



Council of the
European Union

Brussels, 9 February 2015
(OR. en)

6047/15

DENLEG 27
AGRI 52
SAN 41

"I/A" ITEM NOTE

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

No. Cion doc.: 5218/15 DENLEG 8 AGRI 10 SAN 11 + ADD1
5366/15 DENLEG 17 AGRI 22 SAN 19 + ADD1

Subject: COMMISSION REGULATION (EU) No .../.. of XXX amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of the flavouring substance of N-Ethyl (2E,6Z)-nonadienamide
COMMISSION REGULATION (EU) No .../.. of XXX amending Regulation (EC) No 1881/2006 as regards the maximum level of non dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*)
- *Decisions not to oppose adoption*

1. Annex I to Regulation (EC) No 1334/2008 lays down a Union list of flavourings and source materials approved for use in foods and their conditions of use. That list may be updated by comitology with scrutiny procedure in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008.
2. Commission Regulation (EC) No 1881/2006 sets, among others, maximum levels for dioxins, dioxin-like polychlorinated biphenyls (PCBs) and non dioxin-like PCBs in fish and fishery products. The Commission can establish maximum levels for contaminants in food by comitology with scrutiny procedure according to Article 2(3) of Council Regulation (EEC) No 315/93.

3. 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.
4. Before adopting the draft Regulations 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 Plants, Animals, Food and Feed on 28 November 2014, which voted in favour of the draft Regulation in doc. 5218/15 + ADD1 by unanimity (1 abstention) and in favour of draft Regulation in doc 5366/15 + ADD1 by qualified majority (2 Member States against).
5. Consequently, the Commission submitted the above draft Regulations to the Council on 12 and 13 January 2015 respectively, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
6. Under the regulatory procedure with scrutiny with curtailed time-limits for efficiency measure, 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.
7. The delegations were asked on 28 January 2015 to indicate until 6 February 2015 their possible opposition to the draft Regulations. The delegations did not raise any of the above-mentioned grounds for opposition.

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).

8. **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 Regulations referred to in documents 5218/15+ADD1 and 5366/15+ADD1.** Unless the European Parliament opposes the draft Regulations within 3 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.
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