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**COMMISSION DECISION**

**of 22 December 2006**

**adopting certain transitional measures concerning deliveries of raw milk to processing establishments and the processing of this raw milk in Romania with regard to the requirements of Regulation (EC) Nos 852/2004 and 853/2004 of the European Parliament and of Council**

*(notified under document number C(2006) 6963)*

**(Text with EEA relevance)**

**(2007/27/EC)**

**(OJ L 8, 13.1.2007, p. 45)**

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Commission Decision 2007/557/EC of 2 August 2007	L 212	15	14.8.2007
► <b><u>M2</u></b>	Commission Decision 2008/452/EC of 6 June 2008	L 158	58	18.6.2008
► <b><u>M3</u></b>	Commission Decision 2008/662/EC of 1 August 2008	L 215	9	12.8.2008
► <b><u>M4</u></b>	Commission Decision 2008/663/EC of 8 August 2008	L 215	10	12.8.2008

**COMMISSION DECISION****of 22 December 2006****adopting certain transitional measures concerning deliveries of raw milk to processing establishments and the processing of this raw milk in Romania with regard to the requirements of Regulation (EC) Nos 852/2004 and 853/2004 of the European Parliament and of Council***(notified under document number C(2006) 6963)***(Text with EEA relevance)**

(2007/27/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of Bulgaria and Romania, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 42 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 <sup>(1)</sup> lays down general rules for food business operators on the hygiene of foodstuffs, based on hazard analysis and critical control points principles. It provides that food business operators are to comply with the structural requirements based on those principles. 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> supplements the rules laid down in Regulation (EC) No 852/2004. The rules laid down in Regulation (EC) No 853/2004 include specific requirements for milk processing establishments, as well as hygiene requirements concerning raw milk and dairy products.
- (2) Romania is due to accede to the Community on 1 January 2007. In preparation for that accession, milk processing establishments are undergoing the necessary structural improvements in order to comply with the structural requirements laid down in Regulation (EC) No 852/2004. Since 2004 the number of establishments in compliance with Community structural requirements has increased from 12 to 123.
- (3) However, the proportion of raw milk that complies with the hygiene requirements, laid down in Regulation (EC) No 853/2004, delivered to milk processing establishments that comply with the structural requirements of Regulation (EC) No 852/2004 has only increased slightly. In 2005 out of the total production of 5,6 Mio t raw cow milk per year, 0,38 Mio t compliant raw milk was delivered to milk processing establishments.
- (4) Taking into account the current situation, it is appropriate to provide for transitional measures as regards the organisation of the milk sector in Romania.

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 1; corrected by OJ L 226, 25.6.2004, p. 3.

<sup>(2)</sup> OJ L 139, 30.4.2004, p. 55; corrected by OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 1662/2006 (OJ L 320, 18.11.2006, p. 1).

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- (5) In this respect, Annex VII, Chapter 5, Subsection I, point (c) of the Act of Accession of Bulgaria and Romania, authorises temporarily certain milk processing establishments that do not comply with the structural requirements laid down in Regulations (EC) No 852/2004 to receive deliveries of raw milk that does not comply with the relevant hygiene requirements laid down in Regulation (EC) No 853/2004 ('non-compliant milk').
- (6) Milk production holdings that do not comply with the hygiene requirements set out in Regulation (EC) No 853/2004 and milk processing establishments that do comply with the structural requirements set out in Regulation (EC) No 852/2004 are spread over the whole territory of Romania. Accordingly, certain of the compliant establishments receive raw milk that complies with the relevant hygiene requirements set out in Regulation (EC) No 853/2004 ('compliant milk') as well as non-compliant milk. Therefore, the marketing of final products from the compliant establishments should be restricted to Romania. In addition, a list of those compliant establishments should be set out in this Decision.
- (7) Furthermore, certain compliant establishments intend to process separately compliant and non-compliant milk. It is therefore necessary to establish the conditions as regards the collection and treatment of such milk and the marketing of the final products thereof. A list of those compliant establishments processing those two types of milk should also be set out in this Decision.
- (8) The transitional period granted should be limited to 18 months. The situation of the milk sector in Romania is to be reviewed before the end of that period. Accordingly, it is appropriate that Romania submit annual reports to the Commission regarding progress in the upgrading of milk production holdings supplying raw milk to compliant establishments.
- (9) The measures provided for in this Decision are in accordance with the opinion with the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

**Lists of compliant establishments**

Chapters I and II of the Annex to this Decision set out lists of milk processing establishments in Romania that comply with the structural requirements of Regulation (EC) No 852/2004, Annex II, Chapter II ('compliant establishments') and are authorized to receive and process raw milk which is not in compliance with Chapter I Part III, 3 and Chapter II Part III of Section IX of Annex III to Regulation (EC) No 853/2004 (non-compliant milk).

