

Draft
DECREE
of 2025

amending Decree No 397/2016 on requirements for milk and milk products, frozen creams and edible fats and oils, as amended by Decree No 274/2019

Pursuant to § 18(1)(a), (b), (g) and (h) of Act No 110/1997 on foodstuffs and tobacco products and amending certain related acts, as amended by Act No 306/2000, Act No 316/2004, Act No 139/2014 and Act No 180/2016, the Ministry of Agriculture lays down the following:

Article I

Decree No 397/2016 on requirements for milk and milk products, frozen creams and edible fats and oils, as amended by Decree No 274/2019, is amended as follows:

1. At the end of footnote 1, the following sentence is added on a new line: 'Directive (EU) 2024/1438 of the European Parliament and of the Council of 14 May 2024 amending Council Directives 2001/110/EC relating to honey, 2001/112/EC relating to fruit juices and certain similar products intended for human consumption, 2001/113/EC relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption, and 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption.'
2. In footnote 2, the words ', as amended' are added at the end of the first and second sentences.
3. At the end of footnote 2 and 7, the words ', as amended' are added.
4. The existing text of § 2 becomes paragraph (1) and the following paragraph (2) is added:

(2) For the purposes of this Decree, the following definitions shall also apply:

 - a) sour cream – a milk product obtained by fermenting milk, cream, buttermilk, whey or mixtures thereof using micro-organisms set out in Annex 1 to this Decree, not heat-treated after the fermentation process;
 - b) soured milk – a milk product produced by fermenting milk using micro-organisms set out in Annex 1 to this Decree, not heat-treated after the fermentation process;
 - c) cultured buttermilk – a milk product produced by fermenting buttermilk or a mixture thereof with milk using the micro-organisms set out in Annex 1 to this Decree, not heat treated after the fermentation process;
 - d) fermented or sour cream – a milk product produced by the fermentation of cream using the micro-organisms set out in Annex 1 to this Decree, not heat-treated after the fermentation process;
 - e) fermented or sour milk beverage – a milk product obtained by fermenting milk, cream,

- buttermilk, whey or mixtures thereof using micro-organisms set out in Annex 1 to this Decree, not heat-treated after the fermentation process
- f) acidophilus milk – a milk product produced by fermenting milk using the micro-organisms set out in Annex 1 to this Decree, not heat-treated after the fermentation process;
 - g) yoghurt milk – a liquid milk product obtained by fermenting milk, cream, buttermilk, or mixtures thereof using micro-organisms set out in Annex 1 to this Decree, which is not heat-treated after the fermentation process;
 - h) kefir – a milk product obtained by fermenting milk, cream, buttermilk or mixtures thereof using micro-organisms set out in Annex 1 to this Decree, which is also subjected to alcoholic fermentation with the formation of carbon dioxide, not heat-treated after the fermentation process;
 - i) kefir milk – a liquid milk product obtained by fermenting milk, cream, buttermilk, whey or mixtures thereof using micro-organisms set out in Annex 1 to this Decree, not heat-treated after the fermentation process;
5. In § 4(2), the words ‘according to the structure set out in Annex 4 to this Decree’ are deleted.
6. In § 4(5), the words ‘were produced from non-standardised whole milk, the quality indication need not be provided’ are replaced by the words ‘are marked on the packaging for the final consumer with information that they were produced from non-standardised whole milk, the quality indication and the indication of the dry matter content need not be provided’.
7. The following § 8(4) is added:
- ‘(4) In the case of concentrated and powdered milk, the lactose content may be reduced by conversion to glucose and galactose. Changes in the composition of the milk as a result of this processing operation shall be marked on the packaging with an indication of the lactose content.’
8. In § 12(3)(a) the words ‘and the sub-groups pursuant to Annex 4 to this Decree’ are deleted.
9. In § 15(3)(a), the words ‘pursuant to the requirements set out in Table 8 of Annex 6 to this Decree’ are deleted.
10. § 15(4) reads as follows:
- ‘(4) A higher dry matter and fat content than that indicated on the packaging is permitted for cheese and curd. The fat content in dry matter must not exceed the values set out for the relevant category of cheeses and curd in Tables 5 and 8 of Annex 6 to this Decree’.

11. § 21(1)(a) and (b) are deleted.

Subparagraphs (c) and (d) become (a) and (b).

12. In § 26, the following new subparagraphs (l) and (m) are inserted after (k):

‘l) frying fat or frying oil – edible fat or edible oil suitable for frying, which is stable at high temperatures, with an acid number of not more than 0,6, a smoke point of not less than +205°C and a peroxide number of not more than 2 micromole (1/2 ROOH)/g fat;

m) virgin oil – edible oil obtained without altering the nature of the oil solely by mechanical processes, in particular extrusion or pressing, where appropriate using heat, for the purification of which only water washing, settling, filtering and centrifugation are used;’.

Subparagraph (l) becomes (o).

13. In § 28(2), the words ‘possibly’ are inserted after the words ‘group and’.

14. In § 28(2), the second sentence is deleted.

15. Footnote 16 reads as follows:

¹⁶⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council.
Commission Delegated Regulation (EU) 2022/2104 of 29 July 2022 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the marketing standards for olive oil and repealing Commission Regulation (EEC) No 2568/91 and Commission Implementing Regulation (EU) No 29/2012, as amended.’

