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European Union

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#### 'I/A' ITEM NOTE

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

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No. Cion doc.: 9464/13 - COM(2013) 265 final

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Subject: Proposal for a on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [...] /2013 [Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)  
*- Political agreement*

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#### I. INTRODUCTION

1. On 6 May 2013 the Commission submitted to the European Parliament and to the Council the above-mentioned proposal, based on Article 43(2), Article 114 and Article 168(4)(b) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure)<sup>1</sup>.

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<sup>1</sup> Doc. 9464/13 + ADD1 +ADD 2

2. The European Economic and Social Committee and the Committee of the Regions were consulted and delivered their opinions on 16-17 October 2013 and 29 November 2013 respectively.
3. The European Parliament (EP) adopted its position at first reading on 15 April 2014<sup>2</sup>. This position was subsequently confirmed by the newly elected Parliament and Mrs Karin KADENBACH (S&D - AT) was appointed as the Rapporteur.
4. Five national parliaments have delivered opinions on the application of the principles of subsidiarity and proportionality.
5. The negotiations with the EP started at the end of 2015 on the basis of a mandate based on a general approach, agreed by the Permanent Representatives Committee (Part 1) and confirmed by the Council on 26 October 2015<sup>3</sup>.
6. Following a number of technical meetings and informal trilogues during the Luxembourg and Netherlands Presidencies, the Permanent Representatives Committee (Part 1) agreed on a revised negotiation mandate on 18 May 2016<sup>4</sup> and 10 June 2016<sup>5</sup>. A tentative agreement on a compromise text was reached in the trilogue on 15 June 2016.
7. The Permanent Representatives Committee (Part 1) endorsed that compromise text on 22 June 2016<sup>6</sup>.

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<sup>2</sup> Doc. 8304/14

<sup>3</sup> Doc. 13181/15 + 13209/15

<sup>4</sup> Doc.8121/16+ ADD1 to ADD5

<sup>5</sup> Doc.8346/16

<sup>6</sup> Doc 10248/16 + ADD1

8. On 12 July 2016, the Chair of the Committee on the Environment, Public Health and Food Safety of the European Parliament addressed a letter to the President of the Permanent Representatives Committee stating that, if the Council adopts its position at first reading in accordance with the text attached to this letter, he would recommend to the Plenary that the Council's position be accepted without amendment, subject to legal-linguistic verification, at Parliament's second reading.
9. The compromise text transmitted by the EP is identical to the compromise text endorsed at the Permanent Representatives Committee (Part 1) on 22 June 2016; except on one point, i.e. the addition of the term '*other*' before '*objects*' in Article 9 (1) (b).
10. In the light of the above, the Permanent Representatives Committee (Part 1) is invited to endorse the compromise text received from the EP and set out in Addendum 1 to the present note and to recommend to the Council to confirm, under the "A" items list of one of its future meetings, a political agreement<sup>7</sup>.

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<sup>7</sup> To be followed by a formal adoption of the Council's position as soon as the legal/linguistic revision of the text has been completed.