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DELECT 119**

'I/A' ITEM NOTE

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

No. Cion doc.: ST 10211/20 - C(2020) 5473 final

Subject: Commission Delegated Regulation (EU) .../... of 6.8.2020 amending Delegated Regulation (EU) 2018/985 as regards its transitional provisions in order to address the impact of the COVID-19 crisis
- Intention not to raise objections to a delegated act

1. On 21 August 2020, the Commission submitted the above delegated act to the Council in accordance with the procedure set out in Article 290 TFEU and Article 19 (3)(6) of Regulation (EU) No 167/2013¹ on transitional provisions. Due to the COVID-19 outbreak, the deadline for the production of machinery and vehicles fitted with certain sub-categories of transition engines was postponed with one year through an amendment of 15 July 2020 in Regulation 2016/1628².

¹ Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards environmental and propulsion unit performance requirements for agricultural and forestry vehicles and their engines and repealing Commission Delegated Regulation (EU) 2015/96 (OJ L 60, 2.3.2013, p. 1)

² Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252/53, 16.9.2016)

2. It is therefore necessary to amend Commission Delegated Regulation (EU) 2018/985³ accordingly in order to reflect the above amendment in Regulations (EU) 1628/2016 and 167/2013.
3. The Council had until 21 September 2020 to object to the delegated act, and by the deadline no delegation has raised any objections or made any comments.
4. Against this background, the Permanent Representatives Committee could invite the Council to confirm its intention not to object to the delegated act, and that the Commission and the European Parliament are to be informed thereof. This procedure implies that unless the European Parliament objects to the delegated act, it shall be published and enter into force as a matter of urgency on the day following its publication in the Official Journal of the European Union, and should apply from 1 July 2020, in accordance with Regulation (EU) 2020/1040⁴.

³ Commission Delegated Regulation (EU) 2018/985 of 12 February 2018 supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards environmental and propulsion unit performance requirements for agricultural and forestry vehicles and their engines and repealing Commission Delegated Regulation (EU) 2015/96 (OJ L 182, 18.7.2018, p. 1).

⁴ Regulation (EU) 2020/1040 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EU) 2016/1628 as regards its transitional provisions in order to address the impact of the COVID-19 crisis (OJ L 231, 17.7.2020, p. 1–3)