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COMPET 959
IND 451
AGRI 684
ENV 944
DELECT 175

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 12565/24 + ADD 1 - C(2024) 5113 final
Subject:	Commission Delegated Regulation (EU) .../... of 23.7.2024 amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the inclusion of mulch films in Component Material Category 9 - Intention not to raise objections

1. On 23 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 mulch films to determine whether to include such component materials in Component Material Category (CMC) 9 in Annex II to that Regulation. This delegated Regulation adds mulch films in CMC 9, and sets out the relevant biodegradability criteria and test methods.

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 24 September 2024 to object to the delegated act. By the deadline, no delegation 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 12565/24 + 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 24 October 2024, in accordance with Article 44 of Regulation (EU) No 2019/1009.
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