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NOTE

From: General Secretariat of the Council
To: Council
Subject: Endocrine disruptors
– *Information from the Commission*

Delegations will find attached an information note from the Commission on the above mentioned subject.

ENDOCRINE DISRUPTORS

The Commission is legally obliged to set scientific criteria to identify endocrine disruptors under the EU's Regulations on biocidal and plant protection products. The deadline to do so was December 2013.

In December 2015, following a case filed by Sweden, who was joined by the Council, the European Parliament and some Member States (France, Netherlands, Finland, Denmark), the EU General Court condemned the Commission for failing to set criteria to identify endocrine disruptors under the Biocidal Products Regulation.

Following this Court judgement, the Commission accelerated the impact assessment that it had been carrying out since 2013 to analyse different options for defining the criteria for the identification of endocrine disruptors and committed to present draft criteria before summer 2016.

It is expected that on 15 June 2016 the Commission adopts a Communication on endocrine disruptors, accompanied by an impact assessment, and endorses simultaneously:

- one draft delegated act containing criteria applicable under the Biocidal Products Regulation; and
- one draft Commission Regulation containing the criteria applicable to the chemical substances falling under the Plant Protection Products Regulation to be adopted in accordance with the regulatory procedure with scrutiny (so-called 'PRAC procedure').

These two measures will then need to be adopted under their relevant procedures:

- the draft delegated under the Biocidal Products Regulation will be discussed in a group of Member State experts and then adopted by the Commission;
- the draft regulation under the Plant Protection Products Regulation will be discussed and then voted in the Standing Committee.

Both will then be subject to scrutiny in the Council and the European Parliament.

Given the interest of the Council in this file, its role in the procedure (scrutiny) and the content of the acts and their future impacts on areas that fall within the remit of the Health and Agriculture Ministers, the Commission would like to have the opportunity to present the criteria expected to be endorsed on 15 June 2016.

At the request of France (supported by Denmark and Sweden), an AOB point under which the Commission should inform about the criteria for defining endocrine disruptors was already added to the agenda of the Environment Council agenda on 20 June 2016¹.

¹ 10222/16