



Brussels, 15 January 2021
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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 1)/Council

No. Cion doc.: 13766/20
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Subject: COMMISSION REGULATION (EU) .../... of XXX amending Regulations (EU) 2019/424, (EU) 2019/1781, (EU) 2019/2019, (EU) 2019/2020, (EU) 2019/2021, (EU) 2019/2022, (EU) 2019/2023 and (EU) 2019/2024 with regard to ecodesign requirements for servers and data storage products, electric motors and variable speed drives, refrigerating appliances, light sources and separate control gears, electronic displays, household dishwashers, household washing machines and household washer-dryers and refrigerating appliances with a direct sales function

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

1. On 7 December 2020, the Commission submitted the above draft measure¹ to the Council for scrutiny in accordance with the procedure in Article 5a(3)(a) of Council Decision 1999/468/EC², the measure envisaged being in accordance with the opinion of the relevant committee.

¹ 13766/20 + ADD 1

² 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. The draft measure was presented at the meeting of the Energy Working Party on 15 December 2020 where the Commission explained that the entry into force of the measure should be ensured as a matter of urgency for reasons of legal certainty, and therefore an early non-objection decision adopted by the Council before the expiry of the three-month deadline would be desirable. Delegations were asked to submit comments by 7 January 2021.
3. Within the deadline, 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.

Furthermore, no comments were received objecting to the point of urgency.

4. It is therefore suggested that Coreper recommend that the Council confirms at its earliest forthcoming meeting 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.