



Council of the
European Union

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DENLEG 150
AGRI 556
SAN 323

"I/A" ITEM NOTE

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

No. Cion doc.: 12561/14 DENLEG 144 AGRI 536 SAN 317 + ADD1

Subject: COMMISSION REGULATION (EU) No .../.. of XXX amending Regulation (EC) No 1881/2006 as regards maximum levels of polycyclic aromatic hydrocarbons (PAHs) in traditionally smoked meat and meat products and traditionally smoked fish and fishery products
- Decisions not to oppose adoption

1. According to the Article 2(3) of Regulation (ECC) No 315/93 laying down Community procedure for contaminants in food, the Commission may where necessary establish the maximum levels for contaminants in foodstuffs by a decision taken in accordance with the regulatory procedure with scrutiny with standard time-limits (3 months) for the European Parliament and the Council to oppose such decision. Those maximum levels are set out in the Commission Regulation (EC) No 1881/2006.
2. According to the second subparagraph of Article 12 of Regulation (EU) No 182/2011 of the European Parliament and of the Council¹, the effects of Article 5a of Council Decision 1999/468/EC² are maintained for the purposes of existing basic acts making reference thereto.

¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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).

3. Before adopting the draft Regulation referred to in the subject and in accordance with Article 5a(2) of Council Decision 1999/468/EC, the Commission consulted the Standing Committee on the Food Chain and Animal Health on 1 July 2014, which voted by in favour of the draft Regulation (326 votes in favour and 12 abstentions).
4. Consequently, the Commission submitted the above draft Regulation to the Council on 6 August 2014, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
5. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose within 3 months the Commission's adoption of the draft Regulation on the grounds that the draft measure presented by the Commission:
 - exceed the implementing powers provided for in the basic instrument; or
 - are not compatible with the aim or the content of the basic instrument; or
 - do not respect the principles of subsidiarity or proportionality.
6. The delegations were asked on 22 August 2014 to indicate until 5 September 2014 their possible opposition to the draft Regulation. The delegations did not raise any of the above-mentioned grounds for opposition.
7. **The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm, as "A" item of its agenda, that it is not opposed to the draft Regulation referred to in document 12561/14 + ADD1.** Unless the European Parliament opposes the Regulation within 3 months from its submission, the Commission may adopt it in accordance with the procedure under Article 5a(3)(d) of Council Decision 1999/468/EC.
