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)

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.

(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.

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

(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.

(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.

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.

Article 7

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

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 26 November 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX I

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 2(1)

No	Veterinary No	Name of establishment	Town/Street or Village/Region
1	AB 641	S.C. Biomilk SRL	Lopadea Noua, Jud. Alba, 517395
2	AB 1256	S.C. Binal Mob SRL	Rimetea, Jud. Alba, 517610
3	AB 3386	S.C. Lactate C.H. S.RL	Sanmiclaus, Jud. Alba, 517761
4	AR 563	S.C. Silmar Prod SRL	Santana, Jud. Arad, 317280
5	AG 11	S.C. Agrolact Cosesti	Cosesti, Jud. Arges, 115202
6	BC 2519	S.C. Marlact SRL	Buhoci, Jud. Bacau, 607085
7	BH 4020	S.C. Moisi Serv Com SRL	Borsa, nr. 8, jud. Bihor, 417431
8	BH 5158	S.C. Biolact Bihor SRL	Paleu, Jud. Bihor, 4 17166
9	BN 2120	S.C. Eliezer SRL	Lunca Ilvei, Jud. Bistrita Nasaud, 427125
10	BN 2192	S.C. Simcodrin Com SRL	Budesti-Fanate, Jud. Bistrita-Nasaud, 427021
11	BN 2399	S.C. Carmo- Lact Prod SRL	Monor, Jud. Bistrita-Nasaud, 427175
12	BN 209	S.C. Calatis Group Prod SRL	Bistrita, Jud. Bistrita-Nasaud, 427006
13	BN 2125	S.C. Sinelli SRL	Milas, Jud. Bistrita-Nasaud, 427165
14	BT 8	S.C. General Suhardo SRL	Paltinis, Jud. Botosani, 717295
15	BT 11	S.C. Portas Com SRL	Vlasinesti, Jud. Botosani, 717465
16	BT 109	S.C. Lacto Mac SRL	Bucecea, Jud. Botosani, 717045
17	BT 115	S.C. Comintex SRL	Darabani, Jud. Botosani, 715100
18	BT 263	S.C. Cosmi SRL	Saveni, Jud. Botosani 715300
19	BT 50	S.C. Pris Com Univers SRL	Flamanzi, Jud. Botosani, 717155
20	BV 8	S.C. Prodlacta SA Homorod	Homorod, Jud. Brasov, 507105
21	BV 2451	S.C. Prodlacta SA Fagaras	Fagaras, Jud. Brasov, 505200
22	BR 36	S.C. Hatman SRL	Vadeni, Jud. Braila, 817200

No	Veterinary No	Name of establishment	Town/Street or Village/Region
23	BR 63	S.C. Cas SRL	Braila, Jud. Braila, 810224
24	BZ 0098	S.C. Meridian Agroind	Ramnicu Sarat, Jud. Buzau, 125300
25	BZ 0627	S.C. Ianis Cos Lact SRL	C.A. Rosetti, Jud. Buzau, 127120
26	BZ 2012	S.C. Zguras Lacto SRL	Pogoanele, Jud. Buzau, 25200
27	CL 0044	S.C. Ianis Dim SRL	Lehliu Gară, Jud. Calarasi, 915300
28	CL 0368	S.C. Lacto GMG SRL	Jegalia, Jud. Calarasi, 917145
29	CJ 41	S.C. Kazal SRL	Dej, Jud. Cluj, 405200
30	CJ 7584	S.C. Aquasala SRL	Bobalna, Jud. Cluj, 407085
31	CT 04	S.C. Lacto Baneasa SRL	Baneasa, Jud. Constanta, 907035
32	CT 15	S.C. Nic Costi Trade SRL	Dorobantu, Jud. Constanta, 907211
33	CT 225	S.C. Mih Prod SRL	Cobadin, Jud.Constanta, 907065
34	CT 256	S.C. Ian Prod SRL	Targusor, Jud.Constanta, 907275
35	CT 258	S.C. Binco Lact SRL	Sacele, Jud.Constanta, 907260
36	CT 311	S.C. Alltocs Market SRL	Pietreni, Jud.Constanta, 907112
37	CT 11988	S.C. Lacto Baron SRL	Harsova, Jud. Constanta, 905400
38	CT 12203	S.C. Lacto Genimico SRL	Harsova, Jud. Constanta, 905400
39	CT 30	S.C. Eastern European Foods SRL	Mihail Kogalniceanu, Jud. Constanta, 907195
40	CT 294	S.C. Suflaria Import Export SRL	Cheia, Jud. Constanta, 907277
41	L9	S.C. Covalact SA	Sfantu Gheorghe, Jud. Covasna, 520076
42	CV 2451	S.C. Agro Pan Star SRL	Sfantu Gheorghe, Jud. Covasna, 520020
43	DJ 80	S.C. Duvadi Prod Com SRL	Breasta, Jud. Dolj, 207115
44	DJ 730	S.C. Lactido SA	Craiova, Jud. Dolj, 200378
45	GL 4136	S.C. Galmopan SA	Galati, Jud. Galati, 800506

