



Brussels, 22 December 2017
(OR. en)

15993/17

COMPET 898
ENV 1088
CHIMIE 111
MI 994
ENT 280
SAN 483
CONSOM 412
EMPL 623
SOC 830

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 13878/17 + COR1 + ADD1 + ADD1COR1

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 1-methyl-2-pyrrolidone**

– Decision not to oppose adoption

1. Article 131 of Regulation (EC) No 1907/2006 provides that the Annexes of this Regulation may be amended in accordance with the procedure referred to in Article 133(4) thereof.

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 24 October 2017 on amending Annex XVII (restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles) as regards 1-methyl-2-pyrrolidone (NMP). It voted in favour of the above draft Commission Regulation (twenty four Member States in favour, two Member States against and two Member States abstaining).
3. Consequently, the Commission submitted the above draft Commission Regulation to the Council on 27 October 2017, 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 to present their comments by 30 November 2017 at the latest, and comments from some delegations were received by this date, including ones opposing the draft measure. As a result, the Presidency organised a meeting of the Working Party on Technical Harmonisation (Chemicals - attachés), which took place on 21 December 2017, to allow delegations to express their concerns, if any.
6. In this meeting, some delegations voiced their opposition to the draft measure. Nevertheless, the Presidency concluded that there was no qualified majority of Member States against the measure.

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).

7. 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 Commission Regulation in subject.
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