Corrigendum to Commission Decision 2004/439/EC of 29 April 2004 adopting a transitional measure in favour of certain establishments in the meat sector in Malta

(Official Journal of the European Union L 154 of 30 April 2004)

Decision 2004/439/EC should read as follows:

COMMISSION DECISION

of 29 April 2004

adopting a transitional measure in favour of certain establishments in the meat sector in Malta

(notified under document number C(2004) 1707)

(Text with EEA relevance)

(2004/439/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 42 thereof,

Whereas:

(1) In Malta seven high capacity meat establishments have difficulties in complying on 1 May 2004 with the relevant structural requirements laid down in Annex I to Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ([1]), in Annexes A and B to Council Directive 77/99/EEC of 21 December 1976 on health problems affecting the production and marketing of meat products and certain other products of animal origin ([2]) and in Annex I to Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations ([3]).

(2) Accordingly those seven establishments need time to finalize their upgrading process in order to be in full compliance with the relevant structural requirements laid down in the Directives 64/433/EEC, 77/99/EEC and 94/65/EC.

(3) These seven establishments, which are currently in an advanced state of upgrading, have given reliable guarantees that they have the necessary funds to correct their remaining shortcomings within a reasonable time and have received a favourable opinion from the Maltese Food and Veterinary Regulation Division of the Ministry for Rural Affairs and the Environment, as regards the finalisation of their upgrading process.

(4) For Malta, the detailed information regarding the shortcomings for each establishment is available.

(5) In order to facilitate the transition from the existing regime in Malta to that resulting from the application of the Community veterinary legislation, it is justified therefore at the request of Malta, to grant a transitional period for those seven establishments as an exceptional transitional measure.

(6) Due to the exceptional nature of this transitional derogation which was not foreseen during the enlargement negotiations, no further requests by Malta for transitional measures concerning structural requirements of establishments producing animal products should be granted after the adoption of this decision.

(7) Taking account of the advanced stage of upgrading and the exceptional nature of the transitional measure, the transitional period should be limited to 31 December 2004 and should not be prolonged after that date.

(8) It is appropriate to subject the establishments in transition covered by this Decision to the same rules which are applicable as regards the products originating from the establishments to which a transitional period for structural requirements has been granted in accordance with the procedure provided for in the relevant Annexes to the Act of Accession.

([1]) OJ L 121, 29.7.1964, p. 2012/64; Directive as last amended by the Act concerning the conditions of Accession (OJ L 236, 23.9.2004, p. 381).
([2]) OJ L 26, 31.1.1977, p. 85 ; Directive as last amended by the Act concerning the conditions of Accession (OJ L 236, 23.9.2004, p. 381).
([3]) OJ L 368, 31.12.1994, p. 10; Directive as amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 2).

(9) 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

1. The structural requirements laid down in Annex I to Directive 64/433/EEC, in Annexes A and B to Directive 77/99/EEC and in Annex I to Directive 94/65/EC shall not apply to the establishments in Malta listed in the Annex to this Decision, subject to the conditions laid down in paragraph 2, until the date indicated for each establishment.

2. The following rules shall apply to products originating in the establishments referred to in paragraph 1:

— as long as the establishments listed in the Annex to this Decision benefit from the provisions of paragraph 1, products originating from those establishments shall only be placed on the domestic market or used for further processing in the same establishment, irrespective of the date of marketing. This rule shall also applies to products originating from integrated meat establishments where a part of the establishment is subject to the provisions of paragraph 1,

— they shall bear the special health mark.

Article 2

This Decision shall apply subject to and as from the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 April 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Meat establishments in transition

No	Veterinary approval number	Name and address of establishment	Sector: meat			Date of compliance
			Activity of the establishments			
			Fresh meat, slaughter, cutting	Meat products	Minced meat, meat preparation	
1.	MP003	Chef Choice, Triq il-Latmija, Zabbar	x	x	x	31.12.2004
2.	MP004	Prime Ltd, Mgieret Road, Marsa	x	x	x	31.12.2004
3.	MP005	Dewfresh Products, Pastoral House, Prince Albert Street, Albertown, Marsa	x	x	x	31.12.2004
4.	MP006	Jolly Ltd, A52, Industrial Estate, Marsa	x	x	x	31.12.2004
5.	MP007	E & M Meats Cospicua Road, Zejtun	x	x	x	31.12.2004
6.	MP008	Mosta Bacon, 115, Hope Street, Mosta	x	x	x	31.12.2004
7.	MP010	Tenderfresh, A25A, G. Garibaldi Street, Marsa	x	x	x	31.12.2004