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ENT 139
MI 609
IND 402
COMPET 746
CHIMIE 77
CONSOM 189
SAN 466
ENV 702
AGRI 475
BETREG 12
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PUBLIC

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 1272/2008, (EC) No 1223/2009 and (EU) 2019/1009 as regards simplification of certain requirements and procedures for chemical products - Preparation for trilogue

I. BACKGROUND

1. On 8 July 2025, the Commission adopted a Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 1272/2008, (EC) No 1223/2009, and (EU) 2019/1009 as regards simplification of certain requirements and procedures for chemical products[1].

[1] COM(2025) 531 final

2. This legislative proposal amends three regulations:
   - CLP Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures, amended in 2024 as Regulation (EU) 2024/2865; this Omnibus introduces changes to the amended CLP Regulation;
   - Cosmetics Regulation (EC) No 1223/2009;
   - Fertilising Products Regulation (EU) 2019/1009 laying down rules on the making available on the market of EU fertilising products; revised in 2024 as Regulation (EU) 2024/2516.

   The targeted proposal aims to address the urgent issues raised by stakeholders which create administrative burdens for enterprises.

3. This Omnibus package, which is part of the Commission's REFIT programme, aimed to reduce reporting burdens arising from three major pieces of EU legislation on chemicals, ensuring the same level of protection of human health and of the environment is maintained.

4. On 8 September 2025, the European Parliament appointed two Committees which would be responsible for this Omnibus package: the Environment, Climate, and Food Safety (ENVI) Committee and the Internal Market and Consumer Protection (IMCO) Committee. The rapporteurs of these Committees delivered their Report on 20 April 2026.

5. The European Economic and Social Committee issued its opinion on the Proposal on 23 October 2025.

6. Under the Danish Presidency, the Omnibus VI package was presented at the Antici Working Group (Simplification) on 11 July 2025. A compromise text of a mandate for starting negotiations with the European Parliament was approved at the Permanent Representatives Committee's meeting on 5 November 2025. The EP adopted its mandate on 29 April 2026.

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II. STATE OF PLAY

7. The Cyprus Presidency started negotiations with the European Parliament on 8 May 2026. Seven inter-institutional technical meetings were held, and a first and possibly only trilogue has been scheduled on 16 June 2026 in Strasbourg. The Presidency brought the file to AGS on 4 May, 18 May, and 12 June 2026.

III. KEY COMPROMISE ELEMENTS

8. The listing, below, shows the current state of issues still under discussions between the Council and the Parliament, as a result of the technical meetings and guidance for the trilogue.

9. The list only reflects the main political provisions which remain open for the trilogue, on which guidance from the Permanent Representatives Committee is needed. More detailed information on the provisional agreements reached and outstanding issues was provided to AGS on 12 June 2026.

CLP Regulation

10. The mandates of the Parliament and the Council were not very far apart in this area. The main outstanding issues for simplification concern formatting requirements of labels and derogations for the labelling of small packaging.

Formatting requirements and font size

11. The co-legislators have agreed in providing for minimum font sizes, for the labelling of products aimed at the general public. Both proposals provided simplified rules for legibility and formatting criteria for the CLP label, which the Presidency considers acceptable as a way to deliver on simplification without endangering consumer/user safety. On this basis, a possible landing zone, applying only to substances or mixtures made available on the market for the general public, is a minimum font size with an x-height of at least 1.2 mm for packaging above 125 ml and at least 0.9 mm for packaging of 125 ml or less.

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Printer ink cartridges

12. The Parliament proposed product-specific derogations for the labelling of ink cartridges. Following technical discussions, a more general proposal has been included in Annex I providing specific labelling derogations for small packaging that could also apply for the ink cartridges.

Question 1: The Permanent Representatives Committee is invited to confirm its agreement with the possible landing zones identified by co-legislators on the main open issues in the CLP Regulation.

