



Council of the
European Union

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(OR. en)

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COMPET 465
ENV 555
CHIMIE 46
MI 555
ENT 162
SAN 319
CONSOM 198

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. Cion doc.: 11324/16 COMPET 426 ENV 503 CHIMIE 43 MI 507 ENT 141
SAN 297 CONSOM 172 + ADD 1

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 bisphenol A
– Decision not to oppose adoption

1. Article 131 of Regulation (EC) No 1907/2006¹ provides that the Annexes of this Regulation may be amended in accordance with the procedure referred to in Article 133(4).

¹ 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/EC², the Committee established under Regulation (EC) No 1907/2006 was consulted on 6 July 2016 on amending Annex XVII (restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles) as regards as regards bisphenol A. 27 Members states voted in favour and one abstained.
3. Consequently, the Commission submitted the above draft Regulation to the Council on 13 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 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 18 July 2016 to indicate their possible opposition to the draft Regulation before 2 September 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 Regulation in subject.

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).