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Commission Implementing Decision of 21 December 2011 amending Decision 2009/861/EC 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(2011) 9568) (Text with EEA relevance) (2011/899/EU)

COMMISSION IMPLEMENTING DECISION

of 21 December 2011

amending Decision 2009/861/EC 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(2011) 9568)

(Text with EEA relevance)

(2011/899/EU)

THE EUROPEAN COMMISSION,

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

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 853/2004 lays down specific rules on the hygiene of food of animal origin for food business operators. Those rules include hygiene requirements for raw milk and dairy products.
- (2) Commission Decision 2009/861/EC⁽²⁾ provides for certain derogations from the requirements set out in subchapters II and III of Chapter I of Section IX of Annex III to Regulation (EC) No 853/2004 for the milk-processing establishments in Bulgaria listed in that Decision. That Decision applies until 31 December 2011.
- (3) Accordingly, certain milk-processing establishments listed in Annex I to Decision 2009/861/EC may, by way of derogation from the relevant provisions of Regulation (EC) No 853/2004, process compliant and non-compliant milk provided that the processing of compliant and non-compliant milk is carried out on separate production lines. In addition, certain milk-processing establishments listed in Annex II to that Decision may process non-compliant milk without separate production lines.
- (4) Bulgaria has informed the Commission that, since the entry into force of Decision 2009/861/EC, the proportion of raw milk that complies with the requirements of Regulation (EC) No 853/2004, delivered to milk-processing establishments in that Member State, has considerably increased. Bulgaria has also established an action plan

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aimed at covering the entire production chain of milk in that Member State ensuring compliance with the EU rules.

- (5) However, according with the report submitted by Bulgaria on the basis of Article 5 of Decision 2009/861/EC and on the information provided by Bulgarian authorities during the Standing Committee of Food Chain and Animal Health of 17 October 2011, the situation of the milk sector in Bulgaria is still not in conformity with the requirements laid down in Regulation (EC) No 853/2004.
- (6) Taking into account the current situation, and in order to avoid frustrating the efforts made by the Bulgarian authorities, it is appropriate to extend the application of the measures provided for in Decision 2009/861/EC.
- (7) Bulgaria should continue the process of bringing the raw milk processed by the establishments listed in the Annexes to Decision 2009/861/EC, in compliance with the requirements laid down in Regulation (EC) No 853/2004.
- (8) In particular, Bulgaria should continue to monitor the situation and submit to the Commission regular reports on progress towards full compliance with those requirements. Based on the conclusions of those reports, appropriate measures should be taken.
- (9) Decision 2009/861/EC should therefore be amended accordingly.
- (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

Decision 2009/861/EC is amended as follows:

1. in Article 2, the date ‘31 December 2011’ is replaced by ‘31 December 2013’;
2. in Article 3, the date ‘31 December 2011’ is replaced by ‘31 December 2013’;
3. Article 5 is replaced by the following:

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.

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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.;

4. in Article 6, the date ‘31 December 2011’ is replaced by ‘31 December 2013’;
5. Annexes I and II are replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 2011.

For the Commission

John DALLI

Member of the Commission

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ANNEX

ANNEX List of milk establishments permitted to process compliant and non-compliant milk
I as referred to in Article 2 No Veterinary No Name of establishment Town/street or village/region
1BG 0412010 "Bi Si Si Handel" OODgr. Elenaul. "Treti mart" 192BG 0612027 "Mlechen ray - 2" EOODgr. Vratsakv. "Bistrets" 3BG 0612043ET "Zorov-91 -Dimitar Zorov"gr. Vratsa Mestnost "Parshevitsa" 4BG 2012020 "Yotovi" OODgr. Slivenkv. "Rechitsa" 5BG 2512020 "Mizia-Milk" OODgr. Targovishte Industrialna zona 6BG 2112001 "Rodopeya - Belev" EOODgr. Smolyan, Ul. "Trakya" 207BG 1212001 "S i S - 7" EOODgr. Montana "Vrachansko shose" 18BG 2812003 "Balgarski yogurt" OODs. Veselinovo, obl. Yambolska

