

## COMMISSION DECISION

of 20 December 2010

## listing the products referred to in the second subparagraph of point III(1) of Annex XII to Council Regulation (EC) No 1234/2007

(recast)

(notified under document C(2010) 8434)

(2010/791/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 (Single CMO Regulation) <sup>(1)</sup>, and in particular point (b)(i) of Article 121 in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Decision 88/566/EEC of 28 October 1988 listing the products referred to in the second subparagraph of Article 3(1) of Council Regulation (EEC) No 1898/87 <sup>(2)</sup> has been substantially amended <sup>(3)</sup>. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) Regulation (EC) No 1234/2007 establishes the principle that the descriptions milk and milk products may not be used for milk products other than those in described point II of Annex XII thereto. As an exception, this principle is not applicable to the description of products the exact nature of which is known because of traditional use and/or when the designations are clearly used to describe a characteristic quality of the product.
- (3) The Member States must notify to the Commission indicative lists of the products which they deem to meet, within their own territories, the criteria for the abovementioned exception. A list should be made of such products on the basis of the indicative lists notified by the Member States. That list should include the names of the relevant products according to their traditional use in the various languages of the Union, in order to render these names usable in all the Member States, provided they comply with the provisions of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(4)</sup>.

- (4) Additions to this list may be made in accordance with Article 121(b)(i) of Regulation (EC) No 1234/2007.
- (5) Following the accessions to the European Union of 2004 and 2007, some of the new Member States have submitted lists of products which they deem to meet, within their own territories, the criteria for the above-mentioned exception. The list in Annex I to this Decision should therefore be completed by including the names of the products from the new Member States, in the relevant languages, which can benefit from the exception.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS DECISION:

*Article 1*

The products corresponding, on the territory of the Union, to the products referred to in the second subparagraph of point III(1) of Annex XII to Regulation (EC) No 1234/2007 are listed in Annex I to this Decision.

*Article 2*

Decision 88/566/EEC is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex III.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 20 December 2010.

*For the Commission*

Dacian CIOLOȘ

*Member of the Commission*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 310, 16.11.1988, p. 32.

<sup>(3)</sup> See Annex II.

<sup>(4)</sup> OJ L 109, 6.5.2000, p. 29.

## ANNEX I

## List of the products referred to in the second subparagraph of point III(1) of Annex XII to Regulation (EC) No 1234/2007

|   |    |   |    |
|---|----|---|----|
|   | ES | Butterschnitzel   |    |
| Leche de almendras  |    | Faschiertes Butterschnitzel   |    |
|   | DA | Milchmargarine  |    |
| Kakaosmør   |    | Margarinestreichkäse  |    |
| Mandelsmør  |    |   | EL |
| Jordnøddesmør   |    | Βούτυρο κακάου  |    |
| Kokosmælk   |    | Φρουτόκρεμα   |    |
| Flødeboller   |    | Κρέμα αραβοσίτου  |    |
| »... fromage«   |    | Κρέμα κάστανου  |    |
| used in the description of a fruit-based dessert not containing milk or other milk products or milk or milk imitation products (for example, citronfromage) |    | Νουκρέμα  |    |
|   |    |   | EN |
| Smørtyve  |    | Coconut milk  |    |
| Ostekiks  |    | 'Cream ...' or 'Milk ...'   |    |
| Osterejer   |    | used in the description of a spirituous beverage not containing milk or other milk products or milk or milk product imitations (for example, cream sherry, milk sherry) |    |
| Flødetablet   |    | Cream soda  |    |
| Flødefodbolde   |    | Cream filled biscuits (for example, custard cream, bourbon cream, raspberry cream biscuits, strawberry cream, etc.)   |    |
| Flødemint   |    | Cream filled sweets or chocolates (for example, peppermint cream, raspberry cream, crème egg)   |    |
| Flødekaramel  | DE | Cream crackers  |    |
| Kokosmilch  |    | Salad cream   |    |
| Liebfrau(en)milch   |    | Creamed coconut and other similar fruit, nut and vegetable products where the term 'creamed' describes the characteristic texture of the product                        |    |
| Fischmilch  |    | Cream of tartar   |    |
| Milchner  |    | Cream or creamed soups (for example, cream of tomato soup, cream of celery, cream of chicken, etc.)   |    |
| Butterbirne   |    | Horseradish cream   |    |
| Rahmapfel   |    | Ice-cream   |    |
| Butterbohne   |    | Jelly cream   |    |
| Butterkohl  |    | Table cream   |    |
| Butterpilz  |    | Cocoa butter  |    |
| Milchbrätling   |    | Shea butter   |    |
| Buttersalat   |    | Nut butters (for example, peanut butter)  |    |
| Erdnussbutter   |    | Butter beans  |    |
| Kakaobutter   |    | Butter puffs  |    |
| Fleischkäse   |    | Fruit cheese (for example, lemon cheese, Damson cheese)   |    |
| Leberkäse   |    |   |    |
| Käsekle   |    |   |    |
| Butterhäuptel   |    |   |    |

