



Council of the
European Union

Brussels, 31 October 2016
(OR. en)

13890/16

COMPET 554
ENV 686
CHIMIE 65
MI 675
ENT 199
SAN 373
CONSOM 261

'I/A' ITEM NOTE

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

No. Cion doc.: 12832/16 COMPET 517 ENV 631 CHIMIE 54 MI 614 ENT 177 SAN 343
CONSOM 231

Subject: COMMISSION REGULATION (EU) .../... of XXXamending 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 bis(pentabromophenyl)ether – 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 20 September 2016 on 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 bis(pentabromophenyl)ether. 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 28 September 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 3 October 2016 to indicate their possible opposition to the draft Regulation by 17 October 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).