



Brussels, 26 November 2021  
(OR. en)

14045/21

AGRILEG 256  
DENLEG 92  
VETER 101  
FOOD 59  
AGRI 552  
WTO 275  
DELECT 246

#### 'I/A' ITEM NOTE

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

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No. Cion doc.: 13129/21

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 21.10.2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124  
*- Intention not to raise objections*

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1. On 21 October 2021, the Commission submitted the above delegated act to the Council in accordance with the procedure set out in Article 290 TFEU and with Articles 48, point (h), and Articles 51(1), point (a), 53(1), points (a) and (e), and 77(1), point (k) of Regulation (EU) 2017/625<sup>1</sup>. The Council may object to it until 22 December 2021.

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<sup>1</sup> Regulation (EU) 2017/625 of the European Parliament and 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. During a silence consultation, one delegation indicated reasons that could be grounds for objecting to the delegated act<sup>2</sup> and another delegation, expressed its intention to abstain<sup>3</sup>.
  3. Consequently, the Presidency organised an informal videoconference of the Counsellors/Attachés (Veterinary Matters/Phytosanitary Matters/Foodstuffs) on 16 November 2021. At that videoconference, the Presidency noted that there was no qualified majority in favour of objecting to the act.
  4. It is therefore suggested that Coreper recommend that the Council confirms, as an "A" item on the agenda of one of its forthcoming meetings, 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, unless the European Parliament objects to it, the delegated act shall be published and enter into force in accordance with Article 144(3) of the Regulation.
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<sup>2</sup> WK 13479/2021.

<sup>3</sup> WK 13479/2021 ADD 1.