



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 November 2012

**15639/12
ADD 1**

**Interinstitutional File:
2011/0239 (COD)**

**CODEC 2535
TRANS 372
MAR 131
SOC 872
OC 603**

ADDENDUM TO THE "I/A" ITEM NOTE

from : General Secretariat of the Council
to : COREPER / COUNCIL

No. Cion prop.: 14256/11 TRANS 239 CODEC 1464 MAR 111 SOC 778

Subject : Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/106/EC of the European Parliament and of the Council on the minimum level of training of seafarers (**first reading**)

- Adoption of the legislative act (LA + S)
=Statement

COMMON GUIDELINES

Consultation deadline: 12.11.2012

Commission statement

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5(4)(2), 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 subparagraph 2, 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.