

DRAFT

Decree

No .../2025 of the Minister for Agriculture of [date]

amending

Decree No 152/2009 of the Ministry for Agriculture and Rural Development of 12 November 2009 on the mandatory requirements of the Codex Alimentarius Hungaricus with regard to its regulation on dairy products

[1] The aim of the legislation is to provide consumers with adequate information on the quality of dairy products and to clarify the nature and quality of the product to which the name of the dairy products refers.

[2] The amendment ensures that the term ‘sour cream’ can only refer to products with live culture, making it easier for consumers to choose products of higher quality.

[3] On the basis of the authorisation granted in Section 76, paragraph (2), point 5 of Act XLVI of 2008 on the food chain and its official supervision, and acting within the scope of my duties set out in Section 54(3) of Government Decree No 182/2022 of 24 May on the duties and powers of members of the Government, I hereby order the following:

Section 1

In Decree No 152/2009 of the Ministry of Agriculture and Rural Development of 12 November 2009 on the mandatory requirements of the Codex Alimentarius Hungaricus (hereinafter referred to as the ‘Decree’), the following paragraph 21 shall be added to Section 2 of the Decree:

‘(21) Products which do not comply with the provisions of Annex 13, as laid down in Decree No .../2025 of [date] of the Ministry of Agriculture amending Decree No 152/2009 of the Ministry of Agriculture and Rural Development of 12 November 2009 on the mandatory requirements of the Codex Alimentarius Hungaricus (hereinafter: Amending Decree 11), but which are products mentioned in Annex 13 meeting the provisions applicable on the day preceding the date of entry into force of Amending Decree 11, may be placed on the market until the last day of the 12th month following the date of entry into force of Amending Decree 11, and may remain on the market until their date of minimum durability.’

Section 2

The following Section 12 is added to the Decree:

‘Section 12 The draft provisions of Section 2(21) of this Decree and of Annex 13, Part B, point 1, subpoint 1.1.1.1 and point 2, as laid down in Amending Decree 11, have been notified in advance in accordance with Articles 5 to 7 of 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.’

Section 3

Annex 13 to the Decree shall be amended in accordance with *Annex 1* hereto.

Section 4

The words ‘, with the exception of cocoa milk and caramel milk, to which colours may not be added’ in point 1, subpoint 1.1.1.1 of Part B of Annex 13 to the Decree are repealed.

Section 5

This Decree shall enter into force on the third day following its publication.

Section 6

This decree lays down the provisions necessary for the implementation of Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives.

Section 7

The requirement for the prior notification of this draft decree, as stipulated in Articles 5 to 7 of 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, has been met.

Point 2 in Part B of Annex 13 to the Decree is replaced by the following:

“2. FERMENTED MILK PRODUCTS

2.1. Definition of the product group: the product group includes products which are made, by fermentation and coagulation, from appropriately prepared, heat-treated milk and all or some of the ingredients listed in point 2.2 in the required quantity with the addition of special microbial culture. Fermented milk products include products with a fat content below 10 % (m/m), fermented cream products include products with a fat content of at least or above 10 % (m/m).

2.1.1. Live plain fermented milk and cream products

2.1.1.1. Food category according to Regulation (EC) No 1333/2008 of the European Parliament and of the Council: 01.2, 01.6

2.1.1.2. Live plain fermented milk and cream products include products which are made, by fermentation (decrease of the pH value) and coagulation, from appropriately prepared, heat-treated milk, cream and all or some of the ingredients listed in point 2.2 in the required quantity with the addition of special microbial cultures and probiotic microbial strains, and these products should contain live, active microorganisms originating from the culture at least in the quantity required by point 2.3 until their date of minimum durability. The product may not contain added water.

2.1.2. Live flavoured fermented milk and cream products

2.1.2.1. Food category according to Regulation (EC) No 1333/2008 of the European Parliament and of the Council: 01.4, 01.6.

