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CODEC 994  
ENV 439  
MI 390  
IND 153  
CONSOM 152  
COMPET 361  
MARE 10  
PECHE 212  
RECH 231  
SAN 225  
ENT 124  
ECOFIN 434

**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the reduction of the impact of certain plastic products on the environment (**first reading**)  
- Adoption of the legislative act  
- Statements

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**Statement by the Commission on the 'no opinion' clause**

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 to invoke Article 5 § 4, second subparagraph, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 (4) recourse to second subparagraph, point b), cannot be simply seen as a "discretionary power" of the legislator, but must be interpreted in a restrictive manner and thus must be justified.

While the Commission notes the agreement reached by the European Parliament and the Council on the recourse to this provision it regrets that such justification is not reflected in a recital.

**Statement by the Commission on the delays for the adoption  
of certain implementing acts and guidelines**

The Commission regrets the short deadlines for the adoption of implementing acts and guidelines referred to in Articles 4(2), 7(2), 9(2), 13(4) and 11a and expresses concern about the feasibility to comply with these deadlines in time.

**Statement by the Commission on the definition of biodegradable plastic**

With regard to the notion of biodegradability, the Commission will carry out the task referred to in Article 15(3)(d) of the Directive based on the specific mandate included in that article.

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