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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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►M2	Commission Implementing Decision 2011/898/EU of 21 December 2011	L 345	22	29.12.2011

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(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.

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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 ►M2 31 December 2013 ◄, 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 ►M2 31 December 2013 ◄, non-compliant milk without separate production lines.

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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.

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Article 6

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

(a) production holdings producing non-compliant milk;

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

The first annual report shall be submitted to the Commission by 31 December 2012, at the latest, and the second annual report by 31 October 2013, at the latest.

The reports shall be submitted in the form set out in Annex IV.

2. The Commission shall closely monitor the progress in bringing the raw milk processed by the establishments listed in Annexes II and III in compliance with the requirements laid down in Regulation (EC) No 853/2004.

If, on the basis of the reports submitted by Romania, the Commission considers that compliance is not likely to be achieved by 31 December 2013, it shall propose appropriate measures in order to remedy the situation.

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Article 7

This Decision shall apply from 1 January 2010 to ►M2 31 December 2013 ◄.

Article 8

This Decision is addressed to the Member States.

▼**M2**

ANNEX II

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 3

No	Veterinary approval number	Name of establishment	Address (town/village/county)
1	L35	SC DANONE PDPA ROMANIA SRL	Bucureşti, 032451
2	MM 1795	SC CALITATEA SRL	Tăuţii Măgherăuş, judeţul Maramureş, 437349

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ANNEX III

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 4

No	Veterinary approval number	Name of establishment	Address (town/village/county)
1	AB 641	SC BIOMILK SRL	Lopadea Nouă, județul Alba, 517395
2	AB 3386	SC LACTATE C.H. SRL	Sânmiclăuș, județul Alba, 517761
3	BH 4020	SC MOISI SERV COM SRL	Borșa, nr. 8, județul Bihor, 417431
4	L 136	SC CAMPAEI PREST SRL	Hidișeul de Sus, județul Bihor, 417277
5	L72	SC LACTOMUNTEAN SRL	Teaca, județul Bistrița-Năsăud, 427345
6	L78	SC ROMFULDA PROD SRL	Beclean, județul Bistrița-Năsăud, 425100
7	L107	SC BENDEAR CRIS PROD COM SRL	Șieu Măgheruș, județul Bistrița-Năsăud, 427295
8	L110	SC LECH LACTO SRL	Lechința, județul Bistrița-Năsăud, 427105
9	BN 2399	SC CARMO-LACT PROD SRL	Monor, județul Bistrița-Năsăud, 427175
10	BN 2120	SC ELIEZER SRL	Lunca Ilvei, județul Bistrița-Năsăud, 427125
11	L3	SC ABY IMPEX SRL	Șendriceni, județul Botoșani, 717380
12	L116	SC RAM SRL	Ibănești, județul Botoșani, 717215
13	L140	S.C. CARMOLACT SRL	Ucea, județul Brasov, 507235
14	L154	S.C. CAS SRL	Braila, județul Braila, 810224
15	L148	S.C. LACTAS SRL	Ianca, județul Braila, 815200
16	CL 0044	SC IANIS DIM SRL	Lehliu Gară, județul Călărași, 915300
17	L129	SC BONAS IMPORT EXPORT SRL	Dezmir, județul Cluj, 407039
18	L84	SC PICOLACT PRODCOM SRL	Iclod, județul Cluj, 407335
19	L149	S.C. COMLACT SRL	Corusu, județul Cluj, 407056
20	L43	SC LACTOCORV SRL	Ion Corvin, județul Constanța, 907150

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No	Veterinary approval number	Name of establishment	Address (town/village/county)
21	L40	SC BETINA IMPEX SRL	Ovidiu, județul Constanța, 905900
22	L41	SC ELDA MEC SRL	Topraisar, județul Constanța, 907210
23	L87	SC NICULESCU PROD SRL	Cumpăna, județul Constanța, 907105
24	L118	SC ASSLA KAR SRL	Medgidia, județul Constanța, 905600
25	L130	SC MUNTINA PROD SRL	Constanța, județul Constanța, 900735
26	CT 225	SC MIH PROD SRL	Cobadin, județul Constanța, 907065
27	CT 256	SC IAN PROD SRL	Târgușor, județul Constanța, 90727
28	CT 258	SC BINCO LACT SRL	Săcele, județul Constanța, 907260
29	CT 30	SC EASTERN EUROPEAN FOODS SRL	Mihail Kogălniceanu, județul Constanța, 907195
30	CT 15	SC NIC COSTI TRADE SRL	Dorobanțu, județul Constanța, 907211
31	CT 12203	SC LACTO GENIMICO SRL	Hârșova, județul Constanța, 905400
32	L82	SC TOTALLACT GROUP SA	Dragodana, județul Dâmbovița, 137200
33	DJ 80	SC DUVADI PROD COM SRL	Breasta, județul Dolj, 207115
34	DJ 730	SC LACTIDO SA	Craiova, județul Dolj, 200378
35	L91	SC COSMILACT SRL	Schela, județul Galați, 807265
36	GR 5610	SC LACTA SA	Giurgiu, județul Giurgiu, 080556
37	GJ 231	SC SEKAM PROD SRL	Novaci, județul Gorj, 215300
38	L49	SC ARTEGO SA	Tg. Jiu, Gorj, 210257
39	L65	SC KARPATEN MILK	Suseni, județul Harghita, 537305
40	L124	SC PRIMULACT SRL	Miercurea Ciuc, județul Harghita, 530242
41	HR 119	SC BOMILACT SRL	Mădăraș, județul Harghita, 537071
42	HR 625	SC LACTIS SRL	Odorheiu Secuiesc, județul Harghita, 535600

