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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	5440/16
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Subject:	Commission Regulation (EU) .../... of XXX correcting Article 7 of Regulation (EU) No 1303/2014 concerning the technical specification for interoperability relating to 'safety in railway tunnels' of the rail system of the European Union (Text with EEA relevance) - Decision not to oppose adoption (Regulatory procedure with scrutiny)

1. The Commission has submitted the above draft Commission Regulation to the Council for scrutiny in accordance with the procedure set out in Article 5a(3)(a) of Council Decision 1999/468/EC¹.
2. The Commission having submitted the draft Regulation on 20 January 2016, the Council may decide until 20 April 2016 to oppose its adoption, in accordance with Article 6(1) of Directive 2008/57/EC². The measures provided for in this draft Regulation are in accordance with the opinion of the relevant Committee.

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).

² Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (OJ L 191, 18.7.2008, p. 1.).

3. The Working Party on Land Transport was invited to examine the draft measures and to submit comments by 19 February 2016³. Delegations did not provide any indication that there is any reason to oppose the draft measures in question on the grounds described in Decision 1999/468, namely that they:
- 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.
4. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm that there are no grounds for opposing the draft measures. This implies that, unless the European Parliament opposes the draft Regulation within three months from its submission, the Commission shall adopt it in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.
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³ Doc. 5440/16.