



Council of the
European Union

Brussels, 7 November 2019
(OR. en)

13751/19

COMPET 718
ENV 899
CHIMIE 135
MI 767
SAN 455
CONSOM 294
ENT 245

'I/A' ITEM NOTE

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

No. Cion doc.: ST 12635/19

Subject: Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards the percentage of registration dossiers to be selected for compliance checking (REACH)
- Decision not to oppose adoption

1. On 25 September 2019 the Commission submitted the above draft Regulation to the Council, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
2. Article 41 of Regulation (EC) No 1907/2006 concerning Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) requires the European Chemicals Agency to select a specific percentage of registration dossiers for compliance checking.
3. In accordance with Article 5a(2) of Council Decision 1999/468/EC, the Committee established under Regulation (EC) No 1907/2006 was consulted on 18 September 2019, and voted unanimously in favour of this measure.

4. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose the Commission's adoption of the draft Commission Regulation if the measure:
 - exceeds the implementing powers provided for in the basic instrument;
 - is not compatible with the aim or content of the basic instrument; or
 - does not comply with the principles of subsidiarity and proportionality.

 5. On 2 October 2019, Delegations were asked by 1 November 2019 to indicate their possible opposition to the draft Regulation as set out in document ST 12635/19. No delegation raised any grounds for opposition.

 6. Against this background, the Permanent Representatives Committee could invite the Council to adopt the above draft Regulation as an item without discussion at one of its forthcoming meetings.
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