



Council of the  
European Union

Brussels, 22 May 2017  
(OR. en)

9473/17

TRANS 198  
DELECT 85

#### 'A' ITEM NOTE

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From: General Secretariat of the Council  
To: Council

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No. prev. doc.: 8991/17 + ADD 1  
No. Cion doc.: 6092/17 + ADD 1-8

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Subject: Commission delegated Regulation (EU) .../... of 2.2.2017 on the adaptation of Annex III to Regulation (EU) No 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network  
– Intention to raise an objection to the delegated act

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1. On 2 February 2017, the Commission notified to the European Parliament and to the Council the above-mentioned delegated Regulation in accordance with the procedure set out in Article 290 TFEU and Articles 49(6) and 53 of Regulation (EU) No 1315/2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU<sup>1</sup>.

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<sup>1</sup> Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p.1.).

2. According to Article 53(5) of Regulation (EU) No 1315/2013, a delegated act adopted pursuant to Article 49(4) and (6) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of the act to the European Parliament and the Council or if, before the expiry of that period, both institutions have informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
3. On 15 February 2017, delegations were invited<sup>2</sup> to inform the General Secretariat of the Council by 8 March 2017 in case they had an objection concerning the mentioned delegated act.
4. During this period of consultation, the Cyprus delegation indicated that some of the elements contained in the delegated act presented a sensitive and highly political issue for Cyprus, necessitating its complex evaluation<sup>3</sup> and asked at the meeting of the Land Transport Working Party of 7 March to request the Council to extend the period for raising objections to the delegated act by two months. One delegation supported this request.
5. Subsequently, on 21 March 2017, the Council decided to extend the period for raising objections to the delegated act by two months. Hence, the Council has until 2 June 2017 to raise an objection to the delegated act.
6. At the Land Transport Working Party of 11 May, the Cyprus delegation reiterated its concerns regarding the delegated<sup>4</sup> act and indicated that it intends to raise an objection to it for legal and political reasons. A number of other delegations shared the concerns expressed by Cyprus and supported it.
7. On 19 May 2017, the Permanent Representatives Committee examined the delegated act and concluded that there was a 'reinforced' qualified majority of Member States that intend to raise an objection to the delegated act.

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<sup>2</sup> Doc. 6370/17.

<sup>3</sup> Doc. 7054/17.

<sup>4</sup> Doc. 8991/17 ADD 1.

8. It is therefore suggested that the Council:

- confirms the intention to object to the delegated act as set out in documents 6092/17 + ADD 1 to ADD 8;
  - informs the Commission and the European Parliament thereof.
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