



Brussels, 16 March 2016
(OR. en)

7142/16

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"I/A" ITEM NOTE

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

No. prev. doc.: 5896/16
No. Cion doc.: 5895/16 + ADD 1 - D042131/03 + Annex

Subject: Commission Directive (EU) .../... of XXX amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships
- Decision not to oppose the adoption (Regulatory procedure with scrutiny)

1. The Commission has submitted the above draft Commission Directive 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 Directive on 5 February 2016, the Council may decide until 5 May 2016 to oppose its adoption, in accordance with Article 10(2) of Directive 2009/45/EC². The measures provided for in this draft Directive 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 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1).

3. The Shipping Working Party was invited to examine the draft measures and to submit comments by 7 March 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 Directive 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. 5896/16.