COMMISSION DECISION

of 29 April 2004

adopting a transitional measure in favour of certain establishments in the milk sector in Slovakia

(notified under document number C(2004) 1716)
(Text with EEA relevance)
(2004/440/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[1], 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[2], and in particular Article 42 thereof,

Whereas:

(1) In Slovakia one high capacity milk processing establishment has difficulties in complying on 1 May 2004 with the relevant structural requirements laid down in Annex B to Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products[3].

(2) Accordingly this establishment needs time to finalize its upgrading process in order to be in full compliance with the relevant structural requirements laid down in Directive 92/46/EEC.

(3) This establishment which is currently in an advanced state of upgrading, has given reliable guarantees that it has the necessary funds to correct their remaining shortcomings within a reasonable time and has received a favourable opinion from the Slovak Food and Veterinary Service, as regards the finalisation of its upgrading process.

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

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1 OJ L 236, 23.9.2003, p. 17
2 OJ L 236, 23.9.2003, p. 33
3 OJ L 268, 14.9.1992, p. 1. Directive as amended by Regulation (EC) No 807/2003

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

(6) Due to the exceptional nature of this transitional derogation which was not foreseen during the enlargement negotiations, no further requests by Slovakia for transitional measures concerning structural requirements of establishments producing milk and milk 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 a maximum period of 12 months 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.

(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 Annex B to Directive 92/46/EEC shall not apply to the establishments in Slovakia listed in the Annex to this Decision, subject to the conditions laid down in paragraph 2, until the date indicated for this establishment.

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

   – as long as the establishment listed in the Annex to this Decision benefits from the provisions of paragraph 1, products originating from this establishment shall only be placed on the domestic market or used for further processing in the same establishment, irrespective of the date of marketing,

   – 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

Milk establishment in transition

No	Veterinary approval number	Name and address of establishment	Sector: Milk Activity of the establishments Milk and milk based products	Date of compliance
1.	DT 4-6-21	KOLIBA a.s Krivec 962 05 Hrinová	x	31.10.2004