



Council of the  
European Union

Brussels, 31 August 2016  
(OR. en)

11752/1/16  
REV 1

COMPET 454  
ENV 533  
CHIMIE 44  
MI 537  
ENT 154

#### '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.: 11158/16 COMPET 419 ENV 493 CHIMIE 42 MI 501 ENT 138

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Subject: Commission Directive No. XXX of... amending Council Directive 75/324/EEC as regards the maximum allowable pressure of aerosol dispensers and to adapt its labelling provisions to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures  
– Decision not to oppose adoption

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1. Article 5 of Council Directive No. 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers<sup>1</sup> provides for a procedure to amend the Directive.

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<sup>1</sup> OJ L 147, 9.6.1975, p.40 , as last amended by Commission Directive 2013/10/EU of 19 March 2013 amending Council Directive 75/324/EEC on the approximation of the laws of the Member States relating to aerosol dispensers in order to adapt its labelling provisions to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, OJ L 77, 20.3.2013, p. 20.

2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC<sup>2</sup>, the Committee established under Article 6 of Directive No. 75/324/EEC was consulted on 17 May 2016. It voted in favour of the above draft measure (with one delegation voting against).
3. Consequently, the Commission submitted the above draft Directive<sup>3</sup> to the Council on 6 July 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 Directive 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 11 July 2016 to indicate their possible opposition to the draft Directive before 22 August 2016. 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 Directive 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> doc. 11158/16.