*Article 2*

**Deliveries of non-compliant milk and processing in compliant establishments listed in Chapter I of the Annex**

1. The compliant establishments listed in Chapter I of the Annex to this Decision may receive and process non-compliant raw milk.
2. As long as the establishments referred to in paragraph (1) benefit from the provisions of that paragraph products originating from compliant establishments listed in Chapter I of the Annex shall:

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- (a) only be placed on the domestic market or used for further processing in other compliant establishments listed in Chapter I of the Annex, irrespective of the date of marketing;
- (b) bear a different identification mark from those provided for in Article 5(1) of Regulation (EC) No 853/2004.

*Article 3***Deliveries of compliant and non-compliant milk and processing in compliant establishments listed in Chapter II of the Annex**

The compliant establishments listed in Chapter II of the Annex to this Decision may receive and process raw milk which complies with the requirements set out in Chapter I, Part III, 3 and Chapter II, Part III of Section IX of Annex III to Regulation (EC) No 853/2004 ('compliant milk') and non-compliant milk on separate production lines provided that the food business operators of such establishments:

- (a) comply with Article 5 of Regulation (EC) No 852/2004;
- (b) demonstrate their capacity to comply with the following conditions, including designating the separate production lines:
  - (i) to take all necessary measures to allow for the proper observance of in-house procedures for the separation of raw milk from collection up to the final production stage, including routes of milk collection, separate storage and treatment of both compliant and non-compliant milk and specific packaging and labelling of dairy products whether or not they are derived from compliant or non-compliant milk, as well as separate storage of such milk;
  - (ii) to establish a procedure ensuring raw milk traceability, including the necessary documentary evidence of product movements and the accountancy for dairy products and the reconciliation of compliant and non-compliant milk with the categories of dairy products produced;
  - (iii) to expose all raw milk to heat treatment at a temperature of minimum 71,7 °C for 15 seconds;
  - (iv) to take all appropriate measures to ensure that identification marks referred to Annex II, Section I of Regulation (EC) No 853/2004 are not used fraudulently.

*Article 4***Duties of competent authorities in Romania concerning compliant establishments listed in Chapter II of the Annex**

1. The competent authorities in Romania shall:
  - (a) ensure that food business operators of compliant establishments listed in Chapter II of the Annex take all necessary measures to allow for the proper observance of in-house procedures for the separation of raw milk and dairy products;
  - (b) conduct tests and unannounced controls in compliant establishments listed in Chapter II of the Annex relating to their observance of raw milk and dairy products separation;
  - (c) conduct tests in approved laboratories on all raw milk and finished products from compliant establishments listed in Chapter II of the Annex to this Decision to verify their compliance with the requirements of Chapter II of Section IX of Annex III to Regulation (EC) No 853/2004, including the microbiological criteria for dairy products.

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2. The milk and dairy products originating in the compliant establishments listed in Chapter II of the Annex processed from non-compliant raw milk may only be placed on the domestic market or used for further processing in other such establishments or establishments listed in Chapter I and bear a different identification mark from those provided for in Article 5(1) of Regulation (EC) No 853/2004.

3. Only dairy products, produced in compliant milk establishments listed in Chapter II of the Annex to this Decision and complying with paragraphs 1 of this Article and the requirements of Annex III, Section IX of Regulation (EC) No 853/2004, may be marketed as compliant products complying with the provisions of that Regulation.

*Article 5***Compliance and reports**

1. Romania shall ensure the gradual compliance by the milk production holdings, referred to in Article 2(1) of this Decision, with the requirements Annex III, Section IX, Chapter I, parts II and III of Regulation (EC) No 853/2004.

2. Romania shall submit annual reports to the Commission on progress made in upgrading milk production holdings and the milk collection system.

*Article 6*

Milk and milk products produced under the provisions referred to in Articles 3 and 4 of the present Decision shall only be granted support under Title I, Chapters II and III, except Article 11 thereof, and Title II of Council Regulation (EC) No 1255/1999 <sup>(1)</sup> if they carry the oval identification mark referred to in Annex II, Section I, of Regulation (EC) No 853/2004.

*Article 7***Applicability**

This Decision shall apply subject to and as from the date of the entry into force of the Treaty of Accession of Bulgaria and Romania.

It shall apply until ►**M3** 31 December 2009 ◀.

