

Ordinance adapting dairy product legislation to Union law and technological developments ¹

Dated...

The Federal Ministry of Food and Agriculture hereby issues the following ordinances, also in conjunction with Section 1 paragraph 2 of the Competence Adjustment Ordinance of 16 August 2002 (BGBl. I p. 3165) and the organisational decree of 8 December 2021 (BGBl. I p. 5176), on the basis of

- Section 3 paragraph 1 sentence 1, paragraph 2 sentence 1 number 2 and Section 10 of the Milk and Margarine Ordinance of 25 July 1990 (BGBl. I p. 1471), last amended by Article 2 paragraph 22 of the Ordinance of 20 December 2022 (BGBl. I p. 2752), in agreement with the Federal Ministry for Economic Affairs and Climate Protection,
- Section 10 paragraph 1 and Section 24 paragraph 2 of the Milk and Fat Ordinance in the revised version published in the Federal Law Gazette part III, classification number 7842-1, as last amended by Article 7 of the Ordinance of 27 July 2021 (BGBl. I p. 3274),
- Section 20 paragraph 3 in conjunction with paragraph 5 of the Milk and Fat Ordinance in the revised version published in the Federal Law Gazette part III, classification number 7842-1, last amended by Article 7 of the Ordinance of 27 July 2021 (BGBl. I p. 3274), in agreement with the Federal Ministry for Economic Affairs and Climate Protection,
- Section 15 paragraph 1 in conjunction with paragraph 2 of the Market Organisation Goods Reporting Ordinance in the version published on 26 November 2008 (BGBl. I p. 2260), as last amended by Article 2 of the Ordinance of 9 December 2020 (BGBl. I p. 2863),
- Section 7 paragraph 2 number 2, Section 13 paragraph 1 numbers 1, 2 and 6 and paragraph 4 number 1 letters a, b and c, Section 34 sentence 1 numbers 3 and 5 in conjunction with Section 4 paragraph 2 number 2 and Section 46 paragraph 1 number 1 letter b and number 2 letter a and paragraph 2 sentence 1 number 4 of the Food and Feed Code in the version published on 15 September 2021 (BGBl. I p. 4253, 2022 I p. 28), as last

¹ Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

amended by Article 11 of the Code of 6 May 2024 I (BGBl. 2024 No. 149), in agreement with the Federal Ministry for Economic Affairs and Climate Protection, and

- Section 56 paragraph 1 sentence 1 number 2 letters b, d and f double letter aa and paragraph 2 number 1 of the Food and Feed Code in the version published on 15 September 2021 (BGBl. I p. 4253, 2022 I p. 28) in agreement with the Federal Ministry of Finance:

Article 1

Ordinance on Quality Requirements for Dairy Products (Dairy Product Quality Ordinance - MilchPQV)²

Table of Contents

Section 1 General provisions

- § 1 Purpose
- § 2 Scope of Application
- § 3 Definitions
- § 4 Special labelling requirements
- § 5 Primacy of European Union dairy product law
- § 6 Applicable technological processes for changing the content of milk constituents
- § 7 Maximum levels in the end product

Section 2 Heat-treated drinking milk and heat-treated milk of other animal species

- § 8 Requirements for manufacturing and labelling
- § 9 Labelling regarding heat treatment
- § 10 Labelling regarding fat content
- § 11 Heat-treated milk from other animal species

Section 3 Butter and certain other dairy spreads

Subsection 1 Manufacturing requirements

- § 12 Butter and certain other dairy spreads
- § 13 Butter varieties
- § 14 Other foods and substances that can be used with butter
- § 15 Branded butter
- § 16 Addition of vitamin A and vitamin D to certain other dairy spreads

² This Ordinance also serves to implement Council Directive 2001/114/EC of 20 December 2001 relating to certain preserved and dehydrated milk for human consumption (OJ L 15, 17.1.2002, p. 19), as last amended by Directive (EU) 2024/1438 (OJ L of 24 May 2024).

Subsection 2 Labelling requirements

§ 17 General requirements

§ 18 Labelling as branded butter

§ 19 Quality mark for branded butter

Subsection 3 Approval for the manufacture and inspection of branded butter

§ 20 Approval

§ 21 Testing

§ 22 Expansion of the testing

§ 23 Transfer of testing tasks

§ 24 Butter experts

§ 25 Revocation, reissuance and expiration of the approval

Section 4 Cheese and cheese products

Subsection 1 Manufacturing requirements

§ 26 Cheese

§ 27 Cheese milk

§ 28 Other foods and substances used in cheese manufacture

§ 29 Cheese groups

§ 30 Sour milk curd

§ 31 Types of cheese

§ 32 Standard cheese varieties for cheese groups

§ 33 Standard cheese varieties for cheese types

§ 34 Cheese products

§ 35 Other foods and substances that can be used in cheese products

§ 36 Fat content levels of cheese and cheese products

Subsection 2 Labelling requirements

§ 37 General requirements for cheese

§ 38 Special requirements for cheese in grated, shredded, diced, sliced or shaved form

§ 39 General requirements for cheese products

§ 40 Special requirements for cheese products

§ 41 Information on heat treatment, water content and food wrapping; small packages

§ 42 Indication of fat content

Section 5 Thickened milk and dried milk

Subsection 1 Manufacturing requirements

§ 43 General requirements

§ 44 Preservation

§ 45 Other foods and substances that can be used with thickened milk and dried milk

§ 46 Analysis methods

Subsection 2 Labelling requirements

§ 47 General requirements

§ 48 Indication of milk fat content; recommendations for dilution or reconstitution procedures; information concerning infants

Section 6 Additional milk products

Subsection 1 Manufacturing requirements

§ 49 General requirements

§ 50 Other usable foods and substances

§ 51 Addition of vitamins and minerals

Subsection 2 Labelling requirements

§ 52 General requirements

§ 53 Labelling regarding heat treatment

§ 54 Labelling regarding fat content

§ 55 Milk products made from skimmed milk; protein and lactose content; recommendations for dilution or reconstitution procedures

Section 7 General provisions on the labelling of dairy products

§ 56 Labelling with the animal species

§ 57 Labelling in case of heat treatment

§ 58 Labelling with the indication "lactose-free"

§ 59 Labelling with the indication "fresh"

§ 60 Labelling for end consumers and companies

§ 61 Type and method of labelling

Section 8 Dairy Products produced abroad

§ 62 Labelling

§ 63 Branded butter

Section 9 Administrative Offences

§ 64 Administrative Offences

Section 10 Federal state responsibilities and powers

§ 65 Federal state responsibilities

§ 66 Federal state powers

Section 11 Final provisions

§ 67 Transfer provisions

Annex 1 Testing of branded butter

Annex 2 Quality mark for branded butter

Annex 3 Certification for foreign branded butter

Annex 4 Standard cheese varieties

Annex 5 Minimum dry matter contents for processed cheese, processed cheese preparations and cooking cheese

Annex 6 Thickened milk and dried milk

Annex 7 Analysis methods for thickened milk and dried milk

Annex 8 Other milk products

Section 1
General provisions

§ 1
Purpose

In order to promote the quality of dairy products within the meaning of Section 3 paragraph 1 number 3, this Ordinance lays down requirements for the manufacture and labelling of dairy products. It also serves to implement legal acts of the European Community and the European Union (Union law) within the scope of sentence 1.

§ 2
Scope of Application

(1) Unless otherwise provided for in this Ordinance, it shall apply exclusively to food retail companies that manufacture, label or place dairy products on the domestic market.

(2) For dairy products produced abroad, this Ordinance shall apply only in accordance with Section 8.

(3) This Regulation does not apply to

1. the manufacture and labelling of

- a) raw milk,
- b) casein, caseinates and mixtures thereof,
- c) cheese fondue preparations and
- d) preparations of fresh cheese made using oil and other ingredients, in particular cucumbers, and

2. dairy products that

- a) are labelled with a designation of origin or geographical information or as a traditional speciality guaranteed within the meaning of Regulation (EU) 2024/1143, insofar as the manufacture or labelling is regulated therein with regard to the respective designation of origin, geographical information or traditional speciality guaranteed, or
- b) manufactured for private domestic consumption in accordance with Article 1(3), second sentence, of Regulation (EC) No. 178/2002.

§ 3

Definitions

(1) For the purposes of this Ordinance,

- 1. Raw milk: a milk as defined in Annex VII part III number 1 subparagraph 1 or in Annex VII part IV section III number 1 subparagraph 1 letter (a) of Regulation (EU) No. 1308/2013;
- 2. Milk: a raw milk or a milk as defined in Annex VII part III number 1 subparagraph 2 letter (a) of Regulation (EU) No. 1308/2013;
- 3. Dairy product: a heat-treated drinking milk, a heat-treated milk from another animal species, a mixture of heat-treated milk from several animal species or a dairy product;
- 4. Heat-treated drinking milk: a drinking milk as defined in Annex VII part IV section III number 1 subparagraph 1 letter (b) (c) or (d) of Regulation (EU) No. 1308/2013 or a drinking milk;
- 5. Drinking milk: a drinking milk as defined in Annex VII part IV section III number 1 subparagraph 2 of Regulation (EU) No. 1308/2013;

6. Milk product: a milk product as defined in in Annex VII part III number 2 subparagraph 1 letter of Regulation (EU) No. 1308/2013;
7. Dairy cow: a female bovine animal of the genus bos taurus;
8. Milk constituent: the individual constituents of raw milk (protein, fat, lactose, vitamins and minerals as well as water in the respective totality of the constituent or in parts of this totality);
9. Milk retentate: the portion of drinking milk retained during filtration through the filter, whereby any technical process may be used for filtration;
10. UF milk retentate: a milk retentate obtained by ultrafiltration;
11. Milk permeate: the portion of the milk which passes through the filter during filtration of drinking milk, whereby any technical process can be used for filtering;
12. UF milk permeate: a milk permeate obtained by ultrafiltration;
13. Dry matter: the totality of all constituents of a milk or dairy product, except water;
14. Milk portion: all portions of a dairy product that come
 - a) directly from milk or
 - b) from the milk part of a dairy product used to make the dairy product.
15. Lactase: an enzyme capable of breaking down lactose into glucose and galactose;
16. Butter: butter as defined in Annex VII Annex II section A number 1 of Regulation (EU) No. 1308/2013;
17. Certain other dairy spreads: a dairy spread as defined in Annex VII Annex II section A numbers 2 to 4 of Regulation (EU) No. 1308/2013;
18. Testing body: the body responsible under state law for testing branded butter;

19. Branded butter establishment: an establishment authorised to produce branded butter;
20. Rennet substitute: a preparation of microbial or vegetable-based enzymes when the preparation is intended to be used instead of rennet to curdle milk in the manufacture of cheese;
21. Flavouring foodstuff: a foodstuff that is added to achieve a particular flavour and that
 - a) does not contain milk or milk products,
 - b) does not replace any milk constituent and
 - c) is not specifically listed in Sections 28 or 35 paragraph 1 as a foodstuff that can be used in the manufacture of cheese or cheese products;
22. Colouring food: a food that is added to obtain a particular colour and that
 - a) does not contain milk or milk products and
 - b) does not replace any milk constituent;
23. Heat treatment: a pasteurisation, ultra-high temperature treatment, sterilisation or any other type of heat treatment permitted under Annex III section IX chapter II number 1 sentence 1 of Regulation (EC) No. 853/2004;
24. Pasteurisation: a heat treatment as defined in Annex III section IX chapter II part II number 1 sentence 2 letter (b) of Regulation (EC) No. 853/2004;
25. Ultra-high temperature treatment: a heat treatment as defined in Annex III, section IX, chapter II, part II, number 1, sentence 2, letter (b) of Regulation (EC) No. 853/2004;
26. Sterilisation: a heat treatment as defined in Annex II, chapter XII, number 3 of Regulation (EC) No. 852/2004;
27. Thickened milk: unsweetened and sweetened condensed milk;
28. Unsweetened condensed milk product: a condensed milk within the meaning of subsection I of Annex 6;

29. Sweetened condensed milk product: a condensed milk within the meaning of subsection II of Annex 6;
30. Dried milk: a dried milk as defined in subsection III of Annex 6;
31. Sucrose: Semi-white sugar, white sugar and refined white sugar;
32. Food additives: those within the meaning of Regulation (EC) No 1333/2008 and the framework of application laid down therein;
33. Processing excipients: those within the meaning of Regulation (EC) No. 1333/2008 in its currently applicable version;
34. Food enzymes: enzymes approved for the respective purpose in Regulation (EC) No. 1332/2008.

Number 21 letter (c) shall not apply if a food covered by number 21 letter (c) forms a constituent of a flavouring food not covered by number 21 letter (c).

(2) In this regulation the following terms are interchangeable:

1. skimmed milk, fat-free milk
2. semi-skimmed milk, low-fat milk,
3. cream,
4. whey cream,
5. lactose, milk sugar,
6. setting, standardisation
7. rennet substitute, microbial rennet

§ 4

Special labelling requirements

The terms equivalent to those referred to in Section 3 paragraph 2 may be used in the labelling.

§ 5

Primacy of European Union milk and dairy products law

The provisions of this Ordinance shall be subject to European Union law alone. This applies in particular to EU dairy product law and other regulations on the approval and placing on the market of foodstuffs.

§ 6

Applicable technological processes for changing the content of milk constituents

All technological processes may be used to alter the content of milk constituents in milk and dairy products, unless Union law or provisions of this Ordinance prescribe or exclude a specific process.

§ 7

Maximum levels in the end product

To the extent that this Ordinance provides for the use of flavouring or colouring foods for certain dairy products and contains requirements for these dairy products with regard to the use of foods and substances, the requirements also apply to the flavouring and colouring foods. In particular, specified maximum limits must not be exceeded in the final product.

Section 2

Heat-treated drinking milk and heat-treated milk from other animal species

§ 8

Requirements for manufacturing and labelling

(1) A food retail company must produce heat-treated drinking milk in accordance with the requirements and label it at the latest at the time of placing on the market, which

1. are specified in the provisions of Article 78(1)(c) in conjunction with Annex VII part IV to Regulation (EU) No 1308/2013 as amended on 11 April 2024 and
2. the legal acts of the European Commission adopted on these provisions.

(2) Drinking milk must be labelled "drinking milk" by a food retail company at the latest when it is placed on the market.

§ 9

Labelling regarding heat treatment

(1) A food retail company must label heat-treated drinking milk with the type of heat treatment in accordance with Section 57 at the latest when it is placed on the market.

(2) If pasteurisation at a temperature of 72 to 75° Celsius and a duration of 15 to 30 seconds results in a minimum shelf life in an unopened state of up to twelve days at a storage temperature of no more than 8° Celsius, the food retail company may additionally label heat-treated drinking milk with the information "traditionally produced" or "traditionally produced drinking milk".

(3) If the heat treatment results in a minimum shelf life in an unopened state of at least three months at a storage temperature of no more than 20° Celsius, the food retail company may additionally label heat-treated drinking milk with the designation "UH", "UHT milk" or "long-life milk".

§ 10

Labelling regarding fat content

A food retail company must declare the fat content of heat-treated drinking milk, measured as a proportion of the total weight, at the latest at the time of placing on the market as follows:

1. for whole milk with non-fat content
 - a) the information "at least 3.5% fat",
 - b) the information "at least ... % fat" with a fat content of more than 3.5% fat or
 - c) the information "... % fat" with the actual fat content;
2. for whole milk, semi-skimmed milk and drinking milk with adjusted fat content, the information "... % fat" with the actual fat content;
3. with skimmed milk
 - a) the information "at most 0.5% fat",
 - b) the information "at most ... % fat" with a fat content of less than 0.5 % fat or
 - c) the information "... % fat" with the actual fat content.

§ 11

Heat-treated milk from other animal species

(1) A food retail company must, at the latest at the time of placing on the market, describe raw milk that comes from an animal species other than dairy cows and has been heat-treated as "milk" in conjunction with the animal species, whereby the animal species is in first position.

(2) During manufacture, only the modifications to the raw milk referred to in the Annex VII part IV section III number 2 subparagraph 1 of Regulation (EU) No. 1308/2013 are permitted, as applied accordingly. There is no prescribed fat content required. If milk ingredients are used to adjust the fat content, they must come from raw milk of the same animal species.

(3) If raw milk from more than one animal species is used, the food retail company must use the designation "milk from ...", indicating the designations referred to in paragraph 1. If this includes raw milk from dairy cows, the food retail company must label it as cow's milk. The name of the animal species from which the highest quantity of raw milk comes must be indicated first. The other designations are to be used in descending order of the quantity of raw milk. Paragraph 2 shall apply accordingly during manufacture.

(4) In the case of paragraph 3, the food retail company shall indicate the percentage of raw milk from each animal species in relation to the total milk constituents contained in the milk.

