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'I/A' ITEM NOTE

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

No. Cion doc.: 7588/19 + ADD 1

Subject: ANNEXES to the Commission Regulation (EU) No/..... amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I and IV - Decision not to oppose adoption

1. Article 31 and Article 29 (4) of Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers¹ provide for a procedure to amend the annexes I and IV of this Regulation..
2. Therefore, and in accordance with Article 5a(2) of Council Decision 1999/468/EC², the relevant Committee, established by Article 32 of Regulation (EC) No 2003/2003, was consulted on 1 March 2019. It voted with 27 Member States in favour of the above draft Regulation.³
3. Consequently, the Commission submitted the above draft Regulation⁴ to the Council on 7 March 2019, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.

¹ OJ L 304, 21.11.2003, p.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 (JO L 200, 22.7.2006, p. 11).

³ One delegation voted against the draft measure.

⁴ Doc. 7558/19 + ADD1

4. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose the Commission's adoption of draft Commission Regulations on the grounds that the draft measures presented by the Commission:
 - 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.
5. The delegations were asked on 15 March 2019 to indicate their possible opposition to the draft Regulation before 15 April 2019. No delegation raised any of the above-mentioned grounds for opposition.
6. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm, as an "A" item of its agenda, that it is not opposed to the draft Regulation in subject.
