



Brussels, 5 February 2015
(OR. en)

5643/15

DENLEG 21
AGRI 38
SAN 27

"I/A" ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 5137/15 DENLEG 3 AGRI 5 SAN 4 + ADD1
5219/15 DENLEG 9 AGRI 11 SAN 12 + ADD1
5252/15 DENLEG 10 AGRI 13 SAN 13 + ADD1
5357/15 DENLEG 16 AGRI 21 SAN 18 + ADD1

Subject: COMMISSION REGULATION (EU) No .../.. of XXX amending Annex to Commission Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for Polyvinyl alcohol (E 1203)

COMMISSION REGULATION (EU) No .../.. of XXX amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards the use of L-leucine as a carrier for table-top sweeteners in tablets

COMMISSION REGULATION (EU) No .../.. of XXX amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of aluminium lakes of cochineal, carminic acid, carmines (E 120) in dietary foods for special medical purposes

COMMISSION REGULATION (EU) No .../.. of XXX amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of benzoic acid – benzoates (E 210 – 213) in cooked shrimps in brine

- *Decisions not to oppose adoption*

1. Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.

2. Commission Regulation (EU) No 231/2012 lays down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008.
3. The list of food additives in Annex II to Regulation (EC) No 1333/2008 and their specifications in Commission Regulation (EU) No 231/2012 may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application. These measures shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5a of Council Decision 1999/468/EC¹, which remains applicable for the purposes of existing basic acts making reference thereto².
4. In accordance with Article 7(5) of Regulation (EC) No 1331/2008, those measures may be adopted on grounds of efficiency, in which case the European Parliament and the Council may oppose their adoption within the time-limit of 2 months.
5. 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 Plants, Animals, Food and Feed on 28/11/2014. The Committee voted by unanimity in favour of all four draft Regulations - by unanimity in three cases and by qualified majority in case of the draft Regulation on use of aluminium lakes of cochineal, carminic acid, carmines (E 120) in dietary foods for special medical purposes.
6. Consequently, the Commission submitted the above draft Regulations to the Council on 8, 12, 13 and 16 January 2015 respectively, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.

¹ 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).

² According to the second subparagraph of Article 12 of Regulation (EU) No 182/2011 of the European Parliament and of the Council.

7. 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:
- 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.
8. The delegations were asked on 12 and 20 January 2015 to indicate until 19 January and 27 January 2015 respectively their possible opposition to the draft Regulations. The delegations did not raise any of the above-mentioned grounds for opposition.
9. **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 draft Regulations referred to in documents 5137/15 + ADD 1, 5219/15 + ADD 1, 5252/15 + ADD 1 and 5357/15 + ADD 1.** Unless the European Parliament opposes the Regulations within 2 months from their submission, the Commission may adopt them in accordance with the procedure under Article 5a(3)(d) of Council Decision 1999/468/EC.
-