



Council of the
European Union

Brussels, 26 June 2023
(OR. en)

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ENT 145
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SAN 398
ENV 732
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'I/A' ITEM NOTE

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

No. Cion doc.: ST 9168/23 + ADD 1 - D 083921/7

Subject: Commission Regulation (EU) .../... of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards synthetic polymer microparticles
- Decision not to oppose adoption

1. On 5 May 2023, the Commission submitted the above draft Regulation to the Council, which amends Annex XVII of Regulation (EC) 1907/2006¹ (REACH), in accordance with its Articles 68(1) and 133 (1).

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 of 28/5/2023);

2. The ubiquitous presence of microplastics, which are tiny fragments of synthetic or chemically-modified natural polymers, accumulate in the environment and contribute to the microplastic pollution. They are insoluble in water, degrade very slowly, and can easily be ingested by living organisms, also as drinking water and food. Microplastics raise concerns about their general impact on the environment and, potentially, on human health. Part of such pollution forms unintentionally. Tiny fragments of synthetic or chemically-modified natural polymers, however, are also manufactured to be used as such or added to products intentionally.
3. Several Member States have adopted or proposed dedicated measures against intentional pollution, but a patchwork of national restrictions potentially hampers the functioning of the internal market, and for this reason requires harmonisation at Union level. The harmonised provisions for restrictions and prohibitions of intentional use of the synthetic polymer microparticles are compiled in the ‘Annex XV dossier’ by the European Chemicals Agency (ECHA). The dossier requires amendments to be made in Annex XVII of the REACH Regulation.
3. On 26 April 2023, in accordance with Article 5a(2) of Council Decision 1999/468/EC, the Committee voted in favour of the measure with 23 votes ‘yes’ and 4 abstentions.
4. On 8 May 2023, delegations were asked to indicate their possible opposition to the draft Regulation by 13 June 2023. No delegation raised grounds for opposition.

5. 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 had opposed the draft measures, the draft Regulation shall be adopted by the Commission by 6 August 2023.

 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 9168/23 + ADD 1 as an item without discussion at one of its forthcoming meetings.
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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.