



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 13 December 2013**

**17796/13**

**DENLEG 154  
SAN 524  
AGRI 854**

**“I/A” ITEM NOTE**

---

from :	General Secretariat of the Council
to :	Permanent Representatives Committee/Council
No. Cion prop.:	17257/13 DENLEG 145 SAN 503 AGRI 813
Subject:	COMMISSION REGULATION (EU) No .../.. 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 – <i>Decision not to oppose adoption</i>

---

1. Article 11(3) of Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods<sup>1</sup> provides for the Community list in Annex I to be amended in accordance with the procedure referred to in Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings<sup>2</sup>.

Article 7(4) of Regulation (EC) No 1331/2008 establishes that the measures designed to amend non-essential elements of each sectoral law, related to the removal of a substance from the Community list, should be adopted in accordance with the regulatory procedure with scrutiny.

---

<sup>1</sup> OJ L 354, 31.12.2008, p. 34.

<sup>2</sup> OJ L 354, 31.12.2008, p. 1

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 powers<sup>3</sup>, the effects of Article 5a of Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission are maintained for the purposes of existing basic acts making reference thereto.
3. Before adopting the draft Regulation referred to in subject and in accordance with Article 5a(2) of Council Decision 1999/468/EC, the Commission consulted the Standing Committee on the Food Chain and Animal Health on 21/10/2013, which voted by unanimity in favour of the above draft Regulation.
4. Consequently, the Commission submitted the above draft Regulation to the Council on 29 November 2013, 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 Commission Regulations 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 6 December 2013 to indicate until 12 December 2013 their possible opposition to the draft Regulations. 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 Regulation.** Unless the European Parliament opposes the 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.

---

<sup>3</sup> OJ L 55, 28.2.2011, p. 13.