COMMISSION DECISION

of 29 April 2004

laying down transitional measures to be applied by Estonia and Hungary as regards the material collected when treating waste water under Regulation (EC) No 1774/2002 of the European Parliament and of the Council

(Text with EEA relevance)

(2004/468/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, 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) 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] sets out certain requirements concerning the treatment of waste water from establishments handling Category 1 and Category 2 material.

(2) It is appropriate to adopt transitional measures to facilitate the transition from the existing regime in certain new Member States which does not fully meet the requirements of Regulation (EC) No 1774/2002 concerning the treatment of waste water.

(3) Accordingly, as a temporary measure a derogation should be granted to Estonia until 31 August 2004 and to Hungary until 1 May 2005 to enable them to authorise operators to continue to apply national rules for the collection of Category 1 and Category 2 material when treating waste water.

[1] OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 808/2003 (OJ L 117, 13.5.2003, p. 1).

(4) In order to prevent a risk to animal and public health appropriate control systems should be maintained in Estonia and Hungary for the period of the transitional measures.

(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 Chapter IX of Annex II to Regulation (EC) No 1774/2002, Estonia may continue to grant individual approvals until 31 August 2004 at the latest and Hungary until 1 May 2005 at the latest to operators of processing plants, premises and slaughterhouses referred to in Article 4(1) (d) and Article 5(1)(b) of Regulation (EC) No 1774/2002, in conformity with national rules, to apply such rules for the collection of waste water, provided that:

   (a) all animal material retained in current systems from those processing plants, premises and slaughterhouses are collected, transported and disposed of as Category 1 or Category 2 material as appropriate, in accordance with Regulation (EC) No 1774/2002;

   (b) the national rules are only applied in premises and facilities that applied those rules on 1 May 2004.

2. The competent authority shall take the necessary measures to control compliance by authorised operators of premises and facilities with the conditions set out in paragraph 1.

Article 2

1. Individual approvals granted by the competent authority for the material collected when treating waste water shall be immediately and permanently withdrawn in respect of any operator, premises or facilities if the conditions set out in this Decision are no longer fulfilled.

2. The competent authority shall withdraw any approvals granted under Article 1(1) by 31 August 2004 at the latest in Estonia and by 1 May 2005 at the latest in Hungary.

   The competent authority shall not grant a final approval under Regulation (EC) No 1774/2002 unless on the basis of its inspections it is satisfied that the premises and facilities referred to in Article 1 meet the requirements of that Regulation.

3. Any material that does not comply with the requirements of this Decision shall be disposed of in accordance with the instructions of the competent authority.

Article 3

Estonia and Hungary shall immediately take the necessary measures to comply with this Decision and shall publish those measures. They shall immediately inform the Commission thereof.

Article 4

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.

It shall apply until 1 May 2005.

Done at Brussels, 29 April 2004.

For the Commission
David BYRNE
Member of the Commission