



Brussels, 11 October 2021  
(OR. en)

12585/21

ENV 735  
ENT 164  
DELECT 221

#### '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.: 11525/21 - C(2021) 6295 final

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Subject: COMMISSION DELEGATED DECISION of 31.8.2021 supplementing Directive 2008/98/EC of the European Parliament and of the Council with regard to rules for the calculation and verification of the weight of materials or substances which are removed after a sorting operation and which are not subsequently recycled, based on average loss rates for sorted waste

- Decision to extend the period for objection

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1. On 31 August 2021, the Commission notified the above-mentioned delegated act<sup>1</sup> to the Council, in accordance with the procedure set out in Article 290 of the Treaty on the Functioning of the European Union and Articles 11a(10) and 38a(6) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.<sup>2</sup>
2. In accordance with Article 38a(6) of Directive 2008/98/EC, the European Parliament or the Council may object to a delegated act within a period of two months from the date of notification, i.e. 29 October 2021. If, on expiry of this period, neither the European Parliament nor the Council objects to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein. The European Parliament or the Council may extend the period within which objections may be raised, by two months.

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<sup>1</sup> ST 11525/21.

<sup>2</sup> OJ L 312, 22.11.2008, p.3.

3. On 2 September 2021, a written consultation on the Commission Delegated Decision was launched by the General Secretariat of the Council, with the deadline of 30 September 2021. At the end of the deadline, 10 delegations requested to extend the period of examination and two delegations expressed an objection to this delegated act.
4. The Working Party on the Environment held a preliminary exchange of views at its informal videoconference on 7 October 2021 and, following a silence consultation, agreed on extending the period of examination of this delegated act by two months.
5. In view of the above, the Committee of Permanent Representatives is invited to recommend that the Council, as an A item at one of its forthcoming meetings, decides to extend the period for raising objections by two months and informs the Commission and the European Parliament of that decision.

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