



Council of the
European Union

Brussels, 29 November 2016
(OR. en)

15004/16

MI 759
COMPET 624
POLARM 7
CFSP/PESC 973
COARM 212

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)/Council

No. Cion doc.: 13941/16 MI 679 COMPET 556 POLARM 6 CFSP/PESC 880 COARM 193

Subject: COMMISSION DIRECTIVE (EU) .../... of XXX amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products
- Decision not to oppose the adoption (regulatory procedure with scrutiny)

1. The Commission submitted the above draft Directive to the Council for scrutiny in accordance with the procedure set out in Article 5a(3)(a) of Council Decision 1999/468/EC¹. The Commission having presented the draft measure on 28 October 2016, the Council may decide to oppose its adoption until 28 January 2017.

¹ 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. The Working Party on Competitiveness and Growth has examined the draft Directive by an electronic information procedure initiated on 5 November 2016 and silently indicated that there are no grounds for the Council to oppose its adoption.²

3. It is therefore suggested that the Permanent Representatives Committee recommends to the Council to confirm that there are no grounds for opposing this 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.

² Article 5a(3)(b) provides that the Council may, acting by qualified majority, oppose the adoption of such measures on the grounds that they exceed the implementing powers provided for in the basic instrument, are not compatible with the aim or the content of the basic instrument or do not respect the principles of subsidiarity or proportionality.