Commission Regulation (EU) 2019/1691 of 9 October 2019 amending Annex V to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Text with EEA relevance)

COMMISSION REGULATION (EU) 2019/1691

of 9 October 2019

amending Annex V to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning 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[(1)], and in particular Article 131 thereof,

Whereas:

(1) Annex V to Regulation (EC) No 1907/2006 contains a list of substances that are exempt from the obligation to register in accordance with Article 2(7)(b) of that Regulation.

(2) Digestate is a residual semisolid or liquid material that has been sanitised and stabilised by a biological treatment process, of which the last step is an anaerobic digestion step, and where the inputs used in that process are biodegradable materials originating only from non-hazardous source segregated materials, such as food waste, manure and energy crops. Biogas resulting from the same process as digestate or from other anaerobic digestion processes, as well as compost resulting from the aerobic decomposition process of similar biodegradable materials, are already listed in Annex V to Regulation (EC) No 1907/2006. Therefore, digestate that is either not waste or has ceased to be waste should also be listed in that Annex, as it is inappropriate and unnecessary to require that substance to be registered and as its exemption from Titles II, V and VI of Regulation (EC) No 1907/2006 does not prejudice the objectives of that Regulation.

(3) So far, no registrations have been submitted for digestate. The listing of digestate in Annex V of Regulation (EC) No 1907/2006 should clarify that digestate is exempted from registration, for reasons analogous to those that justify the existing exemption of compost and biogas, thereby removing uncertainties encountered by producers and users of digestate and by enforcement authorities.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2019/1691. (See end of Document for details)*

(4) Annex V to Regulation (EC) No 1907/2006 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EC) No 1907/2006 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 October 2019.

For the Commission

The President

Jean-Claude JUNCKER