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"A" ITEM NOTE

From:	General Secretariat of the Council
To:	Council

No. prev. doc.:	6473/15, 7039/15, 7640/15
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Subject:	Commission Delegated Regulation (EU) of 20.2.2015 amending Regulation (EC) No 376/2008 as regards the obligation to present a licence for imports of ethyl-alcohol of agricultural origin and repealing Regulation (EC) No 2336/2003 introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl-alcohol of agricultural origin - Intention not to raise objections to a delegated act
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1. On 20 February 2015, the Commission submitted the above delegated act to the Council in accordance with the procedure set out in Article 290 TFEU and with Article 227 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products.¹
2. The deadline for raising objections to the delegated act was until 20 April. However, this period was extended by two months, i.e. until 20 June 2015, at the initiative of the European Parliament.²
3. On 23 February 2015, the General Secretariat of the Council informed the delegations about this delegated act and requested their reactions, if any, in writing by 17 March 2015.

¹ Doc 6473/15.

² Letter from Mr Czeslaw Adam Siekierski, Chairman of the Committee on Agriculture and Rural Development, to Mr Aivars Lapins, Chair of the Special Committee on Agriculture, of 7 April 2015.

4. The delegated act was presented by the Commission and commented by delegations at the Special Committee on Agriculture on 9 March 2015.³
5. Following the objections of seven delegations, the delegated act was discussed at the Special Committee on Agriculture on 27 March 2015. At the end of the discussion, the SCA noted, on the basis of an indicative vote, the absence of a qualified majority in the Committee to object to the delegated act.⁴
6. Therefore the SCA recommends to Council
 - that it confirms that it has no intention to object to the delegated act,
 - that the Commission and the European Parliament be informed thereof,
 - that it includes the Commission statement set out in Annex to this note in its minutes.

This implies that, unless the European Parliament objects, the delegated act shall enter into force in accordance with Article 227(5) of Regulation (EU) No 1308/2013.

³ Doc 7039/15, page 4.

⁴ Doc 7640/15, page 3.

Commission Statement

Commission Delegated Regulation C(2015) 861 Final of 20. 2.2015 amending Regulation (EC) No 376/2008 as regards the obligation to present a licence for imports of ethyl alcohol of agricultural origin and repealing Regulation (EC) No 2336/2003 introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin.

As with other products covered by Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, the Commission will continue to monitor the market in ethyl-alcohol of agricultural origin, including drawing up an annual overview of the market situation.

In the absence of the notification requirements provided for in Regulation (EC) No 2336/2003 the Commission will monitor the market using synergies between data sources based on official statistics, Member State data, notifications (e.g. on biofuels), other publicly available data, purchased data, industry data, etc.

The Commission will especially continue to monitor imports and exports of ethanol per origin with particular attention to imports at zero duty, the volumes of production and use, and main feed stocks.

The Commission confirms its commitment to collect the necessary data in order to carry out the responsibilities conferred upon it by the legislator in Regulation (EU) No 1308/2013 and to provide a good basis for an exchange of views with Member States and stakeholders at the relevant meetings of the Committee for the Common Organisation of Agricultural Markets and the civil dialogue group. In the absence of import licences, trade flows will be closely monitored on the basis of official statistics and if needed on a weekly (or even daily if necessary) basis via a specific surveillance protocol provided for in the EU customs code.