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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 5866/21 + ADD 1 - D070105
Subject:	Commission Regulation (EU) .../... of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards polycyclic-aromatic hydrocarbons (PAHs) in granules or mulches used as infill material in synthetic turf pitches or in loose form on playgrounds or in sport applications - Decision not to oppose adoption

1. On 2 February 2021, the Commission submitted the above draft Regulation to the Council, which amends entry 28 of Annex XVII of Regulation (EC) 1907/2006¹, in accordance with its Articles 3(2), 68(1), 131, and 133, and Annex VI to Regulation (EC) No 1272/2008².

¹ Regulation (EC) 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation, and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94, as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1);

² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 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 (OJ L 353, 31.12.2008, p. 1–1355) (current consolidated version is of 14/11/2020);

Pursuant to the procedure in Article 5a of Council Decision 1999/468/EC³, such draft measures, before being formally adopted by the Commission, are submitted for scrutiny to the European Parliament and the Council. If neither the European Parliament nor the Council have opposed the measures envisaged by the Commission, the draft Regulation shall be adopted by the Commission.

2. Article 131 of Regulation (EC) No 1907/2006 provides that the Annexes to this Regulation may be amended in accordance with the procedure referred to in Article 133.
3. Article 68(1) of Regulation (EC) No 1907/2006 provides that when there is an unacceptable risk to human health or the environment arising from the manufacture, use or placing on the market of substances, that risk needs to be addressed on a Community-wide basis, and that Annex XVII shall be amended. The present amendment concerns granules which are used as infill material in synthetic turf pitches and in loose form on playgrounds or some sport applications. Those granules and mulches originate predominantly from End of Life Tyres (ELT) with eight PAHs in the rubber matrix, listed as carcinogenic category 1B in Annex VI to Regulation (EC) No 1272/2008.
4. On 21 December 2020, the Committee, established under Regulation (EC) No 1907/2006, voted in favour of the measure in the above draft Regulation in accordance with Article 5a(2) of Council Decision 1999/468/EC.
5. On 2 February 2021, delegations were asked by 2 March 2021 to indicate their possible opposition to the draft Regulation. No delegation raised any relevant grounds for opposition.
6. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm its non-opposition to the draft Regulation, as set out in document ST 5866/21 + ADD 1 as an item without discussion at one of its forthcoming meetings.

³ 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); Current consolidated version is of 23/07/2006.