



Brussels, 28 November 2017  
(OR. en)

15070/17

COMPET 823  
ENV 1001  
CHIMIE 103  
MI 887  
ENT 253  
SAN 446  
CONSOM 380

#### 'I/A' ITEM NOTE

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

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No. Cion doc.: 13395/17 COMPET 683 ENV 858 CHIMIE 84 MI 724 ENT 212 SAN 358  
CONSOM 327 IND 264 + ADD 1

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Subject: COMMISSION REGULATION (EU) .../... of XXX amending the  
Appendices to Annex XVII to Regulation (EC) No 1907/2006 of the  
European Parliament and of the Council concerning the Registration,  
Evaluation, Authorisation and Restriction of Chemicals (REACH) as  
regards CMR substances  
– Decision not to oppose adoption

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1. Article 131 of Regulation (EC) No 1907/2006 provides that the Annexes of this Regulation may be amended in accordance with the procedure referred to in Article 133(4).
2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC<sup>1</sup>, the Committee established under Regulation (EC) No 1907/2006 was consulted on 27 September 2017 on amending Annex XVII (restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles) as regards carcinogenic, mutagenic or reproductive (CMR) substances. The aforementioned committee voted unanimously in favour of this measure.

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<sup>1</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23), as amended by Decision 2006/512/EC (JO L 200, 22.7.2006, p. 11).

3. Consequently, the Commission submitted the above draft Regulation to the Council on 13 October 2017, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
4. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose the Commission's adoption of the draft Commission Regulations on the grounds that the draft measures presented by the Commission:
  - exceed the implementing powers provided for in the basic instrument, or
  - are not compatible with the aim or the content of the basic instrument, or
  - do not respect the principles of subsidiarity or proportionality.
5. The delegations were asked on 18 October 2017 to indicate their possible opposition to the draft Regulation before 24 November 2017. No delegation raised any of the above-mentioned grounds for opposition.
6. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm, as an "A" item of its agenda, that it is not opposed to the draft Regulation in subject.

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