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COMMISSION DECISION

of 30 November 2009

on transitional measures under Regulation (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 Bulgaria

(notified under document C(2009) 9282)

(Text with EEA relevance)

(2009/861/EC)

(OJ L 314, 1.12.2009, p. 83)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Decision 2010/276/EU of 10 May 2010	L 121	10	18.5.2010
►M2	Commission Decision 2010/653/EU of 21 October 2010	L 283	28	29.10.2010
►M3	Commission Decision 2011/322/EU of 27 May 2011	L 143	41	31.5.2011
►M4	Commission Implementing Decision 2011/899/EU of 21 December 2011	L 345	28	29.12.2011
►M5	Commission Decision 2013/302/EU of 19 June 2013	L 169	73	21.6.2013

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 [1] and in particular Article 9 thereof,

Whereas:

(1) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs [2] 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 Regulation (EC) No 853/2004 include hygiene requirements for raw milk and dairy products.

(3) Pursuant to point (c) of Section B of Chapter 4 of Annex VI to the Act of Accession of Bulgaria and Romania (the Act of Accession), Bulgaria has been granted a transitional period, expiring on 31 December 2009, for compliance by certain milk processing establishments with those hygiene requirements.

(4) Certain establishments which are authorised to process raw milk which does not comply with the requirements laid down in Regulation (EC) No 853/2004 (non-compliant milk) are listed in Chapter I of the Appendix to Annex VI to the Act of Accession. Certain establishments which are authorised to process both compliant and non-compliant milk, provided that such processing is carried out on separate production lines, are listed in Chapter II of that Appendix.

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

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(5) Milk production holdings that do not comply with the hygiene requirements laid down in Regulation (EC) No 853/2004 are spread over the whole territory of Bulgaria. The proportion of raw milk that complies with those requirements, delivered to milk processing establishments in Bulgaria, has only increased slightly during the last years.

(6) 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 Bulgaria to bring its milk sector in compliance with those requirements.

(7) In light of this situation, certain milk processing establishments listed in Annex I to this Decision should be allowed, by way of derogation from Regulation (EC) No 853/2004, to continue to process also after 31 December 2009 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 II to this Decision should be allowed to continue to process non-compliant milk without separate production lines.

(8) The marketing of dairy products derived from non-compliant milk should, however, be restricted to Bulgaria or used for further processing in the milk processing establishments covered by the derogation provided for in this Decision.

(9) The transitional period granted by this Decision should be limited to 24 months from 1 January 2010. The situation in the milk sector in Bulgaria should be reviewed before the end of that period. Bulgaria should therefore submit annual reports to the Commission regarding progress in the upgrading of milk production holdings supplying raw milk to milk processing establishments in that Member State and the system for collecting and transporting non-compliant milk.

(10) 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 purposes 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 2

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 I to this Decision may continue to process, until ►M4 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 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 ►M4 31 December 2013 ◄, non-compliant milk without separate production lines.

Article 4

Dairy products derived from non-compliant milk shall only:

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

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

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 5

1. Bulgaria 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 III.

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

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

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Article 6

This Decision shall apply from 1 January 2010 to ►M4 31 December 2013 ◄.

Article 7

This Decision is addressed to the Member States.

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ANNEX I

List of milk establishments permitted to process compliant and non-compliant milk as referred to in Article 2

No	Veterinary No	Name of establishment	Town/street or village/region
1	BG 0412010	‘Bi Si Si Handel’ OOD	gr. Elena ul. ‘Treti mart’ 19
2	BG 0612027	‘Mlechen ray – 2’ EOOD	gr. Vratsa kv. ‘Bistrets’
3	BG 0612043	ET ‘Zorov- 91 -Dimitar Zorov’	gr. Vratsa Mestnost ‘Parshevitsa’
4	BG 2012020	‘Yotovi’ OOD	gr. Sliven kv. ‘Rechitsa’
5	BG 2512020	‘Mizia-Milk’ OOD	gr. Targovishte Industrialna zona
6	BG 2112001	‘Rodopeya – Belev’ EOOD	gr. Smolyan, Ul. ‘Trakya’ 20
7	BG 1212001	‘S i S – 7’ EOOD	gr. Montana ‘Vrachansko shose’ 1
8	BG 2812003	‘Balgarski yogurt’ OOD	s. Veselinovo, obl. Yambolska

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ANNEX II

List of milk processing establishments permitted to process non-compliant milk as referred to in Article 3

