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**Interinstitutional File:**  
**2017/0010 (NLE)**

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ENV 523  
COMPET 424

**'I/A' ITEM NOTE**

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

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Subject: Draft Council Regulation amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic'  
- Adoption

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1. On 25 October 2016 the Committee for the adaptation to scientific and technical progress and implementation of Directive 2008/98/EC on waste did not give a favourable opinion on the draft Commission Regulation amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 ('Ecotoxic'). Consequently, on 19 January 2017, the Commission transmitted to the Council, and forwarded to the European Parliament (EP), a proposal for a Council Regulation on the above-mentioned subject.<sup>1</sup>

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<sup>1</sup> 5569/17.

2. On 20 March 2017, the Council agreed, by written procedure<sup>2</sup>, to submit the draft Council Regulation as annexed to document 7129/17 to the European Parliament in accordance with article 5a(4)(d) of Council Decision 1999/468/EC ('the Comitology Decision')<sup>3</sup>.
3. The European Parliament did not oppose the adoption of the above proposed measures within the stipulated deadline of 19 May 2017, as provided for by Article 5a(4)(e).
4. The text of the draft Council Regulation referred to above has now undergone legal and linguistic finalisation and is set out in doc. 8430/17.
5. In view of the above, the Committee of the Permanent Representatives is invited to recommend the Council:
  - to adopt, by qualified majority, the draft Council Regulation as set out in the Annex to document 8430/17, in accordance with Article 5a(4)(g) of the Comitology Decision, with LU, PL, NL, AT, BE, CZ, FR and FI voting against and BG abstaining;
  - to include in the minutes of the Council meeting the joint statement from AT and CZ and the statement from BE in the addendum to this note; and
  - to publish the Council Regulation in the Official Journal of the European Union.

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<sup>2</sup> CM 2118/17

<sup>3</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 (OJ L 200, 22.7.2006, p. 11).