



Council of the
European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 15558/23 + ADD 1 - C(2023) 7486 final
Subject:	Commission Delegated Regulation (EU) .../... of 10.11.2023 on the conditions for classification, without testing, of solid wood panelling and cladding with regard to their reaction to fire and amending Decision 2006/213/EC - Decision to request an extension of the period for objection

1. On 10 November 2023, the Commission submitted the above draft delegated Regulation to the Council in accordance with Articles 27 and 36(1)(a) of Regulation (EU) No 305/2011¹

¹ Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5–43), Latest consolidated version – 16/07/2021.

2. Regulation (EU) No 305/2011 provides for manufacturers of construction products not to be subjected to unnecessary administrative burden or costs. The Commission, therefore, chooses the least onerous system for assessment and verification of constancy of performance, which still could serve appropriately the needs of health, safety, and the environment. When the performance of certain construction products has already been sufficiently demonstrated by stable test results or other existing data, their manufacturers should be permitted, under conditions to be specified, to declare a certain class of performance without testing or further testing of these products.
 3. The Council had until 9 January 2024 to object to the draft delegated act or ask for an extension of the period for objection. By this deadline, no delegation objected, but one delegation requested an extension of the objection period. According to the rule for such procedure and due to a very short time limit to check whether there is simple majority to request an extension, an informal written consultation was launched on 11 January 2024 with a deadline for replies by 16 January 2024. There was no time to convene a Working Party meeting within the given time frame. During the consultation, the necessary simple majority for extension was reached, with only one delegation objecting to the extension.
 4. Against this background, the Permanent Representatives Committee could invite the Council to confirm the decision to extend the period for the objection to the draft delegated act, as laid out in document ST 15558/23 + ADD 1, with another 3 months until 10 May 2024, 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 decision implies that unless the Council or the European Parliament object to the draft delegated act, the delegated act shall be adopted and published in the Official Journal after 11 May 2024, in accordance with Articles 61 and 63 of Regulation (EU) No 305/2011.
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