No	Veterinary No	Name establishment	Town/Street or Village/ Region
1	BG 2412037	‘Stelimeks’ EOOD	s. Asen
2	0912015	‘Anmar’ OOD	s. Padina obsht. Ardino
3	0912016	OOD ‘Persenski’	s. Zhaltusha obsht. Ardino
4	1012014	ET ‘Georgi Gushterov DR’	s. Yahinovo
5	1012018	‘Evro miyt end milk’ EOOD	gr. Kocherinovo obsht. Kocherinovo
6	1112017	ET ‘Rima-Rumen Borisov’	s. Vrabevo
7	1312023	‘Inter-D’ OOD	s. Kozarsko
8	1612049	‘Alpina -Milk’ EOOD	s. Zhelyazno
9	1612064	OOD ‘Ikay’	s. Zhitnitsa obsht. Kaloyanovo
10	2112008	MK ‘Rodopa milk’	s. Smilyan obsht. Smolyan
11	2412039	‘Penchev’ EOOD	gr. Chirpan ul. ‘Septemvriytsi’ 58
12	2512021	‘Keya-Komers-03’ EOOD	s. Svetlen
13	0112014	ET ‘Veles-Kostadin Velev’	gr. Razlog ul. ‘Golak’ 14
14	2312041	‘Danim-D.Stoyanov’ EOOD	gr. Elin Pelin m-st Mansarovo
15	0712001	‘Ben Invest’ OOD	s. Kostenkovtsi obsht. Gabrovo
16	1512012	ET ‘Ahmed Tatarla’	s. Dragash voyvoda, obsht. Nikopol
17	2212027	‘Ekobalkan’ OOD	gr. Sofia bul ‘Evropa’ 138
18	2312030	ET ‘Favorit-D.Grigorov’	s. Aldomirovtsi
19	2312031	ET ‘Belite kamani’	s. Dragotintsi

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No	Veterinary No	Name establishment	Town/Street or Village/ Region
20	BG 1512033	ET ‘Voynov-Ventsislav Hristakiev’	s. Milkovitsa obsht. Gulyantsi
21	BG 1512029	‘Lavena’ OOD	s. Dolni Dębnik obl. Pleven
22	BG 1612028	ET ‘Slavka Todorova’	s. Trud obsht. Maritsa
23	BG 1612051	ET ‘Radev-Radko Radev’	s. Kurtovo Konare obl. Plovdiv
24	BG 1612066	‘Lakti ko’ OOD	s. Bogdanitza
25	BG 2112029	ET ‘Karamfil Kasakliev’	gr. Dospat
26	BG 0912004	‘Rodopchanka’ OOD	s. Byal izvor obsht. Ardino
27	0112003	ET ‘Vekir’	s. Godlevo
28	0112013	ET ‘Ivan Kondev’	gr. Razlog Stopanski dvor
29	0212037	‘Megakomers’ OOD	s. Lyulyakovo obsht. Ruen
30	0512003	SD ‘LAF-Velizarov i sie’	s. Dabravka obsht. Belogradchik
31	0612035	OOD ‘Nivego’	s. Chiren
32	0612041	ET ‘Ekoprodukt-Megiya- Bogorodka Dobrilova’	gr. Vratsa ul. ‘Ilinden’ 3
33	0612042	ET ‘Mlechen puls - 95 - Tsvetelina Tomova’	gr. Krivodol ul. ‘Vasil Levski’
34	1012008	‘Kentavar’ OOD	s. Konyavo obsht. Kyustendil
35	1212031	‘ADL’ OOD	s. Vladimirovo obsht. Boychinovtsi
36	1512006	‘Mandra’ OOD	s. Obnova obsht. Levski
37	1512008	ET ‘Petar Tonovski-Viola’	gr. Koynare ul. ‘Hr.Botev’ 14
38	1512010	ET ‘Militsa Lazarova-90’	gr. Slavyanovo, ul. ‘Asen Zlatarev’ 2

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No	Veterinary No	Name establishment	Town/Street or Village/ Region
39	1612024	SD ‘Kostovi - EMK’	gr. Saedinenie ul. ‘L.Karavelov’ 5
40	1612043	ET ‘Dimitar Bikov’	s. Karnare obsht. ‘Sopot’
41	1712046	ET ‘Stem-Tezdzhan Ali’	gr. Razgrad ul. ‘Knyaz Boris’ 23
42	2012012	ET ‘Olimp-P.Gurtsov’	gr. Sliven m-t ‘Matsulka’
43	2112003	‘Milk- inzhenering’ OOD	gr. Smolyan ul. ‘Chervena skala’ 21
44	2112027	‘Keri’ OOD	s. Borino, obsht. Borino
45	2312023	‘Mogila’ OOD	gr. Godech, ul. ‘Ruse’ 4
46	2512018	‘Biomak’ EOOD	gr. Omurtag ul. ‘Rodopi’ 2
47	2712013	‘Ekselans’ OOD	s. Osmar, obsht. V. Preslav
48	2812018	ET ‘Bulmilk-Nikolay Nikolov’	s. General Inzovo, obl. Yambolska
49	2812010	ET ‘Mladost-2-Yanko Yanev’	gr. Yambol, ul. ‘Yambolen’ 13
50	BG 1012020	ET ‘Petar Mitov-Universal’	s. Gorna Grashtitsa obsht. Kyustendil
51	BG 1112016	Mandra ‘IPZHZ’	gr. Troyan ul. ‘V.Levski’ 281
52	BG 1712042	ET ‘Madar’	s. Terter
53	BG 0912011	ET ‘Alada-Mohamed Banashak’	s. Byal izvor obsht. Ardino
54	1112026	‘ABLAMILK’ EOOD	gr. Lukovit ul. ‘Yordan Yovkov’ 13
55	1312005	‘Ravnogor’ OOD	s. Ravnogor
56	1712010	‘Bulagrotreyd-chastna kompaniya’ EOOD	s. Yuper Industrialen kvartal
57	2012011	ET ‘Ivan Gardev 52’	gr. Kermen ul. ‘Hadzhi Dimitar’ 2

