Draft

DECREE

of …….. 2015,

laying down the requirements for milk and milk products, ice creams and edible fats and oils

In accordance with § 18(1), (a), (b), (g) and (h) of Act No 110/1997 on foodstuffs and tobacco products and on amendments to certain related laws, as amended by Act No 119/2000, Act No 306/2000, Act No 146/2002, Act No 131/2003, Act No 274/2003, Act No 316/2004, Act No 120/2008 and Act No 139/2014 (hereinafter the "Act"), the Ministry of Agriculture lays down the following:

§ 1
Subject matter

This Decree incorporates the relevant legislation of the European Union[1,] follows on from directly applicable legislation of the European Union[2], and lays down

a) the method of labelling foodstuffs, which follows from their classification by type, group or subgroup and their composition;
b) the types of foodstuffs with classification into groups and subgroups;
c) the quality requirements, technological requirements, quality requirements relating to their name and the permissible negative weight and volume deviations for packaging for each type of foodstuffs;

[1] Council Directive 83/417/EEC of 25 July 1983 on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption.
Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption.
Council Directive 2007/61/EC of 26 September 2007 amending Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption.
[2] Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007.
Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC, and Commission Regulation (EC) No 608/2004.
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin.

d) for each type of foodstuffs referred to in this Decree
   1. the temperature regimes for storing or freezing foodstuffs;
   2. methods of storing and handling foodstuffs when being placed on the market;
   3. special transport requirements;
   4. minimum technical requirements.

PART ONE
MILK AND MILK PRODUCTS

§ 2
Basic definitions

For the purposes of this Decree, the following definitions shall apply

a) milk means milk as defined in the regulation on the common organisation of the markets in agricultural products[3] complying with the requirements of legislation concerning veterinary and public health requirements for animal products and legislation of the European Union governing hygiene rules for food of animal origin[4] and treated in accordance with legislation governing veterinary and hygiene requirements for animal products[3] and in accordance with the regulation laying down specific hygiene rules for food of animal origin[5];
b) cream means a liquid milk product treated in accordance with legislation governing veterinary and hygiene requirements for animal products[3] and in accordance with the regulation laying down specific hygiene rules for food of animal origin[5] with a fat content of not less than 10 % by weight, in the form of an emulsion (milkfat in plasma) obtained by physical separation from milk;
c) fermented or acidified milk product means the milk product obtained by fermenting milk, cream, buttermilk, whey or their mixtures using micro-organisms referred to in Annex 1 to this Decree, which is not heat-treated after the fermentation process;
d) yoghurt means a fermented milk product obtained by fermenting milk, cream, buttermilk or their mixtures using micro-organisms referred to in Annex 1 to this Decree whose dry matter content may only be increased by adding a milk protein or dehydrated or condensed milk, or by removing the whey,and which is not heat-treated after the fermentation process;
e) condensed milk or condensed cream means the milk product, sweetened or unsweetened, obtained by partially evaporating the water from cream or whole milk, skimmed or partly skimmed milk or from a mixture of these products, which may have an admixture of

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[3] Act No 166/1999 on veterinary care and on amendments to certain related laws (Veterinary Act), as amended.
Decree No 289/2007 on the veterinary and hygiene requirements for animal products not stipulated by the directly applicable regulations of the European Communities, as amended by Decree No 61/2009.
Decree No 128/2009 on the adaptation of veterinary and hygiene requirements for some food business operators handling animal products.
[4] Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs.
Regulation (EC) No 853/2004 of the European Parliament and of the Council.
[5] Regulation (EC) No 853/2004 of the European Parliament and of the Council.

cream or of dehydrated milk or both, where the addition of dehydrated milk in the finished product may not exceed 25 % of the total dry matter content;

f) dehydrated milk or dehydrated cream means the powder milk product obtained by drying whole milk, skimmed or partly skimmed milk or cream or their mixture, with a water content of not more than 5 % by weight;

g) cheese means the milk product produced by precipitation of milk proteins from milk by the action of rennet or other suitable coagulating agents, separation of the whey content and subsequent fermentation;

h) whey means the milk product which is a by-product of the production of cheese, including curds and edible caseins;

i) curd means unripened cheese obtained by precipitation using acids or in which precipitation by acids prevails over precipitation by rennet;

j) butter means the milk product as defined in the regulation on the common organisation of the markets in agricultural products[2;]

k) buttermilk means a milk product which is a by-product of the production of butter;

l) butter concentrate means a milk product with a total milkfat content exceeding 90 % by weight, which has been obtained from milk, cream or butter;

m) butterfat means anhydrous milkfat with a milkfat content of more than 99.3 % by weight, which has been obtained from milk, cream or butter;

n) traditional dairy spread means a milk product made from acidified cream, with an admixture of dehydrated milk, which may be enriched with whey powder or buttermilk powder, with a milkfat content of not less than 31 % by weight and not more than 36 % by weight of milkfat and with a dry matter content of not less than 42 % by weight, which is produced using traditional technology by means of high-pressure homogenisation of the cream mixture, subsequent fermentation of the mixture and thermisation and, finally, homogenisation before filling into packaging,

o) milk protein product means the dried milk product obtained by separating proteins from milk or whey,

p) edible casein means the principal protein constituent of milk, insoluble in water and obtained from skimmed milk by precipitation using technological adjuvants, washed and dried, without prejudice to the possibility of prior use of ion exchange or concentration processes, and complying with the requirements set out in Annex 2 to this Decree;

q) edible caseinate means the dried milk protein product obtained by neutralising the edible acid casein using food grade agents and complying with the requirements set out in Annex 3 to this Decree;

r) milk retentate means the product obtained by concentrating milk proteins by ultra filtration of milk, partly skimmed milk, or skimmed milk;

s) milk permeate means the product obtained by removing milk proteins and milkfat from milk, partly skimmed milk, or skimmed milk by ultra filtration;