(5) The food retail company must indicate the following on the label:

1. the information referred to in Annex VII part IV section III number 2 subparagraph 2 of Regulation (EU) No. 1308/2013, as amended on 11 April 2024;
2. the type of heat treatment in accordance with Section 57;
3. in fat content
 - a) adjusted milk, the information "... % fat" with the actual fat content and
 - b) unadjusted milk, the information "at least ... % fat" with an average fat content for the animal species concerned. If raw milk from several animal species is used, a weighted average of the average fat contents of the animal species must be calculated. For raw milk from dairy cows,

a fat content of 4.0 percent must be used. The fat contents according to sentences 1 and 2 may be stated up to 0.2 percent lower.

(6) The information pursuant to Section 9 paragraphs 2 and 3 may be used accordingly.

Section 3 **Butter and certain other dairy spreads**

Subsection 1 **Manufacturing requirements**

§ 12 **Butter and certain other dairy spreads**

Butter and certain other dairy spreads are manufactured subject to the requirements laid down in

1. Article 78 paragraph 1 letter f in conjunction with Annex VI part VII and its Appendix II section A of Regulation (EU) No. 1308/2013; and
2. the legal acts of the European Commission adopted on these provisions, in particular Regulation (EC) No 445/2007.

§ 13 **Butter varieties**

In addition to Section 12, the following requirements must be observed when manufacturing butter:

1. Sour cream butter:
 - a) Manufactured from microbially acidified milk, cream or whey cream, or as a mixture thereof,
 - b) Use of lactic acid bacteria cultures specific for the manufacture of sour cream butter before churning,
 - c) Maintenance of a serum pH of no more than 5.1;
2. Sweet cream butter:
 - a) Manufactured from unfermented milk, cream or whey cream, or as a mixture thereof,

- b) No use of lactic acid bacteria cultures during or after churning,
- c) Maintenance of a serum pH of at least 6.4;

3. Mildly soured butter:

- a) Manufactured from unfermented milk, cream or whey cream, or as a mixture thereof,
- b) Use of lactic acid bacteria cultures specific for the manufacture of mildly soured butter during churning,
- c) Optional use of a lactic acid concentrate during churning, obtained from the fermentation of milk ingredients with specific lactic acid bacteria cultures,
- d) Maintenance of a serum pH below 6.4.

§ 14

Other foods and substances that can be used with butter varieties

The following additional foods and substances may be used in the manufacture of butters if the conditions of Annex VII part III number 2 subparagraph 1 of Regulation (EU) No. 1308/201 are met:

- 1. Table salt and iodised table salt,
- 2. Drinking water,
- 3. Lactase and
- 4. Food additives.

§ 15

Branded butter

(1) In addition to Section 13, the following requirements must be met when producing branded butter:

- 1. Manufactured directly from pasteurised cream, whereby
 - a) the cream comes from raw milk from dairy cows and
 - b) the peroxidase detection is negative after the pasteurisation process,

2. Efulfilment of the requirements of a butter variety,
 3. achievement of at least four assessment points in the assessment according to Annex 1 number 3 with regard to
 - a) spreadability,
 - b) water distribution and
 - c) four sensory properties: appearance, smell, taste and texture,
 4. manufactured in a branded butter plant.
- (2) For salted butter, only a minimum of three assessment points are required regarding water distribution.

§ 16

Addition of vitamin A and vitamin D to certain other dairy spreads

Vitamin A and vitamin D may be added to certain other dairy spreads as follows:

1. Retinol, retinyl acetate and retinyl palmitate up to 5 milligrams per kilogram, calculated as retinol, and
2. Ergocalciferol and cholecalciferol up to 12.5 micrograms per kilogram, calculated as calciferol.

Subsection 2

Labelling requirements

§ 17

General requirements

(1) A food retail company shall, at the latest at the time of placing on the market, label butter and certain other dairy spreads in accordance with the requirements

1. of Union law referred to in Article 12 and
2. Article 230 paragraph 1, subparagraph 2 letter c of Regulation (EU) No 1308/2013 in the version of 11 April 2024 in conjunction with Annex XV section II numbers 1, 3 and 5 to Regulation (EC) No 1234/2007 in the version of 13 May 2013.

(2) If the requirements for a butter variety are met, the food retail company must, in addition to paragraph 1, label the butter with an information of the butter variety concerned.

§ 18

Labelling as branded butter

(1) Branded butter in packaging that ensures that the sensory properties pursuant to Section 15 paragraph 1 number 3 letter c are retained may additionally be labelled as branded butter.

(2) If butter is labelled as branded butter, the food retail company must additionally label the butter with the indication "Official quality control of the

country ... testing centre ..." at the latest when it is placed on the market, stating the country and the testing body.

(3) The labelling as branded butter may only be carried out by a branded butter company.

§ 19

Quality mark for branded butter

(1) Branded butter in packaging that meets the requirements of Section 18 paragraph 1 may be labelled with a quality mark in accordance with Annex 2.

(2) The quality mark may be used alone or in addition to the labelling as branded butter.

(3) If the branded butter is only provided with the quality mark, the food retail company must also label it with the indication "Official quality control of the federal state ... testing body ..." at the latest when it is placed on the market, stating the federal state and the testing body.

(4) The quality mark may only be applied by a branded butter company.

Subsection 3

Approval for the manufacture and inspection of branded butter

§ 20

Approval

(1) The manufacture of branded butter requires approval. The manufacturing food retail company must apply for approval from the testing body in writing or electronically. The approval must be granted by the testing body for each type of butter individually.

(2) Only food retail companies who process or handle at least 500 litres of milk or a corresponding amount of milk products per day on average over a calendar year are eligible to apply. In the case of milk products, the quantity of milk required to produce the milk products is decisive. If milk products are used in the manufacture process, the average quantity according to sentence 1 shall apply accordingly.

(3) In the application pursuant to paragraph 1, sentence 2, the food retail company shall state:

1. for which butter varieties the approval be granted,

2. where another company is involved in the manufacture, shaping or packaging of the butter by the applicant, the name, address and nature of the involvement of that company, and
3. whether an approval was granted at an earlier date and, if this approval no longer exists, the reasons why it no longer exists.

(4) The testing body may request further information from the applicant if this is necessary for examining the application.

(5) The approval shall be granted if, in at least three consecutive monthly tests pursuant to Section 21 paragraph 3, the requirements for branded butter and the respective type of butter are met for each butter sample.

§ 21

Testing

(1) If an application for approval is submitted or if approval has been granted, the manufacturing establishment must, at the request of the testing body, collect butter samples for each type of butter concerned every two months and send them to the testing body or a body designated by the testing body in order to check whether the butter meets the requirements for branded butter in accordance with the provisions of Annex 1, number 1.1, sentence 2, number 1.2, sentence 1, numbers 1.6, 1.8 and 1.9.

(2) The testing body can check the correctness of sampling and dispatch at the manufacturing plant.

(3) After receiving the samples sent, the testing body must check within one month in accordance with the specifications of Annex 1, numbers 2 and 3, whether the butter meets the requirements for branded butter and the respective butter variety. The testing body must immediately notify the manufacturing company of the results of the test in writing or electronically, stating the assessment points achieved within the meaning of Section 15 paragraph 1 number 3.

§ 22

Extension of the testing

(1) To ensure that the requirements for branded butter are met, the testing centre can

1. extend the testing in whole or in part to companies within the meaning of Section 20 paragraph 3 number 2 and other forming or packaging bodies and
2. Food retail companies are inspected for compliance with the requirements by means of random sampling.

The testing intervals are at the discretion of the testing body.

(2) By way of derogation from Section 2 paragraph 1, the extension of the testing pursuant to Section 21 may also cover companies located abroad.

(3) For the testing pursuant to paragraph 1, sentence 1, number 1, the testing body may require the companies concerned to send butter samples in accordance with Section 21, paragraph 1, whereby Section 21, paragraph 2 shall apply accordingly. The test pursuant to paragraph 1, sentence 1, number 2 shall be carried out on the basis of samples taken by the testing body.

(4) Section 21 paragraph 3 shall apply accordingly to the test and the result of the test, whereby the testing body shall also notify the branded butter plant concerned.

(5) The branded butter plant concerned must, if necessary, assist the testing body in carrying out an extension of the testing at its request.

§ 23

Transfer of testing tasks

(1) The testing body can

1. transfer the testing to an expert milk testing institute as a testing body and
2. commission another body with individual tasks of the testing body (commissioned body).

(2) The members of the testing body and the commissioned body are obliged to maintain confidentiality towards persons outside the testing body and the commissioned body.

§ 24

Butter experts

(1) The testing centre shall appoint butter experts to carry out the sensory testing of butter in accordance with Annex 1, number 3.2.

(2) The butter experts must

1. have the necessary expertise regarding the manufacture and quality of butter and
2. Experts for the sensory testing of milk and milk products are in compliance in with DIN EN ISO 22935-1:2009 "Milk and milk products – Sensory analysis – part 1: General guidelines for the recruitment, selection, training and monitoring of auditors (ISO 22935-1:2009) *).

§ 25

Revocation, reissuance and expiration of the approval

(1) The approval shall be revoked with regard to the respective butter variety if

1. out of the total number of samples to be sent in accordance with Section 21 paragraph 1 in conjunction with Annex 1 number 1, more than two samples have not been sent regularly in six consecutive months,
 - a) or,
 - b) on the basis of Annex 1 number 2.2,
2. out of the total number of samples tested
 - a) over three consecutive months have not obtained approval or
 - b) within the last six months

more than one third have not fulfilled the requirements of Section 15 paragraph 1 numbers 1 to 3, also in conjunction with Section 15 paragraph 2,

3. the branded butter establishment or a company within the meaning of Section 22 paragraph 1 number 1 has not followed the instructions of the inspection body in accordance with Annex 1 number 1,

*) Available from DIN Media GmbH, 10772 Berlin.

4. a company within the meaning of Section 22 paragraph 1 has not permitted or has obstructed a test or
5. during the testing of the butter in accordance with Section 22 paragraph 1, repeated complaints about the butter were made.

(2) If a company fails to comply with an instruction within the meaning of paragraph 1 number 3 for the first time or does not permit or obstructs a testing within the meaning of paragraph 1 number 4, the consequences of this action must be pointed out before revocation and the opportunity must be given to comply with a further instruction from the testing body or to have the testing carried out properly.

(3) In the event of revocation, the approval will be reissued upon written or electronic request from the manufacturing company if

1. the circumstances that led to the revocation no longer apply and
2. the total number of samples of a type of butter from the manufacturing establishment meets the requirements of Section 15 in two consecutive tests of the samples sent in accordance with Section 21 paragraph 1.

(4) The approval expires with regard to the respective type of butter if

1. the manufacture of the butter type is temporarily discontinued and the testing of the first butter of the butter variety produced after the resumption of manufacture does not meet the requirements of Section 15 paragraph 1 numbers 1 to 3, also in conjunction with Section 15 paragraph 2, or
2. the manufacture of the butter variety is discontinued for more than six months.

(5) the branded butter company has immediately informed in writing or electronically of

1. any discontinuation of the manufacture of a butter variety and
2. any change in the companies specified in accordance with Section 20 paragraph 3 number 2.

Section 4
Cheese and cheese products

Subsection 1
Manufacturing requirements

§ 26
Cheese

Cheese is made from thickened cheese milk. The product produced can be fresh or at any stage of ripeness.

§ 27
Cheese milk

(1) Cheese milk is made from

1. milk or
2. buttermilk products, cream products, sweet whey, sour whey or whey cream,

whereby the milk and milk products can be used alone or in the form of a mixture.

(2) The content of the individual milk constituents of the milk and milk products used in the manufacture may be changed before or during the manufacture of the cheese milk. In particular, milk constituents can be completely or partially removed or enriched by addition of the same milk constituents.

(3) If, in accordance with paragraph 2, the protein content is increased by adding sodium caseinate, the protein content may not exceed three grams per kilogram of the total protein content of the milk and milk products used. If the protein content of the milk and milk products used is increased by the removal of other milk constituents, this increased protein content shall be taken into account for the application of sentence 1.

(4) The increase in protein content pursuant to paragraph 3 may not exceed the following limits:

1. for cheese milk used to produce standard cheese varieties, five grams per kilogram of cheese milk;

2. for cheese milk used to make other cheeses, ten grams per kilogram of cheese milk.

(5) The portion of whey protein in the total protein of the cheese milk must not be greater than the portion of whey protein in the milk used for the manufacture of cheese milk.

§ 28

Other foods and substances used in cheese manufacture

The following additional foods and substances may be used in the manufacture of cheese if the conditions of Annex VII, part III, number 2, subparagraph 1 of Regulation (EU) No 1308/2013 are met:

1. Table salt and iodised table salt;
2. spices, herbs, natural flavourings or flavouring extracts obtained from spices or herbs, and mixtures thereof;
3. drinking water and water vapour from drinking water;
4. freshly developed smoke within the meaning of Section 4 paragraph 2 of the Aromas Implementation Ordinance and smoke flavourings;
5. colouring foods;
6. rennet or preparations of rennet, ruminant gastric pepsin or pig gastric pepsin, if the proportion of chymosin in a preparation is at least 25 percent;
7. rennet substitutes;
8. bacterial, yeast and fungal cultures, whereby in the case of fresh cheese
 - a) yeast and fungal cultures may not be used and
 - b) bacterial cultures may only be used if they do not lead to surface maturation;
9. lactase;
10. centrifugate from disinfection equipment installed downstream of a milk purification facility, if

- a) the same milk is added in to the centrifuge in appropriate proportions for the manufacture of cheese, excluding fresh and soft cheese,
 - b) in appropriate facilities according to procedures that are recognised
 - aa) by the Max Rubner Institute, Federal Research Institute for Nutrition and Food, or
 - bb) by other scientific institutions officially commissioned with such procedures,obtained and
 - c) has been sufficiently heated according to an officially approved heat treatment process;
11. in the case of grated, shredded, diced, sliced or shaved cheese, cellulose powder, potato, maize and rice starch, whether or not mixed, may be used as an anti-caking agent to the extent technologically necessary, provided that the anti-caking agent does not exceed 3 percent of the total weight of the cheese;
12. Cooking oil in an amount
- a) for treating the surface of hard cheese, semi-hard cheese or semi-hard cheese with closed rind or skin,
 - b) for dissolving or emulsifying carotene (E 160a), also with the use of edible gelatin and starch, or
 - c) for the introduction of other foods and substances, in particular those of number 2, into the cheese
- is required in each case;
13. in the case of fresh cheese, cream products to adjust the fat content;
14. in the case of heat-treated fresh cheese, starch, edible gelatin and liquid pectin to the extent technologically necessary;
15. Food additives;
16. Processing excipients.

§ 29

Cheese groups

(1) Cheese is divided into the following cheese groups:

| Cheese group | Water content in the total fat-free cheese mass |
|--------------------------|---|
| Hard cheese | 56% or less |
| Layered cheese | more than 54% to 63% |
| Semi-hard layered cheese | more than 61 % to 69 % |
| Quark Cheese | more than 60 % to 73 % |
| Soft cheese | more than 67% |
| Fresh cheese | more than 73%. |

(2) Cheese that is placed on the market in or from a liquid is not classified. A liquid within the meaning of sentence 1 is in particular brine, whey and cooking oil.

§ 30

Sour milk curd

Sour milk curd is curd that is

1. made from skimmed milk using lactic acid bacteria, whereby
 - a) the following additional substances
 - aa) rennet,
 - bb) ruminant gastric pepsin,
 - cc) preparations of rennet or pig stomach pepsin, if the preparation contains at least 25 percent chymosin,

dd) rennet substitutes and

ee) bacterial, yeast and fungal cultures, if the Quark cheese is used for quark cheese manufacture,

may be used,

b) heat may be applied and

2. has a fat-free dry matter content of at least 32 percent.

§ 31

Types of cheese

(1) The following specific requirements apply to the manufacture of whey cheese, whey protein cheese, Quark cheese and Pasta filata cheese, particularly with regard to the cheese milk and the other foodstuffs and substances that can be used:

1. Whey cheese: made from sweet whey or sour whey, from which

a) water has been removed,

b) Milk, cream, whey cream, butter or clarified butter may be added and

c) no foodstuffs or substances within the meaning of Section 28 number 4, number 6 to 12 letter a, number 14, with the exception of freshly developed smoke, are added;

2. Whey protein cheese: made from sweet whey, sour whey and whey cream, the

a) Milk and cream products,

b) Milk proteins with the exception of casein and caseinates and

c) no foodstuffs and substances within the meaning of Section 28 number 4, number 6 to 7 and 9 to 12 letter a, number 14 with the exception of freshly developed smoke

may be added;

3. Quark cheese: made from sour milk curd, fresh cheese and milk protein products, whereby

- a) the milk protein products may not exceed 90 grams per kilogram of sour milk curd and
 - b) no foodstuffs or substances within the meaning of Section 28 numbers 4, 6, 7 and 9 to 12 letter a and number 14 may be added, with the exception of freshly developed smoke;
4. Pasta filata cheese: made from the curd mass of curdled cheese milk, which
- a) has been processed with hot water, hot salt water or hot whey and
 - b) by kneading and pulling the malleable mass
 - aa) into strips or
 - bb) strands and shapes.

