



Council of the
European Union

Brussels, 28 August 2017
(OR. en)

11751/17

COMPET 576
ENV 717
CHIMIE 76
MI 592
ENT 183

'I/A' ITEM NOTE

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

No. Cion doc.: 11526/17 COMPET 561 ENV 700 CHIMIE 71 MI 573 ENT 176 + ADD 1 +
ADD 2 + ADD 3 + ADD 4

Subject: COMMISSION REGULATION (EU) .../... 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 (1) of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006¹, 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 Committee established under Article 133 of Regulation (EC) No 1907/2006 was consulted on 10 May 2017. It voted in favour of the above draft measure (with one delegation voting against).

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. Consequently, the Commission submitted the above draft Regulation³ to the Council on 20 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 26 July 2017 to indicate their possible opposition to the draft Regulation before 25 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.

³ doc. 11526/17 + ADD1, ADD2, ADD3, ADD4.