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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
►M6	Commission Implementing Decision 2013/686/EU of 25 November 2013	L 316	50	27.11.2013
►M7	Commission Implementing Decision 2015/225/EU of 11 February 2015	L 37	15	13.2.2015

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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 ►M6 31 December 2015 ◄, 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 ►M6 31 December 2015 ◄, 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 4a

1. Bulgaria shall take appropriate measures to ensure that the number of holdings producing non-compliant milk is reduced as follows:

(a) before 30 November 2014, by at least 30 % as compared to the number of such holdings registered on 1 September 2013;

(b) before 31 May 2015, by at least 60 % as compared to the number of such holdings registered on 1 September 2013.

2. In case Bulgaria does not meet the targets for the reduction of the number of holdings referred to in paragraph 1, the Commission shall adopt appropriate measures.

Article 5

1. Bulgaria shall submit reports to the Commission on the measures taken in accordance with Article 4a(1) and the progress made in bringing the following in compliance with Regulation (EC) No 853/2004:

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(a) production holdings producing non-compliant milk;

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

The reports for 2014 shall be submitted to the Commission by 30 June and 31 December 2014, at the latest, and the reports for 2015 by 31 May and 31 October 2015, 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.

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Article 6

This Decision shall apply from 1 January 2010 to ►**M6** 31 December 2015 ◄.

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 0612027	‘Mlechen ray — 2’ EOOD	gr. Vratsa kv. ‘Bistrets’
2	BG 0612043	ET ‘Zorov- 91 — Dimitar Zorov’	gr. Vratsa Mestnost ‘Parshevitsa’
3	BG 2112001	‘Rodopeya — Belev’ EOOD	Ul. ‘Trakya’ 20 Smolyan
4	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 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	1012014	ET ‘Georgi Gushterov DR’	s. Yahinovo
4	1012018	‘Evro miyt end milk’ EOOD	gr. Kocherinovo obsht. Kocherinovo
5	1112017	ET ‘Rima-Rumen Borisov’	s. Vrabevo
6	2112008	MK ‘Rodopa milk’	s. Smilyan obsht. Smolyan
7	2412039	‘Penchev’ EOOD	gr. Chirpan ul. ‘Septemvriytsi’ 58
8	0112014	ET ‘Veles-Kostadin Velev’	gr. Razlog ul. ‘Golak’ 14
9	2312041	‘Danim-D.Stoyanov’ EOOD	gr. Elin Pelin m-st Mansarovo
10	0712001	‘Ben Invest’ OOD	s. Kostenkovtsi obsht. Gabrovo
11	1512012	ET ‘Ahmed Tatarla’	s. Dragash voyvoda, obsht. Nikopol
12	2212027	‘Ekobalkan’ OOD	gr. Sofia bul ‘Evropa’ 138
13	2312030	ET ‘Favorit- D.Grigorov’	s. Aldomirovtsi
14	2312031	ET ‘Belite kamani’	s. Dragotintsi
15	BG 1512033	ET ‘Voynov-Ventsislav Hristakiev’	s. Milkovitsa obsht. Gulyantsi
16	BG 1512029	‘Lavena’ OOD	s. Dolni Dębnik obl. Pleven
17	BG 2112029	ET ‘Karamfil Kasakliev’	gr. Dospat
18	BG 0912004	‘Rodopchanka’ OOD	s. Byal izvor obsht. Ardino
19	0112003	ET ‘Vekir’	s. Godlevo