t) lactose means a natural constituent of milk normally obtained from whey with an anhydrous lactose content of not less than 99.0 % by weight on a dry basis; it may be anhydrous or contain one molecule of water of crystallisation or be a mixture of both forms;

u) heat treatment means the technological process as defined in the regulation laying down specific hygiene rules for food of animal origin5;

v) thermisation means the heat treatment of milk products up to a temperature of 80 °C after

completing the fermentation process and before packaging in order to suppress or stop the activity of the lactic microflora present;

w) ultra heat treatment (UHT) means the heat treatment of milk or milk products as defined in the regulation laying down specific hygiene rules for food of animal origin[5;]

x) sterilisation of milk and milk products means the heat treatment of milk or milk products by indirectly heating them in hermetically sealed containers to a temperature above 100 °C for a period ensuring that the requirement for microbiological safety under the regulation laying down specific hygiene rules for food of animal origin[5] is complied with without damaging the seal, and

y) average quantity means the weight of food without the packaging, taking into account negative weight deviations.

§ 3

Classification by type, group and subgroup

The classification of milk and milk products by types, groups and subgroups is provided in Annex 4 to this Decree.

§ 4

Labelling

(1) The name of a milk product subjected at the end of the production process to the treatment referred to in § 2(u) to (x) shall by accompanied by a description of the nature of the heat treatment in accordance with the regulation laying down specific hygiene rules for food of animal origin[5].

(2) The indication of the net quantity of semi-solid or semi-liquid products falling under the product type or group of “liquid cream”, “concentrated cream”, “condensed milk” and “acidified or fermented milk products” according to the classification referred to in Annex 4 to this Decree, except the “yoghurt” group, shall be provided in units of weight or volume.

(3) The negative weight deviations for milk and milk products are set out in Annex 5 to this Decree.

Milk and cream

§ 5

(1) Milk and cream shall bear an indication of

a) the name of the type and group;

b) the name of the subgroup according to fat content, which is set out for each product in the regulation on the common organisation of the markets in agricultural products[2] or in Table 1 of Annex 6 to this Decree, and

c) fat content.

(2) Liquid cow's milk or liquid cream of cow's milk shall be designated as milk or cream, respectively.

(3) In the case of liquid milk and liquid cream, the method of heat treatment shall be indicated in accordance with the regulation laying down specific hygiene rules for food of animal origin[5].

(4) Only liquid milk or liquid cream which has not been subjected to treatment at a temperature exceeding 125 °C may be designated as “fresh”.

(5) Only liquid milk or liquid cream whose shelf life has been extended through ultra heat treatment or sterilisation may be designated as “shelf-stable milk” or “shelf-stable cream”.

§ 6

(1) The designation “milk drink” may only be used for liquid milk products with a milk or whey content of more than 50 % by weight. The name of flavoured liquid milk products shall be accompanied by an indication of the type of the flavouring ingredient or food flavouring information, in accordance with the Decree on certain methods of the labelling of foodstuffs.

(2) The adjective “milk” may only be used in the designation of milk products with a milk or milk product content of not less than 50 % by weight.

(3) Only products from high-fat cream without the addition of sugar may be designated as “cream products from high-fat cream”. In addition, fat content and dry matter content in per cent by weight shall be indicated on such products.

(4) Products from curd, milk or cream with the addition of sugar and a fat content of not less than 30 % by weight on a dry basis shall be designated as “cream products”. In addition, fat content on a dry basis and dry matter content in per cent by weight shall be indicated on such products.

Condensed and dried milk products

§ 7

(1) Only extra white sugar, white sugar or semi-white sugar, as defined in the Decree on the requirements for natural sweeteners, honey, confections, cocoa powder and cocoa mixtures

with sugar, chocolate, and chocolate sweets[6] may be used as a source of sucrose for sweetened condensed milk products.

(2) When producing condensed sweetened milk products, it is allowed to add lactose in a quantity of not more than 0.03 % by weight of the total weight of the product.

(3) The addition of sucrose to condensed sweetened milk products shall correspond to the sugar ratio of 60.5 to 64.5 as given by the formula:

$$\text{sugar ratio} = \frac{\%\ \text{of sucrose} \times 100}{\%\ \text{of sucrose} + \%\ \text{of water}}$$

(4) The preservation of condensed unsweetened milk products may only be achieved by heat treatment in accordance with the regulation laying down specific hygiene rules for food of animal origin[5].

(5) The preservation of condensed sweetened milk products may only be achieved by adding sucrose in accordance with paragraph 1.

§ 8

(1) The preservation of dried milk products may only be achieved through the process of dehydration.

(2) In the case of condensed milk products and dried milk products, it is permitted to add vitamins and minerals referred to in the regulation on the addition of vitamins and minerals and of certain other substances to foods[7].

(3) Without prejudice to the compositional requirements, the protein content of milk in condensed milk and dehydrated milk may be adjusted to a minimum content of 34 % by weight expressed on non-fat dry matter basis, by the addition or withdrawal of milk constituents in such a way as not to alter the whey protein to casein ratio of the milk being adjusted. Milk permeate, milk retentate or lactose may be used for this adjustment.

§ 9

(1) The non-fat dry matter content in per cent by weight shall be indicated in the name of condensed milk products in accordance with Table 2 of Annex 6 to this Decree.

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[6] Decree No 76/2003 laying down the requirements for natural sweeteners, honey, confections, cocoa powder and cocoa mixtures with sugar, chocolate, and chocolate sweets, as amended by Decree No 43/2005.

[7] Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods

(2) Fat content in per cent by weight shall be indicated in the name of condensed milk products, except sweetened and unsweetened condensed skimmed milk, in accordance with Table 2 of Annex 6 to this Decree.

(3) Fat content in per cent by weight shall be indicated in the name of dried milk products, except dried skimmed milk, in accordance with Table 3 of Annex 6 to this Decree.

(4) In the case of dehydrated milk and dehydrated cream in packaging intended for the final consumer, the recommended method of dilution or method of reconstitution, including fat content information in per cent by weight of the product thus modified, shall be indicated.

