



Brussels, 12 November 2019
(OR. en)

13972/19

COMPET 726
MI 779
ENV 913
CHIMIE 136
ENT 250
SAN 462
CONSOM 302
DELECT 208

'I/A' ITEM NOTE

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

No. Cion doc.: 12919/19 + ADD 1 - C(2019) 7227 final

Subject: Commission Delegated Regulation (EU) .../...of 4.10.2019 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting that regulation
- Intention not to raise objections to a delegated act

1. On 4 October 2019, the Commission submitted the above delegated act¹ to the Council in accordance with the procedure set out in Article 290 TFEU and Article 53a of Regulation (EU) No 1272/2008² on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006.
2. The delegated act is based on Article 37 (5) and 53 (1) of the above Regulation. The Council has until 4 December 2019 to object to it.

¹ Council doc.12919/19 + ADD1.

² OJ L 353 31.12.2008, p. 1. Article 53a was inserted into this Regulation via Regulation (EU) 2019/1243 which has introduced the delegation of power to a number of legal instruments.

3. The Working Party on Technical Harmonisation examined the delegated act by written procedure. At its Attachés' meeting on 8 November 2019, the Working Party concluded that there are no grounds for the Council to object to the delegated act.³

 4. Against this background, the Permanent Representatives Committee could invite the Council to confirm that the Council has no intention to object to the delegated act, 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 enter into force in accordance with Article 60 of Regulation (EU) No 305/2011.
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³ During the Working Party meeting of the Attachés on 8 November 2019, only 8 delegations opposed the delegated act.