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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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Subject: COMMISSION DIRECTIVE (EU) .../... of XXX adapting for the fourth time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress (Text with EEA relevance)

- Decision not to oppose the adoption (Regulatory procedure with scrutiny)

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1. On 31 October 2016, the Commission submitted the above draft Commission Directive to the Council for scrutiny in accordance with the procedure set out in Article 5a(3)(c) of Council Decision 1999/468/EC<sup>1</sup>.
2. The time limit laid down in Article 5a(3)(c) of Council Decision 1999/468/EC is set at one month. Consequently, the Council may decide until 30 November 2016 to oppose the adoption of the draft measures, in accordance with Articles 8 and 9(3) of Directive 2008/68/EC<sup>2</sup>. The measures provided for in this draft Directive are in accordance with the opinion of the relevant Committee.

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<sup>1</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).

<sup>2</sup> Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

3. The Working Party on Land Transport was invited to examine the draft measures and to submit comments by 18 November 2016<sup>3</sup>. Delegations did not provide any indication that there is any reason to oppose the draft measures in question on the grounds described in Decision 1999/468, namely that they:
- 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.
4. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm that there are no grounds for opposing the draft measures. This implies that, unless the European Parliament opposes the draft Directive within one month from its submission, the Commission shall adopt it in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.
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<sup>3</sup> Doc. 14365/16.