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**'I/A' ITEM NOTE**

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

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 23.7.2019  
amending Annexes I and V to Regulation (EU) No 649/2012 of the  
European Parliament and of the Council concerning the export and import  
of hazardous chemicals  
- Intention not to raise objections to a delegated act

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1. Regulation (EU) No 649/2012 concerning the export and import of hazardous chemicals entered into force on 16 August 2012, applies from 1 March 2014 and repealed Regulation (EC) No 689/2008 concerning the export and import of dangerous chemicals with effect from 1 March 2014.

2. Pursuant to Article 22(1) of Regulation (EC) No 689/2008 at least once a year the Commission was required to review, on the basis of developments in Union law and under the Convention, the list of chemicals in Annex I to that Regulation. Such amendment was done by adopting Commission Regulation (EU) No 73/2013 of 25 January 2013 amending Annexes I and V to Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals. However, those changes were not duly reflected in Regulation (EU) No 649/2012, which was already in force at that time but not yet in application, but have been implemented since 1 March 2014 by the relevant authorities and operators on the assumption that Regulation (EU) No 649/2012 was amended by Commission Regulation (EU) No 73/2013, which was not the case.
3. In order to ensure legal clarity and consistency, it is necessary to amend Regulation (EU) No 649/2012 by reproducing Commission Regulation (EU) No 73/2013 and applying the amendment retroactively from 1 March 2014, as it was the initial intention of Commission Regulation (EU) No 73/2013.
4. The draft of Commission Regulation (EU) No 73/2013 was in accordance with the opinion of the Committee established by Article 133 of Regulation (EC) No 1907/2006, which assisted the Commission pursuant to Article 24 of Regulation (EC) No 689/2008.
5. Since the content of this draft measure is identical with the content of Commission Regulation (EU) No 73/2013, which was supported by the Member States in that Committee, a written consultation of experts from the Member States on this draft measure was considered sufficient.
6. Consequently, the Commission submitted the above draft Regulation to the Council on 23 July 2019, in accordance with Article 26, paragraph 4, of Regulation (EU) No 649/2012 of the European Parliament and the Council.

7. The delegations were asked on 24 July 2019 to indicate their possible opposition to the draft Regulation before 23 August 2019. No delegation raised any opposition.
  8. It is therefore suggested that the Permanent Representatives Committee recommend that the Council confirm that it has no intention to object the delegated act and that the Commission and the European Parliament are to be informed thereof. This implies, that unless the European Parliament objects to it, the delegated act shall be published and enter into force in accordance with Article 23 paragraph 4 of Regulation (EU) No 649/2012.
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