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COMMISSION DECISION

of 26 November 2009

on transitional measures under Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Romania and the structural requirements of such establishments

(notified under document C(2009) 9083)

(Text with EEA relevance)

(2009/852/EC)

(OJ L 312, 27.11.2009, p. 59)

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(notified under document C(2009) 9083)

(Text with EEA relevance)

(2009/852/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs [1] and in particular the second subparagraph of Article 12 thereof,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin [2] and in particular Article 9 thereof,

Whereas:

(1) Regulation (EC) No 852/2004 lays down general rules for food business operators on the hygiene of foodstuffs based amongst others on the principles of hazard analysis and critical control points. It provides that food business operators are to comply with certain procedures based on those principles.

(2) Regulation (EC) No 853/2004 lays down specific rules on the hygiene of food of animal origin for food business operators and supplements the rules laid down in Regulation (EC) No 852/2004. The rules laid down in Regulations (EC) No 852/2004 and (EC) No 853/2004 include structural requirements for milk processing establishments, as well as hygiene requirements concerning raw milk and dairy products.

(3) By the Act of Accession of Bulgaria and Romania (the Act of Accession), Romania has been granted a transitional period, expiring on 31 December 2009, for compliance by certain milk processing establishments with the structural and hygiene requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004.

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[1] OJ L 139, 30.4.2004, p. 1.
[2] OJ L 139, 30.4.2004, p. 55.

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(4) Point (a) of Section B.I. of Chapter 5 of Annex VII to the Act of Accession, authorises until 31 December 2009 certain milk processing establishments that do not comply with the structural requirements laid down in Regulations (EC) No 852/2004 and (EC) No 853/2004.

(5) Since the accession of Romania, the number of establishments in compliance with those structural requirements has increased. However, certain milk processing establishments are still undergoing the necessary structural improvements in order to comply with those requirements. In light of the ongoing structural improvements, it is necessary to provide for a time-limited derogation from the structural requirements laid down in Regulations (EC) No 852/2004 and (EC) No 853/2004. The list of establishments not in compliance with those structural requirements is set out in Annex I to this Decision.

(6) In addition, point (c) of Section B.I. of Chapter 5 of Annex VII to the Act of Accession, authorises until 31 December 2009 certain milk processing establishments that do not comply with the hygiene requirements laid down in Regulation (EC) No 853/2004.

(7) Milk production holdings that do not comply with those hygiene requirements are spread over the whole territory of Romania. The proportion of raw milk that complies with those requirements, delivered to milk processing establishments in Romania, has only increased slightly during the last years.

(8) Taking into account the current situation, it is appropriate to provide for a time-limited derogation from the hygiene requirements laid down in Regulation (EC) No 853/2004 with a view to permitting Romania to bring its milk sector in compliance with those requirements.

(9) In light of this situation, certain milk processing establishments listed in Annex II to this Decision should be allowed, by way of derogation from Regulation (EC) No 853/2004, to continue to process compliant and non-compliant milk provided that the processing is carried out on separate production lines. In addition, certain milk processing establishments listed in Annex III to this Decision should be allowed to continue to process non-compliant milk without separate production lines.

(10) In addition, in order not to penalise milk processing establishments that comply with the structural requirements, it is appropriate to authorise such establishments to receive non-compliant milk on the same conditions as apply to milk processing establishments that do not comply with those requirements.

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(11) The marketing of dairy products derived from non-compliant milk should be restricted to Romania or used for further processing in the milk processing establishments covered by the derogations provided for in this Decision.

(12) The transitional period granted by this Decision should be limited to twenty-four months from 1 January 2010. The situation in the milk sector in Romania should be reviewed before the end of that period. Therefore, Romania should submit annual reports to the Commission regarding progress in the upgrading of milk processing establishments in that Member State, milk production holdings supplying raw milk to those establishments and the system for collecting and transporting non-compliant milk.

(13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of this Decision 'non-compliant milk' means raw milk which does not comply with the requirements set out in Annex III, Section IX, Chapter I, Subchapters II and III to Regulation (EC) No 853/2004.

Article 2

1. The structural requirements laid down in Regulation (EC) No 852/2004, Annex II, Chapter II and in Regulation (EC) No 853/2004, Annex III, Section I, Chapters II and III, Section II, Chapters II and III, and Section V, Chapter I, shall not apply to milk processing establishments in Romania listed in Annex I to this Decision until 31 December 2011.

