

Export and import of hazardous chemicals.

Recast

2011/0105(COD) - 17/08/2018 - Follow-up document

The Commission presents a report on the exercise of the delegation conferred on the Commission pursuant to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals (the PIC Regulation), which implements the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade.

Under the terms of the Regulation, the Commission is required to present a **report on the exercise of the delegation conferred on the Commission** by the PIC Regulation not later than nine months before the end of the five-year period of the delegation, running from 1 March 2014.

During the period concerned by this report, the Commission adopted three delegated acts in order to amend certain non-essential elements of the PIC Regulation on the basis of Articles **23(4)(a) and 23(4)(b) respectively**. The following acts were adopted:

- [Commission Delegated Regulation \(EU\) No 1078/2014](#): this act was adopted on the basis of Article 23(4)(a) of the PIC Regulation on 28 November 2017 and applies from 1 December 2014. The approach followed in the delegated act to determine which chemicals should be listed in Annex I and in which part they should be listed was subject to discussions and in which part they should be listed was subject to discussions and consultations within the PIC DNA Expert Group consisting of representatives of Member States' designated national authorities, the European Chemicals Agency, industry and civil society.
- [Commission Delegated Regulation \(EU\) 2015/2229](#): this act was adopted on the basis of Article 23(4)(a) of the PIC Regulation on 29 September 2015 and applies from 1 February 2016. Similarly, the PIC DNA Expert Group was consulted on the determination of which chemicals should be listed in Annex I and in which part they should be listed.
- [Commission Delegated Regulation \(EU\) 2018/172](#): this act was adopted on the bases of Article 23(4)(a) and (b) of the PIC Regulation on 28 November 2017 and applies from 1 April 2018. the PIC DNA Expert Group was consulted not only on which chemicals should be listed in Annex I and in which part they should be listed but also on the listing of certain chemicals in Part 1 of Annex V.

In all three cases, the act was **notified** to the European Parliament and the Council. In each case, neither the European Parliament nor the Council objected to the delegated acts within the period of two months provided for in Article 26(5) of the PIC Regulation.

The Commission states that it is of the view that the delegated powers conferred by Article 23(4) should be **tacitly extended**, including those that were not yet exercised, since the need to adapt the PIC Regulation to technical progress in accordance with Articles 23(4)(c), 23(4)(d) and 23(4)(e) can occur at any time in the light of technical and scientific progress.