



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 October 2012

**13775/1/12
REV 1**

TRANS 295

REVISED “I/A” ITEM NOTE

from: General Secretariat of the Council

to: Coreper/Council

No. Cion prop.: 12921/12 TRANS 256

Subject: Draft Commission Directive amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences
– 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 measure¹ to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC². 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 12921/12 TRANS 256

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 were recalled that the Council can oppose the adoption of a draft measure if it exceeds the implementing powers provided for in the basic instrument, is incompatible with the aim or content of the basic instrument or does not respect the principles of subsidiarity or proportionality.¹
3. BE, CZ, DK, ES, HU, IT, PT, SK and UK have indicated that they will vote against the draft measures on the basis of the reasons mentioned in paragraph 2. Moreover, LU has indicated that it will abstain.
4. 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.

¹ Article 5a(3)(b) of 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).