(2) Whey cheese, whey protein cheese and pasta filata cheese are not classified into cheese groups within the meaning of Section 29 paragraph 1.

§ 32

Standard cheese varieties for cheese groups

(1) Cheese of the cheese group Hard cheese is divided into the standard cheese varieties

1. Emmental,
2. Bergkäse and
3. Cheddar (Chester).

(2) Cheese of the cheese group Semi-hard cheese is divided into the cheese standard varieties

1. Gouda,
2. Edam,
3. Tilsit and
4. Wilstermarschkäse.

(3) Cheese of the cheese group Semi-hard cheese is divided into the cheese standard varieties

1. Steinbuscher,
2. Edelpilzkäse and
3. Butterkäse.

(4) Cheese of the cheese group Soft cheese is divided into the standard cheese varieties

1. Camembert,
2. Brie,
3. Romadur and
4. Limburger.

(5) Cheese of the cheese group Fresh cheese is divided into the standard cheese varieties

1. Edible curd,
2. Layered cheese,
3. Cream cheese and
4. Double cream cheese.

(6) For the standard cheese varieties referred to in paragraphs 1 to 5, the requirements set out in Annex 4, Section A, regarding the method of manufacture and quality as well as other characteristics shall apply.

(7) As far as Annex 4, Section A, with regard to a standard cheese variety

1. a minimum dry matter content is specified or
2. a minimum dry matter content and a minimum protein content are specified,

These minimum contents replace the water contents in the total fat-free cheese mass laid down in Article 29(1).

§ 33

Standard cheese varieties for types of cheese

(1) Cheese of the cheese type Quark cheese is divided into the standard cheese varieties

1. Harzer Käse and Mainzer Käse as well as
2. Handkäse, Bauernhandkäse, Korbkäse, Stangenkäse and Spitzkäse.

(2) Pasta filata cheese is divided into the standard cheese varieties

1. Provolone,
2. Mozzarella and
3. schnittfester Mozzarella.

(3) For the standard cheese varieties referred to in paragraphs 1 and 2, the requirements set out in Annex 4, Sections B and C, regarding the method of manufacture and quality as well as other characteristics shall apply.

§ 34

Cheese products

Cheese products are divided into the following types, for which the respective manufacturing requirements apply:

1. Processed cheese:

a) manufactured

aa) with at least 50 percent of the dry matter of the processed cheese consisting of cheese

bb) by melting using heat and emulsification,

cc) where

aaa) other milk products and

bbb) melting salts and lemon juice

may be used, and

- b) having a dry matter content specified in Annex 5 for processed cheese of the respective fat content level;

2. Processed cheese preparation:

a) manufactured

aa) from cheese, a cheese preparation, processed cheese or mixtures thereof,

bb) by melting using heat and emulsification,

cc) where

aaa) other milk products,

bbb) flavouring and colouring foods and

ccc) melting salts and lemon juice

may be used,

dd) the proportion of flavouring and colouring foods in the total weight of the processed cheese must not exceed 30 percent and

- b) having a dry matter content specified in Annex 5 for processed cheese preparations of the respective fat content level;

3. Cooking cheese:

a) manufactured like processed cheese using sour milk curd, sour milk cheese, rennet curd or mixtures thereof, where

aa) also semi-hard cheese without rind or skin up to a maximum of 80 grams per kilogram of cooked cheese and

bb) Cream, butter and clarified butter

may be used and

- b) having a dry matter content which is equal to that laid down in Annex 5 for cooked cheese of the respective fat content level;

4. Cheese preparations: made from cheese without melting, where

a) other milk products with the exception of casein, caseinates, processed cheese and processed cheese preparations and

b) flavouring and colouring foods

may be used, whereby the proportion of flavouring and colouring foods in the total weight of the cheese preparation may not exceed 30 percent;

5. Cheese compositions: composed from two or more

- a) cheeses,
- b) cheese products or
- c) cheese and cheese products.

§ 35

Other foods and substances that can be used in cheese products

(1) The following additional foods and substances may be used in the manufacture of cheese products, provided that the conditions of Annex VII, part III, number 2, subparagraph 1 of Regulation (EU) No 1308/2013 are met:

- 1. Table salt and iodised table salt
- 2. spices, herbs, natural flavourings or flavouring extracts obtained from spices or herbs, and mixtures thereof;
- 3. drinking water and water vapour from drinking water;
- 4. freshly developed smoke within the meaning of Section 4 paragraph 2 of the Aromas Implementation Ordinance and smoke flavouring;
- 5. Lactase;
- 6. in the case of grated, shredded, diced, sliced or shaved cheese products, potato, maize and rice starch, whether or not mixed, may be used as an anti-caking agent to the extent technologically necessary, provided that the anti-caking agent does not exceed 3 percent of the total weight of the cheese;
- 7. Cooking oil in an amount
 - a) for treating the surface of cheese products with a closed rind or skin,

- b) for dissolving or emulsifying carotene (E 160a), also with the use of edible gelatin and starch, or
- c) for introducing other foodstuffs and substances, in particular those listed in number 2, into the cheese product

is required in each case;

- 8. Food additives;
- 9. Processing excipients;
- 10. for cheese preparations with a dry matter content of at least 35 percent caseinate, up to five grams per kilogram of the cheese preparation;
- 11. in processed cheese preparations and cheese preparations
 - a) Starch, edible gelatin, inulin, oligofructose and pectin in solid or liquid form as well as
 - b) aromas, insofar as they correspond to the flavour of a flavouring food used.

(2) When producing cheese preparations, the mass fraction of cheese must be at least 50 percent of the total food and substances used in manufacture.

§ 36

Fat content levels of cheese and cheese products

The following fat content levels apply to cheese and cheese products:

| Fat content level | Fat content in dry matter | |
|----------------------------|---------------------------|---------|
| 1. Double cream level | at least | 60% and |
| | at most | 87% |
| 2. Cream level | at least | 50 % |
| | less than | 60 % |
| 3. Full-fat level | at least | 45 % |
| | less than | 50 % |
| 4. Fat level | at least | 40 % |
| | less than | 45 % |
| 5. Three-quarter fat level | at least | 30 % |
| | less than | 40 % |
| | at least | 20 % |
| 6. Half-fat level | less than | 30 % |

- | | | |
|----------------------|-----------|------|
| | at least | 10 % |
| 7. Quarter-fat level | less than | 20 % |
| | less than | 10%. |
| 8. Fat-free level | | |

Subsection 2

Labelling requirements

§ 37

General requirements for cheese

(1) A food retail company must label each cheese with its cheese group at the latest when it is placed on the market. To the extent that this Ordinance specifies a type of cheese or a standard cheese variety for a cheese, the food retail company may label the cheese with the respective type of cheese or standard cheese variety in addition to or instead of indicating the cheese group.

(2) If no cheese group is regulated for a cheese according to Section 29 paragraph 2 or Section 31 paragraph 2, the food retail company must label the cheese with the relevant type of cheese at the latest when it is placed on the market. To the extent that this Ordinance specifies a standard cheese variety for a type of cheese, the food retail company may label the cheese with the respective standard cheese variety in addition to or instead of indicating the type of cheese.

(3) If no type of cheese is regulated for a cheese within the meaning of Section 29 paragraph 2, the food retail company must label the cheese with the information "cheese" at the latest when it is placed on the market.

§ 38

Special requirements for cheese in grated, shredded, diced, sliced or shaved form

(1) By way of derogation from Section 37, a food retail company shall, at the latest at the time of placing on the market, label cheese in grated, shredded, diced, sliced or shaved form with the following designation:

1. "grated cheese", "shredded cheese", "diced cheese", "sliced cheese" or "shaved cheese", specifying the cheese used in the form of the addition "made from..." or

2. the name of the cheese used and the addition of “grated”, “shredded”, “diced”, “sliced” or “shaved”.

(2) Where cheese within the meaning of paragraph 1 is placed on the market from or in a liquid other than water, the food retail company shall, at the latest at the time of placing on the market, supplement the designation referred to in paragraph 1 with an information of that liquid. Sentence 1 does not apply to mozzarella.

§ 39

General requirements for cheese products

(1) A food retail company must label each cheese product with the relevant type at the latest when it is placed on the market.

(2) In addition to paragraph 1, a food retail company may label a cheese product with the information "cheese product".

(3) In addition to paragraphs 1 and 2, a food retail company may also label a cheese product with an indication of the cheese or cheeses from which it has been made.

(4) In the case of a cheese preparation made from only one cheese, the food retail company may replace the labelling element "cheese" by the name of the cheese group used.

§ 40

Special requirements for cheese products

(1) A food retail company must label a cheese composition with the cheese and cheese product used at the latest at the time of placing on the market.

(2) Where several cheeses are used in the manufacture of a grated cheese product, the food retail company may use the label "grated cheese" instead of the designation "cheese composition", specifying the cheeses used in the form of the addition "made from...", whereby the addition must specify all the cheeses used. In the case of a shredded, sliced, diced or shaved cheese product, sentence 1 shall apply accordingly.

(3) By way of derogation from Section 39 paragraph 3, a processed cheese, a processed cheese preparation or a cheese preparation may only be labelled with a standard cheese variety if the respective cheese product has the fat

content in the dry matter specified for the standard cheese variety. By way of derogation from sentence 1, in the case of processed cheese made from a standard cheese variety for which a fat content in the dry matter of 45 percent or more is specified, the food retail company may label it with the standard cheese variety even if the fat content in the dry matter is up to 2.5 percent lower than that of the specified standard cheese variety.

(4) By way of derogation from Section 39 paragraph 3, a food business operator may only describe a cheese preparation

1. as a fresh cheese preparation if the cheese used is exclusively fresh cheese,
2. or as a preparation made from a standard cheese variety from the fresh cheese group if the cheese used is exclusively the standard cheese variety concerned.

(5) If a flavouring foodstuff is used in a processed cheese preparation or a cheese preparation

1. and a labelling in accordance with Section 39 paragraph 3, is used,
2. a labelling in accordance with Section 39 paragraph 3 is used,

the food retail company must indicate the flavouring foodstuff in close proximity to the designation, in accordance with Section 39 paragraph 3.

§ 41

Indication of heat treatment, water content and food wrapping; small packages

(1) If a cheese or cheese product, with the exception of processed cheese and processed cheese preparations, including cooked cheese, has been subjected to heat treatment, the food retail company must label the cheese or cheese product with the information "heat-treated" at the latest when it is placed on the market. By way of derogation from sentence 1, the food retail company may label the cheese or cheese product in accordance with Section 57.

(2)

1. If a fresh cheese that is not placed on the market under the name of a standard variety in Annex 4, Section A,

2. a processed cheese or
3. a processed cheese preparation

contains more than 82% water, the food retail company must label it with the indication "Water content more than 82%".

(3) Where a cheese or cheese product is placed on the market in a wrapping made of one or more other foodstuffs, the food retail company must supplement the name of the cheese or cheese product with the name of the wrapping foodstuff(s).

(4) In the case of cheese and cheese products contained in packaging or containers within the meaning of Article 16 paragraph 2 sentence 1, of Regulation (EU) No 1169/2011 in the version of 25 November 2015, the labelling prescribed in paragraphs 1 and 2 and Section 40 paragraph 1 may also be applied by the food retail company to collective packaging if the collective packaging contains exclusively the cheese or cheese product concerned. Sentence 1 shall apply accordingly to the information of the cheese used, in accordance with Section 40 paragraph 2.

§ 42

Indication of fat content

(1) Cheese and cheese products may be labelled by the food retail company with information on their fat content. Whereby

1. only the fat content levels specified in Section 36 may be used, and
2. only the information "...% fat in dry matter" may be used to indicate the fat content in dry matter.

(2) By way of derogation from paragraph 1,

1. a cheese or cheese product made from cheese milk whose fat content has not been adjusted shall be labelled with the information "at least ... % fat in dry matter", based on the dry matter,
2. a cheese composition, the information "total ... % fat in dry matter" based on the dry matter and

3. a standard cheese variety of the Quark cheese group within the meaning of Annex 4, Section B, only the fat content level specified in Annex 4, Section B shall be indicated.

(3) When calculating the fat content, the addition of the separating agents referred to in paragraph 28, number 11, for determining the dry matter shall be disregarded.

Section 5

Thickened milk and dried milk

Subsection 1

Manufacturing requirements

§ 43

General requirements

Thickened milk and dried milk must be produced in accordance with the requirements laid down in Annex 6.

§ 44

Preservation

- (1) The preservation of unsweetened condensed milk must be carried out by heat treatment.
- (2) Sweetened condensed milk is preserved by adding sucrose.
- (3) The preservation of dried milk is achieved by drying.

§ 45

Other foods and substances that can be used with thickened milk and dried milk

For the manufacture of thickened milk and dried milk, the following may be added:

1. Vitamins and minerals according to Regulation (EC) No 1925/2006;
2. Food enzymes;

3. Food additives;
4. Lactase.

Sentence 1 number 1 shall apply subject to Section 1a of the Ordinance on the Transition to the new Food and Feed Law.

§ 46 **Analysis Methods**

- (1) If the properties specified in Annex 7 are tested, the analysis methods specified therein must be used.
- (2) If more than one analysis method is available according to Annex 7, the analysis method used shall be stated in the test report on the analysis.

Subsection 2

Labelling requirements

§ 47

General requirements

For thickened milk and dried milk, the designations laid down in Annex 6 shall be used. Changes in the composition of milk resulting from a treatment to reduce the lactose content by converting lactose into glucose and galactose must be labelled by the food retail company in an indelible form at the latest when the milk is placed on the market, in accordance with Article 13 paragraph 1 of Regulation (EU) No 1169/2011, as amended on 25 November 2015.

§ 48

Indication of milk fat content; recommendations for dilution or reconstitution procedures; information concerning infants

(1) When labelling condensed milk and dried milk, the milk fat content, expressed as a mass fraction of the finished product at the time of filling, must be indicated near the name. Sentence 1 does not apply to condensed skimmed milk, sweetened condensed skimmed milk and skimmed milk powder.

(2) On the labelling of thickened milk, the content of fat-free milk solids, expressed as a mass fraction of the finished product at the time of filling, must be indicated near the name.

(3) The labelling of dried milk shall indicate recommendations for the dilution or reconstitution method and the fat content of the product thus diluted or reconstituted.

(4) The following indication must be included in the labelling of dried milk: “not suitable for feeding infants in the first year of life”.

(5) In the case of units of thickened milk or dried milk with a mass of less than 20 grams, the labellings required under paragraphs 1 to 4 may also be applied exclusively to the outer packaging.

Section 6
Other milk products

Subsection 1
Manufacturing requirements

§ 49
General requirements

(1) The milk products referred to in Annex 8 must be produced in accordance with the requirements laid down therein.

(2) The content of the individual milk constituents of the milk and milk products used in the manufacture may be altered before and during the manufacture of the milk product, provided that this does not conflict with the requirements of Annex 8 and Annex VII part III number 2 subparagraph 1 of Regulation (EU) No 1308/2013. In particular, milk constituents can be completely or partially removed or enriched by addition of the same milk constituents.

§ 50
Other usable foods and substances

(1) Lactase may be used in the manufacture of the milk products listed in Annex 8.

(2) Starch and edible gelatin may be used in the manufacture of sour milk products, yoghurt products, kefir products and buttermilk products which are subjected to heat treatment of more than 50°C after fermentation.

(3) Flavourings, starch, edible gelatin, food additives and processing excipients may be used in the manufacture of milk and whey products. A flavouring used must not overpower the taste of a food that is relevant for the designation.

§ 51
Addition of vitamins and minerals

Subject to Section 1a of the Ordinance on the Transition to the New Food and Feed Law, vitamins and minerals may be added to milk products and whey products in accordance with Regulation (EC) No. 1925/2006.

Subsection 2

Labelling requirements

§ 52

General requirements

A milk product listed in Annex 8 must be labelled by the food retail company with the relevant milk product group at the latest when it is placed on the market. If a milk product corresponds to one of the standard varieties laid down in Annex 8, it may be labelled with the standard variety instead of, or in addition to, the milk product group.

§ 53

Labelling regarding heat treatment

If a milk product referred to in Annex 8 has been subjected to heat treatment, the food retail company must label it with the information "heat-treated" at the latest when it is placed on the market. By way of derogation from sentence 1, the food retail company may label a milk product specified in Annex 8 in accordance with Section 57.

