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"A" ITEM NOTE

From: General Secretariat of the Council
To: Council

No. prev. doc.: 12515/14 STATIS 85 ECOFIN 778 UEM 304 DELACT 154
No. Cion doc.: C(2014) 5658 final

Subject: COMMISSION DELEGATED REGULATION (EU) No .../.. of 12.8.2014 on the transmission format for research and development expenditure data, as referred to in Regulation (EU) No 549/2013 of the European Parliament and of the Council on the European System of national and regional accounts in the European Union.
- Intention to raise objection to a delegated act

1. On 12 August 2014, the Commission submitted to the Council the above draft regulation on the transmission format for research and development expenditure data. That draft act is based on the empowerment to the Commission in Article 2(5) of Regulation (EU) No 549/2013 of the European Parliament and of the Council on the European System of national and regional accounts in the European Union¹.
2. According to Article 7(5) of Regulation (EU) No 549/2013, a delegated act adopted pursuant to Article 2(5) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of the act to the European Parliament and the Council or if, before the expiry of that period, both Institutions have informed the Commission that they will not object.

¹ OJ L 174, 26.6.2013, p. 1.

3. On 12 September 2014, the Working Party on Statistics invited the Council Legal Service to assess whether the contents of the delegated Regulation corresponded to the delegation of powers contained in Article 2(5) of Regulation No 549/2013. In response to that invitation, the Council Legal Service issued its opinion on 25 September 2014², concluding that the delegated act partially exceeded the mandate conferred upon the Commission by the legislator
4. On 5 November 2014, the Committee of Permanent Representatives noted that AT, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, LT, LV, MT, NL, PL, PT, RO, SE, SK, SI and UK intend to object to the delegated act in question.
5. It is therefore suggested that the Council:
 - confirms the intention to object to the delegated act as set out in 12515/14 STATIS 85 ECOFIN 778 UEM 304 DELACT 154,
 - informs the Commission and the European Parliament thereof.

² 13618/14