

Commission Implementing Decision of 21 December 2011 amending Decision 2009/852/EC 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(2011) 9562) (Text with EEA relevance) (2011/898/EU)

## COMMISSION IMPLEMENTING DECISION

of 21 December 2011

amending Decision 2009/852/EC 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(2011) 9562)

(Text with EEA relevance)

(2011/898/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<sup>(1)</sup> 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<sup>(2)</sup> 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 Regulation (EC) No 852/2004 include structural requirements for milk-processing establishments and the rules laid down in Regulation (EC) No 853/2004 include structural requirements for such establishments as well as hygiene requirements concerning raw milk and dairy products.
- (3) Article 2 of Commission Decision 2009/852/EC<sup>(3)</sup> provides that certain structural requirements laid down in Regulation (EC) No 852/2004 and in Regulation (EC)

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision of 21 December 2011 amending Decision 2009/852/EC 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(2011) 9562) (Text with EEA relevance) (2011/898/EU). (See end of Document for details)

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No 853/2004 are not to apply, until 31 December 2011, to the milk-processing establishments in Romania listed in Annex I to that Decision.

- (4) Decision 2009/852/EC also provides that, by way of derogation from the requirements of Regulation (EC) No 853/2004, the milk-processing establishments listed in Annex II thereto may process, until 31 December 2011, compliant and non-compliant milk, provided that such processing is carried out on separate production lines.
- (5) In addition, Decision 2009/852/EC provides that the milk-processing establishments listed in Annex III thereto may process, until 31 December 2011, compliant and non-compliant milk without separate production lines.
- (6) In September 2011 Romania has informed the Commission that, starting from January 2012, all the milk-processing establishments which are currently listed in Annex I to Decision 2009/852/EC will be in compliance with the structural requirements laid down in Regulations (EC) No 852/2004 and (EC) No 853/2004. Consequently Article 2 of Decision 2009/852/EC should be deleted.
- (7) Annexes II and III to Decision 2009/852/EC should therefore be amended accordingly.
- (8) In addition, Romania has informed the Commission that, since the entry into force of Decision 2009/852/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. Romania has also established an action plan aimed at covering the entire production chain of milk in that Member State ensuring compliance with the EU rules.
- (9) However, according with the report submitted by Romania on the basis of Article 6 of Decision 2009/852/EC and on the information provided by Romanian authorities during the Standing Committee of Food Chain and Animal Health of 17 October 2011, the situation of the milk sector in Romania is still not in conformity with the requirements laid down in Regulation (EC) No 853/2004.
- (10) Taking into account the current situation, and in order to avoid frustrating the efforts made by the Romanian authorities, it is appropriate to extend the application of the measures provided for in Decision 2009/852/EC.
- (11) Romania should continue the process of bringing the raw milk processed by the establishments listed in Annexes II and III to Decision 2009/852/EC in compliance with the requirements laid down in Regulation (EC) No 853/2004.
- (12) In particular, Romania 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.
- (13) Decision 2009/852/EC should therefore be amended accordingly.
- (14) 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:

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### *Article 1*

Decision 2009/852/EC is amended as follows:

1. Article 2 is deleted;
2. in Article 3, the date ‘31 December 2011’ is replaced by ‘31 December 2013’;
3. in Article 4, the date ‘31 December 2011’ is replaced by ‘31 December 2013’;
4. Article 6 is replaced by the following:

#### *Article 6*

- 1 Romania 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 IV.

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

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

5. in Article 7, the date ‘31 December 2011’ is replaced by ‘31 December 2013’;
6. Annexes I, II and III are amended in accordance with 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

Annexes I, II and III to Decision 2009/852/EC are amended as follows:

1. Annex I is deleted;
2. Annexes II and III are replaced by the following:

ANNEX LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE II

| No     | Veterinary approval number | Name of establishment                       | Address (town/village/county) |
|--------|----------------------------|---|-------------------------------|
| 1      | 35SC                       | DANONE PDPA ROMANIA SRL                     | București, 0324512MM          |
| 1795SC | CALITATEA SRL              | Tăuții Măgherauș, județul Maramureș, 437349 |                               |