2.1.2.2. Live flavoured fermented milk and cream products include products made from products under point 2.1.1 with the addition of flavourings and all or some of the ingredients listed in point 2.2 in the required quantity, so that the proportion of the product coming from milk is at least 70 % (m/m). The final product contains the live, active microorganisms originating from the culture in a quantity equivalent to the proportion of the product under point 2.1.1 until the expiry of the date of minimum durability. If fruit is used for flavouring, its ratio in the final product (with the exception of acid fruits with intense taste) is 4 % (m/m).

2.1.3. Non-live plain fermented milk and cream products

2.1.3.1. Food category according to Regulation (EC) No 1333/2008 of the European Parliament and of the Council: 01.3, 01.6

2.1.3.2. Non-live plain fermented milk and cream products include products which have undergone a microbe-destroying process (e.g. post-heat treatment), and were made, by fermentation and coagulation, from products under point 2.1.1 and all or some of the ingredients listed in point 2.2 in the required quantity with the addition of special microbial cultures. As a result of microbe destruction, the number and activity of the microorganisms that cause the deterioration of the product and come from the culture are reduced significantly, thus enabling longer storage of the product.

2.1.4. Non-live flavoured fermented milk and cream products

2.1.4.1. Food category according to Regulation (EC) No 1333/2008 of the European Parliament and of the Council: 01.4, 01.6

2.1.4.2. Non-live flavoured fermented milk and cream products include products which have

undergone a microbe-destroying process (e.g. post-heat treatment), and were made from products under point 2.1.1 with the addition of flavourings and all or some of the ingredients listed in point 2.2 in the required quantity, so that the proportion of the product coming from milk is at least 70 % (m/m). As a result of microbe destruction, the number and activity of the microorganisms that cause the deterioration of the product and come from the culture are reduced significantly, thus enabling longer storage of the product. If fruit is used for flavouring, its ratio in the final product (with the exception of acid fruits with intense taste) is 4 % (m/m).

2.2. Ingredients that may be used

2.2.1. Ingredients that may be used are milk, milk concentrate, or any mixture thereof, cream, butter, milk powder, water, edible salt, whey powder, milk protein concentrate, whey protein concentrate, edible caseinates, prebiotics, microbial cultures specified in point 2.2.3.

2.2.2. Flavouring and gelatine may only be used for products under points 2.1.2 and 2.1.4.

2.2.3. The following microbial cultures may be used for the production of fermented milk and cream products:

2.2.3.1. yoghurt: The symbiotic culture of *Streptococcus salivarius* subsp. *thermophilus* and *Lactobacillus delbrueckii* subsp. *bulgaricus*, and cultures made from other yoghurt-specific lactic acid bacteria;

2.2.3.2. kefir: cultures made from kefir fungi (e.g. *Lactobacillus kefir*, *Leuconostoc*, *Lactococcus* and *Acetobacter* types in typical proportion), lactose-fermenting yeasts (e.g. *Kluyveromyces marxianus*), and non-lactose-fermenting yeasts (e.g. *Saccharomyces unisporus*, *Saccharomyces cerevisiae*, *Saccharomyces exiguus*, *Debaryomyces hansenii*);

2.2.3.3. other fermented dairy products: single strain or mixed culture of specific mesophilic and thermophilic lactic acid bacteria.

2.3. Quality requirements

2.3.1. Fat content requirements

2.3.1.1. Fermented milk products

	A	B	C
1.	Degree of fat		Fat content, % (m/m)
2.	Full-fat fermented milk product	minimum	5.0
3.		less than	10.0
4.	Fermented milk product	minimum	3.0
5.		less than	5.0
6.	Low-fat fermented milk product	less than	3.0
7.		more than	0.5
8.	Skimmed fermented milk product	at most	0.5

2.3.1.2. Fermented cream products

	A	B	C
1.	Degree of fat		Fat content, % (m/m)
2.	Full-fat fermented cream product	minimum	30
3.	Fermented cream product	minimum	18
4.		less than	30
5.	Semi-skimmed fermented cream	less than	18

6.	product	minimum	10
----	---------	---------	----

2.3.2. Chemical and microbiological requirements

	A	B	C	D
1.	Characteristics	Fermented milks, with the exception of kefir	Kefir	Sour cream
2.	Non-fat dry matter content, minimum, % (m/m)	–	–	5.9
3.	Protein content in the non-fat dry matter, minimum, % (m/m)	34.0		
4.	Acidity level, SH°	–	–	25-40
5.	Lactic acid bacteria culture count, minimum, viable colony/g	10^7	10^7	10^5
6.	Yeast culture count, minimum, viable colony/g	–	10^4	–

2.3.2.1. In the case of semi-skimmed sour cream, the non-fat dry matter content shall be at least 6.4 % (m/m).

2.3.2.2. Viable colony count may only be less by one order of magnitude (10^{n-1}) than the value specified in the table, and this difference also includes measurement uncertainty.

