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'I/A' ITEM NOTE

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

No. Cion doc.: 14899/16 MI 749 ENT 217 SAN 410 CONSOM 290 ECO 76

Subject: Commission Directive (EU) No.xxx of.... amending, for the purpose of adopting specific limit values for chemicals used in toys, Appendix C to Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards bisphenol A
– Decision not to oppose adoption

1. Article 46 (2) of Directive (EC) No 2009/48 of 18 June 2009 on the safety of toys¹ provides for a procedure to amend Annex II, Appendix C, of that Directive.
2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC², the relevant Committee was consulted on 14 November 2016. It voted unanimously in favour of the above draft Directive.³

¹ OJ L 170, 30.6.2009.

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 Three delegations were not represented.

3. Consequently, the Commission submitted the above draft Directive⁴ to the Council on 24 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 the draft measure on the grounds that the draft measure as 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 25 November 2016 to indicate their possible opposition to the draft Directive before 20 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 Directive in subject.

⁴ doc. 14899/16.