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COMMISSION DECISION

of 9 February 2010

on transitional measures concerning the application of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council to certain establishments for meat, fishery products and egg products and cold stores in Romania

(notified under document C(2010) 795)

(Text with EEA relevance)

(2010/89/EU)

(OJ L 40, 13.2.2010, p. 55)

Amended by:

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►**M1**	Commission Decision 2010/651/EU of 26 October 2010	L 282	39	28.10.2010
►**M2**	Commission Decision 2011/9/EU of 10 January 2011	L 6	30	11.1.2011

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►**C1** Corrigendum, OJ L 283, 29.10.2010, p. 40 (2010/89/EU)

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COMMISSION DECISION

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(Text with EEA relevance)

(2010/89/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 paragraph 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 the second paragraph of Article 9 thereof,

Whereas:

(1) Regulation (EC) No 852/2004 lays down general rules for food business operators on the hygiene of foodstuffs, taking account, inter alia, of procedures based on the principles of hazard analysis and critical control points.

(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 in those Regulations include obligations on food business operators concerning structural requirements for establishments for meat, egg products and fishery products and cold stores.

(3) Article 23 of the Act of Accession of Bulgaria and Romania and Annex VII thereto provide for certain transitional measures concerning Union veterinary legislation. Those measures provide that certain structural requirements laid down in Annex II to Regulation (EC) No 852/2004 and in Annex III to Regulation (EC) No 853/2004 are not to apply to the establishments in Romania listed in Appendix B to that Annex until 31 December 2009, subject to certain conditions.

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

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(4) Since the date of accession of Romania, the number of establishments for meat, fishery products and egg products and cold stores in compliance with the relevant structural requirements of Regulations (EC) No 852/2003 and (EC) No 853/2004 has increased to 80 % of the concerned establishments in that Member State. However, certain establishments are still undergoing the necessary structural improvements in order to comply with those requirements. Those establishments are spread across the whole territory of Romania.

(5) In light of the ongoing structural improvements, it is necessary to provide for transitional measures derogating from the relevant structural requirements laid down in Regulations (EC) No 852/2004 and (EC) No 853/2004.

(6) The lists of establishments that do not comply with those structural requirements are set out in Annex I to IV to this Decision. The lists include establishments for meat which are currently covered by Annex VII to the Act of Accession, as well as establishments for fishery products and egg products which are not covered by that Annex.

(7) The marketing of products derived from those non-compliant establishments or stored in non-compliant cold stores should be restricted to Romania or used for further processing in establishments covered by the transitional measures provided for in this Decision to give the industry in Romania sufficient time to adapt to the relevant structural requirements.

(8) The relevant transitional measures provided for in the Act of Accession expire on the 31 December 2009. In order to ensure the continuity of these transitional measures this Decision should enter into force as of 1 January 2010. The transitional period granted by this Decision should be limited to a period of one year from 1 January 2010 to 31 December 2010 by which date it is anticipated that the establishments concerned will be in full compliance with the relevant structural requirements. The situation in Romania should be reviewed before the end of that period. Therefore, Romania should submit a report to the Commission regarding progress in the upgrading of the concerned establishments and cold stores in that Member State.

(9) 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

This Decision lays down transitional measures concerning the application of certain structural requirements laid down in Annex II to Regulation (EC) No 852/2004 and in Annex III to Regulation (EC) No 853/2004 to establishments for meat, egg products and fishery products and cold stores in Romania listed in Annexes I to IV to this Decision (the establishments).

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Article 2

The general requirements laid down in Chapters I and II of Annex II to Regulation (EC) No 852/2004 shall not apply to the establishments until ►M2 31 December 2011 ◄.

Article 3

The following specific requirements laid down in Annex III to Regulation (EC) No 853/2004 shall not apply to the following establishments until ►M2 31 December 2011 ◄:

(a) the requirements laid down in Chapters II and III of Section I, Chapters II and III of Section II and Chapter I of Section V of that Annex as regards the meat establishments listed in Annex I to this Decision;

(b) the requirements laid down in Chapter III of Section VIII of that Annex as regards the fishery product establishments listed in Annex II to this Decision;

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Article 4

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1. Products produced by the establishments listed in Annexes I or II or stored in the establishments listed in Annex IV shall only:

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

(b) be used for further processing in the establishments.

