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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 13579/23 + ADD 1 - C(2023) 6388 Final
Subject:	Commission Delegated Regulation (EU) .../... of 27.9.2023 amending and correcting Delegated Regulation (EU) No 134/2014 as regards certain references to Regulations of the United Nations Economic Commission for Europe (UNECE) and the availability of certain pure gases - Intention not to raise objections to the delegated act

1. On 28 September 2023, the Commission submitted the above draft Delegated Regulation to the Council, in accordance with Article 23(12) of Regulation (EU) No 168/2013¹.
2. Regulation (EU) No 168/2013 made an incorrect reference to the UNECE regulation on sound requirements applicable to vehicle categories L4e and L6e-A. This error was subsequently corrected, but the corresponding change was not introduced in Delegated Regulation (EU) No 134/2014. The term 'L-category vehicles' covers a wide range of vehicle types with two, three and four wheels, and light four-wheel vehicles (quadricycles), such as on-road quads and quadri-mobiles.

¹ Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52–128), Latest consolidated version of 14/11/2020.

3. This delegated act also amends Delegated Regulation (EU) No 134/2014 to take into account the disruption of the supply of helium gas caused by Russia's war of aggression against Ukraine. In this context, it is necessary to amend Delegated Regulation (EU) No 134/2014 to include nitrogen as an optional gas in the mixture to obtain purified hydrogen.
 4. On 2 October 2023, delegations were asked to indicate their possible objections to the draft Delegated Regulation by 31 October 2023. No delegation raised grounds for opposition throughout the entire scrutiny period.
 4. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm its non-objection to the draft Delegated Regulation, as set out in document ST 13579/23 + ADD 1, as an item without discussion at one of its forthcoming meetings, 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 adopted after 29 November 2023, in accordance with Article 75 of Regulation (EU) No 168/2013.
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