Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (repealed)

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ANNEX IV

BUTTER

PART I

Eligibility criteria for butter

[X1 1. The intervention agency shall buy in only butter which meets the requirements of Article 10(1)(e) of Regulation (EC) No 1234/2007, and of points 3 to 7 of this Part and Article 28(1) of this Regulation.]

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (Official Journal of the European Union L 349 of 29 December 2009).

2. The criteria for approving the undertakings referred to in Article 10(1)(e) of Regulation (EC) No 1234/2007 are listed in Part III of this Annex.

3. The intervention agency shall check the quality of butter using the methods described in Part IV of this Annex and on the basis of samples taken in accordance with the rules set out in Part V of this Annex. However, Member States may, subject to written agreement of the Commission, set up a system of self checking under their own supervision in respect of certain quality requirements and in the case of certain approved undertakings.

4. Levels of radioactivity in butter may not exceed the maximum levels permitted, where applicable, under Community rules.

The level of radioactive contamination of butter shall be monitored only if the situation so requires, and during the requisite period.

5. The butter shall have been made during the 31 days preceding the day on which the competent body received the offer to sell at fixed price or, in the case of tenders 31 days preceding the closing date of the tendering sub-period.

6. Where butter is offered to intervention in a Member State other than that in which it was produced, buying-in shall be subject to the presentation of a certificate supplied by the competent body of the Member State of production.

The certificate shall be presented to the competent body of the purchasing Member State not later than 35 days after the day on which the offer was received or after the closing date of the tender and shall contain the information referred to in Article 28(1)(a), (b) and (d) of this Regulation, and a confirmation that the butter has been produced directly and exclusively from pasteurised cream within the meaning of Article 6(2) of Regulation (EC) No 1234/2007, in an approved undertaking in the Community.

[X1 7. Where the Member State of production has performed the checks referred to in point 3 of this Part, the certificate shall also contain the results of those checks and confirm that the product concerned is butter fulfilling the requirements of Article 10(1)(e) of Regulation (EC) No 1234/2007. In that case, the packaging referred to in Article

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28(1) of this Regulation must be sealed by means of a numbered label issued by the competent body of the Member State of production. The certificate shall contain the number of the label.**]**

PART II

Taking over and initial controls for butter

1. The butter shall be put through a trial storage period. This period shall be fixed at 30 days starting from the day of taking over.

2. The intervention agency shall require that the butter be placed and kept in storage on pallets, in such a way as to create easily identifiable and readily accessible lots.

PART III

Criteria for the approval of undertakings referred to in Article 10(1)(e) and (f) of Regulation (EC) No 1234/2007 (common part for butter and skimmed milk powder)

1. Undertakings as referred to in Article 10(1)(e) and (f) of Regulation (EC) No 1234/2007 shall be approved only if they:

(a) are approved in accordance with Article 4 of Regulation (EC) No 853/2004 and have the appropriate technical equipment;

(b) undertake to keep permanent records in the form determined by the competent body of each Member State, listing the supplier and origin of the raw materials, for butter the quantities of butter obtained and for milk powder the quantities of skimmed-milk powder, buttermilk and whey obtained and the packaging, identification and exit date of each production batch intended for public intervention;

(c) agree to submit their production of butter and skimmed milk powder liable to be offered for intervention to a specific official inspection;

(d) undertake to inform the competent body, at least two working days in advance, of their intention to produce butter and skimmed milk powder for public intervention; however, the Member State may set a shorter time limit.

2. To ensure compliance with this Regulation, the competent body shall carry out unannounced on-the-spot inspections, on the basis of the intervention butter and skimmed milk powder production schedule of the undertakings concerned.

They shall carry out at least:

(a) one inspection per period of 28 days of production for intervention with at least one inspection every year, to examine the records referred to in point 1(b);

(b) one inspection every year, to verify compliance with the other conditions for approval referred to in point 1.

3. Approval shall be withdrawn if the preconditions laid down in point 1(a) are no longer satisfied. Approval may be re-granted at the request of the undertaking concerned after a period of at least six months, following a thorough inspection.

