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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 7594/24 + ADD 1 - C(2024) 1356
Subject:	Commission Delegated Regulation (EU) .../... of 6.3.2024 supplementing Regulation (EU) No 305/2011 of the European Parliament and of the Council by establishing classes of performance in relation to the resistance to fire of construction products - Intention not to raise objections to a delegated act

1. On 6 March 2024, the Commission submitted the above draft delegated act to the Council in accordance with Articles 27(1) and 60(f) 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), current consolidated version is of 16/07/2021.

2. Pursuant to Article 27 of Regulation (EU) No 305/2011, classes of performance may be established by delegated acts in relation to the essential characteristics of construction products. The European classification system has been established by Commission Decision 2000/367/EC², regarding the resistance to fire of construction products. That Decision, as amended, contains 34 classification tables for different products and applications. The revised tables contained in this delegated Regulation reflect the latest technological developments, and provide a comprehensive classification system in relation to the resistance to fire of construction products.
3. The Council had until 8 May 2024 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 7594/24 + 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 7 June 2024, in accordance with Article 61 of Regulation (EU) No 305/2011.

² Commission Decision 2000/367/EC of 3 May 2000 implementing Council Directive 89/106/EEC as regards the classification of the resistance to fire performance of construction products, construction works and parts thereof (notified under document C(2000) 1001) (OJ 133, 6.6.2000, p. 26.). Decision as amended by Decision 2003/629/EC of 27 August 2003 (L 218, 30.8.2003, p. 51) and by Decision 2011/232/EC of 11 April 2011 (L 97, 12.4.2011, p. 49). Last consolidated version is of 12/04/2011.