II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 April 2004

laying down transitional measures to be applied by Cyprus and Estonia as regards on site burning or burial of animal by-products under Regulation (EC) No 1774/2002 of the European Parliament and of the Council

(Text with EEA relevance)

(2004/467/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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) Under Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not

intended for human consumption[1], derogations may be granted regarding the disposal by on site burning or burial of animal by-products in restricted circumstances. That Regulation also provides that no derogation may be granted in respect of animals suspected of being infected with a transmissible spongiform encephalopathy (TSE) or in which the presence of a TSE has been officially confirmed.

(2) Commission Regulation (EC) No 811/2003 of 12 May 2003 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures[2] lays down implementing rules for derogations granted under Regulation (EC) No 1774/2002 for the disposal of animal by-products by on site burning or burial.

(3) Cyprus and Estonia will not have operational collection systems in place for animal by-products on 1 May 2004 which would permit those two new Member States to comply with the rules regarding the disposal of animal by-products under Regulation (EC) No 1774/2002. Therefore, it is necessary to lay down transitional measures to permit Cyprus and Estonia to continue on site burning or burial of animal by-products until 1 January 2005.

(4) During the transitional period Cyprus and Estonia should take the necessary measures to avoid endangering human or animal health and the environment. Accordingly, the relevant implementing rules for derogations granted under Regulation (EC) No 1774/2002 for the disposal of animal by-products by on site burning or burial as laid down in Regulation (EC) No 811/2003 should apply.

(5) 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 DECIDED AS FOLLOWS:

Article 1

1. By way of derogation from Articles 4(2), 5(2) and 6(2) of Regulation (EC) No 1774/2002, Cyprus and Estonia may, in respect of their own territory, for a period until 1 January 2005 permit on site burning or burial of animal by-products.

2. The derogation referred to in paragraph 1 does not apply to Category 1 material referred to in Article 4(1)(a)(i) of Regulation (EC) No 1774/2002.

Article 2

Cyprus and Estonia shall, when permitting on site burning or burial, as provided for in Article 2 of this Decision, take all necessary measures to avoid endangering human or animal health and the environment in accordance with the implementing rules laid down in Articles 6 and 9 of Regulation (EC) No 811/2003. They shall inform the Commission by 1 May 2004 of the measures taken.

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[1] OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 808/2003 (OJ L 117, 13.5.2004, p. 1).

[2] OJ L 117, 13.5.2003, p. 14.

Article 3

This Decision shall enter into force 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.

It shall apply until 1 January 2005.

Done at Brussels, 29 April 2004.

For the Commission
David BYRNE

Member of the Commission