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#### COVER NOTE

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 7 December 2020

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

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No. Cion doc.: C(2020) 8765 final

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 7.12.2020 amending Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the identification mark to be used for certain products of animal origin in the United Kingdom in respect of Northern Ireland

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Delegations will find attached document C(2020) 8765 final.

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Encl.: C(2020) 8765 final



Brussels, 7.12.2020  
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**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 7.12.2020**

**amending Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the identification mark to be used for certain products of animal origin in the United Kingdom in respect of Northern Ireland**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE DELEGATED ACT**

Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council lays down requirements concerning several products of animal origin in order to ensure that food of animal origin is traceable and food business operators are fully informed about the raw materials they use.

On 1 January 2021, Union law will cease to apply to and in the United Kingdom, with the exception of Northern Ireland, in accordance with Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol.

The following amendment is therefore proposed by this Delegated Regulation:

- The identification mark set out in Part A of Section I of Annex II to be used by food business operators in the United Kingdom in respect of Northern Ireland, needs to be adapted.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

The proposed amendment is necessary to adapt Annex II to Regulation (EC) No 853/2004 after the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union.

It has been discussed during a meeting of the relevant expert group, representing competent authorities of all Member States, and is largely supported by these experts.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

Amendments to Annex II of Regulation (EC) No 853/2004 should be made by a Delegated Regulation in accordance with Article 10(1) of Regulation (EC) No 853/2004.

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

**of 7.12.2020**

**amending Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the identification mark to be used for certain products of animal origin in the United Kingdom in respect of Northern Ireland**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>1</sup>, and in particular Article 10(1) thereof,

Whereas:

- (1) Regulation (EC) No 853/2004 lays down specific hygiene rules for food of animal origin for food business operators. In particular, Annex II to Regulation (EC) No 853/2004 sets out requirements concerning the identification mark to be applied by food business operators on certain products of animal origin, including requirements concerning the country codes to be used by Member States and third countries.
- (2) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement) and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, Regulation (EC) No 853/2004, as well as the Commission acts based on it, applies to and in the United Kingdom in respect of Northern Ireland after the end of the transitional period. For that reason, it is necessary to amend the requirements laid down in Annex II to that Regulation concerning the identification mark that should be used in the United Kingdom in respect of Northern Ireland.
- (3) Annex II to Regulation (EC) No 853/2004 should therefore be amended accordingly,
- (4) As the transition period provided for in the Withdrawal Agreement ends on 31 December 2020, this Regulation should apply from 1 January 2021.

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 853/2004 is amended in accordance with the Annex to this Regulation.

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<sup>1</sup> OJ L 139, 30.4.2004, p. 55.

*Article 2*

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

It shall apply from 1 January 2021.

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

Done at Brussels, 7.12.2020

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*