



Brussels, 11.2.2019
COM(2019) 76 final

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

on the exercise of the delegation conferred on the Commission pursuant to Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97

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1. Introduction and legal basis

Article 22b(2) of Regulation (EC) No 1760/2000 of the European Parliament and of the Council¹ (hereinafter 'the Bovine Identification Regulation') requires the Commission to present to the European Parliament and to the Council a report on the exercise of the delegation conferred on the Commission by that Regulation. The report is to be drawn up not later than nine months before the end of the five-year period of the delegation, starting from 17 July 2014. The delegation of power is to be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

2. Exercise of the delegation

Article 22b(2) of the Bovine Identification Regulation applies to the power to adopt delegated acts conferred on the Commission by Articles 4(1), 4(3), 4(5), 4a(2), 5, 6(2), 7(1), 7(2), 7(6), 13(6), 14 and 15a of that Regulation.

More specifically:

- (a) Article 4(1) of the Bovine Identification Regulation empowers the Commission to add the means of identification to the list set out in Annex I, whilst ensuring their operability, in order to ensure the adaptation to technical progress for means of identification. In this respect, there is currently no technological development reported regarding new means of identification of bovine animals. Therefore, further technical progress needs to be reported before proceeding with the preparation of a delegated act in relation to new means of identification of bovine animals;
- (b) Article 4(3) of the Bovine Identification Regulation empowers the Commission to adopt the requirements for the means of identification set out in Annex I, and the transitional measures required for the introduction of a particular means of identification. On the basis of the predecessor to this empowerment, former Article 10(a), the Commission has adopted the requirements for the conventional ear tags by Regulation (EC) No 911/2004². Since the Bovine Identification Regulation is to be amended by Regulation (EU) 2016/429³ by deleting the Articles 1 to 10, the requirements for the electronic means of identification shall be adopted by the Commission in accordance with empowerments conferred on

¹ Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p. 1).

² Commission Regulation (EC) No 911/2004 of 29 April 2004 implementing Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards, ear tags, passports and holding registers (OJ L 163, 30.4.2004, p. 65).

³ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).

the Commission by the Articles 118(1)(a) and 120(2)(c) of the Animal Health Law;

- (c) Article 4(5) of the Bovine Identification Regulation empowers the Commission to adopt the requirements for the alternative means of identification applied to bovine animals intended for cultural and sporting events, other than fairs and exhibitions, including transitional measures required for their introduction. On the basis of the predecessor to this empowerment, former Article 4(1), the Commission has adopted such requirements by Regulation (EC) No 644/2005⁴;
- (d) Article 4a(2) of the Bovine Identification Regulation empowers the Commission to determine the special circumstances under which Member States may extend the maximum periods for the application of the means of identification. By way of Decisions 2004/764/EC⁵ and 2006/28/EC⁶, specific requirements have been adopted for bovine animals kept in nature reserves in the Netherlands and for calves of suckler cows that are not used for milk production (before the Bovine Identification Regulation was amended by Regulation (EU) No 653/2014⁷). At this stage, no additional circumstances have been discussed which would require the adoption of specific requirements by way of a delegated act;
- (e) Articles 5 and 6(2) of the Bovine Identification Regulation empowers the Commission to lay down rules concerning the data to be exchanged between computerised databases of Member States and the information from the computerised database to be included in the animal passport, including transitional measures. Since the Bovine Identification Regulation is to be amended by Regulation (EU) 2016/429³ by deleting the Articles 1 to 10, those rules shall be adopted by the Commission in accordance with empowerments conferred on the Commission by the Articles 118(1)(b) and 118(1)(c) of the Animal Health Law;
- (f) Articles 7(1) of the Bovine Identification Regulation empowers the Commission to determine the exceptional circumstances in which Member States may extend the maximum time period within which keepers of bovine animals are obliged to report to the competent authority all movements to and from the holding and all births and deaths of animals of the holding. On the basis of the predecessor to this empowerment, former Article 7(1), the Commission has adopted such requirements by way of Regulation (EC) No 911/2004²;
- (g) Article 7(2) of the Bovine Identification Regulation empowers the Commission to list the Member States or part of Member States where special rules for seasonal grazing shall apply, including the time period, specific obligations of the keepers, and rules on the holding registration and registration of movements of such bovine animals. Since the Commission has adopted those rules by Decision 2001/672/EC⁸, no additional circumstances have been discussed which would require the adoption of specific requirements by way of a delegated act;

