



Brussels, 16 September 2024
(OR. en)

13267/24

AGRILEG 384
PESTICIDE 49
FOOD 106

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. Cion doc.:	12578/24 + ADD 1 - 4
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for benomyl, carbendazim and thiophanate- methyl in or on certain products <i>- Decision not to oppose adoption</i>

1. On 24 July 2024, the Commission submitted for scrutiny by the European Parliament and the Council the above draft Commission Regulation¹ in accordance with Article 5a (3)(a) of Council Decision No 1999/468/EC² laying down the procedures for the exercise of implementing powers conferred on the Commission, as modified by Council Decision No 2006/512/EC³. The Council may oppose its adoption until 24 September 2024, on the grounds that the draft measures proposed by the Commission exceed the implementing powers provided for in the basic instrument, are not compatible with the aim or the content of the basic instrument, or do not respect the principles of subsidiarity or proportionality.

¹ 12578/24 + ADD 1-4

² OJ L 184, 17.7.1999, p. 23

³ OJ L 200, 22.7.2006, p. 11

2. During a consultation of the Counsellors/Attachés (Agri - Plants and Plant Health Questions and Food and Food Systems), one delegation indicated reasons that could be grounds for opposing the draft measures⁴.
3. Consequently, the Presidency invited delegations to exchange views on this subject at the meeting of the Counsellors/Attachés (Agri - Plants and Plant Health Questions and Food and Food Systems) on 16 September 2024.
4. Following the consultation and exchanges, the Presidency noted the absence of the required qualified majority of delegations for the Council to oppose the draft Commission Regulation.
5. The Permanent Representatives Committee is therefore invited to:
 - confirm the absence of the required qualified majority of delegations for the Council to oppose the draft Commission Regulation, and
 - recommend to the Council to confirm, at one of its forthcoming meeting, as an "A" item on its agenda, that there are no grounds to oppose the adoption of the above draft Commission Regulation.

⁴ WK 10496/2024 ADD 1