



Brussels, 10 April 2018
(OR. en)

7787/18

COMPET 201
ENV 214
CHIMIE 19
MI 232
ENT 62
SAN 104
CONSOM 93

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 6868 /18 COMPET 137 ENV 160 CHIMIE 8 MI 153 ENT 40 SAN 75
CONSOM 57 + ADD 1

Subject: COMMISSION REGULATION (EU)amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting Commission Regulation (EU) 2017/776

- Decision not to oppose adoption

1. Article 53 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures¹ provides for a procedure to amend the Annexes of this Regulation.

¹ OJ L 353, 31.12.2008, p. 1.

2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC², the relevant Committee was consulted on 20 February 2018. It voted with 24 delegations in favour of the above draft Regulation.³
3. Consequently, the Commission submitted the above draft Regulation⁴ to the Council on 2 March 2018, 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 7 March 2018 by written procedure to indicate their possible opposition to the draft Regulation before 9 April 2018. At that occasion no delegations raised any ground for objection.
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.

² 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 One delegation voted against. Three delegations abstained.

⁴ doc. 6868/18 + ADD1.