,0 % (m/m) or above;
 - (ii) non-standardised whole milk: milk with a fat content that has not been altered since the milking stage either by the addition or removal of milk fats or by mixture with milk the natural fat content of which has been altered. However, the fat content may not be less than 3,5 % (m/m);
 - (c) semi-skimmed milk: heat-treated milk whose fat content has been reduced to at least 1,5 % (m/m) and at most 1,8 % (m/m);
 - (d) skimmed-milk: heat-treated milk whose fat content has been reduced to not more than 0,5 % (m/m).

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[^{F1}Heat-treated milk not complying with the fat content requirements laid down in points (b), (c) and (d) of the first subparagraph shall be considered drinking milk provided that the fat content is clearly indicated with one decimal and easily readable on the packaging in form of ‘... % fat’. Such milk shall not be described as whole milk, semi-skimmed milk or skimmed milk.]

Textual Amendments

F1 Inserted by Council Regulation (EC) No 361/2008 of 14 April 2008 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation).

2. Without prejudice to point (b)(ii) of paragraph 1, only the following modifications shall be allowed:
- (a) in order to meet the fat contents laid down for drinking milk, modification of the natural fat content by the removal or addition of cream or the addition of whole milk, semi-skimmed milk or skimmed milk;
 - (b) enrichment of milk with milk proteins, mineral salts or vitamins;
 - (c) reduction of the lactose content by conversion to glucose and galactose.

Modifications in the composition of milk referred to in points (b) and (c) shall be allowed only if they are indelibly indicated on the packing of the product so that it can be easily seen and read. However, such indication shall not remove the obligation as regards nutrition labelling laid down by Council Directive 90/496/EEC of 24 September 1990 on nutrition labeling for foodstuffs⁽¹⁾. Where proteins are added, the protein content of the enriched milk must be 3,8 % (m/m) or more.

However, Member States may limit or prohibit modifications to the composition of milk referred to in points (b) and (c).

3. Drinking milk shall:
- (a) have a freezing point close to the average freezing point for raw milk recorded in the area of origin of the drinking milk collected;
 - (b) have a mass of not less than 1 028 grams per litre for milk containing 3,5 % (m/m) of fat at a temperature of 20 °C or the equivalent weight per litre for milk having a different fat content;
 - (c) contain a minimum of 2,9 % (m/m) of protein for milk containing 3,5 % (m/m) of fat or an equivalent concentration in the case of milk having a different fat content.

IV. Imported products

Products imported into the Community for sale as drinking milk shall comply with this Regulation.

- V. Directive 2000/13/EC shall apply, in particular as regards national provisions on the labelling of drinking milk.

VI. Controls and penalties and their reporting

Without prejudice to any specific provisions which may be adopted by the Commission in accordance with Article 194 of this Regulation, Member States shall adopt all appropriate

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measures to monitor the application of this Regulation, penalise infringements and prevent and repress fraud.

Such measures and any amendments shall be notified to the Commission during the month following their adoption.

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- (1) [OJ L 276, 6.10.1990, p. 40](#). Directive as last amended by Regulation (EC) No 1882/2003 ([OJ L 284, 31.10.2003, p. 1](#)).

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