



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 July 2012

12353/12

**AGRI 495
AGRIORG 118
AGRILEG 112
DELECT 35**

"A" ITEM NOTE

from : General Secretariat
to : Council

No. Cion prop. : 12020/12 – C(2012) 4297 final

Subject : COMMISSION DELEGATED REGULATION (EU) No .../... of 28.6.2012 supplementing Council Regulation (EC) No 1234/2007 as regards transnational cooperation and contractual negotiations of producer organisations in the milk and milk products sector

The Commission submitted the above mentioned delegated act to the Council in accordance with the procedure laid down in Article 290 of the TFEU and in Article 196a of Regulation (EU) No 1234/2007¹.

The Commission notified this act on 28 June 2012. In accordance with Article 196a of Regulation (EU) No 1234/2007, the Council may object to this delegated act within a period of two months from the notification (i.e. up to 28 August 2012)².

¹ Council Regulation (EU) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products, as amended by Regulation (EU) No 261/2012 of the European Parliament and of the Council of 14 March 2012 as regards contractual relations in the milk and milk products sector.

² At the initiative of the European Parliament or the Council, this period is extendable by two months (i.e. up to 28 October 2012).

Given the calendar constraints at this time of the year and in order to allow the Council to exercise properly its rights as described above, the Presidency decided to add the examination of this delegated act to the agenda of the Special Committee on Agriculture (SCA) of 9 July 2012.

During the meeting, two delegations intervened to indicate that more time was needed for their internal consultation process and asked for a decision by the Council to extend the period for raising objections.

On that occasion the Commission's representative stressed it would be essential to get the opinion of the Council before 3 October 2012, as all the provisions on contractual relations in the milk and milk products sector of the basic legislative act will become applicable as from that date.

The Presidency checked the voting intentions of delegations. All delegations could support an extension of the objection period for this delegated act by two months. The Presidency concluded that the required simple majority was met and informed delegations about its intention to examine again this issue at SCA level at the beginning of September in order to make possible a decision by the Council before 3 October 2012.

It is therefore suggested that the Council, during its session of 16 July 2012, as an "A" item of its agenda, confirm this position and:

- decide for an extension of the period for raising objections on this Delegated Regulation by two months;
- agree to inform accordingly the European Parliament and the Commission;
- take note of the importance of deciding on objection/non objection to this Delegated Regulation before 3 October 2012.