

Draft

**REGULATION**

**of ..... 2012,**

**amending Regulation No 333/1997 Coll., which implements Section 18(a), d), h), i), j) and k) of Act No 110/1997 Coll. on food and tobacco products and on amendments to certain related acts in respect of milled cereal products, pasta, bakery products and confectionery products, and doughs, as amended**

Pursuant to Section 18(1)(a), b), g) and h) of Act No 110/1997 Coll. on food and tobacco products and on amendments to certain related acts, as amended by Act No 119/2000 Coll., Act No 306/2000 Coll., Act No 146/2002 Coll., Act No 274/2003 Coll., Act No 316/2004 Coll. and Act No 120/2008 Coll., the Ministry of Agriculture lays down:

Article I

This Regulation was notified in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended by Directive 98/48/EC.

Article II

Regulation No 333/1997 Coll., which implements Section 18(a), d), h), i), j) and k) of Act No 110/1997 Coll. on food and tobacco products and on amendments to certain related acts in respect of milled cereal products, pasta, bakery products and confectionery products, and doughs, as amended by Regulation No 93/2000 Coll. and Regulation No 268/2006 Coll., is amended thus:

1. In the title and the introductory sentence, the words ‘Section 18(a), d), h), i), j) and k)’ are replaced by the words ‘Section 18(1)(a), b), g) and h)’.
2. In Section 1(a), the words ‘cereal, buckwheat and rice’ are replaced by the words ‘one or more botanical species of cereal, buckwheat or rice’.
3. In Section 1(b), the word ‘cereal’ is replaced by the words ‘cereal grains, buckwheat and rice’.
4. In Section 1(c), the word ‘cereal’ is replaced by the words ‘cereal grains’.

5. In Section 1(g), after the word 'cereal', the words 'and buckwheat' are inserted.
6. In Section 5, the words 'in areas' are replaced by the words 'in ventilated areas'.
7. In Section 6(c), the words 'and not more than 30' are deleted.
8. Footnote 1, including the reference to footnote 1, is deleted.
9. In Section 6(g), the words 'wholegrain wheat flour' are replaced by the words 'wholegrain flour from one or more types of cereal, buckwheat or rice'.
10. In Section 10(1), the words 'in areas' are replaced by the words 'in ventilated areas'.
11. In Section 10(2), the number '5' is replaced by the number '8'.
12. In Section 10, the following words are added to the end of the text of paragraph 2: ', unless the manufacturer specifies other storage conditions'.
13. In Section 11, subparagraph b) reads:  
    'b) 'bread' means a bakery product leavened by yeast, in the shape of a roll, a loaf or a mould, except for non-traditional types of bread, weighing at least 400 g, except for sliced bread and non-traditional types of bread.'
14. In Section 11(c), after the word 'flour', the words 'or other milled cereal products' are inserted.
15. In Section 11(d), after the word 'preserve,' the words 'fruit spread, fillings that are microbially stable under normal storage conditions,' are inserted.
16. In Section 11, at the end of the text of subparagraph k), the words 'of the total weight of the milled cereal products used' are added.
17. In Section 11, subparagraph l) reads:  
    'l) 'special type' means a bread or bakery product that contains, in addition to mill products from wheat and rye, other ingredients, especially cereals, oilseeds, pulses,

fibre, dry shell crops, vegetables, dairy products or potatoes, in a quantity of not less than 10% of the total weight of the mill products used, or a non-traditional type of bread type of the type pitta bread, Arabic bread or similar types of flat bread weighing less than 400 g, containing at least 50% milled products and generally leavened by yeast,'.

