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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 12 January 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL on the exercise of the power to adopt delegated acts
conferred to the Commission under Council Directive 96/16/EC on
statistical surveys of milk and milk products

Delegations will find attached document COM(2018) 12 final.

Encl.: COM(2018) 12 final



Brussels, 12.1.2018
COM(2018) 12 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the exercise of the power to adopt delegated acts conferred to the Commission under
Council Directive 96/16/EC on statistical surveys of milk and milk products**

1. BACKGROUND

Council Directive 96/16/EC on statistical surveys of milk and milk products¹ was adopted on 19 March 1996. It was amended by Regulation (EU) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics to align implementing powers with the Treaty on the Functioning of the European Union.²

Article 3(2) of the Directive confers powers to adopt delegated acts on the Commission. This power is conferred ‘to amend the list of milk products covered by the surveys and to lay down the standard definitions applicable for the communication of the results for the various products’. The statistical actions provided for in the delegated acts must be duly justified by input from experts based on a cost-effectiveness analysis, where appropriate. This should include an assessment of the burden on respondents and of production costs.

The list of milk products and their standard definitions are set out in Annex I to Commission Decision 97/80/EC of 18 December 1996 laying down provisions for the implementation of Council Directive 96/16/EC on statistical surveys of milk and milk products.³

According to Article 6a(2) to the Directive, the power to adopt delegated acts is conferred for a period of five years from 10 January 2014. This power is to be tacitly extended for periods of five years unless the European Parliament or the Council object.

The Commission is obliged to draw up a report on the delegation of power not later than nine months before the end of the five-year period. This report fulfils this obligation.

2. COMMISSION EXERCISE OF DELEGATED POWERS UNDER COUNCIL DIRECTIVE 96/16/EC

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Directive 96/16/EC.

Most milk products were not subject to changes during the period in question. A few of them were subject to changes, but these were so minor that the adaptation of European and national statistical systems could not be justified.

¹ OJ L 78, 28.3.1996, p. 27–29.

² OJ L 351, 21.12.2013, p. 1–14.

³ OJ L 24, 25.1.1997, p. 26–49.

3. CONCLUSIONS

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Council Directive 96/16/EC.

The Commission considers that it should continue to have these powers as in the future it may need to adopt a delegated act to modify the points mentioned in Article 3(2) of the Directive to meet the needs of data users in the context of the future common agricultural policy.