(5) Where a condensed milk product or dried milk product weighing less than 20 g is packaged in combination packaging[8], it is possible to indicate the information on the combination packaging only, except the indication of the product type.

(6) The labelling of dried milk products, except products intended for special nutrition[9], intended for final consumers shall indicate that the product is "not intended for the nutrition of infants under 12 months".

§ 10

(1) Milk protein products shall be made from raw materials that have been subjected to heat treatment in accordance with the regulation laying down specific hygiene rules for food of animal origin[5].

(2) When producing edible acid casein, it is possible to use lactic acid, hydrochloric acid, sulphuric acid, citric acid, acetic acid, ortho-phosphoric acid, whey or micro-organisms used for milk acidification as technological adjuvants, and bacterial cultures, provided that they comply with the requirements under the regulations on food additives and enzymes[10].

(3) When producing edible rennet casein, only such rennet or other milk-coagulating enzymes may be used as technological adjuvants and bacterial cultures that comply with the requirements under the regulations on food additives and enzymes[10].

(4) When producing edible caseinate, only such hydroxides, carbonates, phosphates and such sodium, potassium, calcium, ammonium or magnesium citrates may be used as a neutralising and buffering agent that comply with the requirements of the regulations on food

[8] Act No 477/2001 on packaging and on amendments to certain laws (Packaging Act), as amended.
[9] Decree No 54/2004 on foodstuffs intended for special nutrition and the method of their use, as amended.
[10] Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives.
Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97.

additives and enzymes[10].

§ 11

(1) Without prejudice to the labelling requirements referred to in the regulation on the provision of information on foodstuffs to consumers[11], protein milk products shall be labelled on the packaging not intended for the final consumer with

a) the name of the type or group and the name of the subgroup as per the requirements set out in Annex 2 to this Decree;in the case of edible caseinates, specification according to the cation shall be provided;
b) the net quantity in kilograms or grams;
c) the name or business name and address of the food business operator placing the foodstuff on the market;
d) in the case of products imported from third countries, the name of the country of origin, and
e) the date of manufacture or some marking by which the batch can be identified.

(2) Protein milk products placed on the market as mixtures shall also be labelled on the packaging not intended for the final consumer with

a) the words "mixture of…" followed by the names of the ingredients in accordance with the regulation on the provision of information on foodstuffs to consumers[11;]
b) in the case of edible caseinates, the specification according to the cation, and
c) in the case of milk protein from whey and mixtures of caseinates, the protein content in per cent by weight.

(3) It is possible to provide the information referred to in paragraph 1(b)to (d) and information referred to in paragraph 2(c) only in the documentation accompanying the product.

Acidified or fermented milk products

§ 12

(1) The different groups of milk products and types of milk acidification micro-organisms for the production of fermented milk products shall meet the requirements set out in the regulation on the common organisation of the markets in agricultural products[2], in Annex 1 to this Decree and Table 4 of Annex 6 to this Decree. The physical, chemical and microbiological requirements apply to the basic types of products without flavouring additives.

(2) Flavoured fermented milk products may contain no more than 30 % by weight of flavouring ingredients.

(3) Acidified or fermented milk products shall bear an indication of

[11] Regulation (EU) No 1169/2011 of the European Parliament and of the Council.

a) the name of the type, group and subgroup as per the requirements set out in Annex 5 and Table 4 of Annex 6 to this Decree;
b) fat content, and
c) the flavouring ingredient used.

(4) All types of yoghurt without the addition of a flavouring ingredient may bear the indication white yoghurt.

(5) Yoghurts whose dry matter content has been increased by removing the whey and which contain at least 5.6 % milk proteins that were not added intentionally in concentrated form shall bear the indication “Greek yoghurt”.

(6) Yoghurts which contain at least 5.6 % proteins, which was achieved intentionally by adding concentrated protein milk components before starting the fermentation process, shall bear the indication “Greek-type yoghurt” or “Greek-style yoghurt”.

§ 13

(1) The adjective “yoghurt” may only be used for milk products with a yoghurt content of not less than 50 % by weight of the product.

(2) Milk products heat-treated after the fermentation process and milk products enriched through the addition of micro-organisms as referred to in Annex 1 to this Decree shall bear an indication of
a) the name of the type;
b) fat content, and
c) the flavouring ingredient used.

Cheese and curd

§ 14

(1) Cheese shall bear an indication of
a) the name of the type;the name of the group shall also be indicated for processed cheese, processed cheese products and whey cheese;
b) the name of the subgroup shall be indicated for the group of natural cheeses, provided that they meet the requirements set out in Tables 5, 6 and 7 of Annex 6 to this Decree;
c) fat content in the dry matter;
d) dry matter content;
e) the flavouring ingredient used, and
f) if the lactose content of processed cheese is more than 5 %, the indication “processed cheese product” shall be given.

(2) Unripened cheese, including thermised unripened cheese, may bear the indication

“fresh cheese”.

(3) Where other biochemical and physical processes continued after fermentation, the cheese shall bear the indication “ripened cheese”.

(4) Cheese that has been heat-treated while adding emulsifying salts shall bear the indication “processed cheese”.

(5) Cheese treated after fermentation by steaming using hot water, hot steam, or hot milk or cream shall bear the indication “steamed cheese”.

(6) Milk products obtained by precipitation of whey or a mixture of whey with milk shall bear the indication “whey cheese”.

§ 15

(1) The adjective “cheese” may only be used for milk products that contain at least 50 % cheese by weight of the product.

(2) For compound products made from cheese, the indication “cheesecake”, “cheese dessert”, “cheese roulade”, and “processed salami cheese” may be used.

(3) Curd shall bear the indication of

a) the name of the type, group or subgroup as per the requirements set out in Table 8 of Annex 6 to this Decree;
b) fat content in the dry matter;
c) dry matter content, and
d) the flavouring ingredient used.