18. After Section 11, a new Section 11a is inserted, which reads:

‘Section 11a

For the purposes of this Act,

- a) ‘extruded product’ means a product made from milled cereal products using extrusion technologies through the agency of pressure and temperature,
- b) ‘puffed product’ means a product made from ground, dampened cereal grains of one or more botanical species of cereal, rice or buckwheat in an expansion mould and cooked in a baking device through the agency of pressure and temperature,
- c) ‘matzo’ means a crispy, unleavened product of round or rectangular shape made from an unleavened dough of water and wheat flour, and heat treated,
- d) ‘knäckebrot’ means a product of crispy consistency made from milled cereal products and other ingredients, normally in the shape of a rectangle, and made using heat treatment,
- e) ‘fresh bread’ means an unpackaged bread, the whole technological production process of which, from dough preparation to baking or similar heat treatment, including putting into circulation, is not interrupted by freezing or other technological treatment to extend its shelf-life, and which is offered for sale to the consumer not later than 24 hours after baking or similar heat treatment,
- f) ‘fresh bakery ware’ means an unpackaged bakery ware, the whole technological production process of which, from dough preparation to baking or similar heat treatment, including putting into circulation, is not interrupted by freezing or other technological treatment intended to extend its shelf-life, and which is offered for sale to the consumer not later than 24 hours after baking or similar heat treatment,
- g) ‘fresh patisserie ware’ means unpackaged patisserie ware, the whole technological production process of which, from dough preparation to baking or similar heat treatment, including putting into circulation, is not interrupted by freezing or other technological treatment intended to extend its shelf-life, and which is offered for sale to the consumer not later than 24 hours after baking or similar heat treatment.’.

19. In Section 13, at the end of subparagraph i), the full stop is replaced by a comma and subparagraphs j) to m) are added, which read:

- j) a packaged bakery product that is frozen in its finished state and offered to the consumer in a defrosted state shall be indicated by the designation ‘defrosted’ in the vicinity of the product name,
- k) in the case of an unpackaged bakery product that is frozen in its finished state and offered to the consumer in a defrosted state, the designation ‘defrosted’ shall be visibly located at the place where the product is offered directly to the consumer for sale,
- l) a packaged bakery product that is completed from frozen semi-finished products shall be indicated by the designation ‘from frozen semi-finished products’ in the vicinity of the product name,
- m) in the case of an unpackaged bakery product that is completed from frozen semi-finished products, the designation ‘from frozen semi-finished products’ shall be

visibly located at the place where the product is offered directly to the consumer for sale.’.

20. In Section 16, at the end of the text in subparagraph a), the words ‘, or products based on a solid mass formed by gelling agents without baking and finished in particular using fillings, icings or pieces of fruit,’ are added.

21. In Section 16(j), the words ‘characteristic layering prepared without the use of raising agents’ are replaced by the words ‘high fat content prepared without the use of raising agents and formed of individual layers of water dough and fat that shows a characteristic layering after heat treatment’.

22. In Section 16, at the end of subparagraph j), the full stop is replaced by a comma, and a subparagraph k) is added, which reads:

‘k) ‘raised puff or filo dough’ means dough with a high fat content prepared using raising agents and formed of individual layers of raised dough and fat that shows a characteristic layering after heat treatment.’.

23. In Section 18, at the end of subparagraph g), the full stop is replaced by a comma, and subparagraphs h) and i) are added, which read:

‘h) a packaged confectionery product that is frozen in its finished state and offered to the consumer in a defrosted state shall be indicated by the designation ‘defrosted’ in the vicinity of the product name’,

i) in the case of an unpackaged confectionery product that is frozen in its finished state and offered to the consumer in a defrosted state, the designation ‘defrosted’ shall be visibly located at the place where the product is offered directly to the consumer for sale.’.

24. In Section 19(1), after the word ‘confectionery’, the words ‘products and’ are inserted.

25. Section 21, including the title, reads:

‘Section 21  
**Putting into circulation**

(1) Confectionery products shall be put into circulation at a temperature of not more than 8°C, except for the products referred to in paragraph 2.

(2) Packaged confectionery products that are microbiologically, physically and chemically stable at temperatures above 8°C due to the use of ingredients of a more durable nature or technological treatment to extend their shelf-life shall be put into circulation at the temperatures declared by the producer.

(3) Doughs shall be put into circulation at a temperature of not more than 10°C.’.

26. In Annex 2, Table 2 reads:

‘Table 2  
Sensory requirements for flour quality

<b>Name of flour</b>	<b>Colour</b>	<b>Smell and taste</b>
wheat	white with a yellowish tint	pleasant, characteristic of flour from the given cereal, free from foreign odours and flavours
wheat bread	white with a yellow-grey or greyish tint	
wheat wholegrain	brownish, reddish or dark red tint	
light rye (superfine)	white	
dark rye (bread)	grey-white with a green-blue tint	

27. Annex 6 reads:

**Sensory, physical and chemical requirements for pasta quality**

Table 1  
Sensory requirements

Appearance and shape	Corresponding to the market type, consumer packaging does not contain an admixture of more than 1% of other pasta shapes. Surface smooth, compact, free from cracks. For rolled pasta and pasta where most of the surface is composed of cuts (e.g. ‘little stars’), the surface may be slightly rough and floury. The proportion of fragments may be a maximum of 10%. If the conditions stated in the instructions are adhered to, the pasta will not overcook, is not sticky, and retains its shape after cooking.
Colour	Light, uniform in various shades of yellow, in the case of egg pasta corresponding to the number of eggs used, in the case of semolina pasta amber or various darker shades of yellow, in the case of other pasta types corresponding to the ingredients, additives or flavourings used.
Smell and taste after cooking	Pleasant, pasta-like, corresponding to the ingredients used.

