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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	15 November 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2017) 7477 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 15.11.2017 amending Commission Delegated Regulation (EU) 2016/1238 with regard to the compositional requirements and quality characteristics of milk and milk products eligible for public intervention and aid for private storage

Delegations will find attached document C(2017) 7477 final.

Encl.: C(2017) 7477 final



EUROPEAN
COMMISSION

Brussels, 15.11.2017
C(2017) 7477 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 15.11.2017

**amending Commission Delegated Regulation (EU) 2016/1238 with regard to the
compositional requirements and quality characteristics of milk and milk products
eligible for public intervention and aid for private storage**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The 2013 reform of the Common Agricultural Policy (the "CAP") has confirmed that the system of public intervention and aid for private storage should continue as two of the main market measures of the CAP as laid down in the Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products ("the CMO Regulation").

A number of analysis methods laid down in Commission Regulation (EC) No 273/2008 have not been updated since 2008 and need to be reviewed, particularly in terms of accuracy of the methods but also as regards acceptable administrative burden and costs for Member States and for operators. Therefore, the Regulation on analysis methods for public intervention and private storage needs to be repealed and replaced by simplified rules that are aligned with the Treaty of Lisbon and with the according empowerments contained in the relevant basic acts. Moreover, under the new architecture of secondary legislation, the current separate Regulations covering analysis methods for products in the framework of public intervention and aid for private storage shall be integrated into the delegated and implementing horizontal acts related to the abovementioned measures.

In view of harmonisation, a comprehensive screening of the methods was laid down to ensure the quality check of the dairy products bought into public intervention or eligible for private storage aid was carried out as well as the simplification of relevant provisions of the Commission Regulations.

Due to the several technical improvements in the analytical methodology, compositional requirements and quality characteristics of certain milk products with regard to public intervention and aid for private storage should be reviewed. At the same time, better account was taken of existing Union rules related to hygiene requirements for dairy products. Quality parameters for buying-in under public intervention and for the private storage of milk products therefore need to be updated. This is being done with the present Delegated Regulation and a parallel Implementing Regulation. In order to ensure consistency, legislative coherence, certainty and thereby not creating a *lacuna*, the Delegated Regulation should be approved and applied from the same date as the Implementing Regulation.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission discussed the draft Implementing and Delegated Acts with experts nominated by the Member States in meetings of the CMO Expert Group during the period November 2016 to July 2017 and took account of the views and positions expressed during these consultations.

The draft Implementing and Delegated Regulations were made available for public consultation within the framework of the Better Regulation Portal for a period of four weeks from 8 September to 6 October 2017. In total one contribution was received for each draft.

Experts of the European Parliament were informed about all those discussions and invited to all the meetings.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act amends Delegated Regulation (EU) 2016/1238 as regards the conditions of eligibility of products for the schemes taking account of the different nature of the products and in particular the analysis requirements for milk and milk products.

In order to ensure harmonised checks it is necessary to have limits set with regards to the parameters required. Therefore the horizontal delegated Regulation on public intervention needs to be updated to be in line with the new implementing rules.

COMMISSION DELEGATED REGULATION (EU) .../...

of 15.11.2017

amending Commission Delegated Regulation (EU) 2016/1238 with regard to the compositional requirements and quality characteristics of milk and milk products eligible for public intervention and aid for private storage

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹, and in particular Article 19(1)(a) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2016/1238² sets out the compositional requirements and quality characteristics for milk and milk products that are eligible for public intervention and aid for private storage.
- (2) Due to technical improvements in the methodology used in the analysis and quality evaluation of milk and milk products and in order to align existing Union rules relating to hygiene requirements, it is necessary to review and update the parameters of the compositional requirements and quality characteristics of certain milk products eligible for public intervention and aid for private storage.
- (3) Annexes IV and V to Commission Delegated Regulation (EU) 2016/1238 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Delegated Regulation (EU) 2016/1238 are amended as follows:

- (a) Part II of Annex IV is replaced by the text set out in Annex I to this Regulation.
- (b) Part II of Annex V is replaced by the text set out in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

¹ OJ L 347, 20.12.2013, p. 671.

² Commission Delegated Regulation (EU) 2016/1238 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (OJ L 206, 30.7.2016, p. 15).

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

Done at Brussels, 15.11.2017

*For the Commission
The President
Jean-Claude JUNCKER*