



Brussels, 8 July 2019  
(OR. en)

10899/19

MI 555  
ENT 164  
COMPET 561  
DELECT 134

#### 'I/A' ITEM NOTE

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

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No. Cion doc.: 7644/19 + ADD 1 - C(2019) 2029 final

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Subject: Commission Delegated Decision (EU) .../...of 14.3.2019 supplementing Regulation (EU) No 305/2011 of the European Parliament and of the Council with regard to the applicable systems to assess and verify constancy of performance of balustrade kits and railing kits intended to be used in construction works solely to prevent falls and not submitted to vertical loads from the structure  
- Intention not to raise objections to a delegated act

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1. The Commission has submitted the above delegated act<sup>1</sup> to the Council in accordance with the procedure set out in Article 290 TFEU and 60 (h) of Regulation (EU) No 305/2011<sup>2</sup> laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC. The delegated act is based on Article 28 (2) of that Regulation. The Commission having notified the delegated act to the Council on 14 March 2019, the Council originally had until 14 June 2019 to object to it.

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<sup>1</sup> Council doc. 7644/19 + ADD1.

<sup>2</sup> OJ L 88, 4 April 2011, p.5.

2. The Working Party on Technical Harmonisation has examined the delegated act by written procedure until 15 April 2019 and at a Working Party meeting on 22 May 2019. At the latter occasion a simple majority of delegation has required an extension of the period for possible objections until 14 September 2019. The Council has decided on such an extension on 6 June 2019.<sup>3</sup>
3. During the following second written procedure nine delegations expressed their objection to this Delegated Decision, which does not constitute a qualified majority for objecting to the Commission`s Delegated Decision.
4. It is therefore suggested that the Permanent Representatives Committee recommends to the Council to confirm that it has no intention to object 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 in accordance with Article 60 of Regulation (EU) No 305/2011.

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<sup>3</sup> See doc. 9659/19.