



Brussels, 11 May 2015  
(OR. en)

8370/15

ENER 129

**"I/A" ITEM NOTE**

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

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No. Cion doc.: 7745/15 ENER 116  
+ ADD 1

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Subject: COMMISSION REGULATION (EU) No .../.. of XXX establishing a  
Guideline on Capacity Allocation and Congestion Management

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1. The measure envisaged being in accordance with the opinion of the relevant committee, the Commission has submitted the above draft measure<sup>1</sup> to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC<sup>2</sup>. The Commission having presented the draft measure on 1 April 2015, the Council has until 1 July 2015 to decide to oppose the adoption.

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<sup>1</sup> 7745/15 ENER 116 + ADD 1

<sup>2</sup> 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), as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

2. Delegations were asked to submit any comments on this file by 8 May 2015. Delegations have not provided any indication that there is any reason to oppose the draft measure in question on the grounds described in Decision 1999/468, namely that it:
- exceed the implementing powers provided for in the basic instrument;
  - are incompatible with the aim or content of the basic instrument; or
  - do not respect the principles of subsidiarity or proportionality.
3. It is therefore suggested that Coreper recommend that the Council confirm that there are no grounds for opposing the draft measure. This implies that, unless the European Parliament opposes it, the Commission may adopt the proposed measure in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.
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