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No	Veterinary approval number	Name of establishment	Address (town/village/county)
43	HR 213	SC PAULACT SA	Mărtiniș, județul Harghita, 537175
44	L99	SC VALIZVI PROD COM SRL	Gârbovi, județul Ialomița, 927120
45	IS 1540	SC PROMILCH SRL	Podu Iloaiei, județul Iași, 707365
46	L18	S.C. EUROCHEESE SRL	Jilava, județul Ilfov, 077120
47	L47	SC OBLAZA SRL	Bârsana, județul Maramureș, 437035
48	L85	SC AVI-SEB IMPEX SRL	Copalnic Mănăștur, județul Maramureș, 437103
49	L86	SC ZEA SRL	Boiu Mare, județul Maramureș, 437060
50	L16	SC ROXAR PROD COM SRL	Cernești, județul Maramureș, 437085
51	L135	SC MULTILACT SRL	Baia Mare, județul Maramureș, 430015
52	MM 793	SC WROMSAL SRL	Satulung, județul Maramureș, 437270
53	MM 6325	SC ONY SRL	Larga, județul Maramureș, 437317
54	L54	SC RODLACTA SRL	Fărăgău, județul Mureș, 547225
55	L108	SC LACTEX REGHIN SRL	Solovăstru, județul Mureș, 547571
56	L121	SC MIRDATOD PROD SRL	Ibănești, județul Mureș, 547325
57	MS 483	SC HELIANTUS PROD	Reghin, județul Mureș, 545300
58	MS 5554	SC GLOBIVET PHARM SRL	Batoș, județul Mureș, 547085
59	NT 900	SC COMPLEX AGROALI-MENTAR SRL	Bicaz, județul Neamț, 615100
60	L96	SC PROD A.B.C. COMPANY SRL	Grumăzești, județul Neamț, 617235
61	L101	SC 1 DECEMBRIE SRL	Târgu Neamț, județul Neamț, 615235
62	L106	SC RAPANU SR. COM SRL	Petricani, județul Neamț, 617315
63	L6	SC LACTA HAN PROD SRL	Urecheni, județul Neamt, 617490

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No	Veterinary approval number	Name of establishment	Address (town/village/county)
64	L123	SC PROCOM PASCAL SRL	Păstrăveni, județul Neamț, 617300
65	L100	SC ALTO IMPEX SRL	Provița de Jos, județul Prahova, 107477
66	L88	SC AGROMEC CRASNA SA	Crasna, județul Sălaj, 457085
67	L89	SC OVINEX SRL	Sărmășag, județul Sălaj, 457330
68	L71	SC LACTO SIBIANA SA	Șura Mică, județul Sibiu, 557270
69	SM 4189	SC PRIMALACT SRL	Satu Mare, județul Satu Mare, 440089
70	L5	SC NIRO SERV COM SRL	Gura Humorului, județul Suceava, 725300
71	L36	SC PROLACT PROD COM SRL	Vicovu de Sus, județul Suceava, 727610
72	L81	SC RARAUL SA	Câmpulung Moldovenesc, județul Suceava, 727100
73	SV 1085	SC BUCOVINA SA FALTICENI	Fălticeni, județul Suceava, 725200
74	SV 1562	SC BUCOVINA SA SUCEAVA	Suceava, județul Suceava, 720290
75	SV 1888	SC TOCAR PROD SRL	Frătăuții Vechi, județul Suceava, 727255
76	SV 4909	SC ZADA PROD SRL	Horodnic de Jos, județul Suceava, 727301
77	SV 6159	SC ECOLACT SRL	Milișăuți, județul Suceava, 727360
78	TR 27	SC VIOLACT SRL	Putineiu, județul Teleorman, 147285
79	TR 81	SC BIG FAMILY SRL	Videle, județul Teleorman, 145300
80	TR 239	SC COMALACT SRL	Nanov, județul Teleorman, 147215
81	L80	SC INDUSTRIAL MARIAN SRL	Drănceni, județul Vaslui, 737220
82	VN 231	SC VRANLACT SA	Focșani, județul Vrancea, 620122

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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								