



Council of the
European Union

Brussels, 16 March 2016
(OR. en)

7137/16

COMPET 131
ENV 169
CHIMIE 11
MI 160
ENT 51
SAN 99
CONSOM 64

"I/A" ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 6195/16 COMPET 59 ENV 73 CHIMIE 2 MI 84 ENT 30 SAN 52
CONSOM 32 + ADD 1

Subject: Commission Regulation (EU) No .../.. 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 37(5) of Regulation (EC) No. 1272/2008¹ provides for the possibility for introducing, updating or deleting a classification of substances and mixtures, following a thorough risk assessment.

¹ 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 1907/2006 (OJ L 353, 31.12.2008, p.1).

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 4 February 2016. It voted unanimously in favour of the above draft Regulation.
3. Consequently, the Commission submitted the above draft Regulation³ to the Council on 15 February 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 16 February 2016 to indicate their possible opposition to the draft Regulation before 15 March 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.

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 (OJ L 200, 22.7.2006, p. 11).

³ doc. 6195/16 + ADD1.