2. Dairy products produced by the establishments referred to in paragraph 1 shall only:

(a) be placed on the domestic market in Romania; or

(b) used for further processing in establishments in Romania referred to in paragraph 1.

Such dairy products shall bear a health or identification mark which is different from the health or identification mark provided for in Article 5 of Regulation (EC) No 853/2004.

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Article 3

By way of derogation from the requirements set out in Annex III, Section IX, Chapter I, Subchapters II and III to Regulation (EC) No 853/2004, the milk processing establishments listed in Annex II to this Decision may continue to process, until 31 December 2011, compliant and non-compliant milk provided that the processing of the compliant and the non-compliant milk is carried out on separate production lines.

Article 4

By way of derogation from the requirements set out in Annex III, Section IX, Chapter I, Subchapters II and III to Regulation (EC) No 853/2004, the milk processing establishments listed in Annex III to this Decision may continue to process, until 31 December 2011, non-compliant milk without separate production lines.

Article 5

Dairy products derived from non-compliant milk shall only:

(a) be placed on the domestic market in Romania; or

(b) be used for further processing in the milk processing establishments in Romania referred to in Articles 2, 3 and 4.

Such dairy products shall bear a health or identification mark which is different from the health or identification mark provided for in Article 5 of Regulation (EC) No 853/2004.

Article 6

Romania shall submit annual reports to the Commission on progress made in bringing the following in compliance with Regulations (EC) No 852/2004 and (EC) No 853/2004:

(a) the processing establishments referred to in Article 2(1) including a timetable for their compliance with the structural requirements referred to in that provision;

(b) production holdings producing non-compliant milk;

(c) the system for collecting and transporting non-compliant milk.

The first annual report shall be submitted to the Commission by 31 December 2010, at the latest, and the second annual report by 31 October 2011, at the latest.

The form set out in Annex IV shall be used for those reports.

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Article 7

This Decision shall apply from 1 January 2010 to 31 December 2011.

Article 8

This Decision is addressed to the Member States.

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ANNEX I

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 2(1) OF DECISION 2009/852/EC

No	Veterinary No	Name of establishment	Town/street or village/region
1	AB 641	SC Biomilk SRL	Lopadea Nouă, județul Alba, 517395
2	AB 1256	SC Binal Mob SRL	Râmetea, județul Alba, 517610
3	AB 3386	SC Lactate C.H. SRL	Sânmiclăuș, județul Alba, 517761
4	AR 563	SC Silmar Prod SRL	Sântana, județul Arad, 317280
5	AG 11	SC. Agrolact Cosesti	Coseşti, județul Argeș, 115202
6	BC 2519	SC Marlact SRL	Buhoci, județul Bacău, 607085
7	BH 4020	SC Moisi Serv Com SRL	Borșa, nr. 8, județul Bihor, 417431
8	BN 2120	SC Eliezer SRL	Lunca Ilvei, județul Bistrița-Năsăud, 427125
9	BN 2192	SC Simcodrin Com SRL	Budeşti-Fânațe, județul Bistrița-Năsăud, 427021
10	BN 2399	SC Carmo-Lact Prod SRL	Monor, județul Bistrița-Năsăud, 427175
11	BN 209	SC Calatis Group Prod SRL	Bistrița, județul Bistrița-Năsăud, 427006
12	BN 2125	SC Sinelli SRL	Milaș, județul Bistrița-Năsăud, 427165
13	BT 8	SC General Suhardo SRL	Păltiniș, județul Botoșani, 717295
14	BT 11	SC Portas Com SRL	Vlăsinești, județul Botoșani, 717465
15	BT 109	SC Lacto Mac SRL	Bucecea, județul Botoșani, 717045
16	BT 115	SC Comintex SRL	Dărăbani, județul Botoșani, 715100
17	BT 263	SC Cosmi SRL	Săveni, județul Botoșani 715300
18	BT 50	SC Pris Com Univers SRL	Flămânzi, județul Botoșani, 717155
19	BV 8	SC Prodlacta SA Homorod	Homorod, județul Brașov, 507105
20	BV 2451	SC Prodlacta SA Fagaras	Făgăraș, județul Brașov, 505200
21	BR 36	SC Hatman SRL	Vădeni, județul Brăila, 817200
22	BR 63	SC Cas SRL	Brăila, județul Brăila, 810224

