



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 5 May 2014
(OR. en)**

**Interinstitutional File:
2013/0221 (COD)**

**9338/14
ADD 1**

**CODEC 1189
ENT 115
CONSUM 110**

"I/A" ITEM NOTE

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

Subject: Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of pressure equipment (Recast) (**first reading**)
- Adoption of the legislative act (**LA + S**)
= Statement

Statement by the European Commission

The Commission regrets the adoption of article 44 paragraph 5 and the corresponding recital 54 concerning the Committee which have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act should alter or specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committees exercise their role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committees.

With regard to the recital 55 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will proceed in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of comitology committees are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.
