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**'I/A' ITEM NOTE**

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	13062/16 MI 627 ENT 183 CONSOM 236 SAN 349 ECO 62 ENV 649 CHIMIE 56 + ADD1
Subject:	Commission Regulation (EU) .../...of XXX amending Annex III to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products – Decision not to oppose adoption

1. Article 31(2) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products<sup>1</sup> provides for a procedure to amend the annexes III to VI and VIII of this Regulation.
2. Therefore, in accordance with Article 5a(2) of Council Decision 1999/468/EC<sup>2</sup>, the relevant Committee was consulted on 21 September 2016. It voted with 23 delegations in favour of the above draft Regulation.<sup>3</sup>

<sup>1</sup> OJ L 342, 22.12.2009, p. 59.

<sup>2</sup> 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), as amended by Decision 2006/512/EC (JO L 200, 22.7.2006, p. 11).

<sup>3</sup> Five delegations were not represented.

3. Consequently, the Commission submitted the above draft Regulation<sup>4</sup> to the Council on 6 October 2016, in accordance with Article 5a(3)(a) of Council Decision 1999/468/EC.
4. Under the regulatory procedure with scrutiny, the Council, acting by qualified majority, may oppose the Commission's adoption of the draft Commission Regulations on the grounds that the draft measures presented by the Commission:
  - exceed the implementing powers provided for in the basic instrument, or
  - are not compatible with the aim or the content of the basic instrument, or
  - do not respect the principles of subsidiarity or proportionality.
5. The delegations were asked on 7 October 2016 to indicate their possible opposition to the draft Regulation before 7 November 2016. No delegation raised any of the above-mentioned grounds for opposition.
6. The Permanent Representatives Committee is therefore invited to recommend to the Council to confirm, as an "A" item of its agenda, that it is not opposed to the draft Regulation in subject.

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<sup>4</sup> doc. 13062/16 + ADD1.