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Except in cases of *force majeure,* where an undertaking is found not to have complied with one of its commitments as referred to in point 1(b), (c) and (d), approval shall be suspended for a period of between one and 12 months depending on the seriousness of the irregularity.

The Member State shall not impose suspension where it is established that the irregularity was not committed deliberately or as a result of serious negligence and it is of minor importance with regard to the effectiveness of the inspections provided for in point 2.

4. A report shall be drawn up on the inspections carried out pursuant to points 2 and 3, specifying:

(a) the date of the inspection;

(b) the duration of the inspections;

(c) the operations carried out.

The report shall be signed by the inspector responsible.

PART IV

Compositional requirements, quality characteristics and analytical methods

Butter is a solid emulsion, mainly of the water-in-oil type, with the following compositional and quality characteristics:

Parameters	Content and quality characteristics
Fat	Minimum 82 %
Water	Maximum 16 %
Non-fat solids	Maximum 2 %
Free fatty acids	Maximum 1,2 mmole/100 g fat
Peroxide value	Maximum 0,3 meq oxygen/1 000 g fat
Coliformes	Not detectable in 1 g
Non-milk fat	Not detectable by triglyceride analysis
Sensory characteristics	At least four out of five points for appearance, flavour and consistency
Water dispersion	At least four points

[[X1]The reference methods to be applied shall be those laid down in Regulation (EC) No 273/2008 (OJ L 88, 29.3.2008, p. 1).**]**

PART V

Sampling for chemical and microbiological analysis and sensory evaluation

1. Chemical and microbiological analysis

Quantity of butter(kg)	Minimum number of samples(> 100 g)

≤ 1 000	2
> 1 000 ≤ 5 000	3
> 5 000 ≤ 10 000	4
> 10 000 ≤ 15 000	5
> 15 000 ≤ 20 000	6
> 20 000 ≤ 25 000	7
> 25 000	7 + 1 per 25 000 kg or part thereof

Sampling for microbiological analysis must be carried out aseptically.

Up to five samples of 100 g may be combined into one sample for analysis after thorough mixing.

The samples must be taken randomly from different parts of the offered quantity before or at the time of entry into the cold store designated by the competent body.

Preparation of composite butter sample (chemical analysis):

(a) using a clean, dry butter trier or similar suitable instrument, extract a core of butter of at least 30 g and place in a sample container. The composite sample must then be sealed and forwarded to the laboratory for analysis;

(b) at the laboratory the composite sample is to be warmed in the original unopened container to 30 ^{o}C and shaken frequently until a homogeneous fluid emulsion free of unsoftened pieces is obtained. The container should be one half to two thirds full.

Two samples per year per producer offering butter for intervention must be analysed for non-milk fat.

2. Sensory evaluation

Quantity of butter(kg)	**Minimum number of samples**
1 000 ≤ 5 000	2
> 5 000 ≤ 25 000	3
> 25 000	3 + 1 per 25 000 kg or part thereof

The samples are to be taken randomly from different parts of the offered quantity between the 30th and the 45th day following conditional takeover of the butter and graded.

[[X1]Each sample must be assessed individually in accordance with Annex IV to Regulation (EC) No 273/2008. No resampling or re-evaluation is allowed.**]**

3. Guidelines to be followed where samples show defects

(a) chemical and microbiological analysis:

— where individual samples are analysed, one sample showing a single defect out of five to 10 samples or two samples each showing a single defect out of 11 to 15 samples may be allowed. Where a sample shows a defect, two new samples must be taken from either side of the sample showing the defect and checked for the parameter in question. Where neither sample meets

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the specification, the quantity of butter between the original two samples on either side of the sample showing the defect must be rejected from the quantity offered.

Quantity to be rejected where the new sample shows a defect:

— where composite samples are analysed and found to show defects in respect of one parameter, the quantity represented by the composite sample concerned is to be rejected from the quantity offered. The quantity represented by one composite sample may be determined by subdividing the quantity offered before samples are taken randomly from each part thereof;

(b) sensory evaluation:

— where a sample fails the sensory evaluation, the quantity of butter between two neighbouring samples on either side of the sample failing is to be rejected from the quantity offered,

(c) where samples show a sensory defect and either a chemical or a microbiological defect, the whole quantity is to be rejected.

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