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No	Veterinary No	Name of establishment	Town/street or village/region
23	BZ 0098	SC Meridian Agroind	Râmnicu Sărat, județul Buzău, 125300
24	BZ 0627	SC Ianis Cos Lact SRL	C.A. Rosetti, județul Buzău, 127120
25	BZ 2012	SC Zguras Lacto SRL	Pogoanele, județul Buzău, 25200
26	CL 0044	SC Ianis Dim SRL	Lehliu Gară, județul Călărași, 915300
27	CL 0368	SC Lacto GMG SRL	Jegălia, județul Călărași, 917145
28	CJ 41	SC Kazal SRL	Dej, județul Cluj, 405200
29	CJ 7584	SC Aquasala SRL	Bobâlna, județul Cluj, 407085
30	CT 04	SC Lacto Baneasa SRL	Băneasa, județul Constanța, 907035
31	CT 15	SC Nic Costi Trade SRL	Dorobanțu, județul Constanța, 907211
32	CT 225	SC Mih Prod SRL	Cobadin, județul Constanța, 907065
33	CT 256	SC Ian Prod SRL	Târgușor, județul Constanța, 907275
34	CT 258	SC Binco Lact SRL	Săcele, județul Constanța, 907260
35	CT 311	SC Alltocs Market SRL	Pietreni, județul Constanța, 907112
36	CT 12203	SC Lacto Genimico SRL	Hârșova, județul Constanța, 905400
37	CT 30	SC Eastern European Foods SRL	Mihail Kogălniceanu, județul Constanța, 907195
38	CT 294	SC Suflaria Import Export SRL	Cheia, județul Constanța, 907277
39	L9	SC Covalact SA	Sfântu Gheorghe, județul Covasna, 520076
40	CV 2451	SC Agro Pan Star SRL	Sfântu Gheorghe, județul Covasna, 520020
41	DJ 80	SC Duvadi Prod Com SRL	Breasta, județul Dolj, 207115
42	DJ 730	SC Lactido SA	Craiova, județul Dolj, 200378
43	GL 4136	SC Galmopan SA	Galați, județul Galați, 800506
44	GR 5610	SC Lacta SA	Giurgiu, județul Giurgiu, 080556
45	GJ 231	SC Sekam Prod SRL	Novaci, județul Gorj, 215300
46	GJ 2202	SC Arte Import Export	Târgu Jiu, județul Gorj, 210112

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No	Veterinary No	Name of establishment	Town/street or village/region
47	HR 383	SC Lactate Harghita SA	Cristuru Secuiesc, județul Harghita, 535400
48	HR 119	SC Bomilact SRL	Mădăraș, județul Harghita, 537071
49	HR 213	SC Paulact SA	Mărtiniș, județul Harghita, 537175
50	HR 625	SC Lactis SRL	Odorheiu Secuiesc, județul Harghita, 535600
51	HD 1014	SC Sorilact SA	Râșculița, județul Hunedoara, 337012
52	IL 0750	SC Balsam Med SRL	Țăndărei, județul Ialomița, 925200
53	IL 1167	SC Sanalact SRL	Slobozia, județul Ialomița, 920002
54	IS 1540	SC Promilch SRL	Podu Iloaiei, județul Iași, 707365
55	MM 793	SC Wromsal SRL	Satulung, județul Maramureș, 437270
56	MM 6325	SC Ony SRL	Larga, județul Maramureș, 437317
57	MM 1795	SC Calitatea SRL	Tăuții Măgherăuș, județul Maramureș, 437349
58	MM 4714	SC Saturil SRL	Giulești, județul Maramureș, 437162
59	MH 1304	SC IL SA Mehedinti	Drobeta Turnu Severin, județul Mehedinți, 220167
60	MS 297	SC Rodos SRL	Fărăgău, județul Mureș, 547225
61	MS 483	SC Heliantus Prod	Reghin, județul Mureș, 545300
62	MS 532	SC Horuvio Service SRL	Lunca Sântu, județul Mureș, 547375
63	MS 2462	SC Lucamex Com SRL	Gornești, județul Mureș, 547280
64	MS 5554	SC Globivetpharm SRL	Batoș, județul Mureș, 547085
65	L12	SC Camytex Prod SRL	Târgu Neamț, județul Neamț, 615200
66	NT 900	SC Complex Agroalimentar SRL	Bicaz, județul Neamț, 615100
67	PH 212	SC Vitoro SRL	Ploiești, județul Prahova, 100537
68	SM 4189	SC Primalact SRL	Satu Mare, județul Satu Mare, 440089
69	SV 1085	SC Bucovina SA Falticeni	Fălticeni, județul Suceava, 725200