2. The products referred to in paragraph 1 shall bear a health or identification mark which must be different from the health or identification mark provided for in Article 5 of Regulation (EC) No 853/2004.

Article 5

1. Romania shall submit a report to the Commission on the progress made by the establishments in complying with the requirements referred to in Articles 2 and 3, including a timetable for their full compliance with those requirements.

2. The report shall be submitted to the Commission by ►M2 31 October 2011 ◄.

The report shall be submitted in accordance with the model form set out in Annex V.

Article 6

This Decision shall apply from 1 January 2010 to ►M2 31 December 2011 ◄.

Article 7

This Decision is addressed to the Member States.

▼**M2**

ANNEX I

LIST OF MEAT ESTABLISHMENTS

No	Veterinary No	Name of establishments	Town/street or village/region	Activities			
				SH	CP	PP	MM/ MP
1	AB 2771	SC MONTANA POPA SRL	Blaj, str. Gh. Barițiu, jud. Alba, 515400	X	X	X	X
2	AB 3263	SC TRANSEURO SRL	Ighiu, str. Principală, nr. 205 A, jud. Alba, 517360	X	X	X	X
3	AG 008 IC	SC CARMEN SRL	Bascov, jud. Argeș, 117045	X	X	X	X
4	BC 5196	SC MIRALEX SRL	Bacău, str. Bicaz, nr. 8, jud. Bacău, 600293			X	
5	BH 3001	SC GLOBAL AGRO PRODEXIM SRL	Sârbi, nr. 469, jud. Bihor, 417520		X	X	
6	BH 5185	SC CARMANGERIE TAVI BOGDAN SRL	Mihai Bravu, nr. 169, jud. Bihor, 417237	X			
7	BR 574	SC ELECTIV PROD SRL	Comuna Romanu, jud. Brăila, 817115	X			
8	BR 774	SC ROFISH GROUP (*)	Brăila, str. Fata Portului, nr. 2, jud. Brăila, 810015			X	
9	BT 140	SC RAFFAELLO SRL	Tîngeni, jud. Botoșani, 717120			X	
10	BT 144	SC AGROCARN COMPANY SRL	Botoșani, str. Pod de Piatră, nr. 89, jud. Botoșani, 710350			X	
11	BT 198	SC EMANUEL COM SRL	Răchiți, jud. Botoșani, 717310	X	X	X	
12	BZ 115	SC FERM COM PROD SRL	Căldărăști, jud. Buzău, 125201	X			
13	BZ 110	SC CARMOZIMBRUL SRL	Râmnicu Sărat, str. Lt. Sava Roșescu, nr. 140, jud. Buzău, 125300	X			
14	BZ 112	SC TRI 94 PROD COM SRL	Comuna Berca, sat Valea Nucului, jud. Buzău, 127048		X	X	X
15	CS 40	SC PALALOGA CARNEPREP SRL	Bocșa, str. Binișului, nr. 1, jud. Caraș-Severin, 325300	X	X		
16	CT 19	SC CARNOB SRL	Lumina, str. Lebedelor, nr. 1A, jud. Constanța, 907175	X			
17	DB 3457	SC NEVAL SRL	Pietroșița, jud. Dâmbovița, 137360	X			
18	GJ 5	SC LEXI STAR SRL	Comuna Dănești, sat Bucureasa, jud. Gorj, 217200	X	X	X	X
19	GL 3330	SC KAROMTEC SRL	Tecuci, str. Mihail Kogălniceanu, nr. 48, jud. Galați, 805300			X	X
20	GL 4121	SC ROMNEF SRL	Munteni, jud. Galați, 807200	X			