§ 54

Labelling regarding fat content

- (1) Milk products listed in Annex 8 may be labelled by the food retail company with the information "...% fat", indicating the fat content of the entire product.
- (2) Paragraph 1 shall not apply to milk products made from skimmed milk without the addition of milk fat.
- (3) By way of derogation from paragraph 1, milk products made from whole milk without the addition of any further fat may be labelled with the information "at least 3.5% fat" or "at least ...% fat" if the fat content is above 3.5%.
- (4) In the case of milkshake products, the information of the fat content must be supplemented by the information "in the milk portion".

§ 55**Milk products made from skimmed milk; protein and lactose content; recommendations for dilution or reconstitution procedures**

(1) Milk products made from skimmed milk, as referred to in Annex 8, that do not correspond to a standard variety, must be labelled by the food retail company with the information "made from skimmed milk" at the latest when they are placed on the market.

(2) Whey products in powder form must be labelled by the food retail company at the latest at the time of placing on the market with an indication of the protein and lactose content and, in the case of desalting, also with an indication of the mineral content. The labelling shall be given as ash content in percent of the dry matter. Sentence 1 does not apply to sweet whey powder and sour whey powder.

(3) On the labelling of other dried milk products, the food retail company must indicate, at the latest at the time of placing on the market, recommendations for the dilution or reconstitution method and the fat content of the product thus diluted or reconstituted.

Section 7**General provisions for the labelling of dairy products****§ 56****Labelling with the animal species**

(1) If, in the manufacture of a dairy product, not only raw milk from dairy cows and dairy products made from raw milk from dairy cows but also raw milk from other animal species or dairy products made from raw milk from other animal species may be used, and if such use takes place, the food retail company must indicate the other animal species in question on the labelling at the latest at the time of placing on the market.

(2) If the milk constituents of a milk product are made from raw milk from more than one animal species, the food retail company must, at the latest at the time of placing on the market, specify

1. all animal species and
2. the percentage of milk constituents of each animal species relative to the total milk constituents used.

(3) If the proportion of milk constituents from one animal species or several animal species together is less than 5 percent, the food retail company may, by way of derogation from paragraph 1(2), use the information "with a small proportion", specifying the animal species or species concerned.

§ 57

Labelling in case of heat treatment

If this Ordinance provides for the type of heat treatment to be indicated, this shall be done as follows:

1. in the case of pasteurization, the indication "pasteurised";
2. in the case of ultra-high temperature treatment, the indication "ultra-high temperature treatment";
3. in the case of sterilisation, the indication "sterilised";
4. in the case of another heat treatment process, the specification of the process.

§ 58

Labelling with the indication "lactose-free"

(1) Dairy Products may only be labelled by a food retail company with the indication "lactose-free" or a comparable indication of the absence of lactose at the latest when they are placed on the market if

1. the lactose content has been reduced to less than 0.1 grams of lactose per 100 grams of the respective dairy product using lactase or by other means and
2. the labelling includes the indication "Lactose content: less than 0.1 g/100 g" or an equivalent indication.

(2) In the case of dried milk and other milk products in powder form, the maximum content pursuant to paragraph 1 number 1 shall apply to the product obtained after application of the recommendations pursuant to Section 48 paragraph 3 or Section 55 paragraph 3. In this case, the lactose content in 100 grams of powder must also be indicated on the packaging.

(3) To calculate the lactose content, a sampling and testing procedure published in accordance with Section 64 paragraph 1 of the Food and Feed Code must be used.

§ 59

Labelling with the indication “fresh”

(1) The food retail company may only label heat-treated drinking milk and heat-treated milk from other animal species with the indication "fresh" at the time of placing on the market if the minimum shelf life in an unopened state and at a storage temperature of not more than 8°C does not exceed three weeks. If the food retail company makes use of the provision in sentence 1, they must affix in the immediate field of vision the indication “traditionally produced” within the meaning of Section 9 paragraph 2.

(2) For butter, thickened milk and dried milk, a labelling with the indication “fresh” is not permitted.

(3) In the case of cheese and cheese products, labelling with the indication “fresh” is only permitted for fresh cheese and fresh cheese products.

(4) In the case of milk products listed in Annex 8, labelling with the information "fresh" is only permitted for the milk products listed in paragraph 5 and under the conditions specified in each case.

(5) The food retail company may only label yoghurt products, kefir products, buttermilk products and cream products with the term "fresh" at the time of placing on the market if the minimum shelf life in an unopened state and at a storage temperature of no more than 8°C does not exceed two weeks and the following manufacturing conditions have been met:

1. in the case of yoghurt products, kefir products and buttermilk products, heat treatment after fermentation, increase of the dry matter and enrichment with milk protein products are not permitted;
2. In the case of cream products, only pasteurisation and no enrichment with milk protein products is permitted as heat treatment.

(6) The food retail company may only label milkshake products with the term “fresh” if the minimum shelf life in unopened condition and at a storage temperature of no more than 8° Celsius does not exceed three weeks.

(7) Labelling concerning the freshness of dairy products other than that referred to in paragraphs 1 to 5 shall not be permitted.

(8) The labelling provisions contained in paragraphs 1 to 6 apply only to the entire product. If dairy products are used as an ingredient, paragraphs 1 to 6 shall apply accordingly when the ingredient is listed in the list of ingredients or elsewhere.

§ 60

Labelling for end consumers and companies

(1) The labelling requirements laid down in this Ordinance shall apply to pre-packaged dairy products, subject to paragraphs 2 to 4.

(2) Where non-pre-packaged dairy products are supplied to the end consumer or to mass caterers, the information contained in the labelling required by this Ordinance must be provided in such a way that it is easily visible, clear and legible. If information contained in a voluntary labelling under this Ordinance is provided, this must be done in accordance with sentence 1.

(3) Where non-pre-packaged dairy products are supplied to persons other than end consumers or mass caterers, the supplying food retail company must provide the information at the time of supply in a manner that is so easily visible, clear and legible that the recipient is able apply the labelling required by this Ordinance. If information contained in a voluntary labelling under this Ordinance is provided, this must be done in accordance with sentence 1.

(4) If a particular labelling is prohibited under this Ordinance, the information in question may not be used in connection with non-pre-packaged dairy products.

(5) A label or information regulated by this Ordinance may only be used in a word combination if this does not impair the content and comprehensibility of the label or information.

§ 61

Type and method of labelling

(1) To the extent that the type and method of labelling provided for in this Ordinance is not regulated by

1. this Ordinance,
2. the Regulation (EU) No 1169/2011,

3. the legal acts of the European Commission adopted under Regulation (EU) No 1169/2011 or
4. the Food Information Implementation Ordinance,

Articles 12 to 15 of Regulation (EU) No 1169/2011, the legal acts of the European Commission adopted under these Articles and Section 2 of the Food Information Implementing Regulation shall apply accordingly.

(2) For the provision pursuant to Section 60 paragraph 3, Section 4 paragraphs 3 and 4 of the Food Information Implementation Ordinance shall apply accordingly.

Section 8

Dairy Products manufactured abroad

§ 62

Labelling

(1) Corresponds to a dairy product that

1. was manufactured abroad and
2. has been placed on the domestic market with a labelling regulated by this Ordinance,

does not comply with the provisions of this Ordinance for the manufacture of the dairy product in question, Article 17 paragraphs 2 and 3 of Regulation (EU) No 1169/2011, as amended on 25 November 2015, shall apply mutatis mutandis to the designations and other labelling regulated by this Ordinance.

§ 63

Branded butter

(1) Butter produced abroad may only be labelled by a food retail company as branded butter and with the quality mark "Branded butter tested in Germany" if the butter in question meets the requirements laid down in this regulation for the manufacture, labelling and packaging of branded butter produced domestically.

(2) The approval required under Section 20 paragraph 1 for the manufacture of branded butter shall be granted if compliance with the requirements set out in Section 20 paragraph 5 is demonstrated by an official certificate from the State in which the butter is produced. Section 20 paragraphs 2 to 4 shall apply accordingly to the application. In addition, the application must state the

companies that place the branded butter on the domestic market. The template in Annex 3 shall be used for the evidence pursuant to sentence 1.

(3) The testing required under Section 21 paragraph 3 shall be carried out on the basis of samples taken from the butter imported into the country. For this purpose, the testing body must request samples from one of the companies that market the branded butter in the country in accordance with Section 21 paragraph 1. Section 21 paragraph 2 shall apply to this company accordingly. The test results pursuant to Section 21 paragraph 3 must be communicated to the company from which the respective sample originates.

(4) Sections 22 to 25 shall apply accordingly, whereby

1. the extension of the testing pursuant to Section 22 may only be carried out with regard to companies within the meaning of Section 22 paragraph 1 number 2,
2. Section 25 paragraph 1 numbers 3 to 5 and paragraph 2 must refer to the company from which the sample is requested in accordance with paragraph 3 sentence 2 and,
3. in addition, the branded butter company must, in accordance with paragraph 2 sentence 3, immediately notify the testing body of any changes to the companies to be specified.

Section 9 Administrative Offences

§ 64 Administrative Offences

(1) Anyone who intentionally or negligently applies a label contrary to Section 19 paragraph 4 commits an administrative offence within the meaning of Section 30 paragraph 1 number 9 of the Milk and Fat Ordinance.

(2) Anyone who intentionally or negligently,

1. contrary to Section 20 paragraph 3 number 2 or 3, in each case also in conjunction with Section 63 paragraph 2 sentence 2, makes an incorrect indication,

2. contrary to Section 21 paragraph 1, does not take a sample, does not take it correctly, does not take it in the prescribed manner or does not take it in time, or does not send it, does not send it correctly, does not send it completely or does not send it in time,
3. contrary to Section 25 paragraph 5, also in conjunction with Section 63 paragraph 4 number 3, does not submit a notification, does not submit it correctly, does not submit it completely, does not submit it in the prescribed manner or does not submit it in a timely manner,
4. contrary to Section 60 paragraph 3 sentence 1, does not provide information, does not provide it correctly, does not provide it completely, does not provide it in the prescribed manner or does not provide it in a timely manner or
5. contrary to Annex 1, number 1.4, sentence 3, does not provide information, does not provide information correctly, does not provide information in the prescribed manner or does not provide information in a timely manner.

(3) An administrative offence within the meaning of Section 9 Paragraph 2 Number 4 of the Milk and Margarine Ordinance, if any person violates Regulation (EC) No. 445/2007 in the version of 23 April 2007 by intentionally or negligently

1. uses a designation contrary to Article 3 paragraph 1 or
2. as a food retail company, fails to affix a term or an indication, fails to affix it correctly, fails to affix it in the prescribed manner or fails to affix it before a product is placed on the market, contrary to Article 3 paragraph 5 in conjunction with paragraph 4.

(4) Anyone who intentionally or negligently uses a definition, designation or sales description contrary to Article 78 paragraph 2 in conjunction with Annex VII part III number 1 sentence 1 or number 2, part IV point I or part VII point I sentence 1 of Regulation (EU) No. 1308/2013 in the version of 11 April 2024 commits an administrative offence within the meaning of Section 9 paragraph 2 number 4 of the Milk and Margarine Ordinance.

Section 10
Federal State Responsibilities and Federal State Powers

§ 65
Federal State Responsibilities

The federal states are responsible

1. for implementing this Ordinance,
2. for implementing Union law referred to in Section 1, sentence 2, and
3. for monitoring compliance with the provisions referred to in numbers 1 and 2, in particular in accordance with Section 5 of the Milk and Margarine Ordinance.

§ 66
Federal State Powers

(1) The federal states may, by statutory order, regulate

1. the testing in derogation from Section 21 paragraph 1 and Annex 1, Number 1.3,
2. as well as the procedure for granting, revoking, and reissuing the approval in derogation from Sections 20 and 25.

(2) This Ordinance does not regulate

1. the design and affixing of inspection marking concerning compliance with the provisions of this Ordinance on the manufacture and labelling of dairy products, with the exception of branded butter, as well as the associated inspection and expert procedures and
2. the procedure for appointing butter experts pursuant to Section 24.

Section 11
Final provisions

§ 67
Transfer provisions

(1) A dairy product that

1. complies with the provisions of the Ordinance on the Labelling of Heat-Treated Drinking Milk, the Butter Ordinance, the Cheese Ordinance or the Milk Products Ordinance in the version applicable on the.... [Insert: date of the day before the date of entry into force pursuant to Article 8, first sentence],
2. does not comply with the provisions of this Ordinance and
3. before the ... [Insert: has been placed on the market on the date of entry into force pursuant to Article 8, sentence 1] or has been labelled in accordance with the provisions of the regulations referred to in number 1,

may from the ... [Insert: date of entry into force pursuant to Article 8, first sentence] continue to be placed on the market until the respective stocks are exhausted.

(2) A packaging that complies with the labelling provisions of the regulations referred to in paragraph 1, number 1, and does not comply with the labelling provisions of this regulation, is subject to the... [Insert: date of entry into force pursuant to Article 8, first sentence], the dairy product for which that packaging is intended may until..... [Insert: date of the first day of the twelfth calendar month following the entry into force pursuant to Article 8, first sentence] continue to be manufactured and placed on the market exclusively using that packaging.

Testing of branded butter**1. Butter samples**

- 1.1. For each monthly inspection, the inspection body sets two retrieval days and informs the manufacturing company of these on the respective day. The manufacturing plant must properly take samples of each type of butter produced from the ongoing manufacture on the day of retrieval.
- 1.2. The butter samples must be taken in such a way that the entire daily manufacture is covered proportionally in terms of quantity and time. The time of retrieval is not connected to the month of the testing.
- 1.3. The number of butter samples to be submitted for each monthly test is determined by the quantity of each butter variety produced by the manufacturing establishment in the previous calendar year, according to the following table:

| Previous year's manufacture per butter variety | number of samples per butter variety |
|---|---|
| up to 5,000 tons | 3 |
| over 5,000 to 10,000 tons | 5 |
| over 10,000 tons | 7 |

- 1.4. In the event of a significant reduction in the manufacture of a type of butter, the manufacturing company may request in writing from the testing authority that the number of butter samples to be submitted be reduced to the production expected for the current year. The testing authority will approve the application if a significant reduction has been credibly demonstrated. If the reduction in production does not occur, the manufacturing company must immediately inform the testing body in writing. In order to ensure sufficient sampling, the testing body may revoke the approval.
- 1.5. On the respective collection day, the testing body informs the manufacturing company how many butter samples are to be sent. At least one butter sample per manufacturing establishment must be provided on each collection day.
- 1.6. Manufacturing establishments that do not churn butter daily or do not produce butter of each butter variety every day must properly take and store samples of each variety on each production day.
- 1.7. Each butter sample consists of a two-kilogram cube with two equal halves. In the case of butter intended for sale to final consumers, the manufacturing company may request the testing body to require the butter sample to consist of eight shaped and packaged pieces of 250 grams each. The testing body will approve the application if proper sampling is ensured.

1.8. The packaging material prescribed by the testing body must be used for shipment. The accompanying document prescribed by the testing authority must be completed and enclosed with the shipment. The samples must be sent to the address specified by the testing body on the day of collection.

1.9. The temperature of the butter sample must not exceed 12 °C until it arrives at the testing body.

2. Incoming goods inspection and storage

2.1. The butter samples must be registered upon entry into the testing body. In particular, the following must be checked and recorded:

- Time of dispatch and receipt of the butter sample;
- Condition of the butter sample;
- Temperature of the butter sample.

In addition, the accompanying documents must be checked. The records must be kept for a period of one year.

2.2. Butter samples whose condition has been significantly impaired during transport due to circumstances for which the manufacturing company is responsible may not be accepted for testing.

2.3. The butter samples must be properly stored by the testing laboratory at a temperature of 10 °C \pm 1 °C. Compliance with the prescribed temperature must be fully demonstrated.

3. Testing

3.1. The butter samples must first be subjected to the following non-sensory test and evaluated accordingly:

Testing between the 8th and 10th day after collection:

- Serum pH according to the provisions of the Official Collection, classification number L 04.00-13, as of December 2006 (DIN 10 349, October 2004 edition*) and
- Spreadability according to the provisions for measuring hardness specified in the classification number L 04.00-14, as of February 1996, of the Official Collection (DIN 10 331, edition March 1996)*).

Testing between the day after collection and the sensory test:

- Water content according to the provisions specified in the classification numbers L 04.00-24/1, as of January 2013 or L 04.00-25/1, as of July 2021, of the Official Collection (DIN EN ISO 3727-1, edition April 2002 and DIN ISO 8851-1, edition December 2020),
- Water distribution according to the provisions of the Official Collection, section L 04.00-9, as of May 1986 (DIN 10 311, edition August 1985)*) and

**) Available from Beuth Verlag GmbH, 10772 Berlin.

- Fat-free dry matter content, which results from the analysis of the fat-free dry matter according to the provisions specified in the classification number L 04.00-16, as of December 1990, or L 04.00-24/2, as of January 2013 of the Official Collection (DIN 10463, edition November 1990 and DIN EN ISO 3727-2, edition April 2002)*), less the sodium chloride content according to the provisions specified in the classification number L 01.00-95, as of August 2023, of the Official Collection (DIN ISO 21422, edition April 2022) *).

