



Brussels, 11 January 2016
(OR. en)

5179/16

CONSOM 1
MI 5

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	13998/15 CONSOM 190 MI 714 + ADD 1
Subject:	Draft COMMISSION DECISION of [xxx] on the safety requirements to be met by European standards for candles, candle supports, containers and accessories pursuant to Directive 2001/95/EC of the European Parliament and of the Council on general product safety – Decision not to oppose adoption

1. Article 4(1)(a) of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety¹ establishes that the specific requirements intended to ensure that products conform with the European safety standards shall be determined in accordance with the comitology procedure with scrutiny.
2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC², the Committee of Directive 2001/95/EC was consulted on 28 October 2015. It voted by a qualified majority in favour of the above draft Decision.

¹ OJ L 11, 15.1.2002, p. 4.

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), as amended by Decision 2006/512/EC (JO L 200, 22.7.2006, p. 11).

3. Consequently, the Commission submitted the above draft Decision to the Council on 29 October 2015, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
4. 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.
5. The delegations were asked on 12 November 2015 to indicate their possible opposition to the draft Decision before 15 December 2015. No delegation raised any of the above-mentioned grounds for opposition.
6. 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 Decision in subject.
