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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. Cion doc.:	5222/16 ENT 6 MI 10 + ADD1
Subject:	COMMISSION REGULATION (EU) No .../.. of XXX amending Regulation (EC) No 661/2009 of the European Parliament and of the Council - <i>Decision not to oppose adoption</i>

1. The Commission has submitted the above draft Regulation to the Council for scrutiny in accordance with the procedure set out in Article 5a(3)(a) of Council Decision 1999/468/EC¹. The Commission having presented the draft measure on 12 January 2016, the Council may decide to oppose its adoption until 12 April 2016.
2. The Working Party on Technical Harmonisation (Motor Vehicles) has examined the draft Regulation by an electronic information procedure initiated on 14 January 2016 and silently indicated that there are no grounds for the Council to oppose its adoption.²

¹ 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 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.

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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