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Statement

connect to the world of dairy

WHAT IS MILK? - OR THE STORY OF DAIRY PROTECTED TERMS

The Common Agricultural Policy was set up to ensure food availability and affordability for the European population. In this framework, dairy products were recognised from the start as being unique in composition and source, being the secretion from a mammal. The specific EU legislative framework also prevents players in the sector and consumers from being misled and guarantees every European citizen a clear knowledge of what milk and milk products are. This is also important with regard to the unique nutritional qualities that naturally characterise milk¹.

Dairy protected terms must be respected at all times by all parties, as clearly established by EU Regulation No 1308/2013² and as confirmed by EJC decisions in cases C-101/98 and T-51/14.

- The existing legislative framework guarantees an EU-wide protection of dairy terms (Common Market Organisation Regulation (EU) No 1308/2013, Art. 78 1&2 in combination with Appendix VII, Part III, IV and VII).
- According to this EU law, milk and dairy terms are protected for exclusive use by products from mammary secretion. These legal obligations must be respected at all times by all parties.
- The European Court of Justice (ECJ) rulings further confirm the legal protection of dairy terms. In cases C-101/98 (“diet-cheese”) and T-51/14 (“pomazankove maslo”) the ECJ ruled that it was not possible to hide behind other food laws in order to bypass this market law.
- Plant-based products and milk essentially differ in their source; thus the techniques of production and the nutritional components are also widely dissimilar. Against the EU legal background, it is clear that the name of a plant-based product cannot refer to any dairy product, or vice versa. As being completely different products, any use of protected dairy terms in so-called ‘imitation products’ is forbidden.
- A different section of the EU legislation applies to each different animal product. The dairy terms need to be considered individually.
- This is also reflected in the internationally recognised Codex Alimentarius standards.

¹ <http://www.milknutritiousbynature.eu/>

² REGULATION (EU) No 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, Annex VII, Parts III (pp.255-258) IV & VII: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02013R1308-20140101&qid=1456842409138&from=FR>