ANNEX 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
II 1BG 2412037 "Stelimeks" EOODs. Asen 20912015 "Anmar" OODs. Padina obsht. Ardino 30912016 OOD "Persenski"s. Zhaltusha obsht. Ardino 41012014ET "Georgi Gushterov DR"s. Yahinovo 51012018 "Evro miyt end milk" EOODgr. Kocherinovo obsht. Kocherinovo 61112004 "Matev-Mlekoprodukt" OODs. Goran 71112017ET "Rima-Rumen Borisov"s. Vrabevo 81312023 "Inter-D" OODs. Kozarsko 91612049 "Alpina -Milk" EOODs. Zhelyazno 101612064 OOD "Ikay"s. Zhitnitsa obsht. Kaloyanovo 112112008MK "Rodopa milk"s. Smilyan obsht. Smolyan 122412039 "Penchev" EOODgr. Chirpanul. "Septemvriytsi" 58132512021 "Keya-Komers-03" EOODs. Svetlen 140112014ET "Veles-Kostadin Velev"gr. Razlogul. "Golak" 14152312041 "Danim-D.Stoyanov" EOODgr. Elin Pelin m-st Mansarovo 162712010 "Kamadzhiev-milk" EOODs. Kriva reka obsht. N.Kozlevo 170712001 "Ben Invest" OODs. Kostenkovtsi obsht. Gabrovo 181512012ET "Ahmed Tatarla"s. Dragash voyvoda, obsht. Nikopol 192212027 "Ekobalkan" OODgr. Sofiabl "Evropa" 138202312030ET "Favorit- D.Grigorov"s. Aldomirovtsi 212312031ET "Belite kamani"s. Dragotintsi 22BG 1512033ET "Voynov-Ventsislav Hristakiev"s. Milkovitsa obsht. Gulyantsi 23BG 1512029 "Lavena" OODs. Dolni Dębnikobl. Pleven 24BG 1612028ET "Slavka Todorova"s. Trudobsht. Maritsa 25BG 1612051ET "Radev-Radko Radev"s. Kurtovo Konareobl. Plovdiv 26BG 1612066 "Lakti ko" OODs. Bogdanitza 27BG 2112029ET "Karamfil Kasakliev"gr. Dospat 28BG 0912004 "Rodopchanka" OODs. Byal izvor obsht. Ardino 290112003ET "Vekir"s. Godlevo 300112013ET "Ivan Kondev"gr. Razlog Stopanski dvor 310212037 "Megakomers" OODs. Lyulyakovo obsht. Ruen 320512003SD "LAF-Velizarov i sie"s. Dabravka obsht. Belogradchik 330612035 OOD "Nivego"s. Chiren 340612041ET "Ekoprodukt-Megiya- Bogorodka Dobrilova"gr. Vratsaul. "Ilinden" 3350612042ET "Mlechen puls - 95 - Tsvetelina Tomova"gr. Krivodolul. "Vasil Levski" 361012008 "Kentavar" OODs. Konyavo obsht. Kyustendil 371212022 "Milk komm" EOODgr. Lomul. "Al.Stamboliyski" 149381212031 "ADL" OODs. Vladimirovo obsht. Boychinovtsi 391512006 "Mandra" OODs. Obnova obsht. Levski 401512008ET "Petar Tonovski-Viola"gr. Koynareul. "Hr.Botev" 14411512010ET "Militsa Lazarova-90"gr. Slavyanovo, ul. "Asen Zlatarev" 2421612024SD "Kostovi - EMK"gr. Saedinenieul. "L.Karavelov" 5431612043ET "Dimitar Bikov"s. Karnare obsht. "Sopot" 441712046ET "Stem-Tezdhan Ali"gr. Razgradul. "Knyaz Boris" 23452012012ET "Olimp-P.Gurtsov"gr. Sliven m-t "Matsulka" 462112003 "Milk- inzhenering" OODgr. Smolyanul. "Chervena skala" 21472112027 "Keri" OODs. Borino, obsht. Borino 482312023 "Mogila" OODgr. Godech, ul. "Ruse" 4492512018 "Biomak" EOODgr. Omurtagul. "Rodopi" 2502712013 "Ekselans" OODs. Osmar, obsht. V. Preslav 512812018ET "Bulmilk-Nikolay Nikolov"s. General Inzovo, obl. Yambolska 522812010ET "Mladost-2-Yanko

