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COMPET 806
ENV 806
CHIMIE 77
MI 879
ENT 214
SAN 421
CONSOM 332

'I/A' ITEM NOTE

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

No. Cion doc.: 13398/18 COMPET 691 ENV 678 CHIMIE 66 MI 747 ENT 193 SAN 342
CONSOM 284 + ADD 1

Subject: COMMISSION REGULATION (EU)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 and correcting
Commission Regulation (EU) 2017/776
- Decision not to oppose adoption

1. Article 53 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures ¹ provides for a procedure to amend the Annexes of this Regulation.
2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC², the relevant Committee was consulted on 28 September 2018. It voted with unanimity in favour of the draft Regulation. Consequently, the Commission submitted the above draft

¹ OJ L 353, 31.12.2008, p. 1.

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).

Regulation³ to the Council on 19 October 2018, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.

3. 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.
4. The delegations were asked on 23 October 2018 by written procedure to indicate their possible opposition to the draft Regulation before 19 November 2018. At that occasion, no delegations raised any ground for objection.
5. 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.

³ doc. 13398/18 + ADD1.