COMMISSION DECISION

of 29 April 2004

adopting a transitional measure in favour of certain establishments in the meat and milk sectors in Slovenia

(notified under document number C(2004) 1732)

(Text with EEA relevance)

(2004/475/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 Slovenia four high capacity meat establishments and one high capacity milk processing establishment 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[3], in Annexes A and B to 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[4] and 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 [5].

1 OJ L 236, 23.9.2003, p. 17
2 OJ L 236, 23.9.2003, p. 33
3 OJ 121, 29.7.1964, p. 2012. Directive as last amended by the 2003 Act of Accession.
4 OJ L 26, 31.01.1977, p. 85. Directive as amended by Regulation (EC) No 807/2003
5 OJ L 268, 14.9.1992, p. 1. Directive as amended by Regulation (EC) No 807/2003

(2) Accordingly, those five 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 92/46/EEC.

(3) These five establishments which are currently in an advanced state of upgrading, or have made the commitment to complete new facilities, 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 Veterinary Administration of the Republic of Slovenia, as regards the finalisation of their upgrading process.

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

(5) In order to facilitate the transition from the existing regime in Slovenia to that resulting from the application of the Community veterinary legislation, it is justified therefore at the request of Slovenia, to grant a transitional period for those five 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 Slovenia for transitional measures concerning structural requirements of establishments producing animal products or 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 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.

(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 B to Directive 92/46/EEC shall not apply to the establishments in Slovenia 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 and milk establishments in transition

Part 1

No	Veterinary approval number	Name and address of establishment	Sector: Meat Activity of the establishments			Date of compliance
			Fresh meat, Slaughter, Cutting	Meat products	Cold store	
1.	14	Meso Kamnik, Kamnik	x			31.12.2004
2.	25	Mesarstvo Bobič, Škocjan	x			31.12.2004
3.	19	Meso Kamnik, Domžale	x	x		31.12.2004
4.	306	Arvaj Anton s.p., Kranj	x	x		31.12.2004

Part 2

No	Veterinary approval number	Name and address of establishment	Sector: Milk Activity of the establishments Milk and milk based products	Date of compliance
1.	M-163	Mlekarna Planika, Kobarid	x	31.12.2004