3.2. The butter samples must then be subjected to a sensory test and corresponding evaluation between the 14th and 21st day after collection in accordance with the provisions set out in the classification number L 01.00-94/2, as of March 2019, of the Official Collection.

3.3. Butter samples whose serum pH does not correspond to the specified butter type or which, based on their total mass, which

- for unsalted butter contain
 - = less than 82 mass fraction milk fat or
 - = more than 16 mass fraction water
 or
- for salted butter contain
 - = less than 80 mass fraction milk fat,
 - = more than 16 mass fraction water or
 - = more than 2 mass fraction fat-free milk solids,
 are not eligible for sensory testing.

3.4. The result of the water distribution test is evaluated from 0 to 5 points according to the comparison table contained in the provisions mentioned in the classification number L 04.00-9, as of May 1986, of the Official Collection (DIN 10 311, edition August 1985)*).

3.5. The result of the spreadability test is evaluated as follows:

| Cutting strength in Newton | | Evaluation |
|----------------------------|---|------------|
| up to 0.80 | = | 5 points |
| 0.81 to 1.00 | = | 4 points |
| 1.01 to 1.20 | = | 3 points |
| 1.21 to 1.50 | = | 2 points |
| over 1.51 | = | 1 point. |

3.6. When conducting the sensory tests, an expert from a different testing body should participate in at least two sensory tests within a calendar year.

Quality mark for branded butter



IN DEUTSCH
MARKENBUTTER

BRANDED BUTTER TESTED IN
GERMANY

The quality mark consists of a stylised eagle with an oval border containing the inscription "Branded butter tested in Germany."

Annex 3
(to Section 63 paragraph 2)

Certification for foreign branded butter

Federal State:

.....
.....

Responsible Ministry:

.....
..

Issuing Authority:

.....
.....

Certificate of Branded Butter
according to Section 63 paragraph 2 of the Dairy Product Quality Ordinance

for

.....
.....
(Manufacturing plant of the branded butter)

The manufacturing company with the veterinary control number is hereby certified that it meets the requirements for the manufacture of branded butter as laid down in Section 15 of the Dairy Product Quality Ordinance.

The butter type is the following butter variety according to Section 13 in conjunction with Section 14 of the Dairy Product Quality Ordinance:

- Sour cream butter
- Sweet cream butter
- Mildly soured butter

.....

(Place, date)

(Signature, stamp)

Annex 4
(on Sections 32 and 33 as well as 41 and 42)

Standard cheese varieties

Preliminary remark: The standard cheese varieties contained in this Annex must be produced in accordance with the requirements of the respective cheese group or type of cheese specified, as well as with the respective specified method of manufacture and quality and specified other properties. In the case of the use of milk and dairy products from animal species other than dairy cows, deviations from the other characteristics laid down for the respective standard cheese variety in column 8 are permitted, provided that this is absolutely necessary due to the milk and dairy products used and that the nature of the standard cheese variety is not changed. Smoke aromas and colouring foods may not be used. Spices, herbs, natural spice aromas, natural herbal aromas and mixtures thereof may only be used if they are listed in the "Manufacturing method" column. Based on the maximum proportion of whey protein in the total protein of the cheese milk produced, as determined in Section 27 paragraph 5, the following maximum limits apply to the proportion of whey protein in the total protein of the standard cheese variety produced from the cheese milk:

1. 18.5 percent for the standard cheese varieties of the cheese group fresh cheese and
2. 5 percent for all other standard cheese varieties in Section A and the standard cheese varieties in Section C.

Section A

Standard cheese varieties of the cheese groups hard cheese, semi-hard cheese, semi-hard cheese, soft cheese and fresh cheese

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------|-------------------------|----------------------|--------------------|---|----------------------|--|--|
| Cheese group | Standard cheese variety | Manufacturing method | Texture | | | | Other properties |
| | | | Fat content levels | Minimum dry matter content in the mass fraction of the final product and, for the standard cheese variety Edible curd, additionally the minimum protein content in the mass fraction of the final product | Manufacturing weight | Minimum age (except for delivery to finished goods warehouses) | A = appearance - exterior B = appearance - interior and consistency C = smell and taste For fresh cheese: A = appearance B = structure C = smell and taste |
| Hard cheese | Emmental | - | Full-fat level | 60 | 40 to 130 kg | 2 months | A Firm, golden yellow to brownish smooth rind with slightly outwardly curved edges, the rind may also be missing B Matt yellow, |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----------------|-------------------------|----------------------|---|----------------------|--------------|----------|--|
| Cheese group | Standard cheese variety | Manufacturing method | Texture | | | | Other properties |
| | | | | | | | cherry holes distributed as evenly as possible, smooth and elastic dough C Mildly aromatic, nutty |
| | Bergkäse | - | At least full fat | 62 | 15 to 50 kg | 3 months | A Firm, closed, dark yellow to brownish shaded rind, slightly outwardly curved edges |
| | | | | | | | B Plain, matt yellow, small pea-sized holes, firm to medium-firm, supple dough depending on age C Depending on age, piquant to strong, spicy, nutty |
| | Cheddar (Chester) | - | Full fat level Cream level | 60 62 | - | 3 months | A Seamlessly closed surface B Light yellow to orange, slit-shaped holes, non-crumbly dough, melts on the tongue C Slightly sour to slightly piquant |
| Layered cheese | Gouda | Pepper, caraway | Three-quarter fat level Fat level Full-fat level Cream level | 49 53 55 57 | 0.3 to 30 kg | 5 weeks | A Dry and smooth rind, also with a slight whitish mould coating, the rind may also be missing B Ivory to yellow, matt finish, round or oval holes about the size of peas, evenly distributed in the dough, but not very numerous, firm but still supple dough C Mild to slightly spicy, but not sour |
| | Edam | - | Three-quarter fat level Fat level Full-fat level Cream level | 49 53 55 57 | 0.3 to 20 kg | 5 weeks | A Dry and smooth rind, also with a slight whitish mould coating, the rind may also be missing B Ivory to golden yellow, matt finish, only occasional holes from round or oval shape to pea size, smooth, greasy texture, softer than Gouda cheese C Mild and pure, not sour |
| | Tilsit | Pepper, caraway | Three-quarter fat level | 49 53 | 1.5 to 20 kg | 5 weeks | A Well dried smear, also washed after completed |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------------------|-------------------------|--|--|----------------|----------------|---------|---|
| Cheese group | Standard cheese variety | Manufacturing method | Texture | | | | Other properties |
| | | | Fat level Full-fat level Cream level Double cream level | 55 57 61 | | | maturation, also rindless B Ivory to light yellow, slit or barleycorn-shaped holes, also round holes next to them, dough supple, but not short or crumbly C Slightly tart to piquant, also slightly sour, but not acidic |
| | Wilstermarschkäse | - | Full fat level Cream level | 53 56 | 1.5 to 20 kg | 4 weeks | A Smooth surface, also rindless B Smooth, but firm dough with a greasy feel and a shiny cut surface, pale yellow to whitish yellow, even, fine-pored holes C Slightly sour and slightly tart |
| Semi-hard Layered cheese | Steinbuscher | - | Three-quarter fat level Full fat level Cream level | 44 50 53 | 200 to 1 000 g | 3 weeks | A Yellow-brown to reddish, as little smear as possible B Matured dough mass yellow, few broken holes, of which few round holes, smooth dough C Mild to slightly piquant |
| | Edelpilzkäse | Maturation only with cultures of <i>Penicillium Roqueforti</i> | Full-fat level Cream level Double cream level | 48 50 55 | 2 to 5 kg | 5 weeks | A The holes for fungal growth should be visible B White to yellowish in colour, the dough must be streaked with dark green or blue mould, marbled cut surface, cracks in the dough, slightly crumbly but still supple C Piquant to very piquant |
| | Butterkäse | - | Full-fat level Cream level Double cream level | 48 50 55 | 250 g to 20 kg | - | A Smooth skin of yellow-brown to reddish colour, the skin may also be missing B Cut surface of the dough yellowish colour, dough also with holes, dough semi-firm to cut-firm and evenly ripened throughout the whole mass C Mild and slightly sour |
| Soft | Camembert | Ripening only with | Three- | 38 | 80 to 400 g | - | A Evenly covered |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------|-------------------------|---|---|----------------------------------|---|---|--|
| Cheese group | Standard cheese variety | Manufacturing method | Texture | | | | Other properties |
| cheese | | cultures of <i>Penecillium camembertii</i> (Camembert mold) and <i>Geotrichum candidum</i> (milk mould) | quarter fat level Fat level Full-fat level Cream level Double cream level | 42 44 46 52 | | | with Camembert and milk mould, there may be red smear on the edges B Colour of the dough white to cream yellow, in the dough no holes except for a few broken holes, dough supple when ripened C Mildly aromatic |
| | Brie | Ripening only with cultures of <i>Penicillium camembertii</i> (Camembert mould) and <i>Geotrichum candidum</i> (milk mould) | Full-fat level Cream level Double cream level | 44 46 52 | 1 to 3 kg When using a forming and portioning device, weights of 100 to 1 000 g are also permitted | - | A Evenly covered with Camembert and milk mould, there may be red smear on the edges B Colour of the dough white to cream yellow, in the dough no holes except for a few broken holes, dough supple when mature C Aromatic, slightly sour to slightly piquant |
| | Romadur | - | Half-fat level Three-quarter fat level Fat level Full-fat level Cream level Double cream level | 35 38 42 44 46 52 | 80 to 180 g | - | A Smooth skin with yellow-brown to reddish smear B Cut surface of the dough matt white, ripened dough mass to light yellow, in the dough only a few broken holes, soft cut dough, but not of a fluid consistency C Mild to slightly piquant |
| | Limburger | - | Half-fat level Three-quarter fat level Fat level Full-fat level Cream level | 35 38 42 44 46 | 180 to 1 000 g | - | A Smooth skin with yellow-brown to reddish smear B Cut surface of the dough matt white, ripened dough mass to light yellow, in the dough only a few broken holes, soft cut dough, but not of a fluid consistency C Spicy to piquant |
| | | | | | | | |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------|-------------------------|--|---|---|---|---|--|
| Cheese group | Standard cheese variety | Manufacturing method | Texture | | | | Other properties |
| Fresh cheese | Edible curd | Only from milk, cream or fat-free milk or whey obtained therefrom Spices, herbs, natural spice flavours, natural herbal flavours and any mixtures thereof | Low-fat level Quarter-fat level Half-fat level Three-quarter fat level Fat level Full-fat level Cream level Double cream level | 18 / 12.0 19 / 11.3 20 / 10.5 22 / 9.7 24 / 8.7 25 / 8.2 27 / 8.0 30 / 6.8 | - | - | A Milky white to cream yellow colour B Dough evenly soft, delicately smooth to paste-like; added cream, even whipped, should be evenly distributed throughout the dough C Slightly pure lactic acid |
| | Layered cheese | Only made from milk, cream or skimmed milk | Quarter fat and higher fat content levels | - | - | - | A Milky white to cream yellow colour B Cut surface of the dough should have a matt shine, the layers inside should be visible, yellowish layers must be richer in fat than lighter layers, only a few cracks in the dough, tender and smooth dough that retains its shape C Pure lactic acid |
| | Cream cheese | Made only from milk, cream or skimmed milk | Cream level | 39 | - | - | A Milky white to pale yellow colour B No holes, pasty and spreadable dough C Slightly acidic |
| | Double cream cheese | Made only from milk, cream or skimmed milk | Double cream level | 44 | - | - | A Like Cream cheese B Like Cream cheese C Like Cream cheese |

Section B

Standard cheese varieties of the type of cheese Quark cheese

| 1 | 2 | 3 | 4 | 5 |
|-------------------------|----------------------|-------------------|----------------------|---|
| Standard cheese variety | Manufacturing method | Texture | | Other properties |
| | | Fat content level | Manufacturing weight | A = appearance - exterior B = appearance - interior and consistency C = smell and taste |
| | | | | |

| | | | | |
|---|---|----------------|-------------|---|
| Harzer Käse, Mainzer Käse | Maturation only with yellow or red smear bacteria (type "Gelbkäse") Spices, herbs, natural spice flavours, natural herbal flavours and any mixtures thereof | Fat-free level | 25 to 125 g | <p>A Smooth surface with golden yellow to reddish-brown smear</p> <p>B Whitish to slightly yellowish colour, smooth dough</p> <p>C Mildly piquant to piquant</p> |
| Handkäse, Bauernhand- käse, Korbkäse, Stangenkäse, Spitzkäse | Manufacture permitted as type "Gelbkäse" and as type "Edelschimmelkäse" (ripening predominantly through noble mould). For type "Edelschimmelkäse" maturation only with Camembert mould Spices, herbs, natural spice flavours, natural herbal flavours and any mixtures thereof | Fat-free level | 25 to 125 g | <p>As type "Gelbkäse" it has the same characteristics as Harzer Käse. As type "Edelschimmelkäse" it has the following properties:</p> <p>A Evenly covered with Camembert mould</p> <p>B Whitish to slightly yellowish colour, smooth dough</p> <p>C Mildly aromatic to slightly piquant</p> |

Section C

Standard cheese varieties of the type of cheese Pasta filata cheese

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----------------------------------|-------------------------------------|---|---|----------------------|-------------|---|
| Standard cheese variety | Manufacturing method | Texture | | | | Other properties |
| | | Fat content levels | Minimum content of dry matter in mass fraction of the end product | Manufacturing weight | Minimum age | A. Appearance: Exterior B. Appearance: Interior and consistency C. Smell and taste |
| Provolone | Matured | Three-quarter fat level Fat level Full-fat level Cream level | 49 51 53 55 | 0.3 to 50 kg | 15 days | A. Round, pear-shaped or cylindrical, shiny B. Few holes and cracks, fibrous structure, white to straw yellow C. Mild to piquant |
| Mozzarella | Not mature, also in infusion liquid | Half-fat level Three-quarter fat level Fat level Full-fat level Cream level Double cream level | 24 26 29 31 34 38 | - | - | A. White to slightly yellowish, smooth, closed surface B. Dough soft to elastic, fibrous structure C. Type specific according to milk, neutral to mildly sour |
| Firm mozzarella (firm mozzarella) | Not mature | Half-fat level Three-quarter fat level Fat level Full-fat level Cream level Double cream level | 36 38 40 42 44 46 | - | - | A. White to slightly yellowish, smooth, closed surface B. Dough elastic to smooth, fibrous structure C. Type specific according to milk, neutral to mildly sour |

Annex 5

(to Section 34 numbers 1 to 3)

Minimum dry matter contents for processed cheese, processed cheese preparations and cooking cheese

| | Minimum dry matter content in the mass fraction of the final product |
|---|--|
| Sliceable processed cheese | |
| - with a fat content in dry matter of 50% or more | 50 |
| - with a fat content in dry matter of less than 50% | 34 |
| - Spreadable processed cheese | |
| - with a fat content in dry matter of 50% or more | 40 |
| - with a fat content in dry matter of less than 50% | 30 |
| Processed cheese preparation | 20 |
| Cooking cheese | |
| - Double cream level | 42 |
| - Cream level | 36 |
| - Full-fat level | 34 |
| - Fat level | 32 |
| - Three-quarter fat level | 29 |
| - Half-fat level | 26 |
| - Quarter-fat level | 24 |
| - Fat-free level | 22 |

The minimum dry matter contents do not apply to processed cheese and processed cheese preparations made from fresh cheese.