(4) The permissible deviation from the indication of dry matter content for ripened cheese shall be minus 1 % by weight from the value indicated on the packaging. Higher dry matter content of cheese and curd is not a defect. Permissible technological tolerances in respect of fat content in dry matter for natural cheeses shall be less than plus 5 % by weight; for processed cheese and curd, the fat content difference from that indicated on the packaging shall not exceed plus 4 % by weight. Negative technological deviations shall be impermissible.

§ 16

Butter and milkfat

(1) The indication “fresh butter” may only be used for butter within 20 days from the date of production.

(2) Butter stored at temperatures of minus 18 °C or below for a period of not more than 24 months from the date of production shall bear the indication “table butter”.

(3) The use-by date for table butter in consumer packaging shall be 20 days from the date of removal from the cold store. The date of production shall be indicated on the consumer packaging by the producer, the date of removal from the cold store shall be indicated by the distributor and the use-by date shall be indicated by the seller.

(4) Traditional dairy spread shall bear an indication of

a) dry matter content, and
b) the flavouring ingredient used.

(5) Where edible salt has been added to products of the type of milkfat concentrates and traditional dairy spread, the salt content in per cent by weight shall be indicated.

(6) Fat content of milkfat concentrates shall be indicated in whole per cent by weight.

§ 17
Placing milk and milk products on the market

Milk and milk products shall be stored, transported and placed on the market at a temperature between 2 °C and 8 °C, except milk, cream and milk products subjected to ultra heat treatment (UHT) or sterilisation, condensed milk, dehydrated milk and protein milk products, processed cheese, processed cheese products and other processed products, which shall be stored, transported and placed on the market at temperatures specified by the manufacturer.

PART TWO
ICE CREAMS

§ 18
Basic definitions

For the purposes of this Decree, the following definitions shall apply

a) ice cream means a product obtained by freezing a mixture prepared, depending on the ice cream group, in particular from water, milk, cream, fat, sugar and other ingredients of solid or paste-like consistency, which is placed on the market and intended for final consumption in frozen state;
b) freezing means the technological process of preservation of products by quickly reducing the temperature to minus 18 °C or below, in accordance with the Decree on the requirements relating to some frozen foodstuffs[12];
c) creamy and milky ice creams mean ice creams produced by freezing a foamy mixture prepared from dairy raw materials, in particular cream, milkfat, butter, milk and dehydrated milk, sugars or sweeteners, with the addition of other ingredients and flavouring additives, except vegetable fat;
d) ice creams with vegetable fat mean ice creams produced by freezing a foamy mixture

[12] Decree No366/2005 concerning the requirements relating to some frozen foodstuffs.

prepared from milk or other dairy raw materials, water, vegetable fats, sugars or sweeteners, with the addition of other ingredients and flavouring additives;

e) watery ice creams mean ice creams produced by freezing a mixture prepared from water and sugars or sweeteners, with the addition of other ingredients and flavouring additives;
f) sorbet means a frozen product obtained by freezing a mixture made from water and sugars, with the addition of fruit, which may include wine or aromatised wine or alcohol, and with the addition of other ingredients and flavouring additives;
g) ice cream mixtures mean intermediate or semi-finished products in liquid, concentrated or powder form intended for the production of ice cream;
h) ice cream powder mixture means an intermediate or semi-finished powder product containing a maximum of 4 % of water, and
i) average quantity means the weight of food without the packaging, taking into account negative weight deviations as set out in Annex 7 to this Decree.

§ 19

Classification into groups and subgroups

The classification of ice creams by type, group and subgroup is provided in Annex 8 to this Decree.

§ 20

Labelling

(1) Ice creams shall bear an indication of the name of the type, group and subgroup.

(2) Fruit ice creams shall bear an indication of the type and subgroup name if the fruit component has been replaced by dry nuts as referred to in § 21(5).

(3) Ice cream in packaging may also be designated as ‘zmrzlina’.

Quality requirements

§ 21

(1) The name of ice cream may include

a) the adjective chocolate, if it contains at least 3.0 % cocoa by weight;
b) the adjective cocoa, if it contains at least 1.5 % cocoa by weight;
c) the names of the types of dry nuts used, if the content of these fruits or their pastes is at least 1.0 % by weight, except fruit ice creams and sorbet ice creams, or
d) a term indicating the name of the type of fruit used.

(2) The adjective “milk” in the name of milky ice creams may be replaced by the name of the milk product used as an ingredient in its production, such as yoghurt or curd.

(3) In the case of products with an alcoholic component, this component must be indicated in the name of the product and their alcohol content must not exceed 3.0 % by weight.

§ 22

(1) The physical and chemical requirements for the quality of ice creams are provided in Annex 9 to this Decree.

(2) The consistency of ice creams must be soft, smooth, creamy, without lumps, larger crystals or large air bubbles; the product may contain visible particles in uncomminuted form of the added flavouring ingredients.

(3) Milky ice creams and creamy ice creams may not contain any intentionally added fat and proteins other than milkfat and milk proteins.

(4) Fruit, fruit pulp, fruit juice or other fresh fruit products or fruit products preserved using an appropriate technological procedure may be used as the fruit ingredient.

(5) The fruit ingredient of fruit ice creams and sorbet ice creams may be replaced by dry nuts or dry nut pastes.

(6) Watery ice creams and sorbet ice creams may not contain any intentionally added fat.

§ 23

(1) The fruit ingredient content may be reduced to a maximum of 10 % by weight in the case of fruit ice creams and to a maximum of 15 % by weight in the case of sorbet ice creams if the ingredient is a citrus fruit or other fruits or their mixtures for which the total acidity of juices expressed as citric acid exceeds 2.5 % by weight.

(2) The fruit ingredient content may be reduced to a maximum of 10 % by weight in the case of fruit ice creams and to a maximum of 15 % by weight in the case of sorbet ice creams if the ingredient is an exotic fruit with a pronounced aroma and taste and thick consistency, such as pineapple, banana, kiwi, mango, avocado, lychee or passionfruit.