4 Commission Regulation (EC) No 644/2005 of 27 April 2005 authorising a special identification system for bovine animals kept for cultural and historical purposes on approved premises as provided for in Regulation (EC) No 1760/2000 of the European Parliament and of the Council (OJ L 107, 28.4.2005, p. 18).

5 Commission Decision 2004/764/EC of 22 October 2004 concerning an extension of the maximum period laid down for the application of ear tags to certain bovine animals kept in nature reserves in the Netherlands (OJ L 339, 16.11.2004, p. 9).

6 Commission Decision 2006/28/EC of 18 January 2006 on extension of the maximum period for applying ear tags to certain bovine animals (OJ L 19, 24.1.2006, p. 32).

7 Regulation (EU) No 653/2014 of the European Parliament and of the Council of 15 May 2014 amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and labelling of beef (OJ L 189, 27.6.2014, p. 33).

8 Commission Decision 2001/672/EC of 20 August 2001 laying down special rules applicable to movements of bovine animals when put out to summer grazing in mountain areas (OJ L 235, 4.9.2001, p. 23).

- (h) Article 7(6) of the Bovine Identification Regulation empowers the Commission to lay down the rules on the information to be included in the holding register. On the basis of the predecessor to this empowerment, former Article 10(c), the Commission has adopted such requirements by Regulation (EC) No 911/2004²;
- (i) Article 13(6) of the Bovine Identification Regulation empowers the Commission to determine simplified origin labelling provisions for cases of very short stay of an animal in the Member State or third country of birth or of slaughter, to avoid unnecessary repetition. On the basis of the predecessor to this empowerment, former Article 19, the Commission has laid down such rules in Article 3 of Regulation (EC) No 1825/2000⁹;
- (j) Article 14 of the Bovine Identification Regulation empowers the Commission to lay down equivalent rules to those for minced meat, for the labelling of beef trimmings and cut beef. On the basis of the predecessor to this empowerment, former Article 19, the Commission has adopted such requirements by way of Regulation (EC) No 1825/2000⁹;
- (k) Article 15a of the Bovine Identification Regulation empowers the Commission to set up definitions and requirements applicable to terms or categories of terms that may be voluntarily put on the label by operators. Since the simplification of the voluntary labelling by Regulation (EU) No 653/2014⁷ amending the Bovine Identification Regulation, there were no circumstances indicating a need to regulate such definitions and requirements by way of a delegated act.

3. Conclusion

So far, the Commission has supplemented the requirements of the Bovine Identification Regulation concerning matters referred to in Articles 4(3), 4(5), 7(1), 7(6), 13(6) and 14 of that Regulation.

At this stage, the Commission does not consider proceeding with the preparation of delegated acts in relation to the delegated power referred to in Article 15a since no specific need to further harmonise voluntary beef labelling has been identified. Furthermore, the existing horizontal rules on food information to consumers provided in Regulation (EU) No 1169/2011¹⁰ are regarded as sufficient.

The Commission does at this stage not consider to proceed with the preparation of delegated acts in relation to any of the delegated powers referred to in Articles 4(1), 4a(2), 5, 6(2) or 7(2) of the Bovine Identification Regulation since this Regulation is to be amended by Regulation (EU) 2016/429³ by deleting Articles 1 to 10 as from 21 April 2021.

The Commission is of the view that any new requirements or rules on bovine animal identification should be adopted based on delegated powers conferred upon the Commission by the Animal Health Law.

9 Commission Regulation (EC) No 1825/2000 of 25 August 2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products (OJ L 216, 26.8.2000, p. 8).

10 Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).