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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 12503/24 + ADD 1 - C(2024) 4826 final
Subject:	Commission Delegated Regulation (EU) .../... of 15.7.2024 amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards biodegradability criteria for coating agents and water retention polymers - Intention not to raise objections

1. On 18 July 2024, the Commission submitted the above draft Delegated Regulation to the Council in accordance with Articles 42 (1) of Regulation (EU) 2019/1009¹. The delegated act amends Annexes II and III to Regulation (EU) 2019/1009.
2. Regulation (EU) 2019/1009 sets out an obligation for the Commission to assess biodegradability criteria for certain polymers used in EU fertilising products to control the release of nutrients ('coating agents') or to increase the water retention capacity or the wettability of the products ('water retention polymers'). This delegated Regulation sets out such biodegradability criteria, and it is based on the conclusion of an external scientific study.

¹ Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (OJ L 170, 25.6.2019, p. 1);

3. Delegations had until 10 September 2024 to object to the delegated act. By the deadline, no delegation has raised objections.
 4. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Regulation, as set out in document ST 12503/24 + 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 the delegated act, the delegated act shall be adopted and published in the Official Journal after 19 October 2024, in accordance with Article 44 of Regulation (EU) No 2019/1009.
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