



**COUNCIL OF THE
THE EUROPEAN UNION**

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ADDENDUM TO THE "I/A" ITEM NOTE

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

Subject : Proposal for a Regulation of the European Parliament and of the Council concerning the export and import of hazardous chemicals (recast) (**first reading**)
- Adoption of the legislative act (LA + S)
=Statements
COMMON GUIDELINES
Consultation deadline: 29.5.2012

Declaration by the European Commission

The Commission observes that the title of Article 5 refers to the "Participation of the Union in the Convention", whereas paragraph 1 speaks more broadly of "participation in the Convention" which shall be a "joint responsibility of the Commission and the Member States". It recalls that the Commission represents the Union under Article 17 (1) TEU in areas that are not falling under the common foreign and security policy. Accordingly, the Commission considers that the "joint responsibility of the Commission and the Member States" mentioned in Article 5 (1) does not refer to the representation of the Union, as could possibly be derived from the title. Rather, Article 5 (1) must be interpreted in the light of the division of competences between the Union and the Member States established by the Treaties.

Statement by Ireland

Ireland considers that the export waiver provisions in article 14.7 fail to strike the necessary balance between environment and health on the one hand, and competitiveness and trade on the other. This was an important issue identified by several parties in earlier consultations as requiring attention in the recast negotiations. Ireland feels that these provisions as now proposed for adoption will continue to effectively prevent EU producers from exporting specific Annex 1, Part 2 chemicals to third countries for limited specific applications while the use of the same chemicals for the same purpose is still allowed in the EU. The likely consequence of this restriction is that the supply of relevant chemicals to third countries will instead be provided by non-EU producers, with negative consequences for EU producers and, potentially, employment at a time when particularly difficult economic circumstances prevail in the EU.

Ireland regrets that an alternative more balanced solution was not adopted in the final text which would still maintain the environmental ambition of the Regulation without undermining the aims and objectives of the Rotterdam Convention.