ANNEX LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE III

| No      | Veterinary approval number        | Name of establishment                              | Address (town/village/county)         |
|---------|-----------------------------------|--|---------------------------------------|
| 1       | AB 641SC                          | BIOMILK SRL  | Lopadea Nouă, județul Alba, 5173952AB |
| 3386SC  | LACTATE C.H. SRL                  | Sânmiclăuș, județul Alba, 5177613BH                |                                       |
| 4020SC  | MOISI SERV COM SRL                | Borșa, nr. 8, județul Bihor, 4174314L              |                                       |
| 136SC   | CAMP AEI PREST SRL                | Hidișeu de Sus, județul Bihor, 4172775L            |                                       |
| 72SC    | LACTOMUNTEAN SRL                  | Teacă, județul Bistrița-Năsăud, 4273456L           |                                       |
| 78SC    | ROMFULDA PROD SRL                 | Beclean, județul Bistrița-Năsăud, 4251007L         |                                       |
| 107SC   | BENDEAR CRIS PROD COM SRL         | Șieu Măgheruș, județul Bistrița-Năsăud, 4272958L   |                                       |
| 110SC   | LECH LACTO SRL                    | Lechința, județul Bistrița-Năsăud, 4271059BN       |                                       |
| 2399SC  | CARMO-LACT PROD SRL               | Monor, județul Bistrița-Năsăud, 42717510BN         |                                       |
| 2120SC  | ELIEZER SRL                       | Luca Ilvei, județul Bistrița-Năsăud, 42712511L     |                                       |
| 3SC     | ABY IMPEX SRL                     | Șendriceni, județul Botoșani, 71738012L            |                                       |
| 116SC   | RAM SRL                           | Ibănești, județul Botoșani, 71721513L              |                                       |
| 140S.C. | CARMOLACT SRL                     | Ucea, județul Brașov, 50723514L                    |                                       |
| 154S.C. | CAS SRL                           | Braila, județul Braila, 81022415L                  |                                       |
| 148S.C. | LACTAS SRL                        | Ianca, județul Braila, 81520016CL                  |                                       |
| 0044SC  | IANIS DIM SRL                     | Lehliu Gară, județul Călărași, 91530017L           |                                       |
| 129SC   | BONAS IMPORT EXPORT SRL           | Dezmir, județul Cluj, 40703918L                    |                                       |
| 84SC    | PICOLACT PRODCOM SRL              | Iclod, județul Cluj, 40733519L                     |                                       |
| 149S.C. | COMLACT SRL                       | Corusu, județul Cluj, 40705620L                    |                                       |
| 43SC    | LACTOCORV SRL                     | Ion Corvin, județul Constanța, 90715021L           |                                       |
| 40SC    | BETINA IMPEX SRL                  | Ovidiu, județul Constanța, 90590022L               |                                       |
| 41SC    | ELDA MEC SRL                      | Topraisar, județul Constanța, 90721023L            |                                       |
| 87SC    | NICULESCU PROD SRL                | Cumpăna, județul Constanța, 90710524L              |                                       |
| 118SC   | ASSLA KAR SRL                     | Medgidia, județul Constanța, 90560025L             |                                       |
| 130SC   | MUNTINA PROD SRL                  | Constanța, județul Constanța, 90073526CT           |                                       |
| 225SC   | MIH PROD SRL                      | Cobadin, județul Constanța, 90706527CT             |                                       |
| 256SC   | IAN PROD SRL                      | Târgușor, județul Constanța, 9072728CT             |                                       |
| 258SC   | BINCO LACT SRL                    | Săcele, județul Constanța, 90726029CT              |                                       |
| 30SC    | EASTERN EUROPEAN FOODS SRL        | Mihail Kogălniceanu, județul Constanța, 90719530CT |                                       |
| 15SC    | NIC COSTI TRADE SRL               | Dorobanțu, județul Constanța, 90721131CT           |                                       |
| 12203SC | LACTO GENIMICO SRL                | Hârșova, județul Constanța, 90540032L              |                                       |
| 82SC    | TOTAL LACT GROUP SA               | Dragodana, județul Dâmbovița, 13720033DJ           |                                       |
| 80SC    | DUVADI PROD COM SRL               | Breasta, județul Dolj, 20711534DJ                  |                                       |
| 730SC   | LACTIDO SA                        | Craiova, județul Dolj, 20037835L                   |                                       |
| 91SC    | COSMILACT SRL                     | Schela, județul Galați, 80726536GR                 |                                       |
| 5610SC  | LACTA SA                          | Giurgiu, județul Giurgiu, 08055637GJ               |                                       |
| 231SC   | SEKAM PROD SRL                    | Novaci, județul Gorj, 21530038L                    |                                       |
| 49SC    | ARTEGO SATg. Jiu, Gorj, 21025739L | 65SC KARPATEN MILK Suseni,                         |                                       |