| FR  | NL   |
|---|--|
| Lait d'amande   | Pindakaas  |
| Lait de coco  | Hoofdkaas  |
| «Crème ...»<br>used in the description of a soup not containing milk or other milk products or milk or milk product imitations (for example, crème de volailles, crème de légumes, crème de tomates, crème d'asperges, crème de bolets, etc.)           | Cacaoboter<br>Leverkaas<br>Hamkaas<br>Tongkaas   |
| «Crème ...»<br>used in the description of spirituous beverages not containing milk or other milk products or milk or milk product imitations (for example, crème de cassis, crème de framboise, crème de banane, crème de cacao, crème de menthe, etc.) | Nierkaas<br>Kokosmelk<br>„... crème”   |
| «Crème ...»<br>used in the description of prepared meat products (for example, poultry liver cream, cream pâté, etc.)   | used in the description of soup not containing milk or other milk products or milk or milk product imitations (for example, groentencrème, tomatencrème, aspergecrème, etc.)<br>„... crème”                |
| Crème de maïs   | used in the description of a spirituous beverage not containing milk or other milk products or milk or milk product imitations (for example, cassiscrème, frambozencrème, cacaoocrème, bananencrème, etc.) |
| Crème de riz  |  |
| Crème d'avoine  |  |
| Crème d'anchois   | Crèmevulling   |
| Crème d'écrevisses  | Levercrème   |
| Crème de pruneaux, crème de marron (cream of other stone fruits)  | Boterbonen   |
| Crème confiseur   |  |
| Beurre de cacao   | PL   |
| Beurre de cacahouète  | Ser jabłeczny  |
| Fromage de tête   |  |
| Haricot beurre  | PT   |
| Beurré Hardy  | Leite de coco<br>Manteiga de cacau   |
|   | Manteiga de amendoim   |
|   | Queijo doce de Tomar   |
|   | Queijinho de sal   |
|   | SL   |
|   | Mesni sir  |
|   | SK   |
|   | Arašidové maslo  |
|   | Fazol'a maslová (maslovka)   |
|   | Kakaové maslo  |
|   | Kokosové mlieko  |
|   | Masliak  |
|   | Maslová hruška (maslovka)  |
|   | Pečeňový syr   |
|   | Vtáacie mlieko   |
| IT  |  |
| Latte di mandorla   |  |
| Burro di cacao  |  |
| Latte di cocco  |  |
| Fagiolini al burro  |  |
| HU  |  |
| Vajretek  |  |
| Gyümölcsaját (pl. birsalmasajt)   |  |
| Disznósajt vagy hússajt vagy fejsajt  |  |
| Haltej  |  |
| Kakaóvaj  |  |
| Kókusztej   |  |
| Mogyoróvaj  |  |
| Vajbab  |  |
| Vajkörte  |  |

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|  | FI            | SV           |
|--|---------------|--------------|
|  | Kaakaovoi     | Jordnötssmör |
|  | Maapähkinävoi | Kakaosmör    |
|  | Voileipäkeksi | Smörsopp     |
|  | Voitatti      | Kokosmjölk   |
|  | Voileipäkakku | Ostkex       |
|  |               | Margarinost  |
|  |               | Smördeg      |

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ANNEX II

**Repealed Decision with its amendment**

Commission Decision 88/566/EEC

(OJ L 310, 16.11.1988, p. 32).

Commission Decision 98/144/EC

(OJ L 42, 14.2.1998, p. 61).

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## ANNEX III

**Correlation table**

| Decision 88/566/EEC | This Decision |
|---------------------|---------------|
| Article 1           | Article 1     |
| —                   | Article 2     |
| Article 2           | Article 3     |
| Annex               | Annex I       |
| —                   | Annex II      |
| —                   | Annex III     |