COMMISSION DECISION

of 29 April 2004

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

(notified under document number C(2004) 1711)

(Text with EEA relevance)

(2004/459/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[30], 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[31], and in particular Article 42 thereof,

Whereas:

(1) In Hungary twenty-one milk processing establishments have difficulties in complying on 1 May 2004 with the relevant structural requirements laid down in Annex B to Council 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[32].

(2) Accordingly these twenty-one establishments need time to finalize their upgrading process in order to be in full compliance with the relevant structural requirements laid down in Directive 92/46/EEC.

(3) These twenty-one 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 Hungarian Animal health and Food Control Department, as regards the finalisation of their upgrading process.

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

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30 OJ L 236, 23.9.2003, p. 17

31 OJ L 236, 23.9.2003, p. 33

32 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 Hungary to that resulting from the application of the Community veterinary legislation, it is justified therefore at the request of Hungary, to grant a transitional period for those twenty-one 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 Hungary 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 Hungary 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,

   – 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 establishments in transition

	Veterinary approval number	Name and address of establishment	Sector: Milk Activity of the establishments Milk and milk based products	Date of compliance
1.	01501	Cheesio Kft., Véménd, Baranya	x	30.04.2005
2.	02502	Cosinus Gamma Kft. Sajtüzem, Kunszentmiklós, Bács	x	30.04.2005
3.	03503	Tejfeldolgozó és Sajtkészítő Üzem, Gyomaendrőd, Békés	x	30.04.2005
4.	04504	Abaújtej Közös Vállalat tejüzeme, Forró, Borsod	x	30.04.2005
5.	05505	BOPPE Kft., Hódmezővásárhely Csongrád	x	30.04.2005
6.	05506	Ujfalusi Mihály Bio-kecsketej üzem, Csongràd	x	30.04.2005
7.	06507	Győzelem Mgsz. Sajtüzem, Lajoskomárom, Fejér	x	30.04.2005
8.	06508	Tejmix Kft., Kápolnásnyék-Pettend, Fejér	x	30.04.2005
9.	09509	Egertej kft., Eger, Heves	x	30.04.2005
10.	12510	Naszálytej Rt., Vác, Pest	x	30.04.2005
11.	12511	Dabastej kft., Dabas, Pest	x	30.04.2005
12.	12512	Csipkó Istvánné tejüzeme, Pest	x	30.04.2005
13.	13513	Drávatej kft., Barcs, Somogy	x	30.04.2005
14.	14514	Tiszatej Kft., Rakamaz, Szabolcs	x	30.04.2005
15.	14515	Farmtej Kft., Kemecse, Szabolcs	x	30.04.2005
16.	15516	Jásztej Rt., Jászapáti, Jász	x	30.04.2005
17.	15517	Kuntej Rt., Tiszafüred, Jász	x	30.04.2005
18.	16518	Dámtej Kft., Tamási, Tolna	x	30.04.2005
19.	17519	Tejfeldolgozó és Kereskedelmi Kft., Körmend, Vas	x	30.04.2005
20.	18520	Gici sajt kft., Gic, Veszprém	x	30.04.2005
21.	20521	Soma's Trade Kft., Budapest	x	30.04.2005