(3) The dry nut fruit or dry nut paste content of sorbet ice creams may be reduced for technological reasons to a maximum of 5 % by weight.

Placing on the market

§ 24

(1) Ice creams intended for the final consumer may only be marketed in packaging.

(2) Ice cream shall be transported in a means of transport which allows it to be kept at the temperature of ice cream, minus 18 °C or below. During transport, the temperature of the product may increase for a short period to no more than minus 15 °C. The means of transport shall be equipped with a device for the recording of air temperature approved under the act on metrology[13]. The temperature recordings shall be stamped with the date when they were taken and retained for a period of not less than one year; if the minimum shelf life of the product is longer than one year, the records shall be retained until the date of minimum durability.

(3) It is not required to equip with the device for the recording of air temperature referred to in paragraph 2 means of transport used for delivering ice creams to retail stores, mass caterers or households, nevertheless, the distance must not exceed 200 km;in such a case, the means of transport shall be equipped with a thermometer placed in a visible location.

(4) Ice creams shall be stored in a cold store at an air temperature of minus 18 °C or below. The temperature in the cold store, except stores smaller than 10 m^3, shall be measured using a suitable device for the recording of temperatures. In cold stores with freezer space of less than 10 m^3, it will be sufficient to measure the temperature using at least one easily visible thermometer measuring the temperature in the warmest spot of the store. The temperature records shall be stamped with the date when they were taken and retained for a period of not less than one year; If the minimum shelf life of the ice cream being stored is more than one year, the records shall be retained until the date of minimum durability.

§ 25

(1) When offered for sale, ice creams shall be stored at a temperature of minus 18 °C or below in display cabinets and freezing equipment capable of maintaining their temperature and equipped with an indicator of the air temperature placed in a visible location. In open retail cabinets, the temperature shall be measured at the point of air return side, at the level of the mark of the maximum load line.

(2) The temperature throughout the ice cream may not exceed minus 18 °C during the period of storage.

(3) It is not allowed to refreeze thawed products and place them on the market.

PART THREE
EDIBLE FATS AND OILS

§ 26
Basic definitions

[13] Act No 505/1990 on metrology, as amended.

For the purposes of this Decree, the following definitions shall apply

a) edible fat or oil means a mixture of mixed triglycerides, which are, depending on the proportional representation of fatty acids, present in triglycerol in liquid or solid state under normal conditions;
b) vegetable fat or oil means edible fat and oil obtained from the seeds, fruit or kernels of the fruit of oil plants;
c) animal fat or oil means edible fat and oil obtained from edible fatty tissues of animals under the conditions laid down in the veterinary act[14] and the regulation laying down specific hygiene rules for food of animal origin[5;]
d) hydrogenated fat means edible fat obtained by hydrogenating vegetable and animal fats and oils or their mixtures;
e) re-esterified fat means edible fat obtained by re-esterifying vegetable or animal fats and oils or their mixtures, including hydrogenated fats;
f) cooking fat means edible fat that has been subject to the hydrogenation or re-esterification process, or a combination of these processes, or a mixture of hydrogenated fats and edible fats and oils, or mixtures of edible plant and animal oils and fats;
g) spreadable fat means edible fat or a mixture of hydrogenated and/or re-esterified fats, complying with the requirements set out in the regulation on the common organisation of the markets in agricultural products[2;]
h) mixed spreadable fat means edible fat as defined in the regulation on the common organisation of the markets in agricultural products[2;]
i) liquid emulsified fat means edible fat or a mixture of hydrogenated or re-esterified fats or a mixture of hydrogenated and re-esterified fats with edible oils and fats in the form of an emulsion of water and fat with a fat content between 10 % to 90 % by weight, which is liquid at the temperature of 20 °C;
j) concentrated fat means fat with a total fat content exceeding 90 % by weight, but not exceeding 99.5 % by weight;
k) cold pressed oil means oil obtained using solely mechanical procedures of extraction or pressing without heating that do not modify the nature of the oil and for the cleaning of which only water washing, sedimentation, filtration or centrifugation is used,
l) average quantity means the weight of food without the packaging, taking into account negative weight deviations as set out in Annex 10 to this Decree.

§ 27

Classification by type, group and subgroup

The classification of edible fats and oils by type, group and subgroup is provided in Annex 11 to this Decree.

§ 28

Quality and labelling requirements

[14] Act No 166/1999 on veterinary care and on amendments to certain related laws (Veterinary Act), as amended.

(1) The quality and labelling requirements for spreadable fats and olive oils are set out in the directly applicable legislation of the European Union[15].

(2) Edible fats and edible oils shall bear an indication of the name of the type, group and subgroup in accordance with Table 1 of Annex 11 to this Decree. This shall not apply to spreadable fats and mixed spreadable fats, which shall bear an indication in accordance with the regulation on the common organisation of the markets in agricultural products[2].

§ 29
Placing on the market

(1) Edible fats and oils shall be stored and transported so that they are protected from direct sunlight.

(2) The storage and transport temperatures shall not exceed

a) 20 °C, in the case of vegetable fats and oils,
b) 15 °C, in the case of animal fats and oils, spreadable fats, mixed spreadable fats and liquid emulsified fats, or
c) 20 °C, in the case of hydrogenated and cooking fats.

(3) Edible vegetable and animal fats and oils and products therefrom intended for the final consumer may only be placed on the market in packaging.

(4) Olive oil shall be placed on the market in accordance with directly applicable legislation of the European Union[16].

§ 30
Transitional provisions

(1) Foodstuffs produced and placed on the market before the date of entry into force of this Decree shall be considered in accordance with Decree No 77/2003, as last amended before the entry into force of this Decree.

(2) Foodstuffs produced and placed on the market in accordance with Decree No 77/2003,

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[15] Regulation (EU) No 1308/2013 of the European Parliament and of the Council
Regulation (EU) No 1169/2011 of the European Parliament and of the Council.