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No	Veterinary No	Name of establishment	Town/street or village/region
70	SV 1562	SC Bucovina SA Suceava	Suceava, județul Suceava, 720290
71	SV 1888	SC Tocar Prod SRL	Frătăuții Vechi, județul Suceava, 727255
72	SV 4909	SC Zada Prod SRL	Horodnic de Jos, județul Suceava, 727301
73	SV 6159	SC Ecolact SRL	Milișăuți, județul Suceava, 727360
74	TR 78	SC Interagro SRL	Zimnicea, județul Teleorman, 145400
75	TR 27	SC Violact SRL	Putineiu, județul Teleorman, 147285
76	TR 81	SC Big Family SRL	Videle, județul Teleorman, 145300
77	TR 239	SC Comalact SRL	Nanov, județul Teleorman, 147215
78	TR 241	SC Investrom SRL	Sfințești, județul Teleorman, 147340
79	TL 965	SC Mineri SRL	Mineri, județul Tulcea, 827211
80	VN 231	SC Vranlact SA	Focșani, județul Vrancea, 620122
81	VN 348	SC Stercus Lacto SRL	Ciorăști, județul Vrancea, 627082
82	VN 35	SC Monaco SRL	Vrâncioaia, județul Vrancea, 627445

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ANNEX II

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 3 OF DECISION 2009/852/EC

No	Veterinary No	Name of establishment	Town/street or village/region
1	L35	SC Danone PDPA Romania SRL	Bucureşti, 032451

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ANNEX III

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 4 OF DECISION 2009/852/EC

No	Veterinary No	Name of establishment	Town/street or village/region
1	L18	SC Depcoinf MBD SRL	Târgu Trotuș, județul Bacău, 607630
2	L72	SC Lactomuntean SRL	Teaca, județul Bistrița-Năsăud, 427345
3	L78	SC Romfulda Prod SRL	Beclean, județul. Bistrița-Năsăud, 425100
4	L107	SC Bendear Cris Prod Com SRL	Șieu Măgheruș, județul Bistrița-Năsăud, 427295
5	L109	SC G&Lumidan SRL	Rodna, județul Bistrița-Năsăud, 427245
6	L110	SC Lech Lacto SRL	Lechința, județul Bistrița-Năsăud, 427105
7	L3	SC Aby Impex SRL	Șendriceni, județul Botoșani, 717380
8	L4	SC Spicul 2 SRL	Dorohoi, județul Botoșani, 715200
9	L116	SC Ram SRL	Ibănești, județul Botoșani, 717215
10	L73	SC Eurocheese Productie SRL	București, 030608
11	L97	SC Terra Valahica SRL	Berca, județul Buzău, 127035
12	L129	SC Bonas Import Export SRL	Dezmir, județul Cluj, 407039
13	L84	SC Picolact Prodcom SRL	Iclod, județul Cluj, 407335
14	L122	SC Napolact SA	Cluj-Napoca, județul Cluj, 400236
15	L43	SC Lactocorv SRL	Ion Corvin, județul Constanța, 907150
16	L40	SC Betina Impex SRL	Ovidiu, județul Constanța, 905900
17	L41	SC Elda Mec SRL	Topraisar, județul Constanța, 907210
18	L87	SC Niculescu Prod SRL	Cumpăna, județul Constanța, 907105
19	L118	SC Assla Kar SRL	Medgidia, județul Constanța, 905600
20	L130	SC Muntina Prod SRL	Constanța, județul Constanța, 900735

