

ANNEX XV

MARKETING STANDARDS APPLYING TO SPREADABLE FATS REFERRED TO IN ARTICLE 115

I. Sales descriptions

1. The products referred to in Article 115 may not be supplied or transferred without processing to the ultimate consumer either directly or through restaurants, hospitals, canteens or similar establishments, unless they meet the requirements set out in the Appendix.
2. The sales descriptions of these products shall be those specified in the Appendix, without prejudice to point II(2) or point III(2) and (3) of this Annex.

The sales descriptions in the Appendix shall be reserved for the products defined therein.

However, this paragraph shall not apply to:

- (a) the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product;
- (b) concentrated products (butter, margarine, blends) with a fat content of 90 % or more.

II. Labelling and presentation

1. In addition to the rules laid down in Directive 2000/13/EC, the following information shall be indicated in the labeling and presentation of the products referred to in point I(1) of this Annex:
 - (a) the sales description as defined in the Appendix;
 - (b) the total percentage fat content by weight at the time of production for products referred to in the Appendix;
 - (c) the vegetable, milk or other animal fat content in decreasing order of weighted importance as a percentage by total weight at the time of production for compound fats referred to in the Part C of the Appendix;
 - (d) the percentage salt content must be indicated in a particularly legible manner in the list of ingredients for products referred to in the Appendix.
2. Notwithstanding paragraph 1(a) the sales descriptions 'minarine' or 'halvarine' may be used for products referred to in point 3 of Part B of the Appendix.
3. The sales description referred to in point (a) of paragraph 1 may be used together with one or more terms to define the plant and/or animal species from which the products originate, or the intended use of the products as well as with other terms concerning the production methods in so far as such terms are not in contradiction with other Community provisions, in particular with Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed⁽¹⁾.

Indications of geographical origin may also be used subject to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽²⁾.

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4. The term 'vegetable' may be used together with the sales descriptions in Part B of the Appendix, provided that the product contains only fat of vegetable origin with a tolerance of 2 % of the fat content for animal fats. This tolerance shall also apply where reference is made to a vegetable species.
5. The information referred to in paragraphs 1, 2 and 3 shall be easy to understand and marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.
6. Special measures regarding the information referred to in points (a) and (b) of paragraph 1 may be introduced by the Commission for certain forms of advertising.

III. Terminology

1. The term 'traditional' may be used together with the name 'butter' provided for in point 1 of part A of the Appendix, where the product is obtained directly from milk or cream.

For the purposes of this point, 'cream' means the product obtained from milk in the form of an emulsion of the oil-in-water type with a milk-fat content of at least 10 %.

2. Terms for products referred to in the Appendix which state, imply or suggest fat content other than those referred to in that Appendix shall be prohibited.
3. By way of derogation from paragraph 2 and in addition:
 - (a) the term 'reduced-fat' may be used for products referred to in the Appendix with a fat content of more than 41 % but not more than 62 %;
 - (b) the terms 'low-fat' or 'light' may be used for products referred to in the Appendix with a fat content of 41 % or less.

The term 'reduced-fat' and the terms 'low-fat' or 'light' may, however, replace respectively the terms 'three-quarter-fat' or 'half-fat' used in the Appendix.

IV. National rules

1. Subject to the provisions of this Annex, Member States may adopt or maintain national regulations laying down different quality levels. Such regulations shall allow those quality levels to be assessed on the basis of criteria relating in particular to the raw materials used, the organoleptic, characteristics of the products and their physical and microbiological stability.

Member States making use of this option shall ensure that other Member States' products which comply with the criteria laid down by those regulations may, under non-discriminatory conditions, use terms which, by virtue of those regulations, state that those criteria are complied with.

2. The sales descriptions referred to in point II(1)(a) may be supplemented by a reference to the quality level peculiar to the product concerned.
3. Member States shall take the measures necessary to ensure that checks are conducted on the application of all the criteria referred to in the second subparagraph of paragraph 1 for determining the quality levels. Regular and frequent checks shall extend up to the end product and must be made by one or more bodies governed by public law and designated by the Member State, or by an approved body supervised

by the latter. Member States shall give the Commission a list of the bodies they have designated.

V. Imported products

Products imported into the Community must comply with the provisions set out in this Annex in the cases referred to in point I(1).

VI. Penalties

Without prejudice to any specific provisions which may be adopted by the Commission in accordance with Article 194, Member States shall specify the effective penalties to be imposed in the case of breach of Article 115 and this Annex and, where appropriate, the national measures relevant for its enforcement and inform the Commission thereof.

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Appendix to Annex XV

Fat group	Sales description	Product categories
Definitions		Additional description of the category with an indication of the % fat content by weight
<p>A. Milk fats Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived exclusively from milk and/or certain milk products, for which the fat is the essential constituent of value. However, other substances necessary for their manufacture may be added, provided those substances are not used for the purpose of replacing, either in whole or in part, any milk constituents.</p>	1. Butter	The product with a milk-fat content of not less than 80 % but less than 90 %, a maximum water content of 16 % and a maximum dry non-fat milk-material content of 2 %.
	2. Three-quarter fat butter ^a	The product with a milk-fat content of not less than 60 % but not more than 62 %.
	3. Half fat butter ^b	The product with a milk-fat content of not less than 39 % but not more than 41 %.
	4. Dairy spread X %	The product with the following milk-fat contents: — less than 39 %, — more than 41 % but less than 60 %, — more than 62 % but less than 80 %.
<p>B. Fats Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of not more than 3 % or the fat content.</p>	1. Margarine	The product obtained from vegetable and/or animal fats with a fat content of not less than 80 % but less than 90 %.
	2. Three-quarter-fat margarine ^c	The product obtained from vegetable and/or animal fats with a fat content of not less than 60 % but nor more than 62 %.
	3. Half-fat margarine ^d	The product obtained from vegetable and/or animal fats with a fat content of not less than 39 % but not more than 41 %.

^a corresponding to 'smør 60' in Danish.^b corresponding to 'smør 40' in Danish.^c corresponding to 'margarine 60' in Danish.^d corresponding to 'margarine 60' in Danish.^e corresponding to 'blandingsprodukt 60' in Danish.^f corresponding to 'blandingsprodukt 40' in Danish.

	4. Fat spreads X %	The product obtained from vegetable and/or animal fats with the following fat contents: — less than 39 %, — more than 41 % but less than 60 %, — more than 62 % but less than 80 %.
C. Fats composed of plant and/or animal products Products in the form of a solid, malleable emulsion principally of the water-in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of between 10 % and 80 % of the fat content.	1. Blend	The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 80 % but less than 90 %.
	2. Three-quarter-fat blend ^e	The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 60 % but not more than 62 %.
	3. Half-fat blend ^f	The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 39 % but not more than 41 %.
	4. Blended spread X %	The product obtained from a mixture of vegetable and/or animal fats with the following fat contents: — less than 39 %, — more than 41 % but less than 60 %, — more than 62 % but less than 80 %.

a corresponding to 'smør 60' in Danish.

b corresponding to 'smør 40' in Danish.

c corresponding to 'margarine 60' in Danish.

d corresponding to 'margarine 60' in Danish.

e corresponding to 'blandingsprodukt 60' in Danish.

f corresponding to 'blandingsprodukt 40' in Danish.

Note : The milk-fat component of the products listed in this Appendix may be modified only by physical processes.

Status: This is the original version (as it was originally adopted).

- (1) OJ L 93, 31.3.2006, p. 1.
- (2) OJ L 93, 31.3.2006, p. 12.