



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 21 March 2014
(OR. en)**

**7928/14
ADD 1**

**Interinstitutional File:
2012/0283 (COD)**

**CODEC 832
MI 289
ECO 42
ENT 90
IND 110
TELECOM 85**

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (first reading) - Adoption of the legislative act (LA + S) = Statements

Statement by the Commission

“Having weighed the public interest in the swift adoption of the present directive against the institutional concerns raised by the compromise text the co-legislators are about to agree, the Commission has decided not to stand in the way of a final agreement. In this regard and recognising the exceptional circumstances, the Commission has in particular taken into account the direct benefits for the citizen resulting from the measure, and the need to ensure adoption before the end of the current parliamentary term.

However, the Commission regrets the adoption of article [44 paragraph 2c and the corresponding recital 58 (d)] concerning the Committee which have the potential to create confusion and legal uncertainty. The role of the Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act should alter or specify further this role. In particular, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committees exercise their role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committees.

With regard to the recital 58(e) and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will proceed in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of comitology committees are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under article 258 TFEU.

The Commission underlines that its acceptance of the compromise in the present case is without prejudice to its position on other files.”

Statement by the United Kingdom

The UK is unable to support the final agreed text on the Radio Equipment Directive. The text contains the possibility to require, through a Delegated Act, registration of product types where there is a low level of compliance. The UK believes that, if used, this would place a significant administrative burden on manufacturers, many of whom are already likely to be in conformity, and that non-compliance should instead be dealt with through increased market surveillance. Whilst there is much in the text that we fully support, on this basis the UK has taken the decision to abstain.