Annex 6

(to Section 3 paragraph 1 numbers 28 to 30 and Sections 43 and 47)

Thickened milk and dried milk

Preliminary remark: The method of manufacture described in column 1 letter b refers to the group product described in column 1 letter a. Columns 2 to 4 regulate the designations, special manufacturing methods and characteristics as well as the mass fraction of fat for the standard varieties assigned to the group products.

| Group | Standard variety | | |
|--|---|--|---|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| I. a) Unsweetened condensed milk product b) Made from milk, low-fat milk or fat-free milk or a mixture of these products. To adjust the milk constituents, cream and dried milk or a mixture of these can be used to partially remove water. The addition of dried milk must not exceed 25% of the dry matter content of the final product. The protein content may be adjusted by removing milk constituents and adding UF milk retentate, UF milk permeate and lactose, provided that the protein content in the final product is at least 34 mass fraction based on the fat-free dry matter and the ratio of whey protein to casein remains unchanged. | 1. High-fat condensed milk 2. Condensed milk (condensed whole milk) 3. Semi-skimmed condensed milk 4. Condensed fat-free milk | 1. Total milk solids with a mass fraction of at least 26.5 2. Total milk solids with a mass fraction of at least 25.0 3. Total milk solids with a mass fraction of at least 20.0 4. Total milk solids with a mass fraction of at least 20.0 | At least 15.0 At least 7.5 Less than 15.0 At least 1.0 Less than 7.5 At most 1.0 |
| II. a) Sweetened condensed milk product b) Made from milk, low-fat milk or fat-free milk or a mixture of these products. To adjust the milk constituents, only cream, dried milk and lactose or a mixture thereof may be used and the water may be partially removed. The addition of dried milk may not exceed 25% of the dry matter content and the | 1. Sweetened condensed milk (sweetened condensed whole milk) 2. Sweetened semi-skimmed condensed milk (Sweetened semi-skimmed condensed milk) 3. Sweetened condensed skimmed milk (Sweetened condensed fat-free milk) | 1. Total milk solids with a mass fraction of at least 28.0 2. Total milk solids with a mass fraction of at least 24.0 3. Total milk solids with a mass fraction of at least 24.0 | At least 8.0 At least 1.0 Less than 8.0 At most 1.0 |

| | | | |
|--|--|---|---|
| <p>addition of lactose may not exceed 0.03% as a mass fraction of the end product. The protein content may be adjusted by removing milk constituents and adding UF milk retentate, UF milk permeate and lactose, provided that the protein content in the final product is at least 34 mass fraction based on the fat-free dry matter and the ratio of whey protein to casein remains unchanged.</p> | | | |
| <p>III. a) Dried milk</p> <p>b) Made from milk, semi-skimmed milk or skimmed milk or cream products and mixtures thereof. Dried by largely removing the water so that the water content in the final product does not exceed 5%. Drying to remove the water also serves to preserve the product. The protein content may be adjusted by removing water and adding UF milk retentate, UF milk permeate and lactose, provided that the protein content in the final product is at least 34 mass fraction based on the fat-free dry matter and that the ratio of whey protein to casein remains unchanged. The elimination of other milk constituents, with the exception of lactose, may only be achieved by removing water.</p> | <ol style="list-style-type: none"> 1. High-fat milk powder (cream powder) 2. Milk powder (whole milk powder) 3. Semi-skimmed milk powder 4. Fat-free milk powder | <ol style="list-style-type: none"> 1. Made from unfermented milk or cream products or a mixture thereof, with a maximum water content of 5% 2. Made from unfermented milk or cream products or a mixture thereof, with a maximum water content of 5% 3. Lactase, from unfermented milk and cream products or a mixture thereof, with a maximum water content of 5% 4. Made from unfermented milk or cream products or a mixture thereof, with a maximum water content of 5% | <p>At least 42.0</p> <p>At least 26.0 Less than 42.0</p> <p>More than 1.5 Less than 26.0</p> <p>At most 1.5</p> |

Annex 7
(to Section 46)

Analysis methods for thickened milk and dried milk

Preliminary remark: The analysis methods listed are those of the Official Collection of Procedures for Sampling and Analysis pursuant to Section 64 paragraph 1 of the Food and Feed Code.¹⁾

| Milk product | Feature | Analysis method | Status |
|---------------------------------------|--|---|--|
| I. Unsweetened condensed milk product | 1. Dried milk 2. Fat content 3. Sampling | L 02.06-E (EC) and 1 (EC) L 02.06-12 L 01.00-43 | January 1981 June 2009 September 2010 |
| II. Sweetened condensed milk product | 1. Dried milk 2. Fat content 3. Sucrose content 4. Sampling | L 02.06-E (EC) and 1 (EC) L 02.06-12 L 02.00-12 L 01.00-43 | January 1981 June 2009 June 2009 September 2010 |
| III. Dried milk | 1. Water content 2. Fat content 3. Lactic acid and lactate content to check the prohibition on the use of neutralising agents 4. Phosphatase activity to check the required heat treatment 5. Sampling | L 02.06-E (EC) and 2 (EC) L 02.07-15 L 01.00-26/1 L 01.00-82 L 01.00-43 | January 1981 June 2009 January 2011 November 2024 September 2010 |

¹⁾ Available from DIN Media GmbH, Berlin

Annex 8

(to Section 49, Section 50 paragraphs 2 and 3, Sections 52 and 53 and Section 55 paragraph 1)

Other milk products

Preliminary remark: The manufacturing method described in column 1 letter b refers to the group product referred to in column 1 letter a. Columns 2 to 4 regulate special designations, manufacturing methods and characteristics for the standard varieties assigned to the group products. If heat treatment after fermentation is excluded in column 3, all alternative methods for killing germs are also excluded. This applies to both temperature-based and other parameter-based methods.

| Milk product group | Standard variety | | |
|---|--|---|-------------------------------|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| I. a) Sour milk product b) Made from milk or cream using mesophilic lactic acid bacteria cultures. | 1. Sour milk (drinking sour milk) | 1. Made from milk, without heat treatment after fermentation. | At least 3.5 |
| | 2. Sour milk thickened (thickened milk; sediment milk) | 2. Made from milk, thickened, without heat treatment after fermentation. | At least 3.5 |
| | 3. Low-fat sour milk (low-fat drinking sour milk) | 3. Made from milk, without heat treatment after fermentation. | At least 1.5 At most 1.8 |
| | 4. Low-fat thickened milk (low-fat sour milk thickened; low-fat sediment milk) | 4. Made from milk, thickened, without heat treatment after fermentation. | At least 1.5 At most 1.8 |
| | 5. Sour milk skimmed (drinking sour milk skimmed; skimmed milk sour) | 5. Made from milk without heat treatment after fermentation, including with the addition of pure buttermilk or buttermilk in the manufacture of which only skimmed milk has been added to the butter. | At most 0.5 |
| | 6. Sour milk skimmed thickened (thickened milk skimmed; thickened fat-free milk; sediment milk skimmed; sour sediment fat-free milk) | 6. Made from milk thickened without heat treatment after fermentation, including with the addition of pure buttermilk or buttermilk in the manufacture of which only skimmed milk has been added to the butter. | At most 0.5 |
| | 7. Cream sour milk (sour cream) | 7. Made from cream, without heat treatment after fermentation. | At least 10.0 |
| | 8. Cream thickened milk (cream sediment milk) | 8. Made from cream, thickened, without heat treatment after fermentation. | At least 10.0 |
| | 9. Crème fraîche | 9. Produced from pasteurised milk or cream using lactic acid bacteria cultures, whether or not with the addition of sucrose up to 15% of the final product, without heat treatment after fermentation; pre-packaged at the place of manufacture within 24 hours of manufacture or otherwise packaged or stored in such a way as to retain the sensory properties. | At least 30.0 |
| | | 10. Made from cream, with or without heat treatment after | At least 15.0 At most 25.0 |

| Milk product group | Standard variety | | |
|---|------------------|---|----------------------|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| | 10.Sour cream | fermentation. | |

| Milk product group | Standard variety | | |
|--|---|--|-----------------------------|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| II. a) Yoghurt product b) Made from milk, yoghurt or cream, whereby specific thermophilic ripening cultures, whose growth optimum is above 42 °C, must predominate in the ready-to-eat product. | 1. Yoghurt | 1. Maturation cultures consisting predominantly of <i>Streptococcus thermophilus</i> and <i>Lactobacillus bulgaricus</i> , without heat treatment after fermentation. | At least 3.5 |
| | 2. Low-fat yoghurt | 2. Maturation cultures consisting predominantly of <i>Streptococcus thermophilus</i> and <i>Lactobacillus bulgaricus</i> , without heat treatment after fermentation. | At least 1.5 At most 1.8 |
| | 3. Yoghurt made from fat-free milk | 3. Maturation cultures consisting predominantly of <i>Streptococcus thermophilus</i> and <i>Lactobacillus bulgaricus</i> , without heat treatment after fermentation. | At most 0.5 |
| | 4. Cream yoghurt | 3. Maturation cultures consisting predominantly of <i>Streptococcus thermophilus</i> and <i>Lactobacillus bulgaricus</i> , without heat treatment after fermentation. | At least 10.0 |
| | 5. Mild yoghurt | 4. Made from cream, ripening cultures predominantly consisting of <i>Streptococcus thermophilus</i> and <i>Lactobacillus bulgaricus</i> , without heat treatment after fermentation. | At least 3.5 |
| | 6. Low-fat mild yoghurt | 5. Maturation cultures consisting predominantly of <i>Streptococcus thermophilus</i> and other lactobacilli than <i>Lactobacillus bulgaricus</i> , without heat treatment after fermentation. | At least 1.5 At most 1.8 |
| | 7. Mild yoghurt made from fat-free milk | 6. Maturation cultures consisting predominantly of <i>Streptococcus thermophilus</i> and other lactobacilli than <i>Lactobacillus bulgaricus</i> , without heat treatment after fermentation. | At most 0.5 |
| | 8. Mild cream yoghurt | 7. Maturation cultures consisting predominantly of <i>Streptococcus thermophilus</i> and other lactobacilli than <i>Lactobacillus bulgaricus</i> , without heat treatment after fermentation. | At least 10.0 |
| | 9. Drinking yoghurt | 8. Made from cream, ripening cultures predominantly consisting of <i>Streptococcus thermophilus</i> and other lactobacilli than <i>Lactobacillus bulgaricus</i> , without heat treatment after fermentation. | At most 5.0 |
| | 10. Ayran | 9. In the ready-to-eat product, the dry matter content must be between 10 and 20%. | - |
| | | 10. Made from milk or yoghurt products of standard types 1-3 and 5-7 with the addition of salt, whereby the protein content in the ready-to-eat product must be above 1.6% and the salt content below 1.1%. | |

| Milk product group | Standard variety | | |
|---|--------------------------------------|---|-----------------------------|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| III. a) Kefir product b) Made from milk or cream using specific kefir grains or a culture derived from them. | 1. Kefir | 1. Made from milk, with the specific kefir grains or a culture made directly from them, which must contain all the characteristic micro-organisms of the kefir grain. The mass fraction of ethanol in the ready-to-eat product must be at least 0.05. The formation of carbon dioxide must be possible. Heat treatment after fermentation is prohibited. | At least 3.5 |
| | 2. Low-fat kefir | 2. Made from milk, with the specific kefir grains or a culture made directly from them, which must contain all the characteristic micro-organisms of the kefir grain. The mass fraction of ethanol in the ready-to-eat product must be at least 0.05. The formation of carbon dioxide must be possible. Heat treatment after fermentation is prohibited. | At least 1.5 At most 1.8 |
| | 3. Kefir made from fat-free milk | 3. Made from milk, with the specific kefir grains or a culture made directly from them, which must contain all the characteristic micro-organisms of the kefir grain. The mass fraction of ethanol in the ready-to-eat product must be at least 0.05. The formation of carbon dioxide must be possible. Heat treatment after fermentation is prohibited. | At most 0.5 |
| | 4. Cream kefir | 4. Made from cream, with the specific kefir grains or a culture made directly from them, which must contain all the characteristic micro-organisms of the kefir grain. The mass fraction of ethanol in the ready-to-eat product must be at least 0.05. The formation of carbon dioxide must be possible. Heat treatment after fermentation is prohibited. | At least 10.0 |
| | 5. Mild kefir | 5. Made from milk, with specific cultures derived from kefir grains containing lactic acid streptococci and lactobacilli, without heat treatment after fermentation. | At least 3.5 |
| | 6. Low-fat mild kefir | 6. Made from milk, with specific cultures derived from kefir grains containing lactic acid streptococci and lactobacilli, without heat treatment after fermentation. | At least 1.5 At most 1.8 |
| | 7. Mild kefir made from skimmed milk | 7. Made from milk, with specific cultures derived from kefir grains containing lactic acid streptococci and lactobacilli, | at most 0.5 |

| Milk product group | Standard variety | | |
|---|--|--|--|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| | 8. Mild cream kefir | without heat treatment after fermentation. 8. Made from cream, with specific cultures derived from kefir grains containing lactic acid streptococci and lactobacilli, without heat treatment after fermentation. | At least 10.0 |
| IV. a) Buttermilk product b) A liquid product obtained during the churning of milk or cream or during the direct manufacture of Group X milk fat products from cream, whether or not acidified or subsequently acidified with lactic acid bacteria cultures. | 1. Buttermilk 2. Pure buttermilk | 1. Produced without heat treatment after fermentation. The addition of water during churning may not exceed 10% of the final product and the addition of skimmed milk during churning may not exceed 15% of the final product. The adjustment of the milk constituents is limited to the addition of water and skimmed milk within the previously specified limits and to the removal of water. 2. The adjustment of the milk constituents is limited to the removal of water. | At most 1.0 At most 1.0 |
| V. a) Cream product b) Made from milk by adjusting the fat content to at least 10% fat. | 1. Cream (coffee cream) 2. Whipped cream | 1. An increase in protein content by adding protein is excluded. 2. The impact resistance of the product must be ensured. An increase in protein content by adding protein is excluded. | At least 10.0 At least 30.0 |
| VI. a) Whey product b) Product obtained by total or partial removal of protein from milk and products derived therefrom. | 1. Sweet whey 2. Sour whey 3. Whey cream | 1. Milk serum obtained by separating the cheese substance under predominantly rennet action. 2. Milk serum obtained by separating the cheese substance under predominantly acidic action. 3. Product obtained during the skimming of whey. | - - At least 10.0 |
| VII. a) Lactose product b) Carbohydrate obtained from milk or whey products of Group VI by crystallisation or other processes, whereby milk constituents may only be present in the raw materials. | 1. Lactose 2. Lactose, pharmacopoeial quality 3. Lactose monohydrate, pharmacopoeial grade | 1. With an anhydrous lactose content of at least 99.0% w/w on the dry matter, anhydrous or with one molecule of water of crystallisation or a mixture of both. 2. The requirements of Monograph 1061 on lactose in accordance with the currently valid version of the Pharmacopoeia pursuant to Section 55 of the Medicines Ordinance must be observed. 3. The requirements of Monograph 0187 on lactose monohydrate in accordance with the currently valid version of the | - - - |

| Milk product group | Standard variety | | |
|---|---|--|----------------------|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| | | Pharmacopoeia pursuant to Section 55 of the Medicines Ordinance must be observed. | |
| VIII. a) Milkshake product or name of the group used in conjunction with the name of the flavouring food. If there is more than one flavouring food, all names or the name of the foodstuff used by the | 1. Milkshake or whole milk in conjunction with the name of the flavouring food 2. Milkshake or semi-skimmed (low-fat) milk in conjunction with the name of the flavouring food | 1. Made from whole milk, liquid. 2. Made from semi-skimmed (low-fat) milk, liquid. | - - |
| Amount of the predominant food. If, in the case of fruits, spices, herbs, nuts and similar cases, one or more flavouring foods of the same type are used, the designation of the type in question may be used instead, also in the form of "with ... preparation", stating the type and, in addition, stating the proportion of the type in question in the total weight of the final product. b) Made from milk or one or more milk products of groups I to V and XI or a mixture thereof, in the case of drinks from vending machines also made from milk products of group XII and the Annex 6 Group III, with the addition of flavouring foods. Colouring foods and inulin can also be used. Flavouring and colouring foods together must not exceed 30% of the filling quantity of the final product. For vending machine manufacture, also fully or partially dried, except: Ice cream, semi-finished products for ice cream, puddings, rice pudding, creams, sauces, soups. | 3. Milkshake or skimmed milk in conjunction with the name of the flavouring food 4. Milkshake or drinking milk in conjunction with the name of the foodstuff that gives it its flavour. 5. Name of the standard variety of groups I to V and XI in conjunction with the name of the flavouring food | 3. Made from skimmed milk, liquid. 4. Made from milk with a reduced fat content, liquid. The fat content must differ from numbers 1 to 3. 5. Made from a standard variety from Groups I to IV and XI, each without heat treatment after fermentation, or a standard variety from Group V. In the case of the standard variety Ayran, the Ayran must not contain salt if fruit is used as a flavouring food. In the case of the group product Skyr, cream may also be used as a flavouring food, in derogation from Section 3 paragraph 1 number 21 letter a. | - - - |
| IX. a) Whey mix product in conjunction with the name of the flavouring food. If there is more than one flavouring | 1. Sweet whey in connection with the name of the flavouring food | 1. Made from whey. | - |