16. The following § 29(5) is added:

‘(5) Edible fats containing vegetable oil or vegetable fat are marketed to the final consumer separately from animal fats and milk products in a manner that does not mislead the final consumer.’.

17. Annex 1 reads as follows:

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

Product	Micro-organisms used	Lactic acid microflora in CFU in 1 g
Fermented or soured milk products not listed below, such as fermented milk, fermented cream, cultured buttermilk, sour cream, fermented milk beverages	monocultures or mixed cultures of lactic acid bacteria	10 ⁶
Acidophilus milk	Lactobacillus acidophilus and other mesophilic or thermophilic cultures of lactic acid bacteria	10 ⁶ Lactobacillus acidophilus
Yoghurt and yoghurt milk	a symbiotic mixture of Streptococcus salivarius subsp. thermophilus and Lactobacillus delbrueckii subsp. bulgaricus	10 ⁷
Kefir	a fermented product prepared from kefir grains or a kefir culture, the microflora of which consists of lactose-fermenting and/or non-fermenting yeasts and mesophilic and thermophilic lactic acid bacteria growing together	lactic acid bacteria 10 ⁷ and yeasts 10 ⁴
Kefir milk, unflavoured	a fermented product consisting of lactose-fermenting and/or non-fermenting yeast cultures and mesophilic and thermophilic cultures of lactic acid bacteria growing in symbiosis with each other	lactic acid bacteria 10 ⁶ and yeasts 10 ²
Flavoured kefir milk	a fermented product consisting of mesophilic and thermophilic cultures of lactic acid bacteria growing in symbiosis with yeast in kefir grain with the possible presence of lactose-fermenting and/or non-fermenting yeasts	lactic acid bacteria 10 ⁶ and yeasts 0 and more
Fermented milk product with bifidus culture	Bifidobacterium sp. in combination with mesophilic and thermophilic lactic acid bacteria	10 ⁶ Bifidobacteria

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

18. In Annex 4 the word 'dairy' is deleted.

19. Annex 5 reads as follows:

'Annex 5 to Decree No 397/2016

Permissible negative weight and volume deviations for packaging milk and dairy products

Product	Weight or volume of packaging	Permissible negative weight or volume deviation
Liquid milk, liquid cream, acidified or fermented milk product, other milk products	up to 250 ml or 250 g	- 5.0 % for each package
	up to 500 ml or 500 g	- 3.0 % for each package
	up to 1 000 ml or 1 000 g	- 2.0 % for each package
	over 1 000 ml or 1 000 g	- 1.5 % for each package
Condensed milk products	up to 1 000 g	- 3.0 % for each package - 1.0 % for 20 packs
	over 1 000 g	- 2.0 % for each package - 0.5 % for 20 packs
Dried milk product, protein milk product	up to 250 g	- 3.0 % for each package - 1.0 % for 20 packs
	up to 1 000 g	- 2.0 % for each package - 0.5 % for 20 packs
	over 1 000 g	- 1.0 % for each package
Cheese and curd, including portioned and sliced	up to 125 g	- 10.0 % for each package - 2.0 % for 20 packs
	up to 250 g	- 5.0 % for each package - 1.0 % for 20 packs
	up to 500 g	- 3.0 % for each package - 1.0 % for 20 packs
	over 500 g	- 1.0 % for each package
Cheese in brine after draining the brine	up to 125 g	- 15.0 % for each package - 2.0 % for 20 packs
	up to 250 g	- 10.0 % for each package - 2.0 % for 20 packs
	up to 500 g	- 5.0 % for each package - 1.0 % for 20 packs
	over 500 g	- 2.0 % for each package - 1.0 % for 20 packs
Butter and milk fat concentrates and composite milk products	up to 20 g	- 10.0 % for each package - 2.0 % for 20 packs
	up to 250 g	- 1.5 % for each package - 1.0 % for 20 packs
	over 250 g	- 1.0 % for each package

“

20. Table 1 in Annex 11 reads as follows:

Table 1 - Basic classification of edible fats and oils into types, groups and subgroups

Type	Group	Subgroup
Edible fat or oil	single plant variety or according to specific plant origin	frying virgin
	multi-species plant	
	pork lard selective beef tallow beef tallow by animal species	
	fully solidified partially solidified	
	shortening	
	liquid emulsified	

“

Footnote 17 is deleted.

21. In Annex 11, Table 2, the following row is added:

Hempseed oil	produced from seeds of hemp (Cannabis sativa)
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Article II

Transitional provisions

1. Milk, dairy products, frozen creams, edible fats and edible oils may be produced, labelled and placed on the market in accordance with Decree No 397/2016, as amended before the effective date of this Decree, until 1 July 2026.
2. Milk, milk products, frozen creams, edible fats and edible oils placed on the market or labelled prior to the effective date of this Decree in accordance with the requirements of Decree No 397/2016, as amended before the effective date of this Decree, may be sold until stocks are exhausted.

Article III

Technical regulation

This Decree was 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.

Article IV

Effective date

This Decree takes effect on 1 September 2025, except for the provisions of Article I, point 7, which take effect on 14 June 2026.

Minister of Agriculture: