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'I/A' ITEM NOTE

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

No. Cion doc.: 6783/16 + ADD1

Subject: COMMISSION REGULATION (EU) .../... of XXX amending Annex IV 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(2) 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 III to VI and VIII of this Regulation.

¹ OJ L 342, 22.12.2009, p. 59.

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 9 February 2016. It voted with 23 delegations in favour of the above draft Regulation.
3. Consequently, the Commission submitted the above draft Regulation³ to the Council on 19 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 3 March 2016 to indicate their possible opposition to the draft Regulation before 4 April 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 (JO L 200, 22.7.2006, p. 11).

³ doc. 6783/16 + ADD1 REV 1.