



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 25 April 2013**

**8735/13**

**AGRILEG 53  
VETER 31  
OC 259**

**“I/A” ITEM NOTE**

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from: Presidency  
to: Permanent Representatives Committee (Part I) / Council

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No. prev. doc.: 8665/13 AGRILEG 52 VETER 30  
No. Cion prop.: 8487/13 AGRILEG 48 VETER 29 – D025828/03

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Subject: Draft Commission Regulation (EU) No .../.. of XXX amending Regulation (EU) No 142/2011 as regards the transit of certain animal by-products from Bosnia and Herzegovina  
– *Decision not to oppose adoption*  
**COMMON GUIDELINES**  
**Consultation deadline:02.05.2013**

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1. On 10 April 2013, the Commission has submitted the abovementioned draft measures <sup>1</sup> to the Council for scrutiny in accordance with the procedure laid down in Article 5a(3) of Council Decision 1999/468/EC. <sup>2</sup>
2. Before adopting the above mentioned draft measures and in accordance with Article 5a(2) of Council Decision 1999/468/EC, the Commission consulted, on 5 March 2013, the Standing Committee on the Food Chain and Animal Health, which voted by unanimity in favour of the above draft Regulation.

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<sup>1</sup> 8487/13 – D025828/03.

<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).

3. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose the Commission's adoption of the draft Commission Regulation on the grounds that the draft measures presented by the Commission:
  - exceed the implementing powers provided for in the basic instrument, or
  - are not compatible with the aim or the content of the basic instrument, or
  - do not respect the principles of subsidiarity or proportionality.
4. The delegations were asked on 19 April 2013 to indicate until 25 April 2013 their possible opposition to the draft Regulation. The delegations did not raise any of the above-mentioned grounds for opposition.
5. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm, as an "A" item of its agenda, that it is not opposed to the draft Regulation in subject. Unless the European Parliament opposes the Regulation within 3 months from its submission, the Commission may adopt it in accordance with the procedure under Article 5a(3)(d) of Council Decision 1999/468/EC.