



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 September 2013

13058/13

TRANS 442

“I/A” ITEM NOTE

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

No. Cion prop.: 12541/13 TRANS 400

Subject: COMMISSION REGULATION (EU) No .../.. of XXX concerning the technical specification for interoperability relating to the subsystem 'rolling stock - freight wagons' of the rail system in the European Union and amending Commission Regulation (EU) No 321/2013
– Decision not to oppose the adoption (regulatory procedure with scrutiny)

1. The Commission has submitted the above draft Directive to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC¹. The Commission having presented the draft measure on 16 July 2013, the Council has until 16 October to decide to oppose the adoption.
2. Delegations were asked to examine the draft measure until 30 July 2013 and did not provide any indication that there are grounds for the Council to oppose its adoption.²

¹ 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 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.

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 revised measure in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.
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