



Council of the
European Union

Brussels, 20 April 2015
(OR. en)

7988/15

DENLEG 55
AGRI 190
SAN 107

"I/A" ITEM NOTE

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

No. Cion doc.: 7655/15 DENLEG 49 AGRI 169 SAN 93 + ADD1

Subject: COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EC) No 1881/2006 as regards the maximum level of Ochratoxin A in Capsicum spp. spices
- *Decision not to oppose adoption*

1. Commission Regulation (EC) No 1881/2006 sets a maximum level for Ochratoxin A in Capsicum spp. spices. According to the Article 2(3) of Council Regulation (EEC) No 315/93, the Commission may establish the maximum tolerances for specific contaminants in foodstuffs 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 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 10 March 2015. The Committee voted in favour of the draft Regulation by qualified majority (1 abstention).
4. Consequently, the Commission submitted the above draft Regulation to the Council on 30 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 1 April 2015 to indicate until 17 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 7655/15 + 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.