



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 November 2012

**16142/12
ADD 1**

**ENV 849
MI 731
DELECT 49**

ADDENDUM TO THE “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 lead

- Intention not to raise objection to a delegated act
- Statement

Joint statement by Bulgaria, Czech Republic, Greece, Malta and Slovakia

The abovementioned Member States express their concerns with regards to the late submission by the Commission of the two delegated acts 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 exemptions for applications containing lead and cadmium.

Recognising the need for the proposed amendments and for preserving the legitimate expectations of operators, we will not object to the adoption of the two proposals. However, we have concerns about the extremely short and unrealistic deadline for transposition of the two directives into the national legislation; therefore we firmly believe that such cases must be avoided in the future, to ensure compliance with Article 13(2) of the EU Treaty.