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

No. Cion doc.: ST 10061/20 - D068379
ST 10062/20 - D068374

Subject: Commission Directive (EU) .../... of XXX amending Annex II to Directive 2009/48/EC of the European Parliament and of the Council as regards the labelling of allergenic fragrances in toys (**Labelling**)
and
Commission Directive (EU) .../... of XXX amending Annex II to Directive 2009/48/EC of the European Parliament and of the Council as regards the prohibition of allergenic fragrances in toys (**Prohibition**)
- Decision not to oppose adoption

1. On 29 July 2020, the Commission submitted the above two draft Directives to the Council, which amend Annex II of Directive (EC) 48/2009¹ in accordance with its Articles 46(1) and (3), and 47(1).

¹ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1);

2. Under the procedure in Articles 5 and 5a of Council Decision 1999/468/EC², such draft measures, before being formally adopted by the Commission, are submitted for scrutiny to the European Parliament and the Council. Pursuant to the scrutiny procedure, if neither the European Parliament nor the Council oppose the measures envisaged by the Commission, the draft Directives shall be adopted by the Commission.
3. The above draft Directives are in accordance with the opinion of the Committee which expressed a positive opinion, and on 14 July 2020 voted the draft measures for both documents unanimously.
4. On 31 July 2020, delegations were asked by 25 September 2020 to indicate their possible opposition to the draft Directives. No delegation raised any relevant grounds for opposition.
5. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the two draft Directives, as set out in documents ST 10061/20 and ST 10062/20 as items without discussion at one of its forthcoming meetings.

² Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23). Latest consolidated version dates 23 July 2006.