



Brussels, 6 February 2023  
(OR. en)

5909/23

ENT 19  
MI 67  
COMPET 61  
ENV 83  
SAN 50  
CONSOM 23  
CHIMIE 6  
IND 29  
DELECT 18

#### 'I/A' ITEM NOTE

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

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No. Cion doc.: 16273/22 + ADD 1 - C(2022) 9383 final

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Subject: Commission Delegated Regulation (EU) .../... of 19.12.2022 amending Regulation (EC) No 1272/2008 as regards hazard classes and criteria for the classification, labelling and packaging of substances and mixtures  
- Intention not to raise objections to a delegated act

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1. On 20 December 2022, the Commission submitted the above delegated act to the Council in accordance with Article 290 TFEU and Article 53 (1) of Regulation (EU) No 1272/2008 (the CLP Regulation)<sup>1</sup>.
2. The insertion of new hazard classes and their criteria into the CLP Regulation is one of the primary commitments of the chemicals strategy for sustainability, which is a building block of the European Green Deal for the protection of consumers, vulnerable groups, and workers from the most harmful chemicals, and for the target of zero chemical pollution in the environment.

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<sup>1</sup> Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (OJ L 353 31.12.2008, p. 1). Current consolidated version is of 17/12/2022.

3. The Council had until 31 January 2023 to object to it or ask for an extension. Eight Member States asked for a two month extension of the scrutiny period. One Member State asked for extension in order to raise objection later on.
  4. The delegated act was discussed on 6 February 2023 at a meeting of the Working Party on Technical Harmonisation (Dangerous Substances – Chemicals)<sup>2</sup>. The meeting concluded that there was no majority for the Council to object to the delegated act nor ask for an extension.<sup>3</sup>
  5. Against this background, the Permanent Representatives Committee could invite the Council to confirm the non-opposition to the delegated act, as laid out in document ST 16273/22 + ADD 1 as an item without discussion at one of its forthcoming meetings, 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 adopted after 20 February 2023, in accordance with Art. 53a of Regulation 1272/2008.
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<sup>2</sup> CM 1444/1/23 REV 1

<sup>3</sup> During the Working Party meeting on 6 February 2023, 8 delegations expressed a request for extension and one delegation for objection to the delegated act.