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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 5636/21 - D071420
Subject:	Commission Directive (EU) .../...of XXX amending Directive 2009/48/EC of the European Parliament and of the Council as regards specific limit values for aniline in certain toys - Decision not to oppose adoption

1. On 25 January 2021, the Commission submitted the above draft Directive to the Council, which amends Directive (EC) 48/2009¹. In accordance with its Articles 46(2) and 47(2), the Commission, by a regulatory procedure with scrutiny, may adopt specific limit values for chemicals in toys intended for use by children under 36 months or in other toys intended to be placed in the mouth.

¹ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1);

2. Under the procedure in Articles 5 and 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. Pursuant to the scrutiny procedure, if neither the European Parliament nor the Council oppose the measures envisaged by the Commission, the draft Directive shall be adopted by the Commission.
 3. The above draft Directive is in accordance with the opinion of the Committee which on 16 December 2020 voted in favour of the draft measures.
 4. On 25 January 2021, delegations were asked by 26 February 2021 to indicate their possible opposition to the draft Directive. No delegation raised any grounds for opposition.
 5. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Directive, as set out in document ST 5636/21 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 July 2006.