



Brussels, 2 March 2023  
(OR. en)

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#### 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 1)/Council

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No. Cion doc.: 5942/23 + ADD 1

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Subject: COMMISSION REGULATION (EU) .../... of XXX laying down ecodesign requirements for smartphones, mobile phones other than smartphones, cordless phones and slate tablets pursuant to Directive 2009/125/EC of the European Parliament and of the Council and amending [add reference to the revised Ecodesign Regulation on standby, networked standby and off mode]

- Decision not to oppose adoption (regulatory procedure with scrutiny)

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1. The measure envisaged being in accordance with the opinion of the relevant committee, the Commission has submitted the above draft measure<sup>1</sup> to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC<sup>2</sup>. The Commission having presented the draft measure on 31 January 2023, the Council has until 1 May 2023 to decide to oppose the adoption.

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<sup>1</sup> 5942/23 + ADD 1

<sup>2</sup> 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. Delegations were asked to submit any comments on this file by 1 March 2023. Delegations have not provided indication that there is any reason to oppose the draft measure in question on the grounds described in Decision 1999/468, namely that it:
  - exceeds the implementing powers provided for in the basic instrument;
  - is incompatible with the aim or content of the basic instrument; or
  - does not respect the principles of subsidiarity or proportionality.
  
3. It is therefore suggested that Coreper recommend that the Council confirms that there are no grounds for opposing the 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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