



Council of the
European Union

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COMPET 155
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"I/A" ITEM NOTE

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

No. prev. doc.: 7663/15 SAN 94 MI 205 COMPET 138 FISC 28

Subject: COMMISSION DIRECTIVE (EU).../... of XXX amending Directive
2012/9/EU as regards the date for its transposition and the deadline for the
end of the transitional period
- *Decision not to oppose adoption*

1. In order to align the transposition deadlines for the new text warnings laid down by the Commission Directive 2012/9/EU and for the new combined warnings introduced by Directive 2014/40/EU, as well as to align the transitional period provided for in Directive 2012/9/EU with the transitional period provided for in Directive 2014/40/EU, the Commission considered appropriate to extend the period for transposition of Directive 2012/9/EU from 28 March 2016 to 20 May 2016 and amend the date of the end of the transitional period from 28 March 2018 to 20 May 2017. This measure shall be adopted in accordance with 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 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 powers¹, the effects of Article 5a of Decision 1999/468/EC are maintained for the purposes of existing basic acts making reference thereto.
3. Before adopting the draft Directive in the subject and in accordance with Article 5a(2) of Council Decision 1999/468/EC, the Commission consulted the Standing Committee on Tobacco Products, which on 16 March 2015 voted by unanimity in favour of the above Directive.
4. Consequently, the Commission submitted the draft Directive 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 the Commission's adoption of the draft Regulation on the grounds that this draft measure:
 - 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 13 April 2015 to indicate until 22 April 2015 their possible opposition to the draft Directive. 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 an "A" item of its agenda, that it is not opposed to the draft Directive in subject.** Unless the European Parliament opposes draft Directive within 3 months from its submission, the Commission shall adopt it in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.

¹ OJ L 55, 28.2.2011, p. 13.