



Council of the
European Union

Brussels, 20 February 2017
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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 5365/17 ENT 13 ENV 28 MI 46 + ADD 1 to ADD 8

Subject: COMMISSION REGULATION (EU) .../... of XXX supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Regulation (EC) No 692/2008

- Decision not to oppose adoption

1. The Commission has submitted the above draft Regulation 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 measures on 16 January 2017, the Council may decide to oppose its adoption until 14 April 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. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose the Commission's adoption of this measure on the grounds that the draft Regulation presented by the Commission:
 - exceeds the implementing powers provided for in the basic instrument, or
 - is not compatible with the aim or the content of the basic instrument, or
 - does not respect the principles of subsidiarity or proportionality.
3. The delegations were asked on 17 January 2017 to indicate their possible opposition to the draft Regulation before 18 February 2017. No delegation raised any of the above-mentioned grounds for opposition.
4. 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.