| Milk product group | Standard variety | | |
|---|--|---|--|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| <p>food, all names or the name of the foodstuff with the largest quantity must be used. If, in the case of fruits, spices, herbs, nuts and similar cases, one or more than one flavouring food of the same kind is used, the name of the kind in question may be used instead, also in the form of "with ... preparation", stating</p> | <p>2. Sour whey in connection with the name of the flavouring food</p> <p>3. Whey cream in conjunction with the name of the flavouring food</p> | <p>2. Made from sour whey</p> <p>3. Made from whey cream.</p> | <p>-</p> <p>-</p> |
| <p>the type and additionally indicating the proportion of the type in question in the total weight of the final product.</p> <p>b) Made from whey products of Group VI, with the addition of flavouring food. Colouring foods can also be used. Flavouring and colouring foods together must not exceed 30% of the filling quantity of the final product. In the case of milk constituents, the portion of whey products must be greater than the sum of the other portions. For vending machine manufacture also fully or partially dried.</p> | | | |
| <p>X. a) Milk fat product</p> <p>b) Made from milk or cream. The milk constituents may be adjusted by removing buttermilk, butter or water, either exclusively or in combination, and by adjusting the fat-free dry matter. Liquid or partially crystallised, also using inert gas, also by separation into different softening and solidification ranges, fat content more than 90%.</p> | <p>1. Butterfat (anhydrous butterfat, anhydrous milkfat, clarified butter)</p> <p>2. Butterfat (butter oil)</p> <p>3. Butterfat fractionated</p> | <p>1. Maximum content of free fatty acids: 0.35%, when made from sour cream butter 0.45% (calculated as oleic acid), water content not more than 0.1%, without separation into different softening ranges.</p> <p>2. Maximum content of free fatty acids: 0.35%, when made from sour cream butter 0.45% (calculated as oleic acid), water content not more than 0.1%, without separation into different softening ranges, whereby the maximum content of free fatty acids is calculated as follows: 0.5% (calculated as oleic acid), maximum peroxide value: 0.5 mEq O₂/kg fat, water content maximum 0.2%.</p> <p>3. Maximum content of free fatty acids: 0.35%, when made from sour cream butter 0.45%</p> | <p>At least 99.8</p> <p>At least 96.0</p> <p>At least 99.8</p> |

| Milk product group | Standard variety | | |
|---|--|---|--|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| | | (calculated as oleic acid), water content not more than 0.1%, without separation into different softening ranges and fractionated by crystallisation. | |
| XI.a) Skyr b) Made from skimmed milk, thickened and with a protein content of at least 8% in the final product, whether or not with the addition of skimmed milk yoghurt or mild skimmed milk yoghurt as per Group II numbers 3 and 7. The thickening can be done with rennet, rennet substitutes or lactic acid bacteria or a mixture of these. | 1. Skyr based on fresh cheese 2. Yoghurt-based skyr | 1. Made from skimmed milk. Thickening may only be carried out with rennet, rennet substitutes, lactic acid bacteria or a mixture thereof. 2. Made from skimmed milk. Thickening may only be carried out with lactic acid bacteria. | At most 0.5 At most 0.5 |

| Milk product group | Standard variety | | |
|---|--|---|---|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| <p>XII. a) Other milk products in powder form, except dried milk. If the manufacture is based exclusively on whey products of Group VI, the designation "whey product in powder form" or "whey powder product" may be used instead. If the protein content is at least 65 mass fraction based on the fat-free dry matter, the designation "milk protein product in powder form" or "milk protein powder product" may be used instead.</p> <p>b) Made from milk or milk products, dried by extensive removal of water, with a water content of not more than 5% in the final product. If the milk constituents are adjusted, the use of lactose products up to 32% of the final product is permitted. When adjusting the protein content of the milk used, the protein content must be at least 34 mass fraction based on the fat-free dry matter.</p> | <p>1. High-fat yoghurt powder (cream yoghurt powder)</p> <p>2. High-fat kefir powder (cream kefir powder)</p> <p>3. Yoghurt powder</p> <p>4. Kefir powder</p> <p>5. Semi-skimmed yoghurt powder</p> <p>6. Semi-skimmed kefir powder</p> <p>7. Fat-free milk yoghurt powder</p> <p>8. Skimmed milk kefir powder</p> <p>9. Buttermilk powder</p> <p>10. Sweet whey powder</p> <p>11. Sweet whey powder, partially desugared</p> <p>12. Sour whey powder</p> <p>13. Sour whey powder, partially desugared</p> <p>14. Demineralised whey powder</p> <p>15. Protein-enriched whey powder (whey protein concentrate)</p> | <p>1. Made from cream yoghurt.</p> <p>2. Made from cream kefir.</p> <p>3. Made from yoghurt.</p> <p>4. Made from kefir.</p> <p>5. Made with low-fat yoghurt.</p> <p>6. Made from low-fat kefir.</p> <p>7. Made from fat-free milk yoghurt.</p> <p>8. Made from fat-free kefir.</p> <p>9. Made from buttermilk products without the use of lactose products, water content not exceeding 7%.</p> <p>10. Made from sweet whey by extensive removal of water; protein content at least 10%, lactose content at least 70%.</p> <p>11. Made from sweet whey by extensive removal of water and partial removal of lactose, with a lower lactose content.</p> <p>12. Made from acidified whey or post-acidified sweet whey by extensive removal of water; protein content at least 7%, water content at most 6%, lactose content at least 60%.</p> <p>13. Made from sour whey or post-acidified sweet whey by extensive removal of water and partial removal of lactose, with a lower lactose content.</p> <p>14. Made from largely demineralised sweet or sour whey; ash content not exceeding 2.5%, water content not exceeding 6%.</p> <p>15. Produced from sweet or sour whey by extensive removal of water, using processes that enrich the whey protein; protein content at least 20%, water content not more than 8%.</p> | <p>At least 42.0</p> <p>At least 42.0</p> <p>At least 26.0</p> <p>At least 26.0</p> <p>At least 1.5 At most 26.0</p> <p>At least 1.5 At most 26.0</p> <p>At most 1.5</p> <p>At most 1.5</p> <p>At most 15.0</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> |
| | 16. Milk protein powder | 16. Produced from skimmed milk by processes which largely separate the milk protein from the other constituents; protein content not less than 70%, water content not | At most 1.5 |

| Milk product group | Standard variety | | |
|---|---------------------------------------|--|----------------------|
| 1 | 2 | 3 | 4 |
| a) Designation b) Manufacturing method | Designation | Special manufacturing method and Features | Mass fraction of fat |
| | 17. Water-soluble milk protein powder | more than 6%, ash content not more than 7%, lactose content not more than 15%. 17. Produced from skimmed milk by processes which largely separate the milk protein in its entirety from the other constituents; protein content not less than 70%, water content not more than 6%, ash content not more than 7%, lactose content not more than 15%, soluble in water. | At most 1.5 |
| | 18. Whey protein powder | 18. Produced from sweet or sour whey by processes that enrich the whey protein; protein content not less than 70%, water content not more than 7%, ash content not more than 8%, lactose content not more than 15%. | - |
| | 19. Milk permeate powder | 19. Made from milk permeate with a lactose content of at least 76%. | At most 1.5 |
| | 20. Whey permeate powder | 20. Made from whey permeate with a lactose content of at least 76%. | At most 1.5 |
| | | | |

Article 2

Amendment to the Raw Milk Quality Ordinance

The Raw Milk Quality Ordinance of 11 January 2021 (BGBl. I p. 47) is amended as follows:

1. The table of contents is changed as follows:

- a) The information in Section 7 is replaced by the following information:
“Section 7 Expert sampling”.
- b) After the information on Section 37, the following information on Section 38 is inserted:
“Section 38 Notification obligations of purchasers regarding the acceptance of raw milk”.
- c) The information relating to Sections 38 and 39 becomes the information relating to Sections 39 and 40.

d) The information in Annex 1 is replaced by the following information:
“Annex 1 Requirements for expert sampling”.

2. Section 3 paragraphs 2 and 3 of Section 3 is replaced by the following paragraphs 2 and 3:

“(2) Official testing procedures pursuant to Section 64 paragraph 1 of the Food and Feed Code, to which reference is made in this Ordinance, are published by the Federal Office of Consumer Protection and Food Safety and can be obtained from DIN Media GmbH, Berlin.”

“(3) DIN standards referred to in this regulation shall be obtained from DIN Media GmbH, Berlin, and shall be archived at the German Patent and Trademark Office.”

3. The following paragraph 6 is inserted after Section 6 paragraph 5:

“(6) In order to determine whether the limit referred to in paragraph 5 is not met, Section 2 paragraph 3 shall apply accordingly.”

4. Section 7 is replaced by the following Section 7:

“Section 7 Expert sampling

(1) The purchaser must comply with the requirements of Annex 1 for expert sampling and may only have the sampling carried out by samplers who have such expertise.

(2) Each sampler must meet the requirements of Annex 1, Section A. If sampling is carried out using milk collection vehicles, the sampler must also meet the requirements of Annex 1, Section B.”

5. Section 8 paragraph 2 sentence 2 is replaced by the following sentences:

“The certificate is valid for two years from its issue. It can be extended for a further two years by attendance at a refresher course, with the extension starting from the last day of the refresher course. If the refresher course takes place during the last three months of the validity period of an existing

certificate, the start of the validity of the extension can be set at the end of the current validity period."

6. Section 9 is amended as follows:

a) Paragraphs 1 and 2 is replaced by the following paragraphs 1 and 2:

"(1) Samplers who take samples using milk collection vehicles may take samples without a certificate of competence if they have proof from the purchaser that they have been introduced to proper sampling.

(2) The purchaser may only issue the certificate within the meaning of paragraph 1 if the sampler has participated in an introduction. The purchaser must issue the certificate immediately after its introduction and limit the period of validity of the certificate to a maximum of three months from its issue. A certificate within the meaning of paragraph 1 may only be issued once for each sampler. If a sampler begins their work at a customer's premises, they must inform the customer beforehand whether they are or were already in possession of a certificate."

c) In paragraph 3, the information "evidence" is replaced by "evidence within the meaning of paragraph 1".

d) In paragraph 4, sentence 2, the information "evidence of the sampler" is replaced by "evidence within the meaning of paragraph 1".

7. Section 12 is amended as follows:

a) Paragraph 2 is replaced by the following paragraph 2:

"(2) For sampling systems, the requirements of DIN 11868-1:2023-11 "Sampling systems in milk collection vehicles - part 1: Requirements, main and repeat tests" and DIN 11868-2:2016-03 "Sampling systems in milk collection vehicles - part 2: requirements specified in the "type test"."

b) Paragraph 3, sentence 2 is replaced by the following sentence:

"The activity as a testing body requires compliance with the requirements of DIN 11868-3:2016-03 "Sampling systems in milk collection vehicles - part 3: Minimum criteria for testing bodies that carry out principal or type tests."

- c) In paragraph 5, sentence 1, after the indication “were placed on the market”, the indication “or are subject to principal and repeat tests comparable to paragraph 2 in accordance with the provisions applicable therein” is inserted.

8. Section 13 paragraph 3 is replaced by the following paragraph 3:

"(3) If a standard referred to in Section 12(2) is replaced in whole or in part by a more recent standard, the use of sampling equipment which complies with the standard referred to in Section 12 paragraph 2 shall be discontinued one year after the replacement, unless the testing body certifies within ten months of the replacement that the sampling equipment complies with the requirements of the more recent standard."

9. Section 15 paragraph 3 sentences 1 and 2 is replaced by the following sentence:

"If a standard referred to in Section 12, paragraph 3, sentence 2 is replaced in whole or in part by a newer standard, the approval of the testing body shall expire one year after the replacement, unless the testing body proves to the state authority no later than ten months after the replacement that it meets the requirements resulting from the newer standard."

10. In Section 16, paragraph 3, sentence 2, the phrase “if” is replaced by the phrase “provided”.

11. Section 23 paragraph 2 sentence 2 is amended as follows:

- a) In number 2, after the information "possible", the information "or entail significant additional costs for the purchaser" is inserted.
- b) In number 3, after the information "not", the information "or only at considerable additional cost" is inserted.

12. Section 27 is amended as follows:

- a) Paragraph 3 is replaced by the following paragraph 3:

"(3) If inhibitors are detected by a rapid test, the purchaser shall immediately have the samples of all producers whose raw milk is contained in the raw milk taken over examined by a testing body in accordance with Annex 2, Section D, number 1. During the testing, the testing body must use an inhibitor test system that meets the requirements of Annex 3, Section C, regarding testing for inhibitor groups 1 to 6 of the inhibitor table and, in addition, detects at least all inhibitors that can be detected by the purchaser in the rapid test.

b) Paragraph 5 is replaced by the following paragraph 5:

“(5) All examinations pursuant to paragraph 3, sentence 1 in conjunction with sentence 2 shall be counted towards the minimum number of quality inspections specified in Annex 2, Section D.”

13. Section 29 paragraph 1 sentence 1 is amended as follows:

- a) In number 1, the information "Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls (OJ L 131, 17.5.2019, p. 51; L 325, 16.12.2019, p. 183)" is replaced by the information "Implementing Regulation (EU) 2019/627 as amended on 19 December 2022".
- b) In number 2, the information "Implementing Regulation (EU) 2019/627" is replaced by the information "Implementing Regulation (EU) 2019/627 as amended on 19 December 2022".

14. Section 31 paragraphs 4 and 5 is replaced by the following paragraphs 4 to 7:

“(4) The purchaser may, provided that this does not impair the traceability of the information,

- 1. include additional information in the milk payment statement beyond the mandatory information and
- 2. in the case of Section 4 paragraph 3, the information to be provided shall be included in appropriately separate milk money statements.”

“(5) All price information pursuant to paragraphs 1 to 4 shall be exclusive of VAT. The additional display of VAT and corresponding gross prices is not affected by this.”

“(6) The purchaser shall submit the milk money statement to the producer no later than the end of the calendar month following the billing month.”

"(7) If, after transmission, any information contained in the milk money statement proves to be incorrect or if there is a subsequent change to that information, the purchaser shall amend the submitted milk money statement within one month of the incorrect information being discovered or the subsequent change occurring. This can be done by submitting a new milk money statement or a supplement to the milk money statement."

15. In Section 34, paragraph 1, sentence 2, the reference "Section 31, paragraphs 4 and 5" is replaced by the reference "Section 31, paragraphs 4 to 7".
16. In Section 36, paragraph 2, numbers 6 and 7, the term "quality" is replaced by the term "property".
17. The following Section 38 is inserted after Section 37:

"Section 38

Notification obligations of purchasers regarding the acceptance of raw milk

(1) If a purchaser receives raw milk from producers for the first time, they must notify the State Office in writing or electronically at least two weeks before the event in question. If they temporarily or permanently suspend a transfer or resumes a transfer that has been temporarily suspended, they must notify the state office in writing or electronically immediately after becoming aware of the event in question.

(2) The notification referred to in paragraph 1 shall state:

1. name, address, telephone number and email address of the purchaser;
2. date of the respective event;
3. in the case of a temporary appointment, the expected duration of the appointment.

(3) If a case of Section 2 paragraph 2 numbers 1 or 2 applies, the purchaser must inform the regional office and attach the same. In particular, with regard to a situation as per number 1, they must explain the average quantity of raw milk that is taken over. If the quantity of raw milk taken over by a purchaser changes in such a way that it exceeds or falls below

the limit set out in Section 2, paragraph 2, number 1, the purchaser must immediately notify the State Office.

(4) In order to verify the information provided and whether purchasers have complied with their obligation to provide information, the regional office may compare it with the registrations of food retail companies carried out in accordance with Article 6 paragraph 2, subparagraph 1 of Regulation (EC) No 852/2004."

18. The previous Section 38 becomes Section 39 and is amended as follows:

- a) In number 5, the information "or Section 11 paragraph 2" is replaced by the information ", Section 11 paragraph 2 or Section 13 paragraph 4".
- b) In number 19, the reference "paragraph 2" is deleted.

19. The previous Section 39 becomes Section 40.

20. Annex 1 is amended as follows:

- a) The heading is replaced by the following heading:
"Annex 1 (to Section 7 paragraph 2)
Requirements for expert sampling".
- b) Section A is amended as follows:
 - aa) In Subsection II, number 1, the word "constituents" is replaced by the word "parts".
 - bb) Subsection III is replaced by the following subsection 3:

"III. Requirements for cleaning, disinfection and general inspections

1. Use of necessary protective equipment.

2. Cleaning and disinfection of all milk-carrying parts associated with sampling at least once every 24 hours, although this period may be exceeded by up to three hours if no sampling takes place during this period.

3. Regular inspection of moving and removable parts (screw connections, seals, hoses, etc.) and their replacement in case of defects or foreseeable defects.
4. If a sampling system is not intended to be used for more than 72 hours, it must be cleaned and disinfected no later than twelve hours after the last use and no earlier than twelve hours before the next use."

c) Section B, Subsection II is replaced by the following Subsection II:

“II. Requirements for cleaning and disinfection

1. The cleaning and disinfection pursuant to Section A, subsection III, number 2 covers the entire milk collection vehicle, including the sampling system, and in particular all milk-carrying parts (receiving and unloading devices, sampling and piping systems, raw milk tanks and the like). If automatic cleaning is not sufficient (e.g. for taps, lid seals, lances and the like), the affected areas must be cleaned and disinfected by hand.
2. The cleaning and disinfection referred to in Section A, subsection III, number 4 shall extend beyond the sampling system to the entire milk collection vehicle.”

