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ENER 122

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	6668/17 ENER 88 + ADD 1
Subject:	COMMISSION REGULATION (EU) .../... of XXX establishing a guideline on electricity transmission system operation - Decision not to oppose adoption

1. The measure envisaged being in accordance with the opinion of the relevant committee, the Commission has submitted the above draft measure¹ to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC². The Commission having presented the draft measure on 23 February 2017, the Council has until 23 May 2017 to decide to oppose the adoption.

2. Delegations were asked to submit any comments on this file by 24 March 2017. Delegations have not provided any indication that there is any reason to oppose the draft measure in question on the grounds described in Decision 1999/468, namely that it:

¹ 6668/17 ENER 122 + ADD 1

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).

- exceeds the implementing powers provided for in the basic instrument;
- is incompatible with the aim or content of the basic instrument; or
- does not respect the principles of subsidiarity or proportionality.

3. It is therefore suggested that Coreper recommend that the Council confirm that there are no grounds for opposing the 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.