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No	Veterinary No	Name of establishments	Town/street or village/region	Activities			
				SH	CP	PP	MM/MP
21	HR 73	SC ELAN TRIDENT SRL	Odorheiu Secuiesc, str. Rákóczi Ferenc, nr. 90, jud. Harghita, 535600			X	
22	HR 153	SC ARTEIMPEX SRL	Gheorgheni, str. Kossuth Lajos, nr. 211, jud. Harghita, 535500	X			
23	HR 263	SC AVICOOPEX SRL	Cristuru Secuiesc, str. Orban Balays, jud. Harghita, 535400			X	
24	NT 33	SC CORD COMPANY SRL	Roman, str. Bogdan Dragoș, nr. 111, jud. Neamț, 611160	X			
25	PH 3618	SC BRUTUS IMPEX SRL	Măneşti, jud. Prahova, 107375	X			
26	SV 5661	SC HARALD PROD SRL	Măzănăieşti, jud. Suceava, 727219	X	X	X	X
27	SV 5963	SC DANILEVICI SRL	Gura Humorului, str. Fundătura Ghiocei, nr. 2, jud. Suceava, 725300	X	X	X	X
28	SV 6071	SC ANCAROL SRL	Gura Humorului, bd. Bucovina, FN, jud. Suceava, 725300	X	X	X	X
29	TL 782	SC PROD IMPORT CDC SRL	Frecăței, jud. Tulcea, 827075	X	X		
30	TM 378	SC VEROMEN SRL	Timişoara, jud. Timiş, 300970		X	X	X
31	TM 4187	SC FEMADAR SRL	Giroc, str. Gloria, nr. 4, jud. Timiş, 307220		X	X	X
32	TR 36	SC AVICOLA COSTESTI SRL	Roşiori de Vede, str. Vadu Vezii, nr. 1, jud. Teleorman, 145100	X			
33	TR 93	SC MARA PROD COM SRL	Alexandria, str. Abatorului, nr. 1 bis, jud. Teleorman, 140106		X	X	X
34	VN 3045	SC VANICAD SRL	Milcov, jud. Vrancea, 627205	X			
35	VS 2300	SC CARACUL SRL	Vaslui, jud. Vaslui, 730233	X	X		
36	CJ 109	SC ONCOS IMPEX SRL	Floreşti, str. Abatorului, nr. 2, jud. Cluj, 407280	X	X		

(*) SC TAZZ TRADE SRL has changed its name to SC ROFISH GROUP SRL.
SH = Slaughter houses.
CP = Cutting plants.
PP = Processing plants.
MM/MP = Minced meat/meat preparations.

▼**M2**

ANNEX II

LIST OF FISHERY PRODUCTS ESTABLISHMENTS

No	Veterinary No	Name of establishments	Town/street or village/region	Activities	
				PP	FFPP
1	BR 184	SC ROFISH GROUP SRL (*)	Brăila, str. Fata Portului, nr. 2, jud. Brăila, 810015	X	
2	BR 185	SC ROFISH GROUP SRL (*)	Brăila, str. Fata Portului, nr. 2, jud. Brăila, 810015	X	
3	PH 1817	SC DIVERTAS SRL.	Comuna Fântânele, nr. 578, jud. Prahova, 107240	X	X

(*) SC TAZZ TRADE SRL has changed its name to SC ROFISH GROUP SRL.
PP = Processing plant.
FFPP = Fresh fish processing plant.

▼**M2**

ANNEX IV

LIST OF COLD STORES

No	Veterinary No	Name of establishments	Town/street or village/region	Activities
				CS
1	BC 1034	SC AGRICOLA INT. SRL	Bacău, Calea Moldovei, nr. 16, jud. Bacău, 600352	X

CS = Cold stores.

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ANNEX V

REPORT FORM AS REFERRED TO IN ARTICLE 5

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

Region	Total number of establishments (divided by category)	Number of non-compliant establishments (divided by category)	% of non-compliant establishments out of the total (divided by category)	Total number of establishments (divided by category)	Number of non-compliant establishments (divided by category)	% of non-compliant establishments out of the total (divided by category)	Total number of establishments (divided by category)	Number of non-compliant establishments (divided by category)	% of non-compliant establishments out of the total (divided by category)
Summary RO									