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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 11248/19+ADD1

Subject: COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EU) No 582/2011 as regards Auxiliary Emission Strategies (AES), access to vehicle OBD information and vehicle repair and maintenance information, measurement of emissions during cold engine start periods and use of portable emissions measurement systems (PEMS) to measure particle numbers, with respect to heavy duty vehicles

- Decision not to oppose adoption

1. The Commission has submitted the above draft Regulation to the Council for scrutiny in accordance with the procedure set out in Article 5a(3)(a) of Council Decision 1999/468/EC¹. The Commission having presented the draft measures on 12 July 2019, the Council may decide to oppose its adoption until 13 October 2019.

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), as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

2. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose the Commission's adoption of this measure on the grounds that the draft Regulation presented by the Commission:
 - exceeds the implementing powers provided for in the basic instrument, or
 - is not compatible with the aim or the content of the basic instrument, or
 - does not respect the principles of subsidiarity or proportionality.
 3. The delegations were asked on 18 July 2019 to indicate their possible opposition to the draft Regulation before 16 August 2019. No delegation raised any of the above-mentioned grounds for opposition.
 4. It is therefore suggested that the Permanent Representatives Committee recommends to the Council to confirm that there are no grounds for opposing this draft measure. This implies that, unless the European Parliament opposes it, the Commission may adopt the proposed measure in accordance with Article 5a(3)(d) of Council Decision 1999/468/EC.
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