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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 on the Commission pursuant to Regulation (EU) 2016/1012 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof ('Animal Breeding Regulation')

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1. INTRODUCTION

Regulation (EU) 2016/1012 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof ('Animal Breeding Regulation')[1] was adopted in 2016. That Regulation entered into force on 19 July 2016 and applies from 1 November 2018.

The Regulation has replaced eight Council Directives (Council Directives 87/328/EEC, 88/661/EEC, 89/361/EEC, 90/118/EEC, 90/119/EEC, 90/427/EEC, 94/28/EC and 2009/157/EC)[2] and a number of Commission Decisions adopted pursuant to those Directives, on breeding of cattle, pigs, sheep and goats, and equidae, and on imports of breeding animals. In addition, it repeals Directive 91/174/EEC[3] (breeding of animals of other species) and Council Decision 96/463/EC[4] designating a European Union reference centre.

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1 *Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation') (OJ L 171, 29.6.2016, p. 66) ELI: http://data.europa.eu/eli/reg/2016/1012/oj.*

2 *Council Directive 87/328/EEC of 18 June 1987 on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ L 167, 26.6.1987, p. 54) ELI: http://data.europa.eu/eli/dir/1987/328/oj.*
Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species (OJ L 382, 31.12.1988, p. 36) ELI: http://data.europa.eu/eli/dir/1988/661/oj.
Council Directive 89/361/EEC of 30 May 1989 concerning pure-bred breeding sheep and goats (OJ L 153, 6.6.1989, p. 30) ELI: http://data.europa.eu/eli/dir/1989/361/oj.
Council Directive 90/118/EEC of 5 March 1990 on the acceptance of pure-bred breeding pigs for breeding (OJ L 71, 17.3.1990, p. 34) ELI: http://data.europa.eu/eli/dir/1990/118/oj.
Council Directive 90/119/EEC of 5 March 1990 of hybrid breeding pigs for breeding (OJ L 71, 17.3.1990, p. 36) ELI: http://data.europa.eu/eli/dir/1990/119/oj.
Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.8.1990, p. 55) ELI: http://data.europa.eu/eli/dir/1990/427/oj.
Council Directive 94/28/EC of 23 June 1994 laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species (OJ L 178, 12.7.1994, p. 66) ELI: http://data.europa.eu/eli/dir/1994/28/oj.
Council Directive 2009/157/EC of 30 November 2009 on pure-bred breeding animals of the bovine species (OJ L 323, 10.12.2009, p. 1) ELI: http://data.europa.eu/eli/dir/2009/157/oj.

3 *Council Directive 91/174/EEC of 25 March 1991 laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives 77/504/EEC and 90/425/EEC (OJ L 85, 5.4.1991, p. 37) ELI: http://data.europa.eu/eli/dir/1991/174/oj.*

4 *Council Decision 96/463/EC of 23 July 1996 designating the reference body responsible for collaborating in rendering uniform the testing methods and the assessment of the results for purebred*

The Regulation consolidates, simplifies and adapts to the Lisbon Treaty the majority of provisions laid down in those Directives in a single legal framework, in the form of a Regulation. In addition, it introduces provisions on official controls and activities to be carried out by Member States and the Commission.

According to the provisions of the Regulation, the Commission is empowered to adopt a number of delegated and implementing acts. It also imposes on the Commission the obligation to report to the co-legislators on the exercise of the delegated powers it contains.

2. LEGAL BASIS

This report is required under Article 61(2) of Regulation (EU) 2016/1012. Pursuant to this provision, the power to adopt delegated acts concerning the matters listed therein is conferred on the Commission for a period of five years from 19 July 2016 and the Commission is required to prepare a report in respect of the delegated power at the latest nine months before the end of the five-year period.

As set out in Article 61(2), the Commission is empowered to adopt delegated acts referred to in Articles 26(1), 29(5), 30(9) and 32(1) of Regulation (EU) 2016/1012.

Article 61(2) also lays down that the delegation of power shall 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, while Article 61(3) states that the delegation of power may be revoked at any time by the European Parliament or by the Council.

3. EXERCISE OF THE DELEGATION

During the reporting period, the Commission exercised its delegated powers conferred by Article 32(1) of Regulation (EU) 2016/1012, by adopting the following mandatory delegated act:

- Commission Delegated Regulation (EU) 2017/1940 of 13 July 2017 supplementing Regulation (EU) 2016/1012 of the European Parliament and of the Council as regards the content and format of zootechnical certificates issued for purebred breeding animals of the equine species contained in a single lifetime identification document for equidae[5].

That Delegated Regulation streamlines the zootechnical certificate for purebred breeding animals of the equine species, as regards content and administrative procedure, with the single lifetime identification document referred to in Article 114 of Regulation (EU) 2016/429 of the European Parliament and of the Council ('Animal Health Law')[6]. The single lifetime identification document must accompany purebred breeding animals of the equine species at all times, including when they are moved within the Union. This Delegated Regulation was transmitted to the European Parliament and the Council. The European Parliament and the Council did not request an extension of the objection period and raised no objections. The

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breeding animals of the bovine species (OJ L 192, 2.8.1996, p. 19) ELI: http://data.europa.eu/eli/dec/1996/463/oj.

5 *OJ L 275, 25.10.2017, p. 1, ELI: http://data.europa.eu/eli/reg_del/2017/1940/oj.*

6 *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) ELI: http://data.europa.eu/eli/reg/2016/429/oj.*

Delegated Regulation was published in the Official Journal on 25 October 2017, entered into force on 14 November 2017 and is applicable since 1 November 2018.

By now the Commission has thus used one out of the four empowerments to adopt delegated acts as provided for in Regulation (EU) 2016/1012. The three remaining empowerments are not mandatory. They concern possible amendments of Annex III [requirements for performance testing and genetic evaluation], Annex IV [requirements for and tasks of European Union reference centres] and Annex V [content of zootechnical certificates] to the Regulation. These three Annexes contain a large number of technical elements, and their adaptation might be required, *inter alia*, in the light of technical developments, scientific advances or the functioning of the internal market.

So far, no amendments to those Annexes were required following technical developments or scientific advances. Neither was a need for their amendment indicated by the competent authorities of Member States or by stakeholders.

4. CONCLUSION

The Commission has duly delivered the delegated act based on the empowerment provided for in Article 32(1) of Regulation (EU) 2016/1012, i.e. Commission Delegated Regulation (EU) 2017/1940. The Commission sees a need to maintain that empowerment as future amendments of that Delegated Regulation may be required.

As the three empowerments concerning delegated acts amending Annexes III, IV and V to Regulation (EU) 2016/1012 are clearly linked to scientific or technical advances, the Commission sees the need to maintain all those empowerments to adopt delegated acts as provided for in that Regulation. The possible need to develop and adopt delegated acts based on those empowerments is likely to arise in the future. It is important to maintain the necessary flexibility in the legal framework, as technicalities in Annexes III, IV and V to the Regulation might need to be updated due to future technical developments or scientific advances, or in the light of the functioning of the internal market.

With this report the Commission complies with the reporting requirement under Article 61(2) of Regulation (EU) 2016/1012 and invites the European Parliament and the Council to take note of this report.