



Council of the  
European Union

104876/EU XXV. GP  
Eingelangt am 25/05/16

Brussels, 24 May 2016  
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#### 'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	8229/16 ENER 126
Subject:	COMMISSION REGULATION (EU) .../... of XXX establishing a guideline on forward capacity allocation - Decision not to oppose 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 measure<sup>1</sup> to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC<sup>2</sup>. The Commission having presented the draft measure on 22 April 2016, the Council has until 22 July 2016 to decide to oppose the adoption.

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<sup>1</sup> 8229/16 ENER 126

<sup>2</sup> 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 submit any comments on this file by 23 May 2016. Delegations have not provided any indication that there is any reason to oppose the draft measure in question on the grounds described in Decision 1999/468, namely that 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.
3. 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.
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