



Council of the
European Union

Brussels, 24 March 2023
(OR. en)

7832/23

AGRI 166
AGRIFIN 38
AGRIORG 29
STATIS 29

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	24 March 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 169 final
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(2023) 169 final.

Encl.: COM(2023) 169 final



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**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. INTRODUCTION

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 statistics² to align implementing powers with the Treaty on the Functioning of the European Union.

Article 3(2) of the Directive confers on the Commission the power to adopt delegated acts ‘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 amendments introduced 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 an estimate 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 products³.

Under Article 6a(2) to the Directive, the power to adopt delegated acts is conferred for a period of 5 years from 10 January 2014. This power was tacitly renewed until 10 January 2024 in 2019⁴.

Council Directive 96/16/EC will be repealed by Regulation (EU) 2022/2379 of the European Parliament and of the Council of 23 November 2022 on statistics on agricultural input and output, amending Commission Regulation (EC) No 617/2008 and repealing Regulations (EC) No 1165/2008, (EC) No 543/2009 and (EC) No 1185/2009 of the European Parliament and of the Council and Council Directive 96/16/EC⁵ as of 1 January 2025.

The Commission is obliged to draw up a report on the delegation of power no later than 9 months before the end of the 5-year period. This report fulfils that 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.

The changes in the technological and economic conditions were so minor that no amendment to the list of milk products was necessary during the period in question.

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.

⁴ COM/2018/012 final.

⁵ OJ L 315, 7.12.2022, p. 1.

3. CONCLUSIONS

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

Furthermore, the Commission does not envisage exercising the delegated powers conferred on it, as Regulation (EC) No 1165/2008 will be repealed by Regulation (EU) No 2022/2379 as of 1 January 2025.