



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 29 January 2014
(OR. en)**

5854/14

**MI 85
ENT 23
COMPET 55
DELECT 20**

"I/A" ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 1)/Council

No. Cion doc.: 15823/13 MI 973 ENT 304 COMPET 783 DELACT 77 - C(2013) 7086 final

Subject: Commission Delegated Regulation (EU) No .../. of 30.10.2013 on the conditions for making a declaration of performance on construction products available on a website

- Intention not to raise objections 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 Article 60 of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EE. The delegated act is based on Article 7 (3) of that Regulation. The Commission having notified the delegated act to the Council on 30 October 2013, the Council had originally until 30 January 2014 to object to it.

¹ Council doc. 15823/13.

2. The Working Party on Technical Harmonisation had examined the delegated act by written procedure and also at a meeting on 11 December 2013. It had agreed by simple majority to request an extension of the period for possible objections to **30 April 2014**.
3. The Permanent Representatives Committee and the Council confirmed this extension². The European Parliament and the Commission have been informed on this extension of the deadline.
4. On 27 January 2014 the Working Party on Technical Harmonisation examined the delegated act for a second time and agreed not to object to the delegated act³.
5. It is therefore suggested that the Permanent Representatives Committee recommends that the Council confirms that it has no intention to object 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 in accordance with Article 60 of Regulation (EU) No 305/2011.

² See I/A-item note doc. 17543/13.

³ One delegation voted in favour of objection.