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AGRILEG 145
VETER 50
PHYTOSAN 28
DENLEG 76
DELECT 148
PREP-BXT 40

'I' ITEM NOTE

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

No. Cion doc.: 12465/20

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 29.10.2020 amending Delegated Regulation (EU) 2019/2124 as regards official controls at the border control post where goods leave the Union and certain provisions on transit and transshipment
- Intention not to raise objections
- Decision to use the written procedure

1. On 29 October 2020, the Commission notified the above mentioned delegated regulation to the Council¹, in accordance with the procedure set out in Article 290 TFEU and in Article 144 (6) of Regulation (EU) 2017/625 of the European Parliament and of the Council, in conjunction with Article 51(1) thereof².

¹ Doc. C(2020) 7418 final.

² Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

2. In accordance to Article 144(6) Regulation (EU) 2017/625, the Council may object to the delegated act within two months of notification, i.e. until 30 December 2020.
3. On 6 November 2020, with a view to ensuring that the EU legal framework is adjusted in time before the end of the transition period in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community³, the Commission invited the Council to examine the delegated regulation in an accelerated manner to provide a reaction to the Commission by 10 December 2020, at the latest, thus allowing the publication of the measures before 1 January 2021⁴.
4. Following the silence procedure within the framework of the Working Party of Counsellors/Attachés (Veterinary and Phytosanitary Matters) and the Working Party on Foodstuffs (Attachés), which expired on 12 November 2020, no delegation indicated an intention to object to the delegated act in question⁵.
5. In view of the above, the Permanent Representatives Committee (Part 1) is invited to:
 - recommend that the Council confirms that it has no intention to object to the delegated act and that the Commission and the European Parliament are to be informed thereof. This implies that, if the European Parliament also confirms that it has no intention to object, the delegated act shall be published and enter into force in accordance with Article 144(6) of Regulation (EU) 2017/625 of the European Parliament and of the Council;

³ OJ C 384I, 12.11.2019, p. 1.

⁴ WK 13162/2020 ADD1

⁵ WK 13162/2020

- to decide, in light of the current exceptional circumstances, which make it impossible to adopt "A" items at Council meetings in the coming weeks, and in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure⁶ and Article 1 of Council Decision 2020/430⁷, that the Council uses the written procedure for the approval of the wording of the letter to be sent to the European Parliament and the Commission expressing the Council's intention not to object to the delegated act, as set out in document 13193/20.

⁶ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

⁷ Council Decision (EU) 2020/430 of 23 March 2020 on a temporary derogation from the Council's Rules of Procedure in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 881, 24.3.2020, p. 1). The derogation was extended by Council Decision (EU) 2020/1659 of 6 November 2020 further extending the temporary derogation from the Council's Rules of Procedure introduced by Decision (EU) 2020/430, and extended by Decisions (EU) 2020/556, (EU) 2020/702, (EU) 2020/970 and (EU) 2020/1253, in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 376, 10.11.2020, p. 3).