2.3.2.3. If microbe or microbial groups are indicated in the description of the product (e.g. 'Lactobacillus acidophilus', 'Bifidobacterium', 'L.casei', 'LA-5'; 'BB-12'), the quantity of the named live, active microbe or microbial group shall be at least 10^6 viable colony/g until the expiry of the product's date of minimum durability.

2.3.2.4. In the case of products under points 2.1.2 and 2.1.4, requirements apply to simple fermented product proportion before adding flavourings and other substances.

2.3.2.5. Viable colony requirements do not apply to products under points 2.1.3 and 2.1.4.

2.3.3. Sensory requirements

	A	B	C
1.		Plain fermented milk and cream product	Flavoured fermented milk and cream product
2.	Appearance	Evenly bone-white, free of creaming.	Even colour according to the nature of the product, free of creaming and whey separation, if pieces of flavourings are used, the pieces in the curd are visible, in the case of foaming the foam structure is perceptible.
3.	Consistency	The smooth curd is homogeneous, sticks to the wall of the packaging material well, free of creaming and whey separation, smooth after mixing, fluid or viscous. The foaming curd is homogeneous, free of creaming and whey separation, smooth, viscous or fluid.	Fluid or moderately viscous or has a foam structure, free of creaming and whey separation, if pieces of flavourings are used, the pieces in the curd are perceptible.
4.	Odour	Pleasantly sour, aromatic according to the nature of the product.	Pleasantly sour, typical of the used culture and flavouring or aroma.
5.	Taste	Pleasantly sour, delicate taste	Pleasantly sour, sweetish or salty,

		according to the nature of the product.	typical of the used culture and flavouring or aroma.
--	--	---	--

2.4. Marking

2.4.1. Designation

2.4.1.1. The names 'yoghurt', 'kefir', 'curdled milk', 'acidophilus milk' and 'sour cream' may be used for products under point 2.1.1 and in the designation of flavoured variants that meet the requirements laid down in point 2.1.2.

2.4.1.2. In the case of products with no live culture, the designation of the product shall include the words 'fermented milk product' or 'fermented cream product'.

2.4.2. Other labelling

2.4.2.1. The degree of fat in the product under point 2.3 shall be indicated if it is skimmed, low-fat, semi-skimmed or high-fat. In the case of products under points 2.1.2 and 2.1.4, the degree of fat shall be indicated in relation to the plain product proportion.

2.4.2.2. In the case of fermented milk products, as part of or in relation to the designation, fat content may be indicated in percentage by weight, e.g. 'Yoghurt 1.5%', 'Yoghurt with a fat content of 1.5%'. The difference between the fat content value indicated in the labelling and the value measured during inspections can be $\pm 0.3\%$, including measurement uncertainty; however, the fat content of the product cannot exceed the minimum and maximum values according to the degree of fat.

2.4.2.3. In the case of fermented cream products, as part of or in relation to the designation, the fat content of the product shall be indicated in percentage by weight, e.g. 'Sour cream 20%', 'Sour cream with a fat content of 20%'. The difference between the fat content value indicated in the labelling and the value measured during inspections can be $\pm 1.5\%$, including measurement uncertainty; however, the fat content of the product cannot exceed the minimum and maximum values according to the degree of fat.

2.4.2.4. The microbe-destroying method shall be indicated on the packaging of non-live products (e.g. post-heat treatment), or the fact that the product has been subject to other physical treatment (e.g. foaming) that considerably influences the consistency of the product.

2.4.2.5. The expression 'live' can be used for products under points 2.1.1 and 2.1.2.