



Council of the
European Union

Brussels, 2 June 2023
(OR. en)

10002/23

ENT 114
MI 467
CHIMIE 49
COMPET 554
IND 271
CONSOM 197
SAN 335
ENV 603
DELECT 71

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: ST 8712/23 + ADD 1 - C(2023) 2672

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 25.4.2023 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards the addition of notes to Part 1, section 1.1.3 of Annex VI

- Intention not to raise objections to a delegated act

1. On 25 April 2023, the Commission submitted the above draft delegated act to the Council in accordance with Article 53 (1) of Regulation (EC) No 1272/2008 (the CLP Regulation)¹.

¹ 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 20/04/2023.

2. For the non-common parts of a substance, it is necessary to assess if their hazardous properties may warrant a more severe or a broader classification for the same hazard class. A new note X should therefore be added to Part 1, section 1.1.3.1, of Annex VI to Regulation (EC) 1272/2008. As that note is likely to be assigned to other substances with the same properties in the future, it should be worded in a way which it is not limited to that specific entry. Two new notes, 11 and 12, should also be added to Part 1, in section 1.1.3.2 of Annex VI to allow a more accurate identification of the hazard of mixtures containing several substances belonging to the same 'group entry' due to their reproductive toxicity.
 3. The Council had until 30 May 2023 to object to it or ask for an extension. No delegation has made any comments within the set deadline.
 4. 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 8712/23 + 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 26 June 2023, in accordance with Art. 53a of Regulation 1272/2008.
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