COUNCIL OF THE EUROPEAN UNION

Brussels, 10 September 2012

13467/12

TRANS 283

"I/A" ITEM NOTE

from:	General Secretariat of the Council
to:	Coreper/Council
No. Cion prop.:	12962/12 TRANS 260
Subject:	COMMISSION DECISION of XXX concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem of the rail system in the European Union and amending Decision 2007/756/EC – Decision not to oppose the adoption (regulatory procedure with scrutiny)

1. The measure envisaged being in accordance with the opinion of the relevant committee, the Commission has submitted the above draft measure[1] to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC [2]. The Commission having presented the draft measure on 25 July 2012, the Council has until 25 October 2012 to decide to oppose the adoption.

[1] 12962/12 TRANS 260

[2] 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. Delegations were asked to examine the draft measure until 5 September 2012 and did not provide any indication that there are grounds for the Council to oppose its adoption.[3]

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

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[3] Article 5a(3)(b) of Council Decision 1999/468/EC 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.