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CULT 63
AUDIO 37
SPORT 32

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Education, Youth, Culture and Sport)
22 and 23 May 2018

In document 9126/18 INIT the second statement by Germany on pages 17, 22, 27 and 32 should read as follows:

Regarding the obligation to provide the ECHA with information about articles (Article 9(1)(i) and Article 9(2) of the Waste Framework Directive)

The provision inserted in the ninth indent of Article 9(1)(i) and in Article 9(2) during the final phase of the trilogue negotiations, which provides that articles which contain substances of very high concern within the meaning of the REACH Regulation are to be included in a database at the European Chemicals Agency ECHA, raises a number of detailed questions that need to be clarified so that Member States can draw up regulations which are in keeping with the goals of the provision. For example, clarification is required as to how to identify the articles concerned in such a way that they can be entered into a central database in an easily retrievable form. Additionally, common provisions need to be drawn up to deal with the issue of the multiple submissions of data for one and the same article which are to be expected in large numbers as a result of extending the obligations to all suppliers along the supply chain.

Germany considers it regrettable that this provision, which will demand a considerable effort from all parties, was included in the draft without the appropriate preparation in terms of content or the appropriate impact assessment required for such a complex issue. Germany is only able to agree in view of the overall compromise achieved in the trilogue procedure. Germany requests that the Commission, in consultation with the ECHA as the body responsible for maintaining the database, specify the precise details necessary to enable the ECHA and Member States to implement the provision in an appropriate manner while limiting the workload to the necessary minimum. Should the Commission be of the opinion that this requires supplementary amendments to Union law, the Commission is requested to submit corresponding draft provisions.