



Brussels, 3 March 2015
(OR. en)

6692/15

DENLEG 35
AGRI 89
SAN 55

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	6176/15 DENLEG 30 AGRI 59 SAN 46 + ADD1
Subject:	COMMISSION REGULATION (EU) No .../. of XXX amending and correcting Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of certain food additives - <i>Decision not to oppose adoption</i>

1. Annex II (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use. Annex III to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food additives, food enzymes, flavourings, nutrients and their conditions of use. Those lists 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. According to article 7(5) of this Regulation, the amendment can be adopted on the grounds of efficiency by the regulatory procedure with scrutiny with curtailed time-limits of two months for the European Parliament and the Council to oppose such amendment.

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.
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 Plants, Animals, Food and Feed on 28 November 2014. The Committee voted by unanimity in favour of the draft Regulation.
4. Consequently, the Commission submitted the above draft Regulation to the Council on 11 February 2015, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
5. Under the regulatory procedure with scrutiny with curtailed time-limits for efficiency measure, the Council, acting by qualified majority, may oppose within 2 months the Commission's adoption of the draft Regulation 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.
6. The delegations were asked on 17 February 2015 to indicate until 27 February 2015 their possible opposition to the draft Regulation. 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).

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 Regulations referred to in documents 6176/15+ADD1.** Unless the European Parliament opposes the draft Regulation within 2 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](#).
-