



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 26 March 2012**

**7917/12**

**TRANS 90**

**“I/A” ITEM NOTE**

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from: General Secretariat of the Council  
to: Coreper/Council

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No. Cion prop.: 6882/12 TRANS 63

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Subject: Draft Commission Regulation amending Annex III to Regulation (EC) No 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator  
– Decision not to oppose the adoption (regulatory procedure with scrutiny)

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1. The measure envisaged being in accordance with the opinion of the relevant committee, the Commission has submitted the above draft measure<sup>1</sup> to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC<sup>2</sup>. The Commission having presented the draft measure on 22 February 2012, the Council has until 22 May 2012 to decide to oppose the adoption.

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<sup>1</sup> 6882/12 TRANS 63

<sup>2</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23), as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

2. Delegations were asked to examine the draft measure until 9 March 2012 and did not provide any indication that there are grounds for the Council to oppose its adoption.<sup>1</sup>
  
3. It is therefore suggested that Coreper recommend that the Council confirm that there are no grounds for opposing the draft measure. This implies that, unless the European Parliament opposes it, the Commission may adopt the proposed measure in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.

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<sup>1</sup> Article 5a(3)(b) provides that the Council may, acting by qualified majority, oppose the adoption of such measures on the grounds that they exceed the implementing powers provided for in the basic instrument, are not compatible with the aim or the content of the basic instrument or do not respect the principles of subsidiarity or proportionality.