

# Persistent organic pollutants

2003/0119(COD) - 28/09/2010 - Follow-up document

The Commission presents a report on the application of Regulation (EC) No 850/2004 on persistent organic pollutants in accordance with Article 12(6) of the Regulation.

It recalls that the Regulation contains provisions regarding production, placing on the market and use of chemicals, management of stockpiles and wastes and measures to reduce unintentional releases of POPs. Furthermore, Member States must set up emission inventories for unintentionally produced POPs, national implementation plans (NIPs) and monitoring and information exchange mechanisms.

The first synthesis report was finalised on behalf of the Commission in 2009 based on the 2004–2006 triennial reports and the 2006–2008 annual reports. This report discusses the findings of the synthesis report and progress achieved in the implementation of the Community Implementation Plan (CIP) until the end of 2009. In addition the report recommends further actions to ensure the full implementation of the Regulation.

The Commission finds that the **requirements of the Regulation are largely fulfilled in relation to intentionally produced POPs**. Productions, placing on the market and use have been phased-out; stock inventories have been prepared and are being updated. Member States continue their efforts to eliminate the stockpiles particularly in view of the end of 2010 deadline for PCB equipments. Emission inventories for unintentionally produced POPs have been established, but they suffer from data gaps and inconsistencies. Data gaps include insufficient coverage of sources, environmental compartments, number of POP substances and changes in completeness of estimations and reporting methodology. Inconsistencies are observed between E-PRTR (European Pollutant Release and Transfer Register) and EMEP Co-operative programme for monitoring and evaluation of the long range transmission of air pollutants in Europe) emission estimates.

**Emission data deficits are especially critical for water and land compartments and for HCB and PCB emissions**, but all evaluations would benefit from improved reporting. This includes the need to update, further specify and review the use of emissions factors. This will be addressed by ongoing review projects for the EMEP/EEA Guidebook and the UNEP dioxin toolkit. A systematic information exchange of Member State authorities on applied methodologies would be an additional tool to further improve the reliability of estimates.

**Elaboration of NIPs** pursuant to the Convention requirements and the related establishment of NAPs for unintentionally released POPs **are not yet completed or have not even started** in a number of Member States. 19 Member States have developed NIPs and related NAPs and provided them to the Convention Secretariat.

NAPs generally contain descriptions of measures to identify, characterise and minimise releases of unintentionally produced POPs. The expansion of the inventories from PCDD/PCDFs and PAHs to PCBs and HCB is a priority. Measures to implement the IPPC Directive, BAT and other EU emission limits are still ongoing in many Member States. **Domestic combustion has become a new priority issue** (caused by efforts to replace use of fossil fuels) followed by elimination of stocks and environmental burdens, as well as open burning of waste.

**Waste provisions are well implemented.** Concentration thresholds for upper and lower POP content have been established. Changes to the existing derogation clause providing an option to deal with waste in exceptional circumstances as alternatives to destruction or irreversibly transformation of the POPs content are not envisaged.

POP environmental monitoring is established in most Member States. However, there is no EU level database enabling evaluation of time trends in the environment, nor is the information provided by Member States sufficient to evaluate policy effectiveness at EU level. A more comprehensive and detailed compilation of comparable monitoring data at EU level and establishment of a common information system is needed.

**Compliance with the reporting obligation is not satisfactory.** A significant number of Member States has not respected their reporting obligations. The quality of information provided must improve. The reporting format would benefit from a revision to increase clarity and compatibility with SEIS principles. Greater coordination of EU assistance would improve its effectiveness and visibility.

The Commission will continue to work with Member States to improve implementation with the aim of protecting human health and the environment from POPs.