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No	Veterinary No	Name establishment	Town/Street or Village/Region
20	0112013	ET ‘Ivan Kondev’	gr. Razlog Stopanski dvor
21	0212037	‘Megakomers’ OOD	s. Lyulyakovo obsht. Ruen
22	0512003	SD ‘LAF-Velizarov i sie’	s. Dabravka obsht. Belogradchik
23	0612035	OOD ‘Nivego’	s. Chiren
24	0612041	ET ‘Ekoprodukt-Megiya-Bogorodka Dobrilova’	gr. Vratsa ul. ‘Ilinden’ 3
25	0612042	ET ‘Mlechen puls — 95 — Tsvetelina Tomova’	gr. Krivodol ul. ‘Vasil Levski’
26	1012008	‘Kentavar’ OOD	s. Konyavo obsht. Kyustendil
27	1212031	‘ADL’ OOD	s. Vladimirovo obsht. Boychinovtsi
28	1512006	‘Mandra’ OOD	s. Obnova obsht. Levski
29	1512008	ET ‘Petar Tonovski-Viola’	gr. Koynare ul. ‘Hr.Botev’ 14
30	1612024	SD ‘Kostovi — EMK’	gr. Saedinenie ul. ‘L.Karavelov’ 5
31	1612043	ET ‘Dimitar Bikov’	s. Karnare obsht. ‘Sopot’
32	1712046	ET ‘Stem-Tezdzhan Ali’	gr. Razgrad ul. ‘Knyaz Boris’ 23
33	2012012	ET ‘Olimp-P.Gurtsov’	gr. Sliven m-t ‘Matsulka’
34	2112003	‘Milk- inzhenering’ OOD	gr.Smolyan ul. ‘Chervena skala’ 21
35	2112027	‘Keri’ OOD	s. Borino, obsht. Borino
36	2312023	‘Mogila’ OOD	gr. Godech, ul. ‘Ruse’ 4
37	2512018	‘Biomak’ EOOD	gr. Omurtag ul. ‘Rodopi’ 2
38	2712013	‘Ekselans’ OOD	s. Osmar, obsht. V. Preslav

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No	Veterinary No	Name establishment	Town/Street or Village/Region
39	2812018	ET ‘Bulmilk-Nikolay Nikolov’	s. General Inzovo, obl. Yambolska
40	2812010	ET ‘Mladost-2-Yanko Yanev’	gr. Yambol, ul. ‘Yambolen’ 13
41	BG 1012020	ET ‘Petar Mitov-Universal’	s. Gorna Grashtitsa obsht. Kyustendil
42	BG 0912011	ET ‘Alada-Mohamed Banashak’	s. Byal izvor obsht. Ardino
43	1112026	‘ABLAMILK’ EOOD	gr. Lukovit ul. ‘Yordan Yovkov’ 13
44	1712010	‘Bulagrotreyd-chastna kompaniya’ EOOD	s. Yuper Industrialen kvartal
45	2012011	ET ‘Ivan Gardev 52’	gr. Kermen ul. ‘Hadzhi Dimitar’ 2
46	2012024	ET ‘Denyo Kalchev 53’	gr. Sliven ul. ‘Samuilovsko shose’ 17
47	2112015	OOD ‘Rozhen Milk’	s. Davidkovo, obsht. Banite
48	2112026	ET ‘Vladimir Karamitev’	s. Varbina obsht. Madan
49	2312007	ET ‘Agropromilk’	gr. Ihtiman ul. ‘P.Slaveikov’ 19
50	BG 1812008	‘Vesi’ OOD	s. Novo selo
51	BG 2512003	‘Si Vi Es’ OOD	gr. Omurtag Promishlena zona
52	0812030	‘FAMA’ AD	gr. Dobrich bul. ‘Dobrudzha’ 2
53	0912003	‘Koveg-mlechni produkti’ OOD	gr. Kardzhali Promishlena zona
54	1412015	ET ‘Boycho Videnov — Elbokada 2000’	s. Stefanovo obsht. Radomir
55	1712017	‘Diva 02’ OOD	gr. Isperih ul. ‘An.Kanchev’
56	1712037	ET ‘Ali Isliamov’	s. Yasenovets
57	1712043	‘Maxima milk’ OOD	s. Samuil

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No	Veterinary No	Name establishment	Town/Street or Village/Region
58	2012010	‘Saray’ OOD	s. Mokren
59	2012036	‘Minchevi’ OOD	s. Korten
60	2212009	‘Serdika -94’ OOD	gr. Sofia kv. Zheleznitza
61	2312028	ET ‘Sisi Lyubomir Semkov’	s. Anton
62	2312039	EOOD ‘Laktoni’	s. Ravno pole, obl. Sofiyska
63	2412040	‘Inikom’ OOD	gr. Galabovo ul. ‘G.S.Rakovski’ 11
64	2512011	ET ‘Sevi 2000- Sevie Ibryamova’	s. Krepcha obsht. Opaka
65	2812002	‘Arachievi’ OOD	s. Kirilovo, obl. Yambolska'
66	BG 1612021	ET ‘Deni-Denislav Dimitrov-Ilias Islamov’	s. Briagovo obsht. Gulyantsi
67	2012008	‘Raftis’ EOOD	s. Byala
68	2112023	ET ‘Iliyan Isakov’	s. Trigrad obsht. Devin
69	2312020	‘MAH 2003’ EOOD	gr. Etropole bul. ‘Al. Stamboliyski’ 21

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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									