Commission Implementing Regulation (EU) 2018/150 of 30 January 2018 amending Implementing Regulation (EU) 2016/1240 as regards methods for the analysis and quality evaluation of milk and milk products eligible for public intervention and aid for private storage

COMMISSION IMPLEMENTING REGULATION (EU) 2018/150

of 30 January 2018

amending Implementing Regulation (EU) 2016/1240 as regards methods for the analysis and quality evaluation of milk and milk products eligible for public intervention and aid for private storage

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008[(1)], and in particular Article 62(2)(i) thereof,

Whereas:

(1) Commission Delegated Regulation (EU) 2016/1238[(2)] and Commission Implementing Regulation (EU) 2016/1240[(3)] lay down the rules on public intervention and aid for private storage. Commission Regulation (EC) No 273/2008[(4)] sets out the methods to be applied in assessing whether milk and milk products comply with the eligibility requirements laid down in those Regulations for public intervention and aid for private storage.

(2) In the light of technical developments in the methodology used in the analysis and quality evaluation of milk and milk products, substantial changes should be made in order to simplify and to provide for updated references to ISO standards. In the interests of clarity and efficiency, and having regard to the extent and technical nature of the amendments to the provisions of Regulation (EC) No 273/2008, the relevant provisions of that Regulation should be incorporated into Implementing Regulation (EU) 2016/1240.

(3) In order to ensure uniform compliance with the new standards and methods across Member States, laboratories should be allowed a sufficient period of time to review procedures and apply the updated methods.

(4) Implementing Regulation (EU) 2016/1240 should therefore be amended accordingly.

(5) In the interests of legal certainty Regulation (EC) No 273/2008 should be repealed.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/150. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2016/1240 is amended as follows:

(1) Article 4 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (d) is replaced by the following:

(d) for butter: in Parts I and Ia of Annex IV to this Regulation;

(ii) point (e) is replaced by the following:

(e) for skimmed milk powder: in Parts I and Ia of Annex V to this Regulation;

(b) paragraph 2 is replaced by the following:

2. The methods to be used to determine the quality of cereals, butter and skimmed milk powder eligible for public intervention referred to in Annexes I, IV and V respectively, shall be those established by the latest versions of the relevant European or international standards, as the case may be, in force at least 6 months before the first day of the public intervention period as defined in Article 12 of Regulation (EU) No 1308/2013.;

(2) the following Article 60a is inserted:

Article 60a

Specific provision on checks relating to public intervention and aid for private storage for milk and milk products

1 The eligibility of butter, skimmed milk powder and cheese to receive aid for private storage shall be established in accordance with the methods laid down in Annexes VI, VII and VIII respectively.

Those methods shall be established by reference to the latest versions of the relevant European or international standards, as the case may be, in force at least 6 months before the first day of the public intervention period as defined in Article 12 of Regulation (EU) No 1308/2013.

2 The results of the checks conducted by applying the methods set out in this Regulation shall be evaluated in accordance with Annex IX.;

(3) the Annexes are amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 273/2008 is repealed.

Article 3

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 January 2018.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/150. (See end of Document for details)*

ANNEX

The Annexes to Implementing Regulation (EU) 2016/1240 are amended as follows:

(1) Annex IV is amended as follows:

(a) in Part I, point 2, the second sub-paragraph is replaced by the following:

Each sample shall be assessed individually. No resampling or re-evaluation is allowed.;

(b) the following Part Ia is inserted:

PART IA

Methods of analysis of unsalted butter for public intervention

Parameter	Method
Fat[a]	ISO 17189 or ISO 3727 part 3
Water	ISO 3727 part 1
Non-fat solids	ISO 3727 part 2
Fat acidity	ISO 1740
Peroxide value	ISO 3976
Non-milk fat	ISO 17678
Sensory characteristics	ISO 22935 parts 2 and 3 and scoring table hereafter.

a The method to be applied shall be approved by the paying agency.

Scoring table

Appearance		Consistency		Odour and Flavour	
Points	**Remarks**	**Points**	**Remarks**	**Points**	**Remarks**
5	*Very good* Ideal type Highest quality (equal dry)	5	*Very good* Ideal type Highest quality (equal spreadable)	5	*Very good* Ideal type Highest quality (absolutely pure finest odour)
4	*Good* (no evident defects)	4	*Good* (no evident defects)	4	*Good* (no evident defects)
1, 2 or 3	Any defect	1, 2 or 3	Any defect	1, 2 or 3	Any defect

(2) in Annex V the following Part Ia is inserted:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/150. (See end of Document for details)*

PART IA

Methods of analysis of skimmed milk powder for public intervention

Parameter	Method
Protein	ISO 8968 part 1
Fat	ISO 1736
Water	ISO 5537
Acidity	ISO 6091
Lactates	ISO 8069
Phosphatase test	ISO 11816 part 1
Insolubility index	ISO 8156
Scorched particles[a]	ADPI
Micro-organisms	ISO 4833-part 1
Buttermilk	Appendix I
Rennet whey[b]	Appendix II and III
Acid whey[c]	ISO 8069 or On-the-spot inspections
Sensory checks[d]	ISO 22935 part 2 and 3

a Scorched particles' analyses may be conducted systematically. However, such analyses shall always be conducted if no sensory checks are performed.

b The method to be applied shall be approved by the paying agency (one or both methods).

c The method to be applied shall be approved by the paying agency.

d Sensory checks shall be performed where deemed necessary after risk based analysis approved by the paying agency.

Appendix I

SKIMMED MILK POWDER: QUANTITATIVE DETERMINATION OF PHOSPHATIDYLSERINE AND PHOSPHATIDYLETHANOLAMINE
Method: reversed-phase HPLC

1. PURPOSE AND FIELD OF APPLICATION

The method describes a procedure for the quantitative determination of phosphatidylserine (PS) and phosphatidylethanolamine (PE) in skimmed milk powder (SMP) and is suitable for detecting buttermilk solids in SMP.

2. DEFINITION

PS + PE content : the mass fraction of substance determined using the procedure here specified. The result is expressed as milligrams of phosphatidylethanolamine dipalmitoyl (PEDP) per 100 g powder.