ANNEX V

SKIMMED MILK POWDER

PART I

Eligibility criteria for skimmed milk powder

[X1 1. The intervention agency shall buy-in only skimmed milk powder which complies with Article 10(1)(f) of Regulation (EC) No 1234/2007, and with points 3 to 6 of this Part and Article 28(2) 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 Annex IV.

3. The intervention agencies shall check the quality of skimmed-milk powder using the analytical methods set out in Part IV of this Annex on the basis of samples taken in accordance with the rules set out in Part VI of this Annex. The checks must establish that, except authorised raw materials used for protein adjustment as referred to in Annex I(4)(b) to Council Directive 2001/114/EC[(1)] the skimmed milk powder does not contain other products, in particular buttermilk and whey, as defined in Part IV of this Annex.

Protein adjustment, if applicable, shall occur in the liquid phase. Material used for protein adjustment shall be of Community origin.

However, if the Commission so agrees, Member States may set up a system of self-checking under their own supervision for certain quality requirements and certain approved undertakings.

4. Radioactivity levels in the skimmed-milk powder may not exceed the maximum levels permitted, where applicable, under Community rules. The level of radioactive contamination of the product shall be monitored if the situation so requires and during the period necessary only.

5. The skimmed-milk powder must have been manufactured during the 31 days preceding the day on which the intervention agency 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. If the skimmed-milk powder is stored in silos containing more than one production day, it must have been manufactured during the three weeks preceding the week during which the offer to sell at fixed price was received or, in the case of tenders four weeks preceding the closing date of the tendering sub-period.

6. Where skimmed-milk powder is offered for intervention in a Member State other than that in which it was manufactured, buying-in shall be subject to presentation, no later than 35 days after the day on which the offer was received or after the closing date

of the tender, of a certificate supplied by the competent agency of the Member State of manufacture.

The certificate shall contain the information referred to in Article 28(2)(a), (b) and (c) and a confirmation that the skimmed-milk powder has been produced from milk in an approved undertaking in the Community and protein adjustment, if applicable, occurred in liquid phase, as laid down in Article 10(1)(f) of Regulation (EC) No 1234/2007.

[[X1]Where the Member State of manufacture 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 skimmed-milk powder within the meaning of Article 10(1)(f) of Regulation (EC) No 1234/2007.**]** In that case, the bags referred to in Article 28 shall be sealed with a numbered label issued by the intervention agency of the Member State of manufacture. The number shall be entered on the certificate referred to in the first subparagraph of this point.

PART II

Taking over and initial controls for skimmed milk powder

The intervention agency shall require that skimmed milk powder 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

Part III of Annex IV of this Regulation shall apply.

PART IV

Compositional requirements, quality characteristics and analytical methods

Parameters	Content and quality characteristics
Protein content	Minimum 34,0 % of the non-fat dry matter
Fat content	Maximum 1,0 %
Water content	Maximum 3,5 %

a	'Buttermilk' means the by-product of butter manufacture obtained after churning of the cream and separation of the solid fat.
b	**[**[X1]The absence of buttermilk can be established either by an on-the-spot inspection of the production plant carried out without prior notice at least once a week, or by a laboratory analysis of the end product indicating a maximum of 69,31 mg of FEDP per 100 g.**]**
c	'Whey' means the by-product of cheese or casein manufacture obtained by the action of acids, rennet and/or chemico-physical processes.
d	'Whey' means the by-product of cheese or casein manufacture obtained by the action of acids, rennet and/or chemico-physical processes. The method to be applied shall be approved by the intervention agency
e	Raw milk used for the manufacture of skimmed milk powder must meet the requirements specified in Section IX of Annex III to Regulation (EC) No 853/2004.

Titratable acidity in ml of decinormal sodium hydroxide solution	Maximum 19,5 ml
Lactate content	Maximum 150 mg/100 g
Additives	None
Phosphatase test	Negative, i.e., not more than 350 mU of phosphatasic activity per litre of reconstituted milk
Solubility index	Maximum 0,5 ml (24 °C)
Burnt-particles index	Maximum 15,0 mg, i.e. disc B minimum
Micro-organism content	Maximum 40 000 per gram
Detection of coliforms	Negative in 0,1 g
Detection of buttermilk[a]	Negative[b]
Detection of rennet whey[c]	None
Detection of acid whey[d]	None
Taste and smell	Clean
Appearance	White or slightly yellowish colour, free from impurities and coloured particles
Antimicrobial substances	Negative[e]

a 'Buttermilk' means the by-product of butter manufacture obtained after churning of the cream and separation of the solid fat.

b **[**[X1]The absence of buttermilk can be established either by an on-the-spot inspection of the production plant carried out without prior notice at least once a week, or by a laboratory analysis of the end product indicating a maximum of 69,31 mg of FEDP per 100 g.**]**

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e Raw milk used for the manufacture of skimmed milk powder must meet the requirements specified in Section IX of Annex III to Regulation (EC) No 853/2004.

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

PART V

Conditions of packaging

1. The skimmed-milk powder shall be packed in new, clean, dry and intact bags with a net weight of 25 kg.

2. The bags shall have at least three layers, which together correspond to at least 420 J/m^2 TEA average.

The second layer shall be covered with a layer of polyethylene of at least 15 g/m^2.

Inside the paper layers, a polyethylene bag at least 0,08 mm thick shall be fused to the bottom.

3. Bags shall conform to standard EN 770.

4. When filling, the powder should be well pressed down. Loose powder must on no account be allowed to penetrate between the various layers.

PART VI

Sampling and analysis of skimmed-milk powder offered for intervention

1. Samples shall be taken in accordance with the procedure laid down in International Standard ISO 707. However, Member States may use another method of sampling provided that it complies with the principles of the abovementioned standard.

2. Number of packages to be selected for sampling checks:

(a) offers containing up to 800 25-kg bags: at least eight;

(b) offers containing more than 800 25-kg bags: at least eight, plus one for each additional 800 bags or fraction thereof.

3. Weight of sample: samples of at least 200 g are to be taken from each package.

4. Grouping of samples: no more than nine samples are to be combined in a global sample.

5. Analysis of samples: each global sample is to undergo an analysis to verify all the quality characteristics laid down in Part III of this Annex.

6. Where samples show defects:

(a) where a composite sample shows a defect with regard to one parameter, the quantity from which the sample came is rejected;

(b) where a composite sample shows a defect with regard to more than one parameter, the quantity from which the sample came is rejected and samples are taken from the remaining quantities from the same plant; the analysis of those samples shall be decisive. In that case:

— the number of samples laid down in point 2 is doubled,

— where a composite sample shows a defect with regard to one or more parameters, the quantity from which the sample came is rejected.

(**1**) OJ L 15, 17.1.2002, p. 19.

Status:
Point in time view as at 01/07/2014.

Changes to legislation:
There are currently no known outstanding effects for the Commission Regulation (EU) No 1272/2009 (repealed), ANNEX V.