



Council of the
European Union

Brussels, 9 June 2023
(OR. en)

10298/23

ENT 122
MI 485
COMPET 579
CHIMIE 53
SAN 350
ENV 641
CONSOM 209
DELECT 77
IND 290

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: ST 9053/23 + ADD 1 - C(2023) 2674

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 2.5.2023 amending 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 modification of entries in Part 3 of Annex VI for 2-ethylhexanoic acid and its salts, boric acid, diboron trioxide, tetraboron disodium heptaoxide hydrate, disodium tetraborate anhydrous, orthoboric acid sodium salt, disodium tetraborate decahydrate, and disodium tetraborate pentahydrate

- Intention not to raise objections to a delegated act

1. On 2 May 2023, the Commission submitted the above draft delegated act to the Council in accordance with Article 37(5) 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. Article 37(5) of Regulation (EC) No 1272/2008 empowers the Commission to include substances in Table 3 of Part 3 of Annex VI, where it finds that the harmonisation of the classification and labelling is appropriate. Based on scientific evidence, such is the case to update the harmonised classification and labelling of certain substances and mixtures which indicate that the reproductive toxicity of each of those substance groups is due to a molecular entity common to all members of a substance group. The update assigns to them the notes that have been recently added to Part 1 of Annex VI to Regulation (EC) No 1272/2008, and to amend Table 3 of Part 3 of Annex VI accordingly.
 3. The Council had until 6 June 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 9053/23 + 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 3 July 2023, in accordance with Art. 53a of Regulation 1272/2008.
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