



Council of the  
European Union

Brussels, 27 January 2016  
(OR. en)

5517/16

MI 32  
COMPET 20  
POLARM 1  
CFSP/PESC 69  
COARM 22  
DELECT 5

**"I/A" ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 1)/Council

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No. Cion doc.: 15295/15 MI796 COMPET 564 POLARM 11 CFSP/PESC 861 COARM  
262 DELACT 171 + ADD 1

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Subject: COMMISSION DIRECTIVE (EU) .../... of XXX amending Directive  
2009/43/EC of the European Parliament and of the Council as regards the  
list of defence-related products  
*- Decision not to oppose the adoption (regulatory procedure with scrutiny)*

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1. The Commission submitted the above draft Directive to the Council for scrutiny in accordance with the procedure set out in Article 5a(3)(a) of Council Decision 1999/468/EC<sup>1</sup>. The Commission having presented the draft measure on 11 December 2015, the Council may decide to oppose its adoption until 11 March 2016.

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<sup>1</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. The Working Party on Competitiveness and Growth has examined the draft Directive by an electronic information procedure initiated on 14 December 2015 and silently indicated that there are no grounds for the Council to oppose its adoption.<sup>2</sup>
3. It is therefore suggested that the Permanent Representatives Committee recommends to the Council to confirm that there are no grounds for opposing this 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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<sup>2</sup> Article 5a(3)(b) provides that the Council may, acting by qualified majority, oppose the adoption of such measures on the grounds that they exceed the implementing powers provided for in the basic instrument, are not compatible with the aim or the content of the basic instrument or do not respect the principles of subsidiarity or proportionality.