21. In Section 14 paragraph 2 sentence 1 and Section 19 paragraph 2 sentence 1, the word “in writing” is replaced by the information “in writing or electronically”.

Article 3

Amendment to the Food Information Implementing Regulation

The Food Information Implementing Regulation of 5 July 2017 (BGBl. I p. 2272), last amended by Article 3 of the Ordinance of 11 December 2024 (BGBl. 2024 I No. 411) is amended as follows:

1. Section 1 is amended as follows:

a) paragraph 1, sentence 1 is amended as follows:

aa) In the sentence before number 1, the reference "of the European Parliament and of the Council of 25 October 2011 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 (OJ L 304, 22.11.2011, p. 18; L 331,

18.11.2014, p. 41; L 50 of 21.2.2015, p. 48; L 266 of 30.9.2016, p. 7)" is deleted.

bb) In number 1 letter a, the reference "of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1), as amended" is deleted.

b) The following paragraph 3 is inserted after paragraph 2:

"(3) References in this Ordinance to Regulation (EU) No 1169/2011 shall refer to the version of 25 November 2015."

2. Section 3 is replaced by the following Section 3:

"Section 3
Special requirements for the labelling of certain pre-packaged
Food when placed on the market

(1) By way of derogation from Article 16 paragraph 4 of Regulation (EU) No 1169/2011, beer supplied as pre-packaged food shall, when placed on the market, be labelled with a list of ingredients in accordance with Article 9 paragraph 1 letter b of Regulation (EU) No 1169/2011.

(2) If a cheese as defined in Section 26 or a cheese product as defined in Section 34 of the Dairy Product Quality Ordinance is wholly or partially coated with an inedible coating and is placed on the market in the form of a pre-packaged foodstuff, it must be labelled with the indication "Coating not suitable for consumption".

(3) Semi-skimmed butter and dairy spread X per cent within the meaning of Annex VII, Annex II, Section A, numbers 3 and 4, to Regulation (EU) No 1308/2013, as amended on 11 April 2024, with a fat content of 50 mass fraction or less, shall be labelled with the information "Not suitable for frying".

3. Section 4b is amended as follows:

a) Paragraph 1 is amended as follows:

aa) In number 1, the reference "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 (OJ L 139, 30.4.2004, p. 55; L 226, 25.6.2004, p. 22; L 46, 21.2.2008, p. 50; L 119, 13.5.2010, p. 26; L 160, 12.6.2013, p. 15; L 66, 11.3.2015, p. 22; L 13, 16.1.2019, p. 12) as last amended by Delegated Regulation (EU) 2023/166 (OJ L 24, 26.1.2023, p. 1)" is replaced by the information "Regulation (EC) No 853/2004 as amended on 29 April 2004".

bb) In number 2, the information "Commission Implementing Regulation (EU) No 1337/2013 of 13 December 2013 laying down detailed rules for the implementation of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the information of the country of origin or place of provenance of fresh, chilled or frozen meat of pigment, sheep meat, goat meat and poultry meat (OJ L 335, 14.12.2013, p. 19; L 95, 29.3.2014, p. 70)" is replaced by the information "Implementing Regulation (EU) No 1337/2013 as amended on 13 December 2013".

b) In paragraph 2, sentence 1, after number 3, the information "Implementing Regulation (EU) No 1337/2013" is replaced by the information "Implementing Regulation (EU) No 1337/2013 in the version of 13 December 2013".

4. Section 5 paragraph 1 is amended as follows:

a) In number 10, the information "Commission Implementing Regulation (EU) No 1337/2013 of 13 December 2013 laying down detailed rules for the implementation of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the information of the country of origin or place of provenance of fresh, chilled or frozen meat of pigment, sheep meat, goat meat and poultry meat (OJ L 335, 14.12.2013, p. 19; L 95, 29.3.2014, p. 70)" is replaced by the information "Implementing Regulation (EU) No 1337/2013 as amended on 13 December 2013".

b) Number 13 is amended as follows:

aa) In letter b, the information "Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ L 404, 30.12.2006, p. 9; L 12, 18.1.2007, p. 3; L 86, 28.3.2008, p. 34; L 198, 30.7.2009, p. 87; L 160, 12.6.2013, p. 15), as last amended by Regulation (EU) No 1047/2012 (OJ L 310, 9.11.2012, p. 36)" is replaced by the information "Regulation (EC) No. 1924/2006 as amended on 20 December 2006".

bb) In letters c and d, the reference "Regulation (EC) No 1924/2006" is replaced by the reference "Regulation (EC) No 1924/2006 as amended on 20 December 2006".

c) In number 17, the information "Section 3 or" is replaced by the information "Section 3 paragraph 1."

d) The following number 18 is inserted after number 17:

"18. the requirements for the information on usability pursuant to Section 3 paragraph 2 or 3 or".

e) The previous number 18 becomes number 19.

5. Section 6 is amended as follows:

a) In paragraph 1, the information "or number 14 letter b double letter aa" is replaced by a comma and the information "number 14 letter b double letter aa or number 18" is replaced by a comma.

b) Paragraph 2 is replaced by the following paragraph 2:

"(2) Pursuant to Section 59 paragraph 3 number 2 letter a of the Food and Feed Code, any person who, contrary to Article 14(1) of Regulation (EC) No. 178/2002 in the version of 17 January 2024 in conjunction with Article 24(1) of Regulation (EU) No. 1169/2011 in the version of 25 November 2015, places on the market a foodstuff which is highly perishable from a microbiologically point of view after the use-by date shall be punished."

Article 4

Subsequent changes to the Market Organisation Goods Reporting Ordinance

The Market Organisation Goods Reporting Ordinance of 24 November 1999 (BGBl. I p. 2286), last amended by Article 1 of the Ordinance of 25 November 2024 (BGBl. I No. 373) is amended as follows:

1. Section 1, number 18 is replaced by the following number 18:

“18. Milk products:

- a) Butter: Butter within the meaning of Section 3 paragraph 1 number 16 of the Dairy Product Quality Ordinance,
- b) Cheese: Cheese within the meaning of Section 26 of the Dairy Product Quality Ordinance,
- c) Cheese products: Cheese products within the meaning of Section 34 of the Dairy Product Quality Ordinance,
- d) Certain other dairy spreads: certain other dairy spreads within the meaning of Section 3 paragraph 1 number 17 of the Dairy Product Quality Ordinance,
- e) Thickened milk: thickened milk within the meaning of Section 3 paragraph 1 number 27 of the Dairy Product Quality Ordinance,
- f) Dried milk: Dried milk within the meaning of Section 3 paragraph 1 number 30 of the Dairy Product Quality Ordinance,
- g) Additional milk products: Milk Products within the meaning of Annex 8 of the Dairy Product Quality Ordinance,
- h) Other milk products: Milk Products within the meaning of Section 3 paragraph 1 number 6 of the Dairy Product Quality Ordinance, insofar as they do not fall under letters a to g.”

2. Section 5 paragraph 2 sentence 1 is amended as follows:

- a) In number 1, the reference "letters a to d" is deleted.
- b) Number 2 is replaced by the following number 2:

- "2. for each group of milk products, in the case of dried milk products and butter separately for each product, and for mixed-fat products and preparations of mixed-fat products, the quantity of whole milk and skimmed milk used in the manufacture, each in kilograms,".
3. In Section 5b, paragraph 5, sentence 1, number 5, the reference to "German" is deleted.

Article 5

Consequential amendments to the Ordinance on Price Quotation, Price Determination and Price Collection for Milk Products

The Ordinance on Price Quotation, Price Determination and Price Collection for Milk Products in the version published on 3 June 2011 (BGBl. I p. 1020), last amended by Article 398 of the Ordinance of 31 August 2015 (BGBl. I p. 1474) is amended as follows:

1. Section 1 is amended as follows:
 - a) Paragraph 1 is replaced by the following paragraph 1:

“(1) For the purposes of this Ordinance,

 1. Dairy Product: a dairy product within the meaning of Section 3 paragraph 1 number 6 of the Dairy Product Quality Ordinance,
 2. Branded butter: Branded butter within the meaning of Section 15 paragraph 1 of the Dairy Product Quality Ordinance,
 3. Cheese: Cheese within the meaning of Section 26 of the Dairy Product Quality Ordinance.”
 - b) In paragraph 2, in numbers 1, 2 and 3, the term "butter" is replaced by the term "brand butter".
2. After Section 5, paragraph 2, sentence 2, the following sentence 2 is inserted:

“A determination pursuant to sentence 2 may not be made if notifications for milk products are regulated in the Market Organisation Goods Notification Ordinance.”
3. The heading of Annex I is replaced by the following heading:

“Annex I (to Section 4 paragraph 1 sentence 2)

List for price quotations”.

4. The heading of Annex II is replaced by the following heading:

“Annex II (to Section 6 paragraph 1 sentence 1)
List for representative price determination”.

5. The heading of Annex III is replaced by the following heading:

“Annex III (to Section 6a paragraph 1 sentence 1)
List for the representative price survey”.

Article 6

Margarine and Mixed Fat Regulation

The Margarine and Mixed Fat Ordinance of 31 August 1990 (BGBl. I p. 1989, 2259), last amended by Article 17 of the Ordinance of 5 July 2017 (BGBl. I p. 2272) is amended as follows:

1. Section 2 is replaced by the following Section 2:

“Section 2
Addition of vitamins A and D

Vitamin A and vitamin D may be added to margarine and mixed fat products in the form of the vitamin compounds permitted in accordance with Article 3 paragraph 1 in conjunction with Annex II to Regulation (EC) No 1925/2006, as amended on 25 June 2024, as follows:

1. Vitamin A up to a total of 10 milligrams per kilogram;
2. Vitamin D up to a total of 25 micrograms per kilogram.”

2. Section 4 is amended as follows:

- a) In paragraph 1, the information “of the European Parliament and of the Council of 25 October 2011 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 (OJ L 304, 22.11.2011, p. 18; L 331, 18.11.2014, p. 41; L 50 of 21.2.2015, p. 48; L 266 of 30.9.2016, p. 7) as amended" is deleted.

- b) In paragraph 3, the information "of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671)" is replaced by the information "in the version of 17 December 2013".

Article 7

Amendment to the Ordinance amending the Agricultural Market Structure Ordinance and repealing the Milk Expertise Ordinance

The Ordinance amending the Agricultural Market Structure Ordinance and repealing the Milk Expertise Ordinance of 4 July 2017 (BGBl. I p. 2199) is amended as follows:

Article 2 paragraph 2 is deleted.

Article 8

Entry into force; expiration

On ... [Insert: Date of the first day of the third quarter following the announcement] shall cease to have effect

1. the Drinking Milk Labelling Ordinance of 19 June 1974 (BGBl. I p. 1301), last amended by Article 20 of the Ordinance of 5 July 2017 (BGBl. I p. 2272),
2. the Milk Products Ordinance of 15 July 1970 (BGBl. I p. 1150), last amended by Article 4 of the Ordinance of 26 April 2023 (BGBl. 2023 I No. 115),
3. the Cheese Ordinance in the version of the new announcement of 14 April 1986 (BGBl. I p. 412), last amended by Article 2 of the Ordinance of 20 October 2021 (BGBl. I p. 4723),
4. the Butter Ordinance of 3 February 1997 (BGBl. I p. 144), last amended by Article 5 of the Ordinance of 2 June 2021 (BGBl. I p. 1362), and

5. the Regulation on vitaminised foodstuffs in the revised version published in the BGBl. part III, classification number 2125-4-23, last amended by Article 24 of the Regulation of 5 July 2017 (BGBl.I p. 2272).

Article 9

Entry into force

This Ordinance enters into force on ... [Insert: [date of the first day of the third quarter following the promulgation] shall come into force.

The Federal Council has agreed.

Bonn, on xx. xxxx xxxx

The Federal Minister of Food and Agriculture

EU legal acts:

1. Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1), as last amended by Delegated Regulation (EU) 2024/908 of 17 January 2024 (OJ L 2024/908, 20.3.2024)
2. Commission Decision of 14 August 2002 implementing Council Directive 96/23/EC on the implementation of methods of analysis and the interpretation of results (OJ L 221, 17.8.2002, p. 8; L 239, 6.9.2002, p. 66), as last amended by Implementing Regulation (EU) 2021/810 of 20 May 2021 (OJ L 180, 21.5.2021, p. 112; L 186, 27.5.2021, p. 33).
3. Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of food products (OJ L 139, 30.4.2004, p. 1; L 226, 25.6.2004, p. 3; L 46, 21.2.2008, p. 51; L 58, 3.3.2009, p. 3), as last amended by Regulation (EU) 2021/382 of 3 March 2021 (OJ L 74, 4.3.2021, p. 3)
4. 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 (OJ L 139, 30.4.2004, p. 55; L 226, 25.6.2004, p. 22; L 46, 21.2.2008, p. 50; L 119, 13.5.2010, p. 26; L 160, 12.6.2013, p. 15; L 66, 11.3.2015, p. 22; L 13, 16.1.2019, p. 12), as last amended by Delegated Regulation (EU) 2024/1141 of 14 December 2023 (OJ L 2024/1141, 19.4.2024).
5. Regulation (EC) No. 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ L 404, 30.12.2006, p. 9; L 12, 18.1.2007, p. 3; L 86, 28.3.2008, p. 34; L 198, 30.7.2009, p. 87; L 160, 12.6.2013, p. 15), as last amended by Regulation (EU) No. 1047/2012 of 8 November 2012 (OJ L 310, 9.11.2012, p. 36).
6. 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 (OJ L 404, 30.12.2006, p. 26; L 50, 23.2.2008, p. 71), as last amended by Regulation (EU) 2023/1065 of 1 June 2023 (OJ L 143, 2.6.2023)
7. Commission Regulation (EC) No. 445/2007 of 23 April 2007 laying down certain detailed rules for the application of Council Regulation (EC) No. 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products (OJ L 106, 24.4.2007, p. 24)
8. Council Regulation (EC) No. 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (OJ L 299, 16.11.2007, p. 1), repealed by Regulation (EU) No. 1308/2013 of 17 December 2013 (OJ L 347, 20.12.2013, p. 671; L 189, 27.6.2014, p. 261; L 130, 19.5.2016, p. 18; L 34, 9.2.2017, p. 41; L 106, 6.4.2020, p. 12).

9. 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 (OJ L 258, 26.12.2008, p. 1). L 354, 31.12.2008, p. 7), as amended by Regulation (EU) No. 1056/2012 of 12 November 2012 (OJ L 313, 13.11.2012, p. 9)
10. Regulation (EC) No. 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16; L 105, 27.4.2010, p. 114; L 322, 21.11.2012, p. 8; L123, 19.5.2015, p. 122), as last amended by Regulation (EU) 2024/2608 of 7 October 2024 (OJ L 2024/2608, 8.10.2024).
11. Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 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 (OJ L 304, 22.11.2011, p. 18; L 331, 18.11.2014, p. 41; L 50 of 21.2.2015, p. 48; L 266 of 30.9.2016, p. 7; L 142 of 1.6.2023, p. 41), as last amended by Regulation (EU) 2015/2283 of 25 November 2015 (OJ L 327 of 11.12.2015, p. 1)
12. 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 Regulations (EEC) No. 922/72, (EEC) No. 234/79, (EC) No. 1037/2001 and (EC) No. 1234/2007 (OJ L 347, 20.12.2013, p. 671; L 189, 27.6.2014, p. 261; L 130, 19.5.2016, p. 18; L 34, 9.2.2017, p. 41; L 106, 6.4.2020, p. 12), as last amended by Regulation (EU) 2024/1143 of 11 April 2024 (OJ L 2024/1143, 23.4.2024; L 2024/90374, 25.6.2024)
13. Commission Implementing Regulation (EU) No. 1337/2013 of 13 December 2013 laying down detailed rules for the implementation of Regulation (EU) No. 1169/2011 of the European Parliament and of the Council as regards the information of the federal state of origin or place of provenance of fresh, chilled or frozen meat of pig meat, sheep meat, goat meat and poultry meat (OJ L 335, 14.12.2013, p. 19; L 95, 29.3.2014, p. 70)
14. Commission Implementing Regulation (EU) 2019/627 of 15 March 2019 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No. 2074/2005 as regards official controls (OJ L 131, 17.5.2019, p. 51; L 325, 16.12.2019, p. 183), as last amended by Implementing Regulation (EU) 2022/2503 of 19 December 2022 (OJ L 325, 20.12.2022, p. 58).

15. Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical informations of wines, spirit drinks and agricultural products, on traditional specialities guaranteed and optional quality informations of agricultural products, amending Regulations (EU) No. 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No. 1151/2012 (OJ L 2024/1143, 23.4.2024; L 2024/90374, 25.6.2024)