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'I/A' ITEM NOTE

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

No. Cion doc.: ST 10840/21 + ADD 1 - C(2021) 4764 final

Subject: Commission Delegated Regulation (EU) .../... of 7.7.2021 amending Annexes II, III and IV to Regulation (EU) No 2019/1009 of the European Parliament and of the Council for the purpose of adding pyrolysis and gasification materials as a component material category in EU fertilising products
- Intention not to raise objections

1. On 13 July 2021, the Commission submitted the above draft Delegated Regulation to the Council in accordance with Articles 42 (1), (2), (3) and 44 of Regulation (EU) 2019/1009¹. The latter will repeal Regulation (EC) No 2003/2003² on 16 July 2022. This Delegated Regulation establishes recovery operations for pyrolysis and gasification materials, ensuring that they comply with the conditions laid down in Directive 2008/98/EC³

¹ Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (OJ L 170, 25.6.2019, p. 1);

² Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1–194);

³ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3–30);

2. The Delegated Regulation amends Annex II to Regulation (EU) 2019/1009 by adding pyrolysis and gasification materials as a new Component Material Category; Annex III by adding labelling requirements to EU fertilising products containing pyrolysis and gasification materials; and Annex IV by setting the legal framework for the relevant conformity assessment for such products.
 3. Delegations had until 3 September 2021 to object to the delegated act. By the deadline, no delegation has raised any objections. One delegation sent comments.
 4. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Regulation, as set out in document ST 10840/21 + ADD 1 as an item without discussion at one of its forthcoming meetings.
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