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'I/A' ITEM NOTE

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

No. Cion doc.: ST 10635/21 + ADD 1 - D074549/01

Subject: Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 1223/2009 of the European Parliament and of the Council as regards the use of Methyl-N-methylantranilate in cosmetic products
- Decision not to oppose adoption

1. On 7 July 2021, the Commission submitted the above draft Regulation to the Council. It amends certain Annexes in Regulation (EC) No 1223/2009¹, in accordance with its Articles 31(1) and 32.

¹ Articles 31(1) and 32(3) of the current consolidated version of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59); Current consolidated version is of 23/08/2021;

2. The substance Methyl-N-methylantranilate (M-N-MA) is a fragrance ingredient used in various cosmetics, including fine fragrances, shampoos, soaps and other toiletries, and is not currently subject to prohibition or restriction pursuant to Regulation (EC) No 1223/2009. MNMA, however, should not be used in combination with specific agents due to a potential risk to human health. The risk derives from its use in sunscreen and others marketed for exposure to natural or artificial UV light products, as well as in cosmetics containing a higher MNMA concentration than the safety levels for leave-on and rinse-off products. Therefore, MNMA should be prohibited in certain concentrations.
3. Under the procedure in Articles 5 and 5a of Council Decision 1999/468/EC, before formally adopted by the Commission, such draft measures are submitted to the European Parliament and the Council for scrutiny. If neither the European Parliament nor the Council oppose the measures, the Commission shall adopt the draft Regulation.
4. On 30 June 2021, the Standing Committee on Cosmetic Products voted unanimously in favour of the draft measures, in accordance with Article 5a(2) of the above Council Decision.
5. On 7 July 2021, delegations were invited to indicate their possible opposition to the draft Regulation by 6 August 2021. No delegation raised any 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 10635/21 + ADD 1 as an item without discussion at one of its forthcoming meetings.
