



Brussels, 4 January 2017
(OR. en)

5025/17

COMPET 3
CHIMIE 3
ENFOPOL 5
ENV 4
MI 6
ENT 4
UD 3
DELECT 3

'I/A' ITEM NOTE

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

No. Cion doc.: 15171/16 COMPET 644 CHIMIE 75 ENFOPOL 454 ENV 763 MI 778
ENT 224 UD 259 DELECT 253 + COR 1 - C(2015) 7657 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 30.11.2016
amending Regulation (EU) No 98/2013 of the European Parliament and of
the Council, as regards adding magnesium powder to the list of explosives
precursors in Annex II
- Intention not to raise objections to a delegated act

1. The Commission has submitted the above delegated act¹ to the Council in accordance with the procedure set out in Article 290 TFEU and Article 14 of Regulation (EU) No 98/2013 on the marketing and use of explosive precursors.² The delegated act is based on Article 12 of that Regulation. The Commission having notified the delegated act to the Council on 30 November 2016, the Council has until 30 January 2017 to object to it.

¹ Council doc. 15171/16 + COR 1.

² Regulation (EU) No 98/2013 – OJ L 39, 9.2.2013, p. 1-11.

2. The Working Party on Technical Harmonisation has examined the delegated act by written procedure until 2 January and has concluded that there are no grounds for the Council to object to it.
3. It is therefore suggested that the Permanent Representatives Committee recommend that the Council confirm that it has no intention to object the delegated act and that the Commission and the European Parliament are to be informed thereof. This implies, that unless the European Parliament objects to it, the delegated act shall be published and enter into force in accordance with Article 14 (5) of Regulation (EU) No. 98/2013.
