



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 February 2012

6917/12

**ENT 46
ENV 154
MI 130**

"I/A" ITEM NOTE

From: General Secretariat of the Council

To: COREPER / COUNCIL

No. Cion. prop.: 5445/1/12 REV 1 ENT 10 ENV 23 MI 22

Subject: COMMISSION REGULATION (EU) No .../.. of XXX amending Regulation (EC) No 692/2008, as regards type-approval requirements for motor vehicles fuelled by hydrogen and mixtures of hydrogen and natural gas with respect to emissions, and the inclusion of specific information regarding vehicles fitted with an electric power train in the information document for the purpose of EC type-approval
– Decision not to oppose adoption (regulatory procedure with scrutiny)

1. On 25 January 2012 the Commission submitted to the Council the above draft Commission Regulation. This Regulation is set out in document 5445/1/12 REV 1 ENT 10 ENV 23 MI 22 drawn up under the regulatory procedure with scrutiny established by Council Decision 1999/468/ EC¹.
2. The measures provided for in this Commission Regulation are in accordance with the opinion of the Technical Committee - Motor Vehicles which on 21 November 2011 voted by qualified majority in favour of them (269 votes in favour, 29 votes against, no abstentions).

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 Council Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

3. Under the procedure in Article 5a(3) of Council Decision 1999/468/EC, such draft measures, before being formally adopted by the Commission, are submitted to the European Parliament and the Council for scrutiny. Acting by a qualified majority within three months from the date of referral to it, the Council may oppose the adoption of the draft measures by the Commission, if those measures
 - exceed the implementing powers provided for in the basic instrument,
 - are not compatible with the aim or content of the basic instrument, or
 - do not comply with the principles of subsidiarity and proportionality.

4. This draft Regulation was presented to the Technical Harmonisation (Motor Vehicles) Working Party meeting on 26 January 2012. On 8 February 2012 delegations were invited to indicate in writing until 22 February 2012 whether they saw any reason to oppose the adoption of this draft Regulation on the grounds set out in point 3 above. As by that date only one delegation (UK) had indicated its opposition, the Technical Harmonisation (Motor Vehicles) Working Party is deemed to have agreed by qualified majority not to oppose the draft measures in question.

5. **The Permanent Representatives Committee could therefore:**
 - **confirm the agreement reached by the Working Party, and**
 - **suggest that the Council decide, in part "A" of its agenda at a forthcoming meeting, not to oppose the adoption of the draft measures proposed by the Commission, as set out in document 5445/1/12 REV1.**

This implies that, unless the European Parliament opposes the measures within 3 months of their submission, the Commission may adopt them in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.