COMMISSION REGULATION (EC) No 815/2004

of 29 April 2004

laying down transitional measures as regards exports of milk and milk products pursuant to Regulation (EC) No 174/1999, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union

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, 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 the first paragraph of Article 41 thereof,

Whereas:

(1) Article 1(4) of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products[1] provides that, for a refund to be granted, the products must meet the requirements laid down in 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[2]. Notably, the products must be prepared in an approved establishment and comply with the health marking requirements specified in point A of Chapter IV of Annex C to that Directive.

(2) Commission Decision 2004/280/EC of 19 March 2004 laying down transitional measures for the marketing of certain products of animal origin obtained in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia[3] (hereinafter "the new Member States") lays down transitional measures to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the Community veterinary legislation. According to Article 3 of that Decision, Member States shall authorise trade from 1 May to 31 August 2004 in products which are obtained in establishments in the new Member States authorised to export milk products to the Community before the accession date,

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1 OJ L 20, 27.1.1999, p. 8. Regulation last amended by Regulation (EC) No 597/2004 (OJ L 94, 31.3.2004, p. 42).

2 OJ L 268, 14.9.1992, p. 1. Directive amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

3 OJ L 87, 25.3.2004, p. 60.

provided that the products bear the Community export health mark of the establishment concerned and are accompanied by a document which certifies that they were produced in conformity with Decision 2004/280/EC.

(3) It is therefore appropriate to derogate from Regulation (CE) No 174/1999 and provide that products which comply with Article 3 of Decision 2004/280/EC and are authorised to be traded for the period from 1 May to 31 August 2004 should be eligible for an export refund.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 1(4) of Regulation (EC) No 174/1999, products obtained before the date of accession in establishments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia authorised to export to the Community before the accession date and exported from the Community in the period from the accession date to 31 August 2004 are eligible for an export refund, provided that they meet the requirements of Article 3(a) and (b) of Decision 2004/280/EC.

The document referred to in Article 3(b) of that Decision shall be as set out in Article 5(8) of Directive 92/46/EEC.

Article 2

This Regulation shall enter into force subject to and on 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 to export declarations accepted from the date of the entry into force of this Regulation to 31 August 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 April 2004.

For the Commission
Franz FISCHLER
Member of the Commission