[16] For example, Regulation (EU) No 1308/2013 of the European Parliament and of the Council, Commission Regulation (EEC) No°2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis, Commission Implementing Regulation (EU) No 29/2012 of 13 January 2012 on marketing standards for olive oil.
Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis.
Commission Implementing Regulation (EU) No 29/2012 of 13 January 2012 on marketing standards for olive oil.

as last amended before the entry into force of this Decree, may be sold until stocks are exhausted.

Final provisions

§ 31

The following are repealed:

1. Decree No 77/2003 laying down the requirements for milk and milk products, ice creams and edible fats and oils.
2. Decree No 124/2004 amending Decree No 77/2003 laying down the requirements for milk and milk products, ice creams and edible fats and oils.
3. Decree No 78/2005 amending Decree No 77/2003 laying down the requirements for milk and milk products, ice creams and edible fats and oils, as amended by Decree No 124/2004.
4. Decree No 370/2008 amending Decree No 77/2003 laying down the requirements for milk and milk products, ice creams and edible fats and oils, as amended.
5. Decree No 336/2013 amending Decree No 77/2003 laying down the requirements for milk and milk products, ice creams and edible fats and oils, as amended.

§ 32

This Decree was notified in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended.

§ 33
Entry into force

The Decree shall enter into force on

Minister:

Microbiological requirements for individual milk products and types of live lactic acid micro-organisms in fermented milk products

Type of product	Micro-organisms used	Lactic microflora in 1 g of the product
Fermented or acidified milk products not listed below, for example, fermented milk, cream starter, fermented buttermilk, acidified cream, fermented milk drinks	mono- or mixed cultures of lactic acid bacteria	10^6
Acidophilus milk	Lactobacillus acidophilus and other mesophilic or thermophilic cultures of lactic acid bacteria	10^6 of Lactobacillus acidophilus
Yoghurts, including yoghurt milk	protosymbiotic mixture of Streptococcus salivarius subsp. thermophilus and Lactobacillus delbrueckii subsp. bulgaricus	10^7
Kephir	starter prepared from kephir grains or a kephir culture whose microflora consists of lactose-fermenting yeasts Kluyveromyces marxianus and lactose non-fermenting yeasts Sacharomyces unisporus, Sacharomyces cerevisiae, Sacharomyces exignus, as well as Leuconostoc, Lactococcus and Aerobacter, growing in one colony	10^6 of lactic acid bacteria and 10^4 of yeasts
Kephir milk	starter consisting of yeast cultures of the genus Kluyveromyces, Torulopsis or Candida valida mesofilic and thermophilic cultures of lactic acid bacteria in symbiosis	10^6 of lactic acid bacteria and 10^2 of yeasts
Fermented milk product with a bifidus culture	Bifidobacterium sp. in combination with mesophilic and thermophilic cultures of lactic acid bacteria	10^6 of bifidobacteria

Note: In the case of yoghurt products, strains producing lactic acid and helping to emphasise the specific taste or texture characteristics of the product may be added in addition to the basic yoghurt culture. Nevertheless, the optimal ratio of the two basic strains of the yoghurt culture must be maintained.

Physical and chemical requirements for the quality of edible casein

	Rennet (in % by weight)	Acid (in % by weight)
Moisture content	less than 10.0, inclusive	less than 10.0, inclusive
Protein content in dry matter of which casein content	more than 84.0, inclusive more than 95.0, inclusive	more than 90.0, inclusive more than 95.0, inclusive
Fat content in dry matter	less than 2.0, inclusive	less than 2.25, inclusive
Anhydrous lactose content	less than 1.0, inclusive	less than 1.0, inclusive
Titratable acidity		less than 0.27 ml 1N of NaOH solution per 1 g, inclusive
Ash content (including P2O5)	more than 7.5, inclusive	less than 2.5, inclusive
Sediment content (scorched particles)	less than 22.5 mg in 25 g	less than 22.5 mg in 25 g
Presence of foreign substances	absence in 25 g	
Maximum lead content	1 mg/kg	
Smell	absence of extraneous odours	
Colour	white to creamy white	
Appearance	lumps breaking under slight pressure are permissible	

Physical and chemical requirements for edible caseinate

Edible caseinate

	Caseinates (in % by weight)
Moisture content	less than 8.0, inclusive
Casein content calculated on the dried extract basis	more than 88.0, inclusive
Fat content calculated on the dried extract basis	less than 2.0, inclusive
Anhydrous lactose content	less than 1.0, inclusive
pH value	6.0 to 8.0
Sediment content (scorched particles)	less than 22.5 mg in 25 g
Presence of foreign substances	absence in 25 g
Maximum lead content	1 mg/kg
Smell	very slight foreign aroma or odour
Colour	white to creamy white
Appearance	the presence of lumps that break under slight pressure is permissible
Solubility	almost entirely soluble in distilled water, except for the calcium caseinate

Classification of milk and milk products by type, group and subgroup

Type	Group	Subgroup
Milk	liquid	skimmed partly or semi-skimmed non-standardised whole farmer's x % fat
	condensed	skimmed, sweetened or unsweetened partly or semi-skimmed, sweetened or unsweetened whole, sweetened or unsweetened
	dried	skimmed partly or semi-skimmed whole
Cream	liquid	whipping high-fat
	concentrated	
	dried	
Acidified or fermented milk product	yoghurt	white creamy Greek Greek-type/style
	yoghurt milk	
	acidophilus milk	
	kephir	
	kephir milk	
	fermented milk or cream starter	
	acidified or fermented cream	
	fermented buttermilk	
	fermented milk product with a bifidus culture	
Milk products heat-treated after the fermentation process		
Milk products enriched by the addition of a lactic culture		
Diary butter and milkfat concentrates	butterfat or anhydrous milkfat	
	butter concentrate	
	fresh butter	
	butter	
	table butter	
Mixed milk product	spreadable milkfat (butter preparation)	
	butter containing added spirit	
Curd	soft or defatted low-fat or fine semi-skimmed high-fat	thermised

	hard or intended for grating or shredding	
Cheese	natural	fresh
		ripened mould-ripened ripened throughout with a surface mould with inside mould dual mould brine matured, white steamed
		extra hard (for grating) hard semi-hard semi-soft soft
	processed	spreadable with a fracture
	processed cheese product	
	whey	
Protein milk product	edible casein	acid rennet
	edible caseinate	
	milk protein	
Other milk products		

