



Brussels, 22 September 2021  
(OR. en)

11838/21

**AGRILEG 195**  
**PESTICIDE 42**  
**FOOD 46**

**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. Cion doc.:	11268/21 + ADD 1 + ADD 2
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for flupyradifurone and difluoroacetic acid in or on certain products <i>- Decision not to oppose adoption</i>

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1. On 11 August 2021, the Commission submitted for scrutiny by the European Parliament and the Council the above draft Commission Regulation<sup>1</sup> in accordance with Article 5a (3)(a) of Council Decision No 1999/468/EC<sup>2</sup> laying down the procedures for the exercise of implementing powers conferred on the Commission, as modified by Council Decision No 2006/512/EC<sup>3</sup>. The Council may oppose its adoption until 10 October 2021, on the grounds that the draft measures proposed by the Commission exceed the implementing powers provided for in the basic instrument, are not compatible with the aim or the content of the basic instrument, or do not respect the principles of subsidiarity or proportionality.

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<sup>1</sup> 11268/21 + ADD 1 + ADD 2

<sup>2</sup> OJ L 184, 17.7.1999, p. 23

<sup>3</sup> OJ L 200, 22.7.2006, p. 11

2. During a consultation of the Counsellors/Attaches (Food), one delegation indicated reasons that could be grounds for opposing the draft measures<sup>4</sup>.
3. Consequently, the Presidency invited delegations to consider the reasons invoked for opposition<sup>5</sup>. Moreover, delegations had the opportunity to exchange on this subject at the informal videoconference of Counsellors/Attachés (Food) on 16 September 2021.
4. Following those consultations and exchanges, the Presidency noted the absence of the required qualified majority of delegations for the Council to oppose the draft Commission Regulation.
5. The Permanent Representatives Committee is therefore invited to:
  - confirm the absence of the required qualified majority of delegations for the Council to oppose the draft Commission Regulation, and
  - recommend to the Council to confirm, as an "A" item on its agenda, that there are no grounds to oppose adoption of the above draft Commission Regulation.

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<sup>4</sup> WK 10003/2021 ADD 1

<sup>5</sup> WK 10003/2021 ADD 1