

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,

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.

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 ⁽¹⁾ 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 ⁽²⁾ 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

(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.

(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.

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

⁽²⁾ 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).

- (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:

- (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.
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⁽¹⁾ 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 30 June 2008.

*Article 8***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 22 December 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ 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).

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

1	AR 473	SC Octavian Impex SRL	Dezna, County of Arad, 317110
2	BT 17	SC Spicul 2 SRL	Dorohoi, County of Botosani, 715200
3	BT 176	SC Lacto Solomonescu SRL	Miron Costin, County of Botosani, 717466
4	BR 24	S.C. Lacta Prod SRL	Braila, County of Braila, 810224
5	CJ 7879	SC Comlact SRL	Corusu, County of Cluj, 407056
6	DB 59	SC Industrializarea Laptelui SA	Targoviste, County of Dambovita, 130062
7	NT 241	SC Pro Com Pascal SRL	Pastraveni, County of Neamt, 617300
8	NT 556	SC Stefanos SRL	Trifesti, County of Neamt, 617475
9	SB 237	SC Carpalat SRL	Mandra, County of Sibiu, 557124
10	SB 298	SC Gefa Impex SRL	Talmaciu, County of Sibiu, 555700
11	L 56	SC Camy Lact SRL	Panaci-Vatra Dornei, County of Suceava, 727405
12	VN 25	SC Vitaprod SRL	Dumitresti, County of Vrancea, 727110
13	BC 4826	S.C. Marlact SRL	Buhoci, County of Bacau, 607085
14	BH 4646	SC Abacus Trade SRL	Toboliu, County of Bihor, 417273
15	BH 2980	SC Cimpaneii Prest SRL	Mierlău, County of Bihor, 417277
16	BT 342	SC Indagrovet SRL	Coșușca, County of Botosani, 717090
17	BT 240	SC Geny Com SRL	Vf. Câmpului, County of Botosani, 717450
18	BT 205	SC Cicos SRL	George Enescu, County of Botosani, 717170
19	BR 215	S.C. Android Trading SRL	Maxineni, County of Braila, 817090
20	BZ 0627	SC Ianis Cos Lact SRL	C.A. Rosetti, County of Buzau, 127120
21	BZ 0298	SC Camen Tas SRL	Smeeni, County of Buzau, 127595
22	CJ 4185	SC Bonas Import Export SRL	Dezmir, County of Cluj, 407039
23	CV 56	SC Milk COM SRL	Saramas, County of Covasna, 527012

24	CV 690	SC Mark SRL	Brates, County of Covasna, 527050
25	CV 234	SC Zugo SRL	Belin, County of Covasna, 527030
26	HR 383	S.C. Lactate Harghita SA	Cristuru Secuiesc, County of Harghita, 535400
27	HR 70	S.C. Primulact SRL	Miercurea Ciuc, County of Harghita, 530242
28	NT 607	S.C. D. A Secuieni	Secuieni, County of Neamt, 617405
29	OT 2836	SC Bourella Maris SRL	Babiciu, County of Olt, 237015
30	PH 6448	SC Rusara Prodcom SRL	Valea Calugareasca, County of Prahova, 107620
31	PH 212	S.C. Vitoro SRL	Ploiesti, County of Prahova, 100537
32	PH 6067	S.C. Zoe Gab SRL	Fulga, County of Prahova, 107260
33	SJ 52	SC Sanolact	Maeriste, County of Salaj, 457235
34	SV 4162	SC Malinul SRL	Malini, County of Suceava, 727350
35	SV 5355	SC Lacto Zaharia	Frumosu, County of Suceava, 727260
36	SV 6394	SC Martin's European Food Products Comimpex SRL	Bosanci, County of Suceava, 727045
37	TL 1328	SC Izacos Lact SRL	Topolog, County of Tulcea, 827220
38	VN 35	SC Monaco SRL	Vrâncioaia, County of Vrancea, 627445
39	AG 6	SC Bradet SRL	Bradulet, County of Arges, 117145
40	L 57	SC Hochland Romania SRL	Sovata, County of Mures, 545500
41	AG 4	S.C. Dincudana SRL	Bradu, County of Arges, 117148
42	BH 1705	SC Dorlact SRL	Beznea, County of Bihor, 417081
43	CS 116	SC Fabrica de Produse Lactate	Oravita, County of Caras Severin, 325600
44	NT 900	S.C. Complex Agroalimentar SRL	Bicaz, County of Neamt, 615100
45	TL 965	SC Mineri SRL	Mineri, County of Tulcea, 827211
46	CJ 41	SC Kazal SRL	Dej, County of Cluj, 405200
47	L 40	SC Napolact SA	Huedin, County of Cluj, 405400
48	SM 3876	S.C. Schwaben Molkerei	Carei, County of Satu Mare, 445100

CHAPTER II

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

1	AB 3508	SC Unichim Romania SRL	Unirea, County of Alba, 517785
2	L 81	SC Raraul SA	Campulung Moldovenesc, County of Suceava, 725100
3	AG 5	S.C. Lactag SA Fabrica Costesti	Costesti, County of Arges, 115200
4	BC 6100	SC Depcoinf MBD SRL	Targu Trotus, County of Bacau, 607630
5	BT 60	SC Five Continents Group SRL	Rachiti, County of Botosani, 717310
6	BR 65	S.C. Brailact SRL	Braila, County of Braila, 810224
7	L 35	S.C.Danone PDPA Romania SRL	Bucuresti, 032451
8	CT 30	SC Niculescu Prod SRL	Cumpana, County of Constanta, 907105
9	CT 15	SC Nic Costi Trade SRL	Dorobantu, County Constanta, 907211
10	L 9	SC Covalact SA	Sfantu Gheorghe, County of Covasna, 520076
11	L 22	SC Dorna Lactate SA	Dorna Candrenilor — Floreni, County of Suceava, 727190
12	L 53	S.C. Friesland România SA	Carei, County of Satu Mare, 445100
13	TR 78	SC Interagro SRL	Zimnicea, County of Teleorman, 145400
14	VS 2196	SC Ilvas SA	Vaslui, County of Vaslui, 730040
15	SV 001	SC La Dorna Agri SA	Dorna Candreni, County of Suceava, 727190
16	SV 6352	SC La Dorna Chesse SA	Dorna Arini, County of Suceava, 727200
17	BH 5206	SC Prolacta SRL	Copacel, County of Bihor, 417205
18	BZ 0098	SC Meridian Agroind	Ramnicu Sarat, County of Buzau, 125300
19	CT 299	SC Nascu SRL	Indepenta, County of Constanta, 907145
20	CT 294	SC Suflaria Import Export SRL	Cheia, County of Constanta, 907277
21	MM 4758	SC Milk-Humana SRL	Baia Mare, County of Maramures, 430306
22	MM 521	SC Oblaza SRL	Birsana, County of Maramures, 437035
23	MM 725	SC Avi Seb Impex SRL	Tirgu Lapus, County of Maramures, 435600
24	TL 855	SC Deltalact SA	Tulcea, County of Tulcea, 820009