



Brussels, 21 April 2016  
(OR. en)

8133/16

COMPET 175  
ENV 234  
CHIMIE 26  
MI 251  
ENT 75  
SAN 146  
CONSOM 90

**'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.: 6280/16 COMPET 64 ENV 81 CHIMIE 4 MI 92 ENT 33 SAN 55 CONSOM  
36 + ADD 1

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Subject: COMMISSION REGULATION (EU) .../... of XXX amending 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 asbestos fibres (chrysotile)  
– Decision not to oppose adoption

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1. Article 131 of Regulation (EC) No 1907/2006<sup>1</sup> provides that the Annexes of this Regulation may be amended in accordance with the procedure referred to in Article 133(4).

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<sup>1</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC<sup>2</sup>, the Committee established under Regulation (EC) No 1907/2006 was consulted on 3 February 2016 on amending Annex XVII (restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles) as regards asbestos fibres (chrysotile). It voted by qualified majority in favour of the above draft Regulation.
3. Consequently, the Commission submitted the above draft Regulation to the Council on 16 February 2016, 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 19 February 2016 to indicate their possible opposition to the draft Regulation before 12 April 2016. One delegation<sup>3</sup> indicated its opposition to adopt this decision.
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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<sup>2</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).

<sup>3</sup> BE indicated to oppose the adoption of the decision on the grounds that the proposed measures exceed the implementing powers provided for in the basic instrument, and are not compatible with the aim and content of the basic instrument