



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09.07.1998
COM(1998) 424 final

Proposal for a

COUNCIL DECISION

**amending Decision 97/80/EC laying down provisions for the implementation of
Council Directive 96/16/EC on statistical surveys of milk and milk products**

(presented by the Commission)

<i>Summary</i>

Decision 97/80/EC concerning the statistical surveys of milk and milk products contains a list of the milk products covered.

Of these products, butter is one which has started to appear in different forms and which, in certain conditions, receives Community subsidies.

The Commission therefore needs statistical data on the new types of butter and yellow fat dairy products that are appearing on the markets.

The proposed amendment of the decision includes new names of butter and yellow fat dairy products in the list of products subject to statistical surveys for the purposes of monitoring the market trends concerned.

Explanatory Memorandum

In order to ensure the sound management of the common agricultural policy, in particular the butter market, the Commission requires accurate data providing reliable information on the precise developments of the various types of butter and other yellow fat dairy products.

A Commission proposal to amend Decision 97/80/EC was therefore submitted to the Standing Committee for Agricultural Statistics (SCAS) on 7 October 1997. Its main purpose was to add recombined butter, reduced-fat butter and other yellow fat dairy products to the list of milk products covered by the statistical surveys on the milk and milk product sector. Since the vote on the proposal failed to result in an opinion, the Commission must, in accordance with Article 7 (3)(b) of Council Directive 96/16/EC on statistical surveys of milk and milk products, submit a proposal to the Council on the measures to be taken.

The Commission has re-examined its initial proposal in the light of the observations made during the SCAS vote and has come to the conclusion that, as regards the substance, the proposal should be upheld, for the following reasons:

- For the analysis and management of the butter market, the Commission requires statistics which provide information on a range of varied products including recombined butter, reduced-fat butter and other yellow fat dairy products which are likely to grow significantly in importance on the internal market of the European Union and at international level. The proposed distinction between the various products is already applied at international level.
- Milk enterprises are technically capable of identifying the various types of butter, including recombined butter produced from butteroil according to a known, controllable process, and they can, therefore, provide the information requested. It is mainly the large milk enterprises that are concerned, but small and medium-sized enterprises may also be affected.
- The Commission is of the opinion that the definitions of the products concerned by the proposed amendment are sufficiently clear and precise for the objective in question, that the proposed amendments are the logical consequence of the existing legislation and that they do not contradict Council Regulation (EC) No 2991/94.

Nevertheless, to take account of the observations made by certain delegations, the Commission has revised the initial proposal submitted to the SCAS as regards certain technical points, in particular with a view to reducing the number of sub-products for which the statistical data were requested, and replacing the term "natural butter", which some delegations had difficulty accepting, with the term "traditional butter".

Proposal for a Council Decision of.....**amending Decision 97/80/EC laying down provisions for the implementation of
Council Directive 96/16/EC on statistical surveys of milk and milk products**

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products and in particular Article 3 (2) and Article 6 (1)¹ thereof,

Having regard to the Commission proposal,

Whereas Regulation (EEC) No 804/68 of the Council on the common organisation of the market in milk and milk products², as last amended by Regulation (EC) No 1587/96³, lays down the conditions applicable to butter subject to the public intervention system and butter eligible for private storage subsidies; whereas butter subject to public intervention must be produced directly and exclusively from pasteurised cream; whereas this condition does not apply to butter in private storage; whereas for certain measures providing for aid for the sale of butter on the Community market and in particular the system referred to in Regulation (EC) No 2571/97⁴, butter must be produced directly and exclusively from pasteurised cream in order to qualify;

Whereas the high quantities of butter in receipt of Community subsidies in relation to total production require the establishment of a statistical basis that is appropriate for monitoring the various types of butter and can take account of the above-mentioned distinction;

Whereas, in order to ensure the sound management of the common agricultural policy, in particular the butter market, the Commission requires accurate data providing reliable information on the precise developments of the various types of butter and other yellow fat dairy products;

Whereas Regulation (EEC) No 2658/87⁵ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EC) No 2509/97⁶, already provides for the breakdown of the various types of butter according to the combined

¹ OJ L 78, 28.3.1996, p.27.

² OJ L 148, 28.6.1968, p.13.

³ OJ L 206, 16.8.1996, p.21.

⁴ OJ L 350, 20.12.1997, p.3.

⁵ OJ L 256, 7.9.1987, p.1.

