



Council of the
European Union

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AGRI 179
SAN 101

"I/A" ITEM NOTE

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

No. Cion doc.: 7498/15 DENLEG 43 AGRI 154 SAN 84 + ADD1

Subject: COMMISSION REGULATION (EU) .../... 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 certain flavouring substances
- Decision 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 and on foods and their conditions of use. That list may be updated in accordance with the common procedure referred to in Article 3 of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application. Decisions updating the Union list shall be taken by the regulatory procedure with scrutiny.
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 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 11 February 2015. The Committee voted in favour of the draft Regulation mentioned in the subject of this note by qualified majority (1 abstention representing a population of 64 106 thousands).
4. Consequently, the Commission submitted the above draft Regulation to the Council on 24 March 2015 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 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 25 March 2015 to indicate until 10 April 2015 their possible opposition to the draft Regulation. 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 Regulation referred to in document 7498/15 + ADD1.** Unless the European Parliament opposes the draft Regulation within 3 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.
