COUNCIL OF
THE EUROPEAN UNION

Brussels, 19 September 2012

13856/12

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"I/A" ITEM NOTE

from:	General Secretariat
to:	Coreper/Council
Subject:	Commission Regulation (EU) No .../.. of XXX amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EC) No 692/2008 as concerns innovative technologies for reducing CO2 emissions from light passenger and commercial vehicles
	- Decision not to oppose adoption

1. Since the measures envisaged are in accordance with the opinion of the relevant committee, the <u>Commission</u> has submitted the abovementioned draft measures [1] to the Council for scrutiny in accordance with the procedure laid down in Article 5a(3)(a) of Council Decision 1999/468/EC. [2]

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[1] 13248/12 - D022573/01

[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. The <u>Working Party on the Environment</u> has examined the draft measures through an informal written procedure and agreed that there are no grounds for the Council to oppose their adoption.[1]

3. The <u>General Secretariat</u> therefore suggests that <u>Coreper</u> recommend that the <u>Council</u> confirm that there are no grounds for opposing the draft measures. This implies that, unless the <u>European Parliament</u> opposes them, the <u>Commission</u> may adopt the proposed measures in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.

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[1] 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 comply with the principles of subsidiarity or proportionality.