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

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+ ADD 1, ADD 2, ADD 3

Subject: Proposal for a Council Directive amending, for the purpose of adapting to technical progress, Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards lead
– Decision not to oppose adoption

1. Article 46 (1) of Directive 2009/48/EC on the safety of toys of 18 June 2009¹ provides for a procedure to amend the Directive using the regulatory procedure with scrutiny.
2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC², the Committee established under Article 47 of Directive 2009/48/EEC was consulted on 14 January 2015. At that meeting, the Committee did not adopt an opinion on the draft measure.
3. The Commission - in accordance with Article 5a(4) of Council Decision 1999/468/EC - consequently submitted a proposal for a Directive³ to the Council on 9 September 2016.

¹ OJ L 170, 30.6.2009

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 doc. 12153/16 +ADD1, ADD2, ADD3.

4. In the case of "no opinion" by the relevant Committee, the Council, acting by qualified majority, may oppose the Commission's adoption of the draft measure within two months of submission of the draft measure: The Council should transmit its decision to the European Parliament.
 5. Delegations were consulted at a Working Party meeting (Technical Harmonisation) on 4 October 2016 to indicate their possible opposition to the draft measure. At that occasion, one delegation raised grounds for opposition which does not constitute a qualified majority against the draft measure.
 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 measure in subject.
 7. The European Parliament should immediately be informed of this result according to Article 5a (4)(d) of Council Decision 1999/468/EEC.
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