



Council of the
European Union

Brussels, 7 March 2016
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"I/A" ITEM NOTE

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

No. Cion doc.: 5539/16 ENER 12 ENV 25
+ ADD 1

Subject: COMMISSION REGULATION (EU) .../... of XXX implementing Directive 2009/125/EC of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-related products, with regard to ecodesign requirements for air heating products, cooling products, high temperature process chillers and fan coil units

- Decision not to oppose adoption (regulatory procedure with scrutiny)

1. The measure envisaged being in accordance with the opinion of the relevant committee, the Commission has submitted the above draft measure¹ to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC². The Commission having presented the draft measure on 1 February 2016, the Council has until 1 May 2016 to decide to oppose the adoption.

¹ 5539/16 ENER 12 ENV 25 + ADD 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), as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

2. Delegations were asked to submit any comments on this file by 1 March 2016. Delegations have not provided any indication that there is any reason to oppose the draft measure in question on the grounds described in Decision 1999/468, namely that it:
- exceeds the implementing powers provided for in the basic instrument;
 - is incompatible with the aim or content of the basic instrument; or
 - does not respect the principles of subsidiarity or proportionality.
3. It is therefore suggested that Coreper recommend that the Council confirm that there are no grounds for opposing the 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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