



Council of the  
European Union

Brussels, 8 March 2016  
(OR. en)

6881/16

COMPET 113  
ENV 150  
CHIMIE 10  
MI 134  
ENT 48  
SAN 85  
CONSOM 55

**"I/A" ITEM NOTE**

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

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No. Cion doc.: 5215/16 COMPET 8 ENV 11 CHIMIE 1 MI 9 ENT 5 SAN 7 CONSOM 3  
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Subject: COMMISSION REGULATION (EU) .../... of XXX amending Annexes VII and VIII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards skin corrosion/irritation, serious eye damage/eye irritation and acute toxicity  
– Decision not to oppose adoption

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1. Article 13(2) of Regulation (EC) No 1907/2006<sup>1</sup> provides that test methods used to generate information on intrinsic properties of substances required by that Regulation are to be regularly reviewed and improved with a view to reducing testing on vertebrate animals and the number of animals involved. When appropriate validated test methods become available, the Annexes to Regulation (EC) No 1907/2006 should, if relevant, be amended in accordance with the regulatory procedure with scrutiny.

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<sup>1</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards skin corrosion/irritation, serious eye damage/eye irritation and acute toxicity (OJ L 396, 30.12.2006, p. 1).

2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC<sup>2</sup>, the Committee established under Regulation (EC) No 1907/2006 was consulted on 10 December 2015. It voted unanimously in favour of the above draft Regulation.
3. Consequently, the Commission submitted the above draft Regulation to the Council on 12 January 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 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 13 January 2016 to indicate their possible opposition to the draft Regulation before 15 February 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.

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<sup>2</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 (JO L 200, 22.7.2006, p. 11).