No	Veterinary No	Name of establishment	Town/Street or Village/Region
46	GR 5610	S.C. Lacta SA	Giurgiu, Jud. Giurgiu, 080556
47	GJ 231	S.C. Sekam Prod SRL	Novaci, Jud. Gorj, 215300
48	GJ 2202	S.C. Arte Import Export	Targu. Jiu, Jud. Gorj, 210112
49	HR 383	S.C. Lactate Harghita SA	Cristuru Secuiesc, Jud. Harghita, 535400
50	HR 166	S.C. Lactopan SRL	Mujna, Jud. Harghita, 537076
51	HR 119	S.C. Bomilact SRL	Mădăraș, Jud. Harghita, 537071
52	HR 213	S.C. Paulact SA	Mărtiniș, Harghita, 537175
53	HR 625	S.C. Lactis SRL	Odorheiu Secuiesc, Harghita, 535600
54	HD 1014	S.C. Sorilact SA	Risculita, Jud. Hunedoara, 337012
55	IL 0750	S.C. Balsam Med SRL	Țăndărei, Jud. Ialomita, 925200
56	IL 1167	S.C. Sanalact SRL	Slobozia, Jud. Ialomita, 920002
57	IS 1012	S.C. Agrocom S.A.	Strunga, Jud. Iasi, 707465
58	IS 1540	S.C. Promilch S.R.L.	Podu Iloaiei, Jud. Iasi, 707365
59	MM 793	S.C. Wromsal SRL	Satulung, Jud. Maramures 437270
60	MM 6325	S.C. Ony SRL	Larga, Jud. Maramures, 437317
61	MM 1795	S.C. Calitatea SRL	Tautii Magheraus, Jud. Maramures, 437349
62	MM 4714	S.C. Saturil SRL	Giulesti, Jud. Maramures, 437162
63	MH 1304	S.C. IL SA Mehedinti	Drobeta Turnu Severin, Jud. Mehedinti, 220167
64	MS 297	S.C. Rodos S.R.L	Faragau, Jud. Mures, 547225
65	MS 483	S.C. Heliantus Prod	Reghin, Jud. Mures, 545300
66	MS 532	S.C. Horuvio Service SRL	Lunca Santu, Jud. Mures, 547375
67	MS 2462	S.C. Lucamex Com SRL	Gornesti, Jud. Mures, 547280
68	MS 5554	S.C. Globivetpharm S.R.L	Batos, Jud. Mures, 547085
69	L12	S.C. Camytex Prod SRL	Targu Neamt, Jud. Neamt, 615200

