



Council of the
European Union

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AGRI 514
SAN 324

"I/A" ITEM NOTE

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

No. Cion doc.: 12626/15 DENLEG 128 AGRI 506 SAN 314 + ADD1

Subject: COMMISSION REGULATION (EU) .../... 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 the flavouring substance p-mentha-1,8-dien-7-al
– *Decision not to oppose adoption*

1. In accordance with Article 7(6) of Regulation (EC) No 1331/2008¹, the Commission may remove the flavouring substance from the Union list of flavouring substances using the urgency procedure provided for in Article 5a(6) of Council Decision 1999/468/EC². The measure shall be immediately implemented if agreed by the Standing Committee.

¹ 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 (OJ L 354, 31.12.2008, p. 1).

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).

2. The Standing Committee on Plants, Animals, Food and Feed voted on 7 September 2015 by unanimity in favour of the measure envisaged. Therefore, the Commission adopted the above Regulation and notified the Council and the European Parliament on 1 October 2015. The Regulation was published in the *Official Journal* on 2 October 2015³.
3. In accordance with point (b) of Article 5a (6), within a time-limit of **one** month of the above communication, the Council, acting by qualified majority, may oppose the measures adopted by the Commission, on the grounds that such measures:
 - 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 2 October 2015 to indicate until 9 October 2015 their possible opposition to the adopted 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 Regulation referred to in document 12626/15 + ADD1.** The above Commission Regulation will remain in force unless the European Parliament opposes it within 1 month from its submission.

³ Commission Regulation (EU) 2015/1760 of 1 October 2015 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 the flavouring substance *p*-mentha-1,8-dien-7-al.