Permissible negative weight and volume deviations for milk and milk product packaging

Product	Weight or volume of packaging	Permissible negative weight or volume deviation
Liquid milk, liquid cream, acidified or fermented milk product, other milk products	up to 250 ml or 250 g	- 5.0 % for each package
	up to 500 ml or 500 g	- 3.0 % for each package
	up to 1 000 ml or 1 000 g	- 2.0 % for each package
	over 1 000 ml or 1 000 g	- 1.5 % for each package
Condensed milk products	up to 1 000 g	- 3.0 % for each package - 1.0 % for a package of 20
	over 1 000 g	- 2.0 % for each package - 0.5 % for a package of 20
Dried milk products	up to 250 g	- 3.0 % for each package - 1.0 % for a package of 20
Protein milk product	up to 1 000 g	- 2.0 % for each package - 0.5 % for a package of 20
	over 1 000 g	- 1.0 % for each package
Cheese and curd	up to 125 g	- 10.0 % for each package - 2.0 % for a package of 20
	up to 250 g	- 5.0 % for each package - 1.0 % for a package of 20
	up to 500 g	- 3.0 % for each package - 1.0 % for a package of 20
	over 500 g	- 1.0 % for each package
Cheese in brine after draining the brine	up to 125 g	- 15.0 % for each package - 2.0 % for a package of 20
	up to 250 g	- 10.0 % for each package - 2.0 % for a package of 20
	up to 500 g	- 5.0 % for each package - 1.0 % for a package of 20
	over 500 g	- 2.0 % for each package - 1.0 % for a package of 20
Portioned and sliced cheese, portioned curd	up to 250 g	- 7.0 % for each package - 2.0 % for a package of 20
Diary butter, milkfat concentrates and mixed milk products	up to 20 g	- 10.0 % for each package - 2.0 % for a package of 20
	up to 250 g	- 1.5 % for each package - 1.0 % for a package of 20
	over 250 g	- 1.0 % for each package

Physical and chemical requirements for individual milk products

Table 1 - Liquid cream

Type of product	Fat content (in % by weight, minimum)
Cream	10.0
Whipping cream	30.0
High-fat cream	35.0

Table 2 - Condensed milk products

Condensed unsweetened milk products

Type of product	Fat content (in % by weight)	Milk solids (in % by weight, minimum)	Non-fat milk solids (in % by weight, minimum)
Clotted unsweetened cream	minimum 15.0	26.5	11.5
Condensed, unsweetened whole milk	minimum 7.5	25.0	
Condensed, partly skimmed milk of which semi-skimmed	at least 1.0, less than 7.5 4.0 – 4.5	20.0	17.5
Condensed skimmed milk	maximum 1.0		

Condensed sweetened milk products

Type of product	Fat content (in % by weight)	Milk solids (in % by weight, minimum)	Non-fat milk solids (in % by weight, minimum)
Clotted sweetened cream	minimum 16.0		14.0
Condensed, sweetened whole milk	minimum 8.0	28.0	
Condensed sweetened milk, partly skimmed of which semi-skimmed	at least 1.0, less than 8.0 4.0–4.5	24.0	20.0
Condensed sweetened milk, skimmed	maximum 1.0	24.0	20.0

Table 3 - Dried milk products

Type of product	Fat content (in % by weight)
Cream milk powder	minimum 42.0
Whole milk powder	at least 26.0 and less than 42.0
Partially skimmed milk powder of which semi-skimmed	more than 1.5 and less than 26.0 14.0 to 16.0
Skimmed milk powder	maximum 1.5

Table 4 - Fermented milk products

Type of product	Fat content (in % by weight)	Non-fat dry matter content (in % by weight, minimum)
Sour cream	minimum 10.0	
Fermented milk, including yoghurt milk	minimum 0.5	8.0
Buttermilk	maximum 1.5	7.0
White creamy yoghurt	minimum 10.0	
White yoghurt	minimum 3.0	8.2

Table 5 – Classification of natural cheeses according to fat content in dry matter

Cheese	Fat in dry matter (in % by weight)
High-fat	minimum 60.0
Whole	minimum 45.0
Semi-skimmed	minimum 25.0
Low-fat	minimum 10.0
Skimmed	less than 10.0

Fat content by weight in per cent in dry matter shall be established using the following formula:

$$\% \text{ by weight of fat in dry matter} = \frac{\text{fat weight in g}}{100 - \text{weight of water in g}} \times 100$$

Table 6 - Classification of natural cheeses according to consistency in relation to water content in the non-fatty matter

Cheese	% of WNFM
Extra hard	maximum 47.0
Hard	47.0 to 54.9
Semi-hard	55.0 to 61.9
Semi-soft	62.0 to a maximum of 68.0

Soft	more than 68.0

WNFM = water in non-fat matter established according to the following formula:

$$\% \text{ WNFM} = \frac{\text{weight of water in g}}{100 - \text{fat weight in g}} \times 100$$

Table 7 - Classification of natural cheeses according to ripening

Cheese	Characteristics
Fresh cheese	unripened thermised
Ripened cheese of which Mould cheese	on the surface with sebum on the surface throughout with a surface mould with inside mould dual mould

Table 8 — Classification of curd according to consistency and fat content in dry matter

Curd	Fat in dry matter (in % by weight)
High-fat	minimum 38.0
Semi-skimmed	15.0 to 25.0
Low-fat or fine	maximum 15.0
Skimmed or soft or hard	maximum 5.0

Table 9 - General overview of ingredients other than cheese for the production of processed cheese and processed cheese products

