



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 28 April 2014
(OR. en)**

**Interinstitutional File:
2013/0239 (COD)**

**8793/14
ADD 1**

**CODEC 1064
ENV 380
MI 362
RELEX 323**

"I/A" ITEM NOTE

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

Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipments of waste (**first reading**)
- Adoption of the legislative act (**LA + S**)
= Statements

Statement by the Commission

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

Statement by the Commission

The Commission intends to make use of its prerogative to adopt guidance including on risk assessment for inspection plans and, as necessary, electronic data interchange.

Statement by Austria

Austria welcomes the harmonisation and the improvement of rules and general principles concerning mechanisms for control. It is, however, an immediate necessity that the Member States commit themselves to the general application of an electronic data exchange and that corresponding legal measures should be taken. This is the only way to achieve the predicted savings in administrative costs.
