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COMPET 372
ENV 453
CHIMIE 75
MI 401
ENT 128
SAN 233
CONSOM 159
EMPL 254
SOC 341

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	7369/19 + ADD 1
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annex V to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) - Decision not to oppose adoption

1. Annex V to Regulation (EC) No 1907/2006 contains a list of substances that are exempt from the obligation to register in accordance with Article 2(7)(b) of that Regulation
2. Digestate is a residual semisolid or liquid material that has been sanitised and stabilised by a biological treatment process, of which the last step is an anaerobic digestion step, and where the inputs used in that process are biodegradable materials originating only from non-hazardous source segregated materials, such as food waste, manure and energy crops.

3. Therefore, digestate that is, like biogas or compost, either not waste or has ceased to be waste, should be listed in Annex V to Regulation (EC) No 1907/2006, as it is inappropriate and unnecessary to require that substance to be registered. Furthermore, the listing of digestate in Annex V of Regulation (EC) No 1907/2006 should remove uncertainties encountered by producers and users of digestate and by enforcement authorities.
4. Hence, in accordance with Article 5a(2) of Council Decision 1999/468/EC¹, the Committee established under Regulation (EC) No 1907/2006 was consulted on 14 February 2019. It voted by unanimity in favour of the above draft Regulation.
5. Consequently, the Commission submitted the above draft Regulation to the Council on 27 February 2019, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
6. 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.
7. The delegations were asked on 12 March 2019 to indicate their possible opposition to the draft Regulation before 5 April 2019. No delegation raised any opposition.
8. 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).