



Council of the
European Union

Brussels, 8 February 2023
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CHIMIE 7

'I/A' ITEM NOTE

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

No. Cion doc.: ST 15857/22 + ADD 1 - D 082090/4

Subject: Commission Regulation (EU) No .../.. of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards lead and its compounds in PVC
- Decision not to oppose adoption

1. On 8 December 2022, the Commission submitted the above draft Regulation to the Council, which amends the Annex XV dossier of Regulation (EC) 1907/2006¹ (REACH), in accordance with its Articles 69(a) and 133.

¹ Regulation (EC) 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation, and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94, as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). (consolidated version:25/08/2021);

2. The Annex XV dossier concerns lead that is released from articles produced from polymers or copolymers of vinyl chloride ('PVC'). During their life-cycle and even after re-cycling, such articles contribute directly and indirectly to human exposure to lead, and therefore, the amendment will restrict the placing on the market and the use of lead in articles produced from PVC if the concentration of lead is equal to or greater than 0,1 % by weight of the PVC material.
3. Pursuant to the procedure in Article 5a of Council Decision 1999/468/EC², before being formally adopted by the Commission, such draft measures are submitted for scrutiny to the European Parliament and the Council. If neither the European Parliament nor the Council have opposed the measures envisaged by the Commission, the draft Regulation shall be adopted by the Commission by 8 March 2023.
4. On 7 December 2022, in accordance with Article 5a(2) of Council Decision 1999/468/EC, the Committee voted in favour of the measure with 26 votes Yes and 1 Against.
5. On 8 December 2022, delegations were asked by 31 January 2023 to indicate their possible opposition to the draft Regulation. No delegation raised grounds for opposition.
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 15857/22 + ADD 1 as an item without discussion at one of its forthcoming meetings.

² 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); Current consolidated version is of 23/07/2006.