



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 January 2012

5554/12

**DENLEG 2
AGRI 31**

“I/A” ITEM NOTE

from : General Secretariat
to : Permanent Representatives Committee/Council

No. Cion prop.: 18300/11 DENLEG 154 AGRI 853

Subject: COMMISSION REGULATION (EU) No .../.. of XXX correcting the Romanian version of Regulation (EC) No 18811/2006 setting maximum levels for certain contaminants in foodstuffs
– *Decision not to oppose adoption*

1. The regulatory procedure with scrutiny is regulated by Article 5a of the Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹.
2. According to the second subparagraph of Article 12 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers², the effect of Article 5a of Decision 1999/468/EC is maintained for the purposes of existing basic acts making reference thereto.

¹ OJ L 184, 17.7.1999, p. 23

² OJ L 55, 28.2.2011, p. 13

3. The Commission has decided to make a correction to one linguistic version of the Regulation (EC) No 18811/2006 via comitology with scrutiny procedure. Before adopting this 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, which voted on 9 September 2011 by unanimity in favour of the above draft Regulation.
4. Consequently, the Commission submitted the draft Regulation to the Council on 23 November 2011, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
5. 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.
6. The delegations were asked on 16 December 2011 to indicate until 13 January 2012 their possible opposition to the draft Regulation. No delegation raised any of the above-mentioned grounds for opposition. Delegation were also consulted on the sentence to be put into the minutes of the Council meeting inviting the Commission to examine whether it is appropriate to use the regulatory procedure with scrutiny for merely correcting one/few linguistic versions of the implementing acts adopted under that procedure. No delegation opposed to making such an invitation to the Commission.

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 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.
 - **enter in the Council minutes** the following statement: "The Council invites the Commission to examine whether it is appropriate to use the regulatory procedure with scrutiny for merely correcting one/few linguistic versions of the implementing acts adopted under that procedure".
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