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'I/A' ITEM NOTE

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

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CHIMIE 70 + ADD1

Subject: COMMISSION REGULATION (EU) .../... of XXX amending Annex III to
Regulation (EC) No 1223/2009 of the European Parliament and of the
Council on cosmetic products
– Decision not to oppose adoption

1. Article 31(1) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products¹ provides for a procedure to amend the annexes II to VI of this Regulation.
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 3 July 2017. It voted with 26 delegations in favour of the above draft Regulation.³

¹ OJ L 342, 22.12.2009, p. 59.

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 were not represented.

3. Consequently, the Commission submitted the above draft Regulation⁴ to the Council on 18 July 2017, 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 19 July 2017 to indicate their possible opposition to the draft Regulation before 23 August 2017. 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. 11415/17 + ADD 1.