



Brussels, 18 November 2022
(OR. en)

14848/22

ENT 158
MI 830
COMPET 906
ENV 1165
IND 477
SAN 611
CHIMIE 94
CONSOM 296

'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: ST 13037/22 + ADD 1 - D 081969/02

Subject: Commission Regulation (EU) .../... of XXX amending, for the purpose of its adaptation to technical progress, the Annex to Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals
- Decision not oppose adoption

1. On 29 September 2022, the Commission submitted the above draft Regulation to the Council, which amends the Annex to Regulation (EC) No 440/2008, in accordance with Article 13(2) and (3) of Regulation (EC) 1907/2006¹ (REACH).

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). (latest consolidated version: 14/10/2022);

2. In line with Article 133 (4) of Regulation (EC) No. 1907/2006 and under the procedure foreseen 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 European Parliament nor the Council have opposed the measures envisaged by the Commission, the draft Regulation shall be adopted by the Commission.
 3. The above draft Regulation is in accordance with the positive opinion of the Committee, expressed on 16 September 2022. The Committee voted unanimously in favour of the draft measure.
 4. On 29 September 2022, delegations were asked by 8 November 2022 to indicate their possible opposition to the draft Regulation. No delegation raised grounds for opposition, and in this case, it will be deemed that the Council has no reason to oppose it, thus allowing the Commission to formally adopt it after the 3-month deadline, that expires by 28 December 2022.
 5. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm its non-opposition to the draft Regulation, as set out in document ST 13037/22 + ADD 1 as an item without discussion at one of its forthcoming meetings.
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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.