



Council of the
European Union

Brussels, 13 December 2016
(OR. en)

15543/16

COMPET 659
ENV 801
CHIMIE 78
MI 796
ENT 232
SAN 431
CONSOM 316

'I/A' ITEM NOTE

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

No. Cion doc.: 14345/16 COMPET 578 ENV 707 CHIMIE 69 MI 708 ENT 206 SAN 384
CONSOM 276 + ADD1

Subject: Commission Regulation (EU) No .../.. of XXX amending, for the purposes of its adaptation to technical and scientific progress, 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

1. Article 53 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures¹ provides for a procedure to amend the Annexes of this Regulation.
2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC², the relevant Committee was consulted on 26 October 2016. It voted with 26 delegations in favour of the above draft Regulation.³

¹ OJ L 353, 31.12.2008, p. 1.

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).

³ Two delegations abstained.

3. Consequently, the Commission submitted the above draft Regulation⁴ to the Council on 10 November 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 this measure on the grounds that the draft Regulation presented by the Commission:
 - exceeds the implementing powers provided for in the basic instrument, or
 - is not compatible with the aim or the content of the basic instrument, or
 - does not respect the principles of subsidiarity or proportionality.
5. The delegations were asked on 11 November 2016 to indicate their possible opposition to the draft Regulation before 12 December 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.

⁴ doc. 14345./16 + ADD1.