⁶ OJ L 345, 16.12.1997.

nomenclature code applicable to trade; whereas in order to remain consistent with this approach it is appropriate to follow the same breakdown of butter for the collection of statistical information on this sector; whereas Decision 97/80/EC laying down provisions for the implementation of Council Directive 96/16/EC should therefore be amended;

Whereas the Standing Committee for Agricultural Statistics (SCAS) did not render an opinion within the deadline set by its Chairman; whereas the measures provided for in the present Decision must, therefore, in accordance with Article 7 of Directive 96/16/EC, be adopted by the Council,

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

Annexes I and II of Commission Decision 97/80/EC are amended as shown in the Annex to the present Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

ANNEX

Annex I of Commission Decision 97/80/EC ⁷ is amended as follows:

1) Code 23 in the list of milk products is replaced by:

Product Code	Name of products
23	Total butter and other yellow fat milk products
231	Traditional butter
232	Recombined butter
233	Whey butter
234	Rendered butter and butteroil
235	Other yellow fat dairy products
2351	Reduced-fat butter
2352	Other

2) The text entitled **BUTTER (23)** in the explanatory notes is replaced by the following:

BUTTER (23)

Butter, total and other yellow fat dairy products (23): includes traditional butter, recombined butter, whey butter, rendered butter and butteroil, and other yellow fat products, expressed in butter equivalent with a milk fat content equal to 82 % by weight of the product.

- **Table A:** Denmark: includes only traditional butter (231),

- **Table B:** the headings 231 (traditional butter), 232 (recombined butter), 233 (whey butter), 234 (rendered butter and butteroil) and 235 (other yellow fat dairy products) 2351 (reduced-fat butter) 2352 (other) must be recorded in product weight. Only item 23 must be given in its butter equivalent.

Traditional butter (231): a product obtained directly and exclusively from pasteurised cream, with a milk fat content of not less than 80 % and less than 90 %, a maximum water content of 16 % and a maximum dry non-fat milk-material content of 2 %.

⁷ OJ L 24, 25.1.1997, p.26.

Recombined butter (232): a product obtained from butteroil, non-fat dry milk extract and water, with a milk fat content of not less than 80% and less than 90% and maximum water content of 16% and a maximum dry non-fat milk-material content of 2%.

Whey butter (233): a product obtained from whey cream or a mixture of whey cream and cream with a milk fat content of not less than 80% and less than 90% and maximum water content of 16% and a maximum dry non-fat milk-material content of 2%.

Headings 231, 232 and 233 also include butter which contains small amounts of herbs, spices, aromatic substances, etc. on the condition that the product retains the characteristics of butter.

Rendered butter and butteroil (234):

Rendered butter: rendered butters have a milk fat content exceeding 85 % by weight. The term frequently covers, in addition to rendered butter as such, a number of other similar dehydrated butters which are known generically under various names, such as 'dehydrated butter', 'anhydrous butter', 'butteroil', 'butyric fat' (milk fat) and 'concentrated butter'.

Butteroil: a product obtained from milk, cream or butter by processes which eliminate the water and the dry non-fat extract with a minimum content of milk fat of 99,3 % of the total weight and a maximum water content of 0,5 % of the total weight.

- Also includes 'ghee',

- To avoid double counting, 'butteroil' relates only to direct production from cream.

Other yellow fat products (235):

Reduced-fat butter (2351): product similar to butter with a milk-fat content of less than 80 % by weight (excluding all other fat) (Sales description according to section A of the Annex to Council Regulation 2991/94 of 5 December 1994⁸: *three quarter-fat butter, half-fat butter and dairy spread*).

Other (2352): in particular 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. (Sales description according to section C of the Annex to Council Regulation 2291/94 of 5 December 1994⁹: *blend, three-quarter-fat blend, half-fat blend and blended spread*).

⁸ OJ L 316, 9.12.1994, p.6.

⁹ OJ L 316, 9.12.1994, p.6.

Table B: if the reduced-fat butter (2351) and/or 'other' (2352) are produced from butter manufactured in the same dairy and the type of butter is not identifiable (231, 232 or 233) the data are taken from heading 23 , indicating the quantity of butter concerned.

Annex II of **Decision 97/80/EC** is amended as follows: in table B "Utilisation" the headings of Code 23 "Butter and other yellow fat dairy products" are replaced as follows:

Code	B. Utilisation
23	Total butter and other yellow fat dairy products
231	Traditional butter
232	Recombined butter
233	Whey butter
234	Rendered butter and butteroil
235	Other yellow fat dairy products
2351	Reduced-fat butter
2352	Other

Supplementary sheet concerning EEA countries

Title of the proposal:

Draft Council Decision amending Decision 97/80/EC laying down provisions for the implementation of Council Directive 96/16/EC on statistical surveys of milk and milk products

Impact on the EEA countries:

The EEA countries of EFTA have an interest in the draft Decision and have participated in the meetings of the working party relating to this draft Decision.

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DOCUMENTS

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