*Article 8***Addressees**

This Decision is addressed to the Member States.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

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## ANNEX

## CHAPTER I

## List of milk processing establishments in compliance with Community structural requirements authorised to receive and process without separation compliant and non-compliant milk

No	Veterinary approval	Name of the establishment	Address
1	L 70	SC Unichim Romania SRL	Unirea, Jud. Alba, 517785
2	L 45	SC I.A.C. Curtici SA	Macea, Jud. Arad, 317210
3	L 18	SC Depcoinf MBD SRL	Targu Trotus, Jud. Bacau, 607630
▼ <u>M2</u>			
▼ <u>M1</u>			
5	L 1	SC Five Continents Group SRL	Rachiti, Jud. Botosani, 717310
6	L 4	SC Spicul 2 SRL	Dorohoi, Jud. Botosani, 715200
▼ <u>M2</u>			
▼ <u>M1</u>			
11	L 43	SC Lactocorv SRL	Ion Corvin, Jud. Constanta, 907150
12	L 40	SC Betina Impex SRL	Ovidiu, Jud. Constanta, 905900
13	L 41	SC Elda Mec SRL	Topraisar, Jud. Constanta, 907210
14	L 58	SC Industrializarea Laptelui SA	Targoviste, Jud. Dambovita, 130062
15	L 91	SC Cosmilact SRL	Schela, Jud. Galati, 807265
16	L 55	SC Gordon Prod SRL	Bisericani, Jud. Harghita, 535062
17	L 66	SC Industrializarea Laptelui Harghita SA	Remetea, Jud. Harghita, 535250
18	L 65	SC Karpaten Milk	Suseni, Jud. Harghita, 537305
19	L 15	SC Teletext SRL	Slobozia, Jud. Ialomita, 920066
20	L 47	SC Oblaza SRL	Bârsana, Jud. Maramures, 437035
21	L 85	SC Avi-Seb Impex SRL	Copalnic, Manastur, Jud. Maramures, 437103
22	L 32	SC Hochland Romania SRL	Sighisoara, Jud. Mures, 545400
23	L 60	SC Hochland Romania SRL	Sovata, Jud. Mures, 545500
24	L 63	S.C. Zoe Gab SRL	Fulga, Jud. Prahova, 107260
25	L 50	SC Ecolact Prod SRL	Paulesti, Jud. Prahova, 107246
26	L 53	SC Friesland Romania SA	Carei, Jud. Satu Mare, 445100
27	L 93	SC Agrostar Company Lyc SRL	Ciuperceni, Jud. Satu Mare, 447067
28	L 67	SC Gefa Impex SRL	Talmaciu, Jud. Sibiu, 555700
▼ <u>M2</u>			
▼ <u>M1</u>			
30	L 36	SC Pro lact Prod Com SRL	Vicovu de Sus, Jud. Suceava, 727610
▼ <u>M4</u>			
▼ <u>M2</u>			
32	L 95	S.C. Marion Invest SRL	Crânguri, Jud. Dambovita, 137170
33	L 21	S.C. I.L. Mureş S.A.	Târgu Mureş, Jud. Mureş, 540390
34	L 96	S.C. Prod A.B.C. Company SRL	Grumăzeşti, Jud. Neamţ, 617235
▼ <u>M4</u>			
35	L17	SC Albalact SA	Oiejdea, Jud. Alba, 517293
36	L2	SC Lactomuntean SRL	Teaca, Jud. Bistrita Nasaud, 427345

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No	Veterinary approval	Name of the establishment	Address
37	L3	SC Aby Impex SRL	Sendriceni, Jud. Botosani, 717380
38	L73	SC Eurocheese Productie SRL	Bucuresti, 030608
39	L97	SC Terra Valahica SRL	Berca, Jud. Buzau, 127035
40	L84	SC Picolact Prodcom SRL	Iclod, Jud. Cluj, 407335
41	L82	SC Totallact Group SA	Dragodana, Jud. Dambovita, 137200
42	L86	SC Zea SRL	Boiu Mare, Jud. Maramures, 437060
43	L16	SC Roxar Prod Com SRL	Cernesti, Jud. Maramures, 437085
44	L88	SC Agromec Crasna SA	Crasna, Jud. Salaj, 457085
45	L89	SC Ovinex SRL	Sarmasag, Jud. Salaj, 457330
46	L71	SC Lacto Sibiana SA	Sura Mica, Jud. Sibiu, 557270
47	L83	SC Bălăceana Prod SRL	Balaceana, Jud. Suceava, 727125
48	L5	SC Niro Com Serv SRL	Gura Humorului, Jud. Suceava, 725300
49	L80	SC Industrial Marian SRL	Drănceni, Jud. Vaslui, 737220

▼ **M1****CHAPTER II****List of milk processing establishments in compliance with Community structural requirements authorised to receive and process separately compliant and non-compliant milk**

No	Veterinary approval	Name of the establishment	Address
1	L 81	SC Raraul SA	Campulung Moldovenesc, Jud. Suceava, 725100
2	L 35	SC Danone PDPA Romania SRL	Bucuresti, 032451