



Brussels, 26 March 2019
(OR. en)

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ENV 347
ENER 198
IND 106
MI 297
DELECT 93

'I/A' ITEM NOTE

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

No. Cion doc.: 6520/19 - C(2019) 930 final + ADD 1 - Annex

Subject: COMMISSION DELEGATED DECISION (EU) .../... of 15.2.2019
supplementing Directive 2003/87/EC of the European Parliament and of
the Council concerning the determination of sectors and subsectors
deemed at risk of carbon leakage for the period 2021 to 2030
– Intention not to raise objection to a delegated act

1. The Commission has submitted the above delegated act¹ to the Council in accordance with the procedure set out in Article 290 TFEU and in particular Article 10b(5) of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC². The Commission having notified the delegated act on 15 February 2019, the Council may object to it until 15 April 2019.

¹ Doc. 6520/19 + ADD 1 ADD 2 ADD 3.

² OJ L 275, 25.10.2003, p. 32.

2. The Working Party on Environment has examined the delegated act and agreed that there are no grounds for the Council to object it.
 3. It is therefore suggested that Coreper recommends that the Council confirms that it has no intention to object to the delegated act and that the Commission and the European Parliament are to be informed thereof. This implies that, unless the European Parliament objects to it, the delegated act shall be published and enter into force on the day following that of its publication in the Official Journal of the European Union in accordance with Article 2 of the Delegated Regulation.
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