Table 2  
Physical and chemical requirements

	Pasta	minimum	maximum
Wetness	- dried	-	13 %
	- not dried	20 %	-
	- frozen	20 %	38 %
	- vacuum packed or in an inert atmosphere	20 %	38 %

28. Annexes 8 and 9 read:

**Classification of bakery products into types and groups**

Type	Group
bread/fresh bread	wheat rye rye-wheat wheat-rye wholegrain multigrain special
bakery ware/fresh bakery ware	wheat rye rye-wheat wheat-rye wholegrain multigrain special
patisserie ware/fresh patisserie ware	
long-life bakery ware	biscuits from whipped substances wafers gingerbread rusks pretzels long-life sticks knäckebröt cracker bread extruded products puffed products matzos sponges

**Requirements for the quality of bakery products**

	Appearance and shape	Crust, surface	Crumb	Smell and taste
bread/fresh bread	regular form, arched	clean gold-brown colour without clearly exposed crumb	well-baked, porous, elastic, homogeneous	bread-like, pleasant
bakery ware/ fresh bakery ware	regular form, arched	gold-brown colour, clean, crisp, without clearly exposed crumb	well-baked, porous, elastic, homogeneous	bakery ware-like, pleasant
patisserie ware/ fresh patisserie ware from yeast dough	regular form, arched or filled	characteristic colours, without clearly exposed crumb	well-baked, porous, soft, elastic	delicate, bakery ware-like, with flavour of added ingredients
patisserie ware/ fresh patisserie ware from filo and puff dough	regular form, arched	characteristic colours, without clearly exposed crumb (except for slices), typical crusty surface	baked with visible layers, in raised dough cavities are not signs of flaws, in filled products filling is visible in slices	bakery ware-like, pleasant with flavour of added ingredients, free from foreign odours and flavours
patisserie ware/patisserie ware from other doughs	regular form	characteristic colours, without clearly exposed crumb (except for slices), possibly with icing or glaze	well baked	pleasant, bakery ware-like, corresponding to ingredients used
long-life bakery wear except biscuits, wafers and gingerbreads	typical colour		crispy, in laminated products layered when broken	pleasant, according to ingredients
biscuits	regular, according to mould	light brown	crispy	delicate
wafers	according to mould	crispy, imprint from mould	crispy	pleasant, according to ingredients

gingerbreads	according to mould	solid, clean	soft	according to ingredients
extruded products	regular, according to mould used	characteristic, corresponding to ingredients used	crispy, porous	bakery ware-like, pleasant with flavour of added ingredients, free from foreign odours and flavours
puffed products	regular, according to mould used	characteristic, corresponding to ingredients used	crispy, formed of individual puffed grains	bakery ware-like, pleasant with flavour of added ingredients, free from foreign odours and flavours

29. Annex 12 reads:

‘Annex 12 to Regulation No 333/1997 Coll.

### **Requirements for the quality of confectionery products and fillings**

- (1) Fillings must have a uniform colour, solid constituents must be evenly dispersed throughout the volume of cream.
- (2) The smell and taste of the filling and surface decoration must be pleasant, according to the ingredients used, and free from foreign odours and flavours; the taste must not be sour or bitter if sourness or bitterness is not a characteristic of the filling.
- (4) A bakery product that is the basis or a constituent of a confectionery product must be well baked, must not be burnt, and its smell and taste must be pleasant, corresponding to its type and the ingredients used.’

### **Article III**

#### **Transitional provisions**

Food produced and labelled before the entry into force of this Regulation that does not satisfy the requirements laid down in this Regulation shall be assessed according to the existing legal regulations and may be put into circulation for a period of nine months after the entry into force of this Regulation.

Article IV

**Entry into force**

This Regulation shall enter into force on the first day of the fourth calendar month following the day of its promulgation.

Minister: