

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 ⁽¹⁾ 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 ⁽²⁾ 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 ⁽³⁾ provides that certain structural requirements laid down in Regulation (EC) No 852/2004 and in Regulation (EC) 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.

⁽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.

- (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:

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

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 II

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 3

| No | Veterinary approval number | Name of establishment | Address (town/village/county) |
|----|----------------------------|----------------------------|---------------------------------------------|
| 1 | L35 | SC DANONE PDPA ROMANIA SRL | Bucureşti, 032451 |
| 2 | MM 1795 | SC CALITATEA SRL | Tăuţii Măgherauş, judeţul Maramureş, 437349 |

ANNEX III

LIST OF ESTABLISHMENTS AS REFERRED TO IN ARTICLE 4

| No | Veterinary approval number | Name of establishment | Address (town/village/county) |
|----|----------------------------|------------------------------|------------------------------------------------|
| 1 | AB 641 | SC BIOMILK SRL | Lopadea Nouă, judeţul Alba, 517395 |
| 2 | AB 3386 | SC LACTATE C.H. SRL | Sânmiclăuş, judeţul Alba, 517761 |
| 3 | BH 4020 | SC MOISI SERV COM SRL | Borşa, nr. 8, judeţul Bihor, 417431 |
| 4 | L 136 | SC CAMPAEI PREST SRL | Hidişeu de Sus, judeţul Bihor, 417277 |
| 5 | L72 | SC LACTOMUNTEAN SRL | Teaca, judeţul Bistriţa-Năsăud, 427345 |
| 6 | L78 | SC ROMFULDA PROD SRL | Beclean, judeţul Bistriţa-Năsăud, 425100 |
| 7 | L107 | SC BENDEAR CRIS PROD COM SRL | Şieu Măgheruş, judeţul Bistriţa-Năsăud, 427295 |
| 8 | L110 | SC LECH LACTO SRL | Lechinţa, judeţul Bistriţa-Năsăud, 427105 |
| 9 | BN 2399 | SC CARMO-LACT PROD SRL | Monor, judeţul Bistriţa-Năsăud, 427175 |
| 10 | BN 2120 | SC ELIEZER SRL | Lunca Ilvei, judeţul Bistriţa-Năsăud, 427125 |
| 11 | L3 | SC ABY IMPEX SRL | Şendriceni, judeţul Botoşani, 717380 |
| 12 | L116 | SC RAM SRL | Ibăneşti, judeţul Botoşani, 717215 |
| 13 | L140 | S.C. CARMOLACT SRL | Ucea, judeţul Braşov, 507235 |
| 14 | L154 | S.C. CAS SRL | Braila, judeţul Braila, 810224 |
| 15 | L148 | S.C. LACTAS SRL | Ianca, judeţul Braila, 815200 |
| 16 | CL 0044 | SC IANIS DIM SRL | Lehliu Gară, judeţul Călăraşi, 915300 |

| No | Veterinary approval number | Name of establishment | Address (town/village/county) |
|----|----------------------------|-------------------------------|------------------------------------------------|
| 17 | L129 | SC BONAS IMPORT EXPORT SRL | Dezmir, județul Cluj, 407039 |
| 18 | L84 | SC PICOLACT PRODCOM SRL | Iclod, județul Cluj, 407335 |
| 19 | L149 | S.C. COMLACT SRL | Corusu, județul Cluj, 407056 |
| 20 | L43 | SC LACTOCORV SRL | Ion Corvin, județul Constanța, 907150 |
| 21 | L40 | SC BETINA IMPEX SRL | Ovidiu, județul Constanța, 905900 |
| 22 | L41 | SC ELDA MEC SRL | Topraisar, județul Constanța, 907210 |
| 23 | L87 | SC NICULESCU PROD SRL | Cumpăna, județul Constanța, 907105 |
| 24 | L118 | SC ASSLA KAR SRL | Medgidia, județul Constanța, 905600 |
| 25 | L130 | SC MUNTINA PROD SRL | Constanța, județul Constanța, 900735 |
| 26 | CT 225 | SC MIH PROD SRL | Cobadin, județul Constanța, 907065 |
| 27 | CT 256 | SC IAN PROD SRL | Târgușor, județul Constanța, 90727 |
| 28 | CT 258 | SC BINCO LACT SRL | Săcele, județul Constanța, 907260 |
| 29 | CT 30 | SC EASTERN EUROPEAN FOODS SRL | Mihail Kogălniceanu, județul Constanța, 907195 |
| 30 | CT 15 | SC NIC COSTI TRADE SRL | Dorobanțu, județul Constanța, 907211 |
| 31 | CT 12203 | SC LACTO GENIMICO SRL | Hârșova, județul Constanța, 905400 |
| 32 | L82 | SC TOTALLACT GROUP SA | Dragodana, județul Dâmbovița, 137200 |
| 33 | DJ 80 | SC DUVADI PROD COM SRL | Breasta, județul Dolj, 207115 |
| 34 | DJ 730 | SC LACTIDO SA | Craiova, județul Dolj, 200378 |
| 35 | L91 | SC COSMILACT SRL | Schela, județul Galați, 807265 |
| 36 | GR 5610 | SC LACTA SA | Giurgiu, județul Giurgiu, 080556 |
| 37 | GJ 231 | SC SEKAM PROD SRL | Novaci, județul Gorj, 215300 |
| 38 | L49 | SC ARTEGO SA | Tg. Jiu, Gorj, 210257 |
| 39 | L65 | SC KARPATEN MILK | Suseni, județul Harghita, 537305 |
| 40 | L124 | SC PRIMULACT SRL | Miercurea Ciuc, județul Harghita, 530242 |
| 41 | HR 119 | SC BOMILACT SRL | Mădăraș, județul Harghita, 537071 |
| 42 | HR 625 | SC LACTIS SRL | Odorheiu Secuiesc, județul Harghita, 535600 |
| 43 | HR 213 | SC PAULACT SA | Mărtiniș, județul Harghita, 537175 |
| 44 | L99 | SC VALIZVI PROD COM SRL | Gârbovi, județul Ialomița, 927120 |
| 45 | IS 1540 | SC PROMILCH SRL | Podu Iloaiei, județul Iași, 707365 |

