



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 November 2012

16141/12

ENV 848
MI 729
DELECT 48

“I/A” ITEM NOTE

from: General Secretariat of the Council
to: Coreper/Council

Subject: Commission Delegated Directive ../../EU of 10.10.2012 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for applications containing cadmium
- Intention not to raise objection to a delegated act

1. The Commission has submitted the above delegated act¹ to the Council in accordance with the procedure set out in Article 290 TFEU and with Article 5(1)(a) of Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment². The Commission having notified the delegated act with regard to an exemption for applications containing cadmium on 10 October 2012, the Council may object to it until 10 December 2012.
2. The Working Party on Environment has examined the delegated act and agreed that there are no grounds for the Council to object to it.

¹ Doc. 14904/12.

² OJ L 174, 1.7.2011, p. 88.

The delegations of Bulgaria, the Czech Republic, Greece, Malta and Slovakia made a statement concerning the late submission of the delegated act and the consequently extremely short deadline for its transposition into national legislation (16141/12 ADD1).

3. It is therefore suggested that Coreper recommend that the Council confirm that it has no intention to object to the delegated act and that the Commission and the European Parliament are to be informed thereof. This implies that, unless the European Parliament objects to it, the delegated act shall be published and enter into force on the twentieth day following its publication in the Official Journal of the European Union in accordance with Article 22(2) of Directive 2011/65/EU and Article 3 of the draft Delegated Directive.