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No	Veterinary No	Name establishment	Town/Street or Village/ Region
58	2012024	ET ‘Denyo Kalchev 53’	gr. Sliven ul. ‘Samuilovsko shose’ 17
59	2112015	OOD ‘Rozhen Milk’	s. Davidkovo, obsht. Banite
60	2112026	ET ‘Vladimir Karamitev’	s. Varbina obsht. Madan
61	2312007	ET ‘Agropromilk’	gr. Ihtiman ul. ‘P.Slaveikov’ 19
62	BG 1812008	‘Vesi’ OOD	s. Novo selo
63	BG 2512003	‘Si Vi Es’ OOD	gr. Omurtag Promishlena zona
64	BG 2612034	ET ‘Eliksir-Petko Petev’	s. Gorski izvor
65	BG 2512001	‘Mladost -2002’ OOD	gr. Targovishte bul. ‘29-ti yanuari’ 7
66	0812030	‘FAMA’ AD	gr. Dobrich bul. ‘Dobrudzha’ 2
67	0912003	‘Koveg-mlechni produkti’ OOD	gr. Kardzhali Promishlena zona
68	1412015	ET ‘Boycho Videnov - Elbokada 2000’	s. Stefanovo obsht. Radomir
69	1712017	‘Diva 02’ OOD	gr. Isperih ul. ‘An.Kanchev’
70	1712037	ET ‘Ali Isliamov’	s. Yasenovets
71	1712043	‘Maxima milk’ OOD	s. Samuil
72	2012010	‘Saray’ OOD	s. Mokren
73	2012032	‘Kiveks’ OOD	s. Kovachite
74	2012036	‘Minchevi’ OOD	s. Korten
75	2212009	‘Serdika -94’ OOD	gr. Sofia kv. Zheleznitza
76	2312028	ET ‘Sisi Lyubomir Semkov’	s. Anton
77	2312033	‘Balkan spetsial’ OOD	s. Gorna Malina
78	2312039	EOOD ‘Laktoni’	s. Ravno pole, obl. Sofiyska

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No	Veterinary No	Name establishment	Town/Street or Village/ Region
79	2412040	‘Inikom’ OOD	gr. Galabovo ul. ‘G.S.Rakovski’ 11
80	2512011	ET ‘Sevi 2000- Sevie Ibryamova’	s. Krepcha obsht. Opaka
81	2612015	ET ‘Detelina 39’	s. Brod
82	2812002	‘Arachievi’ OOD	s. Kirilovo, obl. Yambolska’
83	BG 1612021	ET ‘Deni-Denislav Dimitrov-Ilias Islamov’	s. Briagovo obsht. Gulyantsi
84	BG 2012019	‘Hemus-Milk komers’ OOD	gr. Sliven Promishlena zona Zapad
85	2012008	‘Raftis’ EOOD	s. Byala
86	2112023	ET ‘Iliyan Isakov’	s. Trigrad obsht. Devin
87	2312020	‘MAH 2003’ EOOD	gr. Etropole bul. ‘Al. Stamboliyski’ 21
88	2712005	‘Nadezhda’ OOD	s. Kliment

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ANNEX III

Report form as referred to in Article 5

Region	Total number of dairy farms 31.12.2009	Number of dairy farms with non-compliant milk 31.12.2009	% of non-compliant dairy farms out of the total 31.12.2009	Total number of dairy farms 30.11.2010	Number of dairy farms with non-compliant milk 30.11.2010	% of non-compliant dairy farms out of the total 30.11.2010	Total number of dairy farms 30.9.2011	Number of dairy farms with non-compliant milk 30.9.2011	% of non-compliant dairy farms out of the total 30.9.2011
Summary BU									

Region	Total number of milk collection points 31.12.2009	Number of non-compliant milk collection points 31.12.2009	% of non-compliant collection points out of the total 31.12.2009	Total number of milk collection points 30.11.2010	Number of non-compliant milk collection points 30.11.2010	% of non-compliant collection points out of the total 30.11.2010	Total number of milk collection points 30.9.2011	Number of non-compliant milk collection points 30.9.2011	% of non-compliant collection points out of the total 30.9.2011

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Region	Total number of milk collection points 31.12.2009	Number of non-compliant milk collection points 31.12.2009	% of non-compliant collection points out of the total 31.12.2009	Total number of milk collection points 30.11.2010	Number of non-compliant milk collection points 30.11.2010	% of non-compliant collection points out of the total 30.11.2010	Total number of milk collection points 30.9.2011	Number of non-compliant milk collection points 30.9.2011	% of non-compliant collection points out of the total 30.9.2011
Summary BU									