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COMMISSION DECISION

of 27 January 2005

laying down transitional measures to be applied by Cyprus 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

(notified under document number C(2005) 133)

(Only the Greek text is authentic)

(Text with EEA relevance)

(2005/62/EC)

(OJ L 25, 28.1.2005, p. 71)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Decision 2005/869/EC of 2 December 2005	L 319	7	7.12.2005

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(2005/62/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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], and in particular Article 24(6) and Article 32(1) thereof,

Whereas:

(1) Under Regulation (EC) No 1774/2002 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 the disposal of animal by-products by on-site burning or burial.

(3) Commission Decision 2004/467/EC 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 [3] provides for a derogation to these rules applicable until 1 January 2005.

(4) Cyprus has informed the Commission that it will not have operational collection systems in place for animal by-products on 1 January 2005. It is therefore necessary to maintain the transitional measures laid down by Decision 2004/467/EC for a further period of time.

(5) During the transitional period Cyprus should take the necessary measures to avoid endangering human or animal health and the environment as laid down in Regulation (EC) No 811/2003.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

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[1] OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 668/2004 (OJ L 112, 19.4.2004, p. 1).
[2] OJ L 117, 13.5.2003, p. 14.
[3] OJ L 160, 30.4.2004, p. 1.

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HAS ADOPTED THIS DECISION:

Article 1

1. By way of derogation from Articles 4(2), 5(2) and 6(2) of Regulation (EC) No 1774/2002, Cyprus may, in respect of its own territory, and until ►M1 1 January 2007 ◄, 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

When permitting on-site burning or burial, as provided for in Article 1 of this Decision, Cyprus shall 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. ►M1 Cyprus shall submit periodic reports to the Commission and the other Member States on the progress made in establishing the disposal system on 1 February 2006, 1 May 2006, 1 August 2006 and 1 November 2006. ◄

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Article 3

This Decision shall apply from 1 January 2005 to 1 January 2007.

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Article 4

This Decision is addressed to the Republic of Cyprus.