No	Veterinary No	Name of establishment	Town/Street or Village/Region
70	NT 900	S.C. Complex Agroalimentar SRL	Bicaz, Jud. Neamt, 615100
71	PH 212	S.C. Vitoro SRL	Ploiesti, Jud. Prahova, 100537
72	SM 4189	S.C. Primalact SRL	Satu Mare, Jud. Satu Mare, 440089
73	SJ 282	S.C. Calion SRL	Jibou, Jud. Salaj, 455200
74	SV 1085	S.C. Bucovina SA Falticeni	Falticeni, Jud. Suceava, 725200
75	SV 1562	S.C. Bucovina SA Suceava	Suceava, Jud. Suceava, 720290
76	SV 1888	S.C. Tocar Prod SRL	Fratautii Vechi, Jud. Suceava, 727255
77	SV 4540	S.C. Kinetas SRL	Boroaia, Jud. Suceava, 727040
78	SV 4909	S.C. Zada Prod SRL	Horodnic de Jos, Jud. Suceava, 727301
79	SV 6159	S.C. Ecolact SRL	Milisauti, Jud. Suceava, 727360
80	TR 78	S.C. Interagro SRL	Zimnicea, Jud. Teleorman, 145400
81	TR 27	S.C. Violact SRL	Putineiu, Jud. Teleorman, 147285
82	TR 81	S.C. Big Family SRL	Videle, Jud. Teleorman, 145300
83	TR 239	S.C. Comalact SRL	Nanov, Jud. Teleorman, 147215
84	TR 241	S.C. Investrom SRL	Sfintesti, Jud. Teleorman, 147340
85	TL 965	S.C. Mineri SRL	Mineri, Jud. Tulcea, 827211
86	VN 231	S.C. Vranlact SA	Focsani, Jud. Vrancea, 620122
87	VN 348	S.C. Stercus Lacto SRL	Ciorasti, Jud. Vrancea, 627082
88	VN 35	S.C. Monaco SRL	Vrâncioaia, Jud. Vrancea, 627445

ANNEX II

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 3

No	Veterinary No	Name of establishment	Town/Street or Village/Region
1	L35	S.C. Danone PDPA Romania SRL	Bucuresti, 032451
2	L81	S.C. Raraul SA	Campulung Moldovenesc, Jud.Suceava, 725100

ANNEX III

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 4

No	Veterinary No	Name of establishment	Town/Street or Village/Region
1	L18	S.C. Depcoinf MBD SRL	Targu Trotus, Jud. Bacau, 607630
2	L72	S.C. Lactomuntean SRL	Teaca, Jud. Bistrita Nasaud, 427345
3	L78	S.C. Romfulda Prod SRL	Beclean, Jud. Bistrita Nasaud, 425100
4	L107	S.C. Bendear Cris Prod Com SRL	Sieu Magherus, Jud. Bistrita-Nasaud, 427295
5	L109	S.C. G&B Lumidan SRL	Rodna, Jud. Bistrita-Nasaud, 427245
6	L110	S.C. Lech Lacto SRL	Lechinta, Jud. Bistrita-Nasaud, 427105
7	L3	S.C. Aby Impex SRL	Sendriceni, Jud. Botosani, 717380
8	L4	S.C. Spicul 2 SRL	Dorohoi, Jud. Botosani, 715200
9	L116	S.C. Ram SRL	Ibanesti, Jud. Botosani, 717215
10	L73	S.C. Eurocheese Productie SRL	Bucuresti, 030608
11	L97	S.C. Terra Valahica SRL	Berca, Jud. Buzau, 127035
12	L129	S.C. Bonas Import Export SRL	Dezmir, Jud. Cluj, 407039
13	L84	S.C. Picolact Prodcom SRL	Iclod, Jud. Cluj, 407335
14	L122	S.C. Napolact SA	Cluj-Napoca, Jud. Cluj, 400236
15	L43	S.C. Lactocorv SRL	Ion Corvin, Jud. Constanta, 907150
16	L40	S.C. Betina Impex SRL	Ovidiu, Jud. Constanta, 905900
17	L41	S.C. Elda Mec SRL	Topraisar, Jud. Constanta, 907210
18	L87	S.C. Niculescu Prod SRL	Cumpana, Jud. Constanta, 907105
19	L118	S.C. Assla Kar SRL	Medgidia, Jud. Constanta, 905600
20	L130	S.C. Muntina Prod SRL	Constanta, Jud. Constanta, 900735