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No	Veterinary No	Name of establishment	Town/street or village/region
21	L58	SC Lactate Natura SA (sc Industrializarea Laptelui SA)	Târgoviște, județul Dâmbovița, 130062
22	L82	SC Totallact Group SA	Dragodana, județul Dâmbovița, 137200
23	L91	SC Cosmilact SRL	Schela, județul Galați, 807265
24	L55	SC Gordon Prod SRL	Bisericani, județul Harghita, 535062
25	L65	SC Karpaten Milk	Suseni, județul Harghita, 537305
26	L124	SC Primulact SRL	Miercurea Ciuc, județul Harghita, 530242
27	L15	SC Teletext SRL	Slobozia, județul Ialomița, 920066
28	L99	SC Valizvi Prod Com SRL	Gârbovi, județul Ialomița, 927120
29	L47	SC Oblaza SRL	Bârsana, județul Maramureș, 437035
30	L85	SC Avi-Seb Impex SRL	Copalnic Mănăștur, județul Maramureș, 437103
31	L86	SC Zea SRL	Boiu Mare, județul Maramureș, 437060
32	L16	SC Roxar Prod Com SRL	Cernești, județul Maramureș, 437085
33	L54	SC Rodlacta SRL	Fărăgău, județul Mureș, 547225
34	L21	SC Industrializarea Laptelui Mures SA	Târgu Mureș, județul Mureș, 540390
35	L108	SC Lactex Reghin SRL	Solovăstru, județul Mureș, 547571
36	L121	SC Mirdatod Prod SRL	Ibănești, județul Mureș, 547325
37	L96	SC Prod A.B.C. Company SRL	Grumăzești, județul Neamț, 617235
38	L101	SC 1 Decembrie SRL	Târgu Neamț, județul Neamț, 615235
39	L106	SC Rapanu SR. COM SRL	Petricani, județul Neamț, 617315
40	L6	SC Lacta Han Prod SRL	Urecheni, județul Neamt, 617490
41	L123	SC ProCom Pascal SRL	Păstrăveni, județul Neamț, 617300
42	L63	SC Zoe Gab SRL	Fulga, județul Prahova, 107260

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No	Veterinary No	Name of establishment	Town/street or village/region
43	L100	SC Alto Impex SRL	Provița de Jos, județul Prahova, 107477
44	L53	SC Friesland Romania SA	Carei, județul Satu Mare, 445100
45	L93	S.C. Agrostar Company Lyc SRL	Ciuperceni, județul Satu Mare, 447067
46	L88	SC Agromec Crasna SA	Crasna, județul Sălaj, 457085
47	L89	SC Ovinex SRL	Sărmășag, județul Sălaj, 457330
48	L71	SC Lacto Sibiana SA	Șura Mică, județul Sibiu, 557270
49	L5	SC Niro Serv Com SRL	Gura Humorului, județul Suceava, 725300
50	L36	SC Prolact Prod Com SRL	Vicovu de Sus, județul Suceava, 727610
51	L83	SC Balaceana Prod SRL	Bălăceana, județul Suceava, 727125
52	L128	SC Tudia SRL	Grămești, județul Suceava, 727285
53	L68	SC Aida SRL	Gălănești, județul Suceava, 727280
54	L80	SC Industrial Marian SRL	Drănceni, județul Vaslui, 737220
55	L 136	SC Campaei Prest SRL	Hidișeul de Sus, județul Bihor, 417277
56	L135	SC Multilact SRL	Baia Mare, județul Maramureș, 430015
57	L81	SC Raraul SA	Câmpulung Moldovenesc, județul Suceava, 727100
58	L146	SC Napolact SA	Țaga, județul Cluj, 407565

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ANNEX IV

REPORT FORM AS REFERRED TO IN ARTICLE 6

Establishment number	Name	Address	Region	Progress made (short description)	Estimated level of compliance in (%)	Planned date for compliance

Region	Total of No dairy farms 31.12.2009	No of dairy farms with non-compliant milk 31.12.2009	% non-compliant dairy farms out of the total 31.12.2009	Total No of dairy farms 30.11.2010	No of dairy farms with non-compliant milk 30.11.2010	% non-compliant dairy farms out of the total 30.11.2010	Total No of dairy farms 30.9.2011	No of dairy farms with non-compliant milk 30.9.2011	% non-compliant dairy farms out of the total 30.9.2011
Summary RO									

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Region	Total No of milk collection points 31.12.2009	No of non-compliant milk collection points 31.12.2009	% non-compliant collection points out of the total 31.12.2009	Total No of milk collection points 30.11.2010	No of non-compliant milk collection points 30.11.2010	% non-compliant collection points out of the total 30.11.2010	Total No of milk collection points 30.9.2011	% non-compliant collection points out of the total 30.9.2011
Summary RO								