| No | Veterinary approval number | Name of establishment | Address (town/village/county) |
|----|----------------------------|------------------------------|------------------------------------------------|
| 46 | L18 | S.C. EUROCHEESE SRL | Jilava, județul Ilfov, 077120 |
| 47 | L47 | SC OBLAZA SRL | Bârsana, județul Maramureș, 437035 |
| 48 | L85 | SC AVI-SEB IMPEX SRL | Copalnic Mănăstur, județul Maramureș, 437103 |
| 49 | L86 | SC ZEA SRL | Boiu Mare, județul Maramureș, 437060 |
| 50 | L16 | SC ROXAR PROD COM SRL | Cernești, județul Maramureș, 437085 |
| 51 | L135 | SC MULTILACT SRL | Baia Mare, județul Maramureș, 430015 |
| 52 | MM 793 | SC WROMSAL SRL | Satulung, județul Maramureș, 437270 |
| 53 | MM 6325 | SC ONY SRL | Larga, județul Maramureș, 437317 |
| 54 | L54 | SC RODLACTA SRL | Fărăgău, județul Mureș, 547225 |
| 55 | L108 | SC LACTEX REGHIN SRL | Solovăstru, județul Mureș, 547571 |
| 56 | L121 | SC MIRDATOD PROD SRL | Ibănești, județul Mureș, 547325 |
| 57 | MS 483 | SC HELIANTUS PROD | Reghin, județul Mureș, 545300 |
| 58 | MS 5554 | SC GLOBIVET PHARM SRL | Batoș, județul Mureș, 547085 |
| 59 | NT 900 | SC COMPLEX AGROALIMENTAR SRL | Bicaz, județul Neamț, 615100 |
| 60 | L96 | SC PROD A.B.C. COMPANY SRL | Grumăzești, județul Neamț, 617235 |
| 61 | L101 | SC 1 DECEMBRIE SRL | Târgu Neamț, județul Neamț, 615235 |
| 62 | L106 | SC RAPANU SR. COM SRL | Petricani, județul Neamț, 617315 |
| 63 | L6 | SC LACTA HAN PROD SRL | Urecheni, județul Neamț, 617490 |
| 64 | L123 | SC PROCOM PASCAL SRL | Păstrăveni, județul Neamț, 617300 |
| 65 | L100 | SC ALTO IMPEX SRL | Provița de Jos, județul Prahova, 107477 |
| 66 | L88 | SC AGROMECCRASNA SA | Crasna, județul Sălaj, 457085 |
| 67 | L89 | SC OVINEX SRL | Sărmășag, județul Sălaj, 457330 |
| 68 | L71 | SC LACTO SIBIANA SA | Șura Mică, județul Sibiu, 557270 |
| 69 | SM 4189 | SC PRIMALACT SRL | Satu Mare, județul Satu Mare, 440089 |
| 70 | L5 | SC NIRO SERV COM SRL | Gura Humorului, județul Suceava, 725300 |
| 71 | L36 | SC PROLACT PROD COM SRL | Vicovu de Sus, județul Suceava, 727610 |
| 72 | L81 | SC RARAU SA | Câmpulung Moldovenesc, județul Suceava, 727100 |
| 73 | SV 1085 | SC BUCOVINA SA FALTICENI | Fălticeni, județul Suceava, 725200 |
| 74 | SV 1562 | SC BUCOVINA SA SUCEAVA | Suceava, județul Suceava, 720290 |

| No | Veterinary approval number | Name of establishment | Address (town/village/county) |
|----|----------------------------|--------------------------|------------------------------------------|
| 75 | SV 1888 | SC TOCAR PROD SRL | Frătăuții Vechi, județul Suceava, 727255 |
| 76 | SV 4909 | SC ZADA PROD SRL | Horodnic de Jos, județul Suceava, 727301 |
| 77 | SV 6159 | SC ECOLACT SRL | Milișăuți, județul Suceava, 727360 |
| 78 | TR 27 | SC VIOLACT SRL | Putineiu, județul Teleorman, 147285 |
| 79 | TR 81 | SC BIG FAMILY SRL | Videle, județul Teleorman, 145300 |
| 80 | TR 239 | SC COMALACT SRL | Nanov, județul Teleorman, 147215 |
| 81 | L80 | SC INDUSTRIAL MARIAN SRL | Drănceni, județul Vaslui, 737220 |
| 82 | VN 231 | SC VRANLACT SA | Focșani, județul Vrancea, 620122' |