



Brussels, 22 June 2018
(OR. en)

10296/18

COMPET 471
ENV 453
CHIMIE 36
MI 484
ENT 118
SAN 201
CONSUM 187
EMPL 349
SOC 428

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 8980/18 + ADD 1

Subject: COMMISSION REGULATION (EU) .../... of XXX amending 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 Annexes I, III, VI, VII, VIII, IX, X, XI, and XII to address nanoforms of substances
– decision not to oppose adoption

1. Regulation (EC) No 1907/2006 lays down specific registration duties and obligations on manufacturers, importers and downstream users to generate data on substances they manufacture, import or use to assess the risks related to these substances and to develop and recommend appropriate risk management measures.
2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC¹, the Committee established under Regulation (EC) No 1907/2006 was consulted on 26 April 2018. It voted in favour of the above draft Regulation.

¹ 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 Regulation to the Council on 8 May 2018, 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 May 2018 to indicate their possible opposition to the draft Regulation before 19 June 2018. 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.
