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'I/A' ITEM NOTE

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

No. Cion doc.: ST 11315/22 + ADD 1 - D 081971/1

Subject: COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EC) No 1223/2009 of the European Parliament and of the Council as regards the use of Butylated Hydroxytoluene, Acid Yellow 3, Homosalate and HAA299 in cosmetic products and correcting that Regulation as regards the use of Resorcinol in cosmetic products
- Decision not to oppose adoption

1. On 7 July 2022, the Commission submitted the above draft Regulation to the Council. It amends Annexes III and VI of Regulation (EC) No 1223/2009¹, in accordance with its Article 31(1).

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, last consolidated version - 31 July 2022);

2. In light of the opinion of the Scientific Committee for Consumer Safety (SCCS), it can be concluded that there is a potential risk to human health arising from the use of substances and mixtures listed in the draft Regulation, if these exceed certain levels. The industry should be allowed reasonable periods of time to adapt to the new requirements.
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 28 June 2022, the Standing Committee on Cosmetic Products voted in favour of the draft measures with 24 Members in favour, 2 against, and 1 abstained, in accordance with Article 5a(2) of the above Council Decision.
5. On 13 July 2022, delegations were invited to indicate their possible opposition to the draft Regulation by 31 August 2022. No delegation raised any grounds for opposition. The Commission will therefore adopt the measure after the three-month deadline which expires on 7 October 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 11315/22 + ADD 1 as an item without discussion at one of its forthcoming meetings.