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județul Harghita, 53730540L124SC PRIMULACT SRLMiercurea Ciuc,  
județul Harghita, 53024241HR 119SC BOMILACT SRLMădăraș,  
județul Harghita, 53707142HR 625SC LACTIS SRLȚoronești,  
județul Harghita, 53560043HR 213SC PAULACT SAMărtiniș, județul  
Harghita, 53717544L99SC VALIZVI PROD COM SRLGârbovi,  
județul Ialomița, 92712045IS 1540SC PROMILCH SRLPodu  
Iloaiei, județul Iași, 70736546L18S.C. EUROCHEESE SRLJilava,  
județul Ilfov, 07712047L47SC OBLAZA SRLBârsana, județul  
Maramureș, 43703548L85SC AVI-SEB IMPEX SRLCopalnic Mănăstur,  
județul Maramureș, 43710349L86SC ZEA SRLBoiu Mare, județul  
Maramureș, 43706050L16SC ROXAR PROD COM SRLCernești,  
județul Maramureș, 43708551L135SC MULTILACT SRLBaia Mare,  
județul Maramureș, 43001552MM 793SC WROMSAL SRLSatulung,  
județul Maramureș, 43727053MM 6325SC ONY SRLLarga, județul  
Maramureș, 43731754L54SC RODLACTA SRLFărăgău, județul Mureș,  
54722555L108SC LACTEX REGHIN SRLSolovăstru, județul Mureș,  
54757156L121SC MIRDATOD PROD SRLBănești, județul Mureș,  
54732557MS 483SC HELIANTUS PRODReghin, județul Mureș,  
54530058MS 5554SC GLOBIVET PHARM SRLBatoș, județul Mureș,  
54708559NT 900SC COMPLEX AGROALIMENTAR SRLBicaz, județul  
Neamț, 61510060L96SC PROD A.B.C. COMPANY SRLGrumăzești,  
județul Neamț, 61723561L101SC 1 DECEMBRIE SRLTârgu Neamț,  
județul Neamț, 61523562L106SC RAPANU SR. COM SRLPetricani,  
județul Neamț, 61731563L6SC LACTA HAN PROD SRLUrecheni, județul  
Neamț, 61749064L123SC PROCOM PASCAL SRLPăstrăveni, județul  
Neamț, 61730065L100SC ALTO IMPEX SRLProvița de Jos, județul  
Prahova, 10747766L88SC AGROMECCRASNA SACrasna, județul Sălaj,  
45708567L89SC OVINEX SRLSărmășag, județul Sălaj, 45733068L71SC  
LACTO SIBIANA SAȘura Mică, județul Sibiu, 55727069SM 4189SC  
PRIMALACT SRLSatu Mare, județul Satu Mare, 44008970L5SC NIRO  
SERV COM SRLGura Humorului, județul Suceava, 72530071L36SC  
PROLACT PROD COM SRLVicovu de Sus, județul Suceava,  
72761072L81SC RARAU SACâmpulung Moldovenesc, județul Suceava,  
72710073SV 1085SC BUCOVINA SA FALTICENIFălticeni, județul  
Suceava, 72520074SV 1562SC BUCOVINA SA SUCEAVASuceava,  
județul Suceava, 72029075SV 1888SC TOCAR PROD SRLFrătăuții Vechi,  
județul Suceava, 72725576SV 4909SC ZADA PROD SRLHorodnic de Jos,  
județul Suceava, 72730177SV 6159SC ECOLACT SRLMilișăuți, județul  
Suceava, 72736078TR 27SC VIOLACT SRLPutineiu, județul Teleorman,  
14728579TR 81SC BIG FAMILY SRLVidele, județul Teleorman,  
14530080TR 239SC COMALACT SRLNanov, județul Teleorman,  
14721581L80SC INDUSTRIAL MARIAN SRLDrănceni, județul Vaslui,  
73722082VN 231SC VRANLACT SAFocșani, județul Vrancea, 620122

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- (1) [OJ L 139, 30.4.2004, p. 1.](#)
- (2) [OJ L 139, 30.4.2004, p. 55.](#)
- (3) [OJ L 312, 27.11.2009, p. 59.](#)

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