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Yanev”gr. Yambol,ul. “Yambolen” 1353BG 1012020ET “Petar Mitov-Universal”s. Gorna Grashitsaobsht. Kyustendil54BG 1112016Mandra “IPZHZ”gr. Troyanul. “V. Levski” 28155BG 1712042ET “Madar”s. Terter56BG 2612042“Bulmilk” OODs. Konushobl. Haskovska57BG 0912011ET “Alada-Mohamed Banashak”s. Byal izvorobsht. Ardino581112026“Ablamilk” EOODgr. Lukovitul. “Yordan Yovkov” 13591312005“Ravnogor” OODs. Ravnogor601712010“Bulagrotreydchastna kompaniya” EOODs. YuperIndustrialen kvartal611712013ET “Deniz”s. Ezerche622012011ET “Ivan Gardev 52”gr. Kermenul. “Hadzhi Dimitar” 2632012024ET “Denyo Kalchev 53”gr. Slivenul. “Samuilovsko shose” 17642112015OOD “Rozhen Milk”s. Davidkovo,obsht. Banite652112026ET “Vladimir Karamitev”s. Varbinaobsht. Madan662312007ET “Agropromilk”gr. Ihtimanul. “P.Slaveikov” 1967BG 1812008“Vesi” OODs. Novo selo68BG 2512003“Si Vi Es” OODgr. OmurtagPromishlena zona69BG 2612034ET “Eliksir-Petko Petev”s. Gorski izvor70BG 1812003“Sirma Prista” ADgr. Rusebul. “3-ti mart” 5171BG 2512001“Mladost -2002” OODgr. Targovishtebul. “29-ti yanuari” 7720812030“FAMA” ADgr. Dobrichbul. “Dobrudzha” 2730912003“Koveg-mlechni produkti” OODgr. KardzhaliPromishlena zona741412015ET “Boycho Videnov – Elbokada 2000”s. Stefanovoobsht. Radomir751712017“Diva 02” OODgr. Isparihul. “An.Kanchev”761712037ET “Ali Isliamov”s. Yasenovets771712043“Maxima milk” OODs. Samuil781812005“DAV – Viktor Simonov” EOODgr. Vetovoul. “Han Kubrat” 52792012010“Saray” OODs. Mokren802012032“Kiveks” OODs.Kovachite812012036“Minchevi” OODs. Korten822212009“Serdika -94” OODgr. Sofiakv. Zheleznitza832312028ET “Sisi Lyubomir Semkov”s. Anton842312033“Balkan spetsial” OODs. Gorna Malina852312039EOOD “Laktoni”s. Ravno pole,obl. Sofiyska862412040“Inikom” OODgr. Galabovoul. “G.S.Rakovski” 11872512011ET “Sevi 2000- Sevie Ibryamova”s. Krepchaobsht. Opaka882612015ET “Detelina 39”s. Brod892812002“Arachievi” OODs. Kirilovo,obl. “Yambolska”90BG 1612021ET “Deni-Denislav Dimitrov-Ilias Islamov”s. Briagovoobsht. Gulyantsi91BG 2012019“Hemus-Milk komers” OODgr. SlivenPromishlena zona Zapad922012008“Raftis” EOODs. Byala932112023ET “Iliyan Isakov”s. Trigradobsht. Devin942312020“MAH 2003” EOODgr. Etropolebul. “Al. Stamboliyski” 21952712005“Nadezhda” OODs. Kliment

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- (1) OJ L 139, 30.4.2004, p. 55.
- (2) OJ L 314, 1.12.2009, p. 83.

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