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(OR. en)

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ENT 84
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COMPET 501
CONSOM 153
ENV 614
ECO 52
CHIMIE 51

'I/A' ITEM NOTE

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

No. Cion doc.: ST 8662/22 + ADD 1 - D 081047/1

Subject: Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 1223/2009 of the European Parliament and of the Council as regards the use in cosmetic products of certain substances classified as carcinogenic, mutagenic or toxic for reproduction and correcting that Regulation
- Decision not to oppose adoption

1. On 29 April 2022, the Commission submitted the above draft Regulation to the Council. It amends Annexes II to VI of Regulation (EC) No 1223/2009¹, in accordance with its Article 15(1) and 15(2), fourth subparagraph.

¹ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59);

2. Regulation (EC) No 1272/2008² provides for a harmonised classification of substances as carcinogenic, mutagenic or toxic for reproduction (CMR), which are included in Annex II of Regulation (EC) No 1223/2009. In order to implement the prohibition of all CMRs, where relevant, these should be deleted from the lists of restricted or allowed substances in the Annexes III to VI, in order to ensure legal certainty for economic operators and national authorities.
3. Under the procedure in Articles 5 and 5a of Council Decision 1999/468/EC, before formally adopted by the Commission, such draft measures are submitted to the European Parliament and the Council for 3-month period for scrutiny. If neither the European Parliament nor the Council oppose the measures, the Commission shall adopt the draft Regulation.
4. On 20 April 2022, the Standing Committee on Cosmetic Products voted in favour of the draft measures with 23 Members in favour, 2 against, and 2 abstained, in accordance with Article 5a(2) of the above Council Decision.
5. On 3 May 2022, delegations were invited to indicate their possible opposition to the draft Regulation by 7 June 2022. No delegation raised any grounds for opposition. The Commission will therefore adopt the measure after the three-month deadline which expires on 29 July 2022
6. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm its non-opposition to the draft Regulation, as set out in document ST 8662/22 + ADD 1 as an item without discussion at one of its forthcoming meetings.

² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).