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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

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+ ADD1

Subject: Commission Regulation (EU) .../...of XXX amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I and IV
– Decision not to oppose adoption

1. Article 31 and Article 29 (4) of Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers¹ provide for a procedure to amend the annexes I and IV of this Regulation.
2. Therefore, and in accordance with Article 5a(2) of Council Decision 1999/468/EC², the relevant Committee, established by Article 32 of Regulation (EC) No 2003/2003, was consulted on 1 March 2016. It voted with unanimity - with one delegation abstaining - in favour of the above draft Regulation.

¹ OJ L 304, 21.11.2003, p.1.

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 (JO L 200, 22.7.2006, p. 11).

3. Consequently, the Commission submitted the above draft Regulation³ to the Council on 26 April 2016, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
4. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose the Commission's adoption of the draft Commission Regulations on the grounds that the draft measures presented by the Commission:
 - exceed the implementing powers provided for in the basic instrument, or
 - are not compatible with the aim or the content of the basic instrument, or
 - do not respect the principles of subsidiarity or proportionality.
5. The delegations were asked on 29 April 2016 to indicate their possible opposition to the draft Regulation before 17 May 2016. No delegation raised any of the above-mentioned grounds for opposition.
6. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm, as an "A" item of its agenda, that it is not opposed to the draft Regulation in subject.

³ doc. 8438/16 + ADD1