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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	11584/19+ADD1 - D062738/02
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending and correcting Annexes II, III and V to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products - Decision not to oppose adoption

1. Article 15 (1) and (2) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products¹ provide for a procedure to amend the annexes of this Regulation concerning the authorisation of the use of CMR substances in certain cosmetic products.
2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC², the Committee established under Regulation (EC) No 1907/2006 was consulted on 28 June 2019. It approved the draft Regulation by qualified majority.³

¹ OJ L 342, 22.12.2009, p. 59.

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 Five delegations voted against, one delegation abstained.

3. Consequently, the Commission submitted the above draft Regulation⁴ to the Council on 1 August 2019, 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 2 August 2019 to indicate their possible opposition to the draft Regulation before 3 September 2019. 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.

⁴ doc. 11584/19 + ADD1.