



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 20 June 2013**

**10617/1/13  
REV 1**

**DENLEG 57  
AGRI 366**

**REVISED “I/A” ITEM NOTE**

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from : General Secretariat

to : Permanent Representatives Committee/Council

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No. Cion prop.: 10431/1/13 DENLEG 55 AGRI 356

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Subject: COMMISSION REGULATION (EU) No .../..of XXX amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the flavouring substance 3-acetyl-2,5-dimethylthiophene  
– *Decision not to oppose adoption*

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1. According to Article 11(3) of Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods<sup>1</sup>, the list of flavourings or source materials should be amended in accordance with the common authorisation procedure established by Regulation (EC) No 1331/2008<sup>2</sup> that involves the regulatory procedure with scrutiny.
2. On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 5a (6) of the Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>3</sup>.

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<sup>1</sup> OJ L 354, 31.12.2008, p. 34.

<sup>2</sup> OJ L 354, 31.12.2008, p. 1

<sup>3</sup> OJ L 184, 17.7.1999, p. 23.

3. Before adopting the draft measure and in accordance with Article 5a(2) of Council Decision 1999/468/EC, the Commission consulted the Standing Committee on the Food Chain and Animal Health on 23 May 2013, which voted unanimously in favour of the above draft Regulation.
  4. Consequently, the Commission adopted the Regulation and submitted it to the Council on 14 June 2013, in accordance with Article 5a(6) of Council Decision 1999/468/EC.
  5. Under the regulatory procedure with scrutiny with urgency, the Council, acting by qualified majority, may oppose within one month following its submission, the Commission's Regulation on the grounds that the Regulation:
    - exceeds the implementing powers provided for in the basic instrument, or
    - is not compatible with the aim or the content of the basic instrument, or
    - does not respect the principles of subsidiarity or proportionality.
  6. On the basis of the draft measure, the delegations were asked already on 5 June 2013 to indicate until 14 June 2013 (12h00) their possible opposition. The delegations did not raise any of the above-mentioned grounds for opposition.
  7. **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 Regulation in subject.**
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