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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 13822/21 + ADD 1 - D 075550.02
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards perfluorocarboxylic acids containing 9 to 14 carbon atoms in the chain (C9-C14 PFCAs), their salts and C9-C14 PFCA-related substances - Decision not to oppose adoption

1. On 10 November 2021, the Commission submitted the above draft Regulation to the Council, which amends Annex XIV of Regulation (EC) 1907/2006¹ (REACH) in accordance with its Articles 68(1), 131, and 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);

2. All the substances and mixtures listed in the above draft Regulation meet the criteria to be included in Annex XIV of REACH in accordance with its Article 57 and 58 as either toxic for reproduction, carcinogenic, or having endocrine disrupting properties for which there is scientific evidence of probable serious effects to the environment. Such classifications are in accordance with Regulation (EC) No 1272/2008².
3. The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of REACH.
4. Pursuant to the procedure in Article 5a of Council Decision 1999/468/EC³, 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.
5. On 4 November 2021, the Committee, established under REACH, voted unanimously for the draft measures, in accordance with Article 5a(2) of Council Decision 1999/468/EC.
6. On 11 November 2021, delegations were invited to indicate their possible opposition to the draft Regulation by 21 December 2021. No delegation raised any relevant grounds for opposition. The Commission will formally adopt the draft measures after the three month deadline expires on 11 February 2021.
7. 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 13822/21 + ADD 1 as an item without discussion at one of its forthcoming meetings.

² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355);

³ 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.