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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 pursuant to Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC

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1.1. Introduction

Directive (EU) 2015/2203 of the European Parliament and of the Council[1] provides for the approximation of the laws of the Member States on caseins and caseinates intended for human consumption to facilitate the free movement of goods in the internal market while providing a high level of protection of health.

[1] Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC, OJ L 314, 1.12.2015, p. 1

Article 5 empowers the Commission to adopt delegated acts to amend the standards set out in Annexes I and II in order to take account of developments in relevant international standards and of technical progress.

1.2. Legal Basis

The report is required under Article 6(2). Pursuant to this provision, the power to adopt delegated acts referred to in Article 5 shall be conferred on the Commission for a period of five years from 21 December 2015. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power is 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.

1.3. Exercise of Delegation

The Commission has not adopted any delegated act pursuant to Article 5 since the Commission has not identified any need to amend the standards set out in Annexes I and II. The Commission does at this moment not intend to use the empowerment in the near future. However, it cannot be excluded that it can become necessary to use it.

1.4. Conclusions

The empowerment has not been used, because there was no legal obligation nor any necessity to use it.