



Brussels, 30 March 2015
(OR. en)

7610/15

DENLEG 46
AGRI 165
SAN 89

"I/A" ITEM NOTE

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

No. Cion doc.: 7159/15 DENLEG 36 AGRI 120 SAN 69 + ADD1
7208/15 DENLEG 38 AGRI 124 SAN 72 + ADD1

Subject: COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EC) No 1881/2006 as regards maximum levels of lead in certain foodstuffs
COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EC) No 1881/2006 as regards maximum levels of inorganic arsenic in foodstuffs
- Decisions not to oppose adoption

1. Commission Regulation (EC) No 1881/2006 sets maximum levels certain contaminants in foodstuffs. According to Article 2(3) of Council Regulation (EEC) No 315/93, the Commission may establish the maximum tolerances for specific contaminants in accordance with the regulatory procedure with scrutiny referred to in Article 8(3) thereof.
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.

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).

3. 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 11 February 2015. The Committee voted in favour of the draft Regulation in doc. 7159/15 + ADD1 by qualified majority (1 abstention) and in favour of draft Regulation in doc. 7208/15 + ADD1 by unanimity.
4. Consequently, the Commission submitted the above draft Regulations to the Council on 11 and 12 March 2015 respectively, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
5. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose within 3 months the Commission's adoption of the draft 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.
6. The delegations were asked on 17 March 2015 to indicate until 27 March 2015 their possible opposition to the draft Regulations. The delegations did not raise any of the above-mentioned grounds for opposition.
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 7159/15 + ADD1 and 7208/15 + 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.