Ingredient other than cheese	Processed cheese and processed spreadable cheese		Processed cheese product
	designated by type	not designated by type	
Butter, butterfat, cream, butter concentrate	only for the standardisation of fat content	yes	yes
Other milk components	no	yes lactose content of not more than 5 % by weight in the final processed cheese	yes
Edible salt	yes	yes	yes
Bacterial cultures	yes	yes	yes
Enzymes*)	yes	yes	yes
Sugars (carbohydrates with a sweetening effect)	no	no	yes
Spices and seasonal vegetables	according to product type and in a quantity sufficient to give the final product a distinctive taste		

Other wholesome foodstuffs	yes	yes

*) wholesome with specific effects

Permissible negative weight and volume deviations for ice cream packaging

Product	Weight or volume of packaging	Permissible negative weight or volume deviation
Ice cream	up to 100 g	- 5.0 % for each package
	up to 500 g	- 3.0 % for each package
	over 500 g	- 1.0 % for each package

Classification of ice creams by type, group and subgroup

Type	Group	Subgroup
Ice cream	creamy	according to the flavouring ingredient used, for example: vanilla strawberry raspberry apricot lemon orange nut pistachio chocolate caramel coffee cocoa
	milky	
	with vegetable fat	
	watery	
	fruit	
	sorbet	

Physical and chemical requirements for the quality of ice creams

Type	Total dry matter (in % by weight)	Non-fat milk solids (in % by weight, minimum)	Milkfat (% by weight, minimum)	Fruit ingredient (in % by weight, minimum)	Dry nuts (in % by weight, minimum)
Creamy ice cream			8.0		
Milky ice cream		6.0	2.5		
Ice cream with vegetable fat			5.0 (vegetable fat content)		
Watery ice cream	12.0				
Fruit ice cream	12.0			15.0	5.0
Sorbet ice cream	12.0			25.0	7.0

Note: Depending on the flavouring ingredient used, in the case of fruit ice creams and sorbet ice creams, the requirement relating to the flavouring ingredient content or the dry nut content applies.

Permissible negative weight and volume deviations for the packaging of edible fats and oils

Product	Weight or volume of packaging	Permissible negative weight or volume deviation
Vegetable oil	up to 1 litre	- 4.0 % for each package - 2.0 % for a package of 20
Liquid emulsified fat	1 to 15 litres	- 1.0 % for each package
	over 15 litres	- 0.1 % for each package
Spreadable fat, mixed spreadable fat, hydrogenated and cooking fats, animal fats	up to 500 g	- 1.5 % for each package - 1.0 % for a package of 20
	0.5 to 5.0 kg	- 1.0 % for each package
	over 5 kg	- 0.1 % for each package

Classification of edible fats and oils by type, group and subgroup

Table 1 - Basic classification of edible fats and oils by type, group and subgroup

Type	Group	Subgroup
Edible fat or edible oil	vegetable	single-varietal multi-varietal
	animal	lard, pork fat select beef tallow, beef tallow fat or oil, according to the animal species
	hydrogenated	fully partially
	cooking	
	spreadable 17	
	mixed spreadable[17]	
	liquid emulsified	

Table 2 - Classification and requirements for single-varietal vegetable fats and oils

Product	Requirements
Groundnut oil	oil made from groundnut kernels (kernels of Arachis hypogaea L.)
Babassu oil	made from the kernels of the fruit of several species of babassu palms Orbignya spp.
Coconut fat	made from the pulp (copra) of coconuts, the fruit of the coconut palm (Cocos nucifera L.)
Cotton seed oil	made from the seeds of various cultivated species of cotton Gossypum spp.
Grape seed oil	made from the seeds of vine fruit (Vitis vinifera L.)
Maize oil	made from the germs of corn (germs of Zea mays L.)
Mustard oil	Made from the seeds of white mustard (Sinapis alba L. or Brassica hirta Moench), brown or yellow mustard (Brassica juncea (L.) Czernajev and Cossen) and black mustard (Brassica negra (L.) Koch).
Palm kernel fat	made from the kernels of the fruit of the oil palm (Elaeis guineensis)
fractionated palm kernel fat - olein	liquid fraction obtained from palm kernel fat by fractionation
fractionated palm kernel fat - stearin	solid fraction with a high melting point obtained from palm kernel fat by fractionation
Palm fat	made from the pulp of the fruit of the oil palm (Elaeis guineensis)
fractionated palm fat - olein	liquid fraction obtained from palm fat by fractionation
fractionated palm kernel fat - stearin	solid fraction with a high melting point obtained from palm fat by fractionation
fractionated palm kernel fat - superolein	liquid fraction obtained from palm fat using a special process of controlled crystallisation to achieve an iodine value of 60 or more
Rape seed oil	made from the seeds of rape species Brassica napus L., Brassica campestris L., Brassica juncea L. and Brassica tournefortii Gouan
Low erucic rape seed oil	made from seeds of cultivated rape species Brassica napus L., Brassica

[17] Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

	campestris L. and Brassica juncea L. with a low erucic acid content; it must not contain more than 2 % by weight of erucic acid in the total fatty acid content
Rice oil	made from rice bran (Oriza sativa L.)
Safflower oil	made from the seeds of safflower (Carthamus tinctorius L.)
Oleic acid-rich safflower oil	made from oleic acid-rich seeds of cultivated species of safflower (Carthamus tinctorius L.); it must contain at least 70 % by weight of oleic acid in the total fatty acid content
Sesame oil	made from the seeds of sesame (Sesamum indicum L.)
Soya oil	made from the seeds of soya (Glycine max (L.) Merr.)
Sunflower oil	made from the seeds of sunflower (Helianthus annuu L.)
Oleic acid-rich sunflower oil	made from oleic acid-rich seeds of cultivated species of sunflower (Helianthus annuu L.); it must contain at least 75 % by weight of oleic acid in the total fatty acid content
Olive oil	oil obtained from the fruit of the olive tree (Olea europaea sativa Hoff. et Link)