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'I/A' ITEM NOTE

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

No. prev. doc.: 12836/17
13160/17

No. Cion doc.: 11932/17 + ADD 1

Subject: Commission delegated Decision (EU) .../... of 4.9.2017 replacing Annex VII to Directive 2012/34/EU of the European Parliament and of the Council establishing a single European railway area
- Intention not to raise objections to the delegated act

1. The Commission submitted the above-mentioned delegated act to the Council in accordance with the procedure set out in Article 290 TFEU and Articles 43(2) and 60 of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing the European railway area (recast)¹.
2. The Commission notified the delegated act to the Council on 4 September 2017, hence the Council has time until 4 November to express its objection.
3. In the context of a written procedure², the Czech delegation expressed a number of concerns of legal and formal nature in relation to the delegated act³.

¹ OJ L 343, 14.12.2012, p.32.

² Doc. 11984/17.

³ doc. 12836/17.

4. Consequently, the delegated act was examined at the Land Transport Working Party on 6 October 2017. At the meeting, the concerns raised by the Czech delegation were shared by a number of other delegations. The delegations asked the Commission to provide further explanations and requested more time to examine the delegated act.
5. At the Working Party the European Commission agreed to provide detailed clarifications in writing to address the concerns of the delegations.
6. The Presidency concluded that it would reflect whether the extension of the deadline of the delegated act would be still necessary once the information from the Commission has been made available.
7. The Commission submitted to the Council the said explanatory document (13160/17) on 11 October 2017, and the Presidency took bilateral contacts with the most concerned delegations.
8. In the absence of further indications and comments by the delegations on the delegated act the Presidency assumes that there is no need to extend the deadline for raising objections.
9. It is therefore suggested that Coreper invites the Council to confirm that it has no intention to object to the delegated act and inform the Commission and the European Parliament thereof.