Cosmetic Products Regulation

13. The Parliament and Council differed more significantly in this area. Notably, transitional periods for cosmetic products including Carcinogenic, mutagenic and reprotoxic (CMR) substances and the analysis of suitable alternatives still require some discussion at the incoming trilogue.

Transitional periods and nanomaterials

14. On the transitional periods for the derogation to use CMR 1a/1b substances in cosmetics, the Presidency can be open to the three-tier structure proposed by the EP, with different timelines for the cases where "no derogation is requested"; "a derogation request is denied on safety grounds"; "a derogation request is denied on grounds that the substance is safe but alternatives exist".

15. In exchange for accepting this three-tier structure, the Presidency will request shorter timelines for placing on the market and making available on the market substances that have been denied a derogation on safety grounds and those that have been considered safe but whose derogation was not granted due to the existence of suitable alternatives. In addition, the EP showed flexibility on the Council's position on cosmetics products containing nanomaterials, notably on the amount of prior information on nanomaterials to be notified to the Commission before placement on the market.

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Suitable alternatives

16. Given the EP and COM opposition to the Council mandate on the need to consider "a substance, a combination of substances, or where relevant, an alternative technology" to replace a CMR 1a/1b substance in a cosmetics product, the Presidency is exploring more general language on the analysis of "alternatives", tasking the Commission, in consultation with the SCCS, ECHA, Member States and relevant stakeholders, to develop guidance on the precise scope of an analysis of alternatives. In support of this approach, the compromise also uses the single term "feasible" to align with the alternatives assessment under the REACH Regulation and replaces "equivalent" with "similar", leaving the precise meaning of these terms to that guidance.

Question 2: The Permanent Representatives Committee is invited to confirm its agreement with the possible landing zones identified by co-legislators on the main open issues in the Cosmetics Regulation.

Fertilising Products Regulation

17. This is the part of the proposal where the Parliament and Council mandates differed the most. The Parliament mandate, in particular, included a series of novel concepts and mechanisms, requiring in-depth discussion and analysis. Some of these elements were easier to accept. On others, discussions will continue at the trilogue, notably on the creation of a new open Component Material Category (CMC -), the fine-tuning of the end point definitions for animal by-products for the purposes of including in fertilisers, the adjustment of requirements for polymers registration.

Open CMC category

18. The EP mandate included an amendment requesting COM to create a new, open-ended Component Material Category (CMC) defined by general criteria and methodology. After technical discussions, the EP and COM agreed on a tentative compromise text, tasking COM to try again to create such a category and, in case of failure, to draft a report setting out the reasons why such as category could not be created.

Animal by-products

19. Based on the observation that market operators face difficulty with the "recognition of end points for constituent materials derived from animal by-products" for fertiliser applications, the EP proposed language aimed to amend the Animal By-Product Regulation to better target the definition of end points to fertilisers for the purposes of CMC 11 requirements (the fertiliser category for materials derived from animal by-products). Given the risk that such an amendment could exceed the legal basis and scope of the proposal, solutions are being explored to ensure that the amendment falls entirely within the scope and the legal framework of FPR.

Polymers CMC

20. The EP mandate included an amendment that directly altered CMC 8 (the fertiliser category for polymers that release nutrients) requirements without first carrying out a specific analysis. In the course of the negotiations the EP showed openness to drop such request, replacing it with the request for the Commission to consider the requirements applicable for nutrient polymers covered by CMC 8 in a future review of the Regulation.

Question 3: The Permanent Representatives Committee is invited to confirm its agreement with the possible landing zones identified by co-legislators on the main open issues in the Fertilising Products Regulation.

IV. CONCLUSION

21. The Presidency considers that the elements outlined in this note provide a sufficient basis to find a common ground with the Parliament and the Commission at the trilogue on 16 June 2026.

22. The Permanent Representatives Committee is therefore invited to confirm its support for the negotiating strategy outlined by the Presidency in this note, in reference to the three questions posed above.