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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 8758/21 + ADD 1 - D 070424.04
Subject:	Commission Regulation (EU) .../... of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards N,N-dimethylformamide - Decision not to oppose adoption

1. On 12 May 2021, the Commission submitted the above draft Regulation to the Council, which amends Annex XVII of Regulation (EC) 1907/2006¹ (REACH) in accordance with its Articles 68(1) and 133(1). The substance called N,N–dimethylformamide is toxic with systemic effects, and its use needs to be restricted.

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);

Pursuant to Article 69(4) and 73 of REACH, in order to initiate the restriction process, a dossier demonstrated that action on a Union-wide basis was the appropriate and effective measure in order to restrict industrial and professional uses of the above substance, as well as its placing on the market on its own or in mixtures. The Commission considers a deferred application of the restriction: 24 months for exposure via inhalation and dermal routes and longer, up to 48 months when the substance is used in manufacturing as a solvent for various materials and fibres.

2. The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 (1) of REACH.
3. Pursuant to the procedure in Article 5a of Council Decision 1999/468/EC², 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.
4. On 29 April 2021, the Committee established under REACH, voted for the draft measures with 24 delegations in favour and 3 delegations abstained.
5. On 12 May 2021, delegations were asked by 18 June 2021 to indicate their possible opposition to the draft Regulation. No delegation raised any relevant grounds for opposition. The Commission will formally adopt the draft measures after the three month deadline expires on 12 August 2021.
6. 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 8758/21 + 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.