Council of the European Union

Brussels, 17 March 2017
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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	5583/17 ENV 52 MAR 23 + ADD 1 + ADD 1 REV 1 (cs,da,de,es,fr,hr,lv,nl,pl,pt,sv)
Subject:	Commission Directive (EU) .../... of XXX amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative slists of elements to be taken into account for the preparation of the marine strategies
	= Decision not to oppose adoption

1.   Since the measures envisaged are in accordance with the opinion of the relevant committee, the Commission has submitted the abovementioned draft measures[1] to the Council for scrutiny in accordance with the procedure laid down in Article 5a(3)(a) of Council Decision 1999/468/EC.[2]

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[1]   5583/17 + ADD 1 + ADD1 REV1 (cs,da,de,es,fr,hr,lv,nl,pl,pt,sv) - D044527/03 + Annex
[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 (OJ L 200, 22.7.2006, p. 11).

2.   The Working Party on the Environment has examined the draft measures through an informal written procedure and agreed that there are no grounds for the Council to oppose their adoption.[3]

3.   The General Secretariat therefore suggests that Coreper recommend the Council to confirm that there are no grounds for opposing the draft measures. This implies that, unless the European Parliament opposes them, the Commission may adopt the proposed measures in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.

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[3]   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 comply with the principles of subsidiarity or proportionality.