



Council of the  
European Union

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COMPET 187  
MI 175  
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ENV 162  
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CONSOM 70  
CHIMIE 37

#### 'I/A' ITEM NOTE

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

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No. Cion doc.: ST 6065/21 + ADD 1 - D 070789/03

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Subject: Commission Regulation (EU) .../... of XXX amending Annexes VII to XI to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)  
- Decision not to oppose adoption

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1. On 9 February 2021, the Commission submitted the above draft Regulation to the Council, which amends Annexes VII to XI of Regulation (EC) 1907/2006<sup>1</sup> (REACH) in accordance with its Articles 131 and 133.

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<sup>1</sup> 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. In the REACH Evaluation Joint Action Plan<sup>2</sup>, the Commission and the European Chemicals Agency (ECHA) concluded that certain provisions in the Annexes to REACH should be amended in order to provide more clarity on the obligations of registrants, and on ECHA's role and responsibilities under Titles II and VI of that Regulation.
3. Annexes VII to X of REACH provide for standard information requirements for substances manufactured or imported in certain quantities. Annex XI sets the general rules for adaptation of the standard testing regime laid out in Annexes VII to X. The proposed amendments aim at offering clarification on certain information requirements and at increasing the legal certainty of the evaluation practices that are already applied by ECHA.
4. Article 131 of REACH provides that its Annexes may be amended in accordance with the procedure referred to in Article 133.
5. Pursuant to the procedure in Article 5a of Council Decision 1999/468/EC<sup>3</sup>, such draft measures, before being formally adopted by the Commission, are submitted for scrutiny to the European Parliament and the Council. If neither the Parliament nor the Council have opposed the envisaged measures, the draft Regulation shall be adopted by the Commission.
6. On 3 February 2021, the Committee, established under REACH, voted unanimously in favour of the measures in the above draft Regulation in accordance with Article 5a(2) of Council Decision 1999/468/EC.

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<sup>2</sup> REACH Evaluation Joint Action Plan of June 2019: ([https://echa.europa.eu/documents/10162/21877836/final\\_echa\\_com\\_reach\\_evaluation\\_action\\_plan\\_en](https://echa.europa.eu/documents/10162/21877836/final_echa_com_reach_evaluation_action_plan_en)).

<sup>3</sup> 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.

7. On 10 February 2021, delegations were asked by 10 March 2021 to indicate their possible opposition to the draft Regulation. No delegation raised any relevant grounds for opposition. The Commission will formally adopt the draft measures after the three month deadline expires on 8 May 2021.
  
  8. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm its non-opposition to the above draft Regulation, as set out in document ST 6065/21 + ADD 1 as an item without discussion at one of its forthcoming meetings.
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