No	Veterinary No	Name of establishment	Town/Street or Village/Region
21	L58	S.C. Industrializarea Laptelui SA	Targoviste, Jud. Dambovita, 130062
22	L82	S.C. Totallact Group S.A.	Dragodana, Jud. Dambovita, 137200
23	L91	S.C. Cosmilact SRL	Schela, Jud. Galati, 807265
24	L55	S.C. Gordon Prod SRL	Bisericani, Jud. Harghita, 535062
25	L65	S.C. Karpaten Milk	Suseni, Jud. Harghita, 537305
26	L124	S.C. Primulact SRL	Miercurea Ciuc, Jud. Harghita, 530242
27	L15	S.C. Teletext SRL	Slobozia, Jud. Ialomita, 920066
28	L99	S.C. Valizvi Prod Com SRL	Garbovi, Jud. Ialomita, 927120
29	L47	S.C. Oblaza SRL	Bârsana, Jud. Maramures, 437035
30	L85	S.C. Avi-Seb Impex SRL	Copalnic, Manastur, Jud. Maramures, 437103
31	L86	S.C. Zea SRL	Boiu Mare, Jud. Maramures, 437060
32	L16	S.C. Roxar Prod Com SRL	Cernesti, Jud. Maramures, 437085
33	L54	S.C. Rodlacta S.R.L.	Faragau, Jud. Mures, 547225
34	L32	S.C. Hochland Romania SRL	Sighisoara, Jud. Mures, 545400
35	L21	S.C. Industrializarea Laptelui Mures S.A.	Targu Mures, Jud. Mures, 540390
36	L108	S.C. Lactex Reghin SRL	Solovastru, Jud. Mures, 547571
37	L121	S.C. Mirdatod Prod S.R.L	Ibanesti, Jud. Mures, 547325
38	L96	S.C. Prod A.B.C. Company SRL	Grumazesti, Jud. Neamt, 617235
39	L101	S.C. 1 Decembrie SRL	Targu Neamt, Jud. Neamt, 615235
40	L106	S.C. Rapanu SR. COM SRL	Petricani, Jud. Neamt, 617315
41	L6	S.C Lacta Han Prod SRL	Urecheni, Jud. Neamt, 617490
42	L123	S.C. ProCom Pascal SRL	Pastraveni, Jud. Neamt, 617300
43	L63	S.C. Zoe Gab SRL	Fulga, Jud. Prahova, 107260

No	Veterinary No	Name of establishment	Town/Street or Village/Region
44	L50	S.C. Ecolact Prod SRL	Paulesti, Jud. Prahova, 107246
45	L100	S.C. Alto Impex SRL	Provita de Jos, Jud. Prahova, 107477
46	L53	S.C. Friesland Romania SA	Carei, Jud. Satu Mare, 445100
47	L93	S.C. Agrostar Company Lyc SRL	Ciuperceni, Jud. Satu Mare, 447067
48	L120	S.C. Unicarm SRL	Vetis, Jud. Satu Mare, 447355
49	L88	S.C. Agromec Crasna S.A.	Crasna, Jud. Salaj, 457085
50	L89	S.C. Ovinex SRL	Sarmasag, Jud. Salaj, 457330
51	L67	S.C. Gefa Impex SRL	Talmaciu, Jud. Sibiu, 555700
52	L71	S.C. Lacto Sibiana S.A.	Sura Mica, Jud. Sibiu, 557270
53	L5	S.C. Niro Serv Com SRL	Gura Humorului, Jud. Suceava, 725300
54	L36	S.C. Prolact Prod Com SRL	Vicovu de Sus, Jud. Suceava, 727610
55	L83	S.C. Balaceana Prod SRL	Balaceana, Jud. Suceava, 727125
56	L128	S.C. Tudia SRL	Gramesti, Jud. Suceava, 727285
57	L68	S.C. Aida SRL	Galanesti, Jud. Suceava, 727280
58	L80	S.C. Industrial Marian S.R.L.	Drănceni, Jud. Vaslui, 737220
59	L 136	S.C. Campaei Prest SRL	Hidiseul de Sus, Jud. Bihor, 417277
60	L135	S.C. Multilact SRL	Baia Mare, Jud. Maramures, 430015
61	L134	S.C. Lactocrist S.R.L.	Cristian, Jud. Sibiu, 557085
62	L137	S.C. Dunarea Prod S.R.L.	Milcovul, Jud. Vrancea, 627205

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									

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								