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(OR. en)

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MI 257
ENT 70
COMPET 259
SAN 226
ENV 237
CHIMIE 48

'I/A' ITEM NOTE

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

No. Cion doc.: ST 6893/21 + ADD 1 - D071308/02

Subject: Commission Regulation (EU) .../... of XXX amending Annex XIV 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

1. On 9 March 2021, the Commission submitted the above draft Regulation to the Council, which amends certain entries of substances DEHP, BBP, DBP, and DIBP, listed in Annex XIV of Regulation (EC) 1907/2006 (REACH)¹, in accordance with its Articles 58, 131, and 133.
2. Article 131 of REACH provides that the Annexes to this Regulation may be amended in accordance with the procedure referred to in Article 133.

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);

3. The four above entries, DEHP, BBP, DBP, and DIBP, are identified as having endocrine disrupting properties for which there is scientific evidence of probable serious effects to human health and the environment. In accordance with Article 58(3) of REACH, the European Chemicals Agency recommended that the elements referred to in Article 58(1) be specified for each of those substances, and not to be exempt from authorisation requirements.
4. On 5 March 2021, the Committee, established under REACH, and in accordance with Article 5a of Council Decision 1999/468/EC², voted in favour of the measure. Pursuant to this procedure, before being formally adopted by the Commission the draft measures are submitted for scrutiny to the European Parliament and the Council. If neither the European Parliament nor the Council have opposed the measures, the draft Regulation shall be adopted by the Commission on 9 June 2021.
5. On 10 March 2021, delegations were asked by 16 April 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 6893/21 + ADD 1 as an item 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); Current consolidated version is of 23/07/2006.