



Brussels, 15 November 2024
(OR. en)

15604/24

CONSOM 323
COMPET 1102
DIGIT 229
CYBER 324
JAI 1649
CHIMIE 77
DELECT 212

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	ST 12923 2024 + ADD 1
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 27.8.2024 supplementing Regulation (EU) 2023/988 of the European Parliament and of the Council with regard to rules on access to and operation of the Safety Gate Rapid Alert System, information to be entered in that System, notification requirements and the criteria for assessment of the level of risk - consideration to a possible objection to the delegated act

1. The Commission has submitted the above-mentioned delegated act¹ to the Council in accordance with the procedure set out in Article 290 TFUE and in Article 26(10) of Regulation (EU) 2023/988² on General Product Safety.
2. The Commission notified this Delegated Regulation on 27 August 2024, therefore, the Council may object to it until the 28 November 2024.

¹ Doc. 12923/24 INIT + ADD1

² Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on General Product Safety (Text with EEA relevance) (OJ L 135, 23.5.2023, p. 1–51).

3. The Working Party on Consumer Protection and Information examined the delegated act through an informal consultation and at its meeting held on 6 November 2024. At technical level, a large number of delegations indicated their opposition to the Delegated Regulation. Some delegations also complained that the process for consultations in the preparation and drawing-up of delegated acts - as foreseen in the Common Understanding between the European Parliament, the Council and the Commission on Delegated Acts annexed to the Interinstitutional Agreement on Better Law-Making³ - was not respected by the Commission. However, the required qualified majority to object to this Delegated Regulation was not reached. Some delegations requested the extension of the period within which objections may be raised, but the required simple majority for such extension was not reached.
4. After expiry of the three months period for objection, and unless the European Parliament objects to it, the Delegated Regulation shall be published and shall enter into force on the twentieth day following its publication in the Official Journal of the European Union, in accordance with Article 3 of the Delegated Regulation.
5. In view of the above, the Permanent Representatives Committee (Part 1) is invited to:
 - clarify the intentions on the delegated regulation and
 - invite the Council either to decide to object to the delegated regulation as set out in doc. ST 12923/24 + ADD1 or to confirm that it has no intention to object to the delegated regulation or, in the alternative, to decide to extend the period within which objections may be raised, and to inform the Commission and the European Parliament of the outcome.

³ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).