



Council of the
European Union

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COMPET 470
ENV 452
CHIMIE 35
MI 483
ENT 117
SAN 200
CONSOM 186
EMPL 347
SOC 426

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	8976/18 + ADD 1
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards certain substances classified as carcinogenic, mutagenic or toxic for reproduction (CMR), category 1A or 1B – decision not to oppose adoption

1. Annex XVII to Regulation (EC) No 1907/2006 lays down restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles. The Commission has developed criteria for the identification of articles that contain CMR substances and could be used by consumers, in relation to which it would be appropriate to add a new restriction to Annex XVII using the simplified procedure referred to in Article 68(2) of that Regulation. According to the criteria developed by the Commission, clothing, other textiles and footwear are considered a priority case .

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 (one Member State abstaining).
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.

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).