



Brussels, 9 September 2014
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REV 1

DENLEG 145
AGRI 544
SAN 318

"I/A" ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 12132/14 DENLEG 134 AGRI 510 SAN 294 + ADD 1
12140/14 DENLEG 135 AGRI 512 SAN 296 + ADD 1
12282/14 DENLEG 137 AGRI 519 SAN 303 + ADD 1
12284/14 DENLEG 138 AGRI 520 SAN 304 + ADD 1

Subject: COMMISSION REGULATION (EU) No .../.. of XXX refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health
COMMISSION REGULATION (EU) No .../.. of XXX on the authorisation of a health claim made on foods and referring to the reduction of disease risk
COMMISSION REGULATION (EU) No .../.. of XXX refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health
COMMISSION REGULATION (EU) No .../.. of XXX authorising and refusing to authorise certain health claims made on foods and referring to the reduction of disease risk
- Decisions not to oppose adoption

1. According to Article 17(3) of Regulation (EC) No 1924/2006 of the European Parliament and of the Council¹ a decision on an application for authorization of nutrition and health claims made on foods, designed to amend non-essential elements of the Regulation by supplementing it, should be adopted in accordance with the regulatory procedure with scrutiny.

¹ Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ L 404, 30.12.2006, p. 9).

2. According to the second subparagraph of Article 12 of Regulation (EU) No 182/2011 of the European Parliament and of the Council², the effects of Article 5a of Council Decision 1999/468/EC³ are maintained for the purposes of existing basic acts making reference thereto.
3. Before adopting the draft Regulations referred to in 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 13/6/2014, which voted by unanimity in favour of the four draft Regulations in the subject of this note.
5. Consequently, the Commission submitted the above draft Regulations to the Council on 22, 23 and 24 July 2014, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
6. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose the Commission's adoption of the draft Commission Regulations on the grounds that the draft measures 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.
7. The delegations were asked on 29 July 2014 to indicate until 5 September 2014 their possible opposition to the draft Regulations. The delegations did not raise any of the above-mentioned grounds for opposition.
8. **The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm, as "A" items of its agenda, that it is not opposed to the four draft Regulations referred to in documents 12132/14, 12140/14, 12282/14 and 12284/14.** Unless the European Parliament opposes the Regulations within 3 months from its submission, the Commission may adopt them in accordance with the procedure under Article 5a(3)(d) of Council Decision 1999/468/EC.

² 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).

³ 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).