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'I/A' ITEM NOTE

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

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 14.3.2019
amending Delegated Regulation (EU) 2016/217 with regard to vitamin D
requirements for infant formula and erucic acid requirements for infant
formula and follow-on formula
- Delegated act - Intention not to raise objections

1. On 14 March 2019, the Commission submitted the above delegated act to the Council in accordance with the procedure set out in Article 290 TFEU and with Article 11(2) of Regulation (EU) No 609/2013¹. The Council may object to it until 15 May 2019.
2. During a silence consultation, some delegations indicated reasons that could be grounds for objecting to the delegated act.
3. Consequently, the Presidency organised a meeting of the Working Party on Foodstuffs (attachés) on 4 April 2019. At that meeting, the Presidency noted that there was no qualified majority in favour of objecting to the act.

¹ Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes and total diet replacement for weight control (OJ L 181, 29.6.2013, p. 35).

4. The Belgian, French, Luxembourg, Hungarian and Portuguese delegations expressed their intention to enter a statement into the minutes of the Council.
5. It is therefore suggested that the Coreper recommend that the Council, as an "A" item at a forthcoming meeting,
 - confirm that it has no intention to object to the delegated act and that the Commission and the European Parliament are to be informed thereof;
 - decide that the statement in the Addendum to this document be entered in the minutes of that meeting.

This implies that, unless the European Parliament objects to it, the delegated act shall be published and enter into force in accordance with Article 11(2) of Regulation (EU) No 609/2013.
