

Persistent organic pollutants

2003/0119(COD) - 29/04/2004 - Final act

PURPOSE: to prohibit, phase out, or restrict the production, placing on the market and use of persistent organic pollutants (POPs).

LEGISLATIVE ACT: Regulation 850/2004/EC of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC.

CONTENT: This Regulation takes into account the precautionary principle. Its objective is the protection of human health and the environment by prohibiting, phasing out as soon as possible, or restricting the production, placing on the market and use of substances subject to the Stockholm Convention on Persistent Organic Pollutants, ("the Convention"), or the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants ("the Protocol"). It also minimises, with a view to eliminating where feasible as soon as possible, releases of such substances, and establishes provisions regarding waste containing any of these substances. There are certain exemptions from control measures.

The main points are as follows:

- The production, placing on the market and use of substances listed in Annex I is prohibited.
- The production, placing on the market and use of substances listed in Annex II, is restricted in accordance with the conditions set out in that Annex.
- On the matter of minimizing release, within two years of the date of entry into force of the Regulation, Member States must draw up release inventories for the substances listed in Annex III into air, water and land.
- Disposal or recovery operations that may lead to recovery, recycling, reclamation or re-use of the substances listed in Annex IV are prohibited, with certain derogations.
- The production and use of hexachlorocyclohexane (HCH), including lindane, is subject to restrictions under the Protocol but not totally prohibited. That substance is still used in some Member States and therefore it is not possible to prohibit immediately all existing uses. However, in view of the harmful properties of HCH and the possible risks related to its release into the environment, its production and uses must be confined to a minimum and ultimately phased out by the end of 2007 at the latest.
- Since obsolete or carelessly managed stockpiles of persistent organic pollutants may seriously endanger the environment and human health, the Regulation contains provisions that go beyond the provisions laid down in the Convention. Stockpiles of prohibited substances must be treated as waste, while stockpiles of substances the production or use of which is still allowed must be notified to the authorities and properly supervised. In particular, existing stockpiles which contain banned persistent organic pollutants must be managed as waste as soon as possible. If other substances are banned in the future, their stocks must also be destroyed without delay and no new stockpiles should be built up. In view of the particular problems of certain new Member States, adequate financial and technical assistance will be provided through existing Community financial instruments, such as the Cohesion and Structural Funds.
- The Regulation lays down rules on the common concentration limits of POPs in waste. To ensure a high level of protection, common concentration limits for the substances in waste should be established before 31 December 2005.
- The Convention provides that each Party is to draw up a plan for the implementation of its obligations under the Convention. Member States must provide opportunities for public participation in drawing up their implementation plans. Since the Community and the Member States share competence in that regard, implementation plans must be drawn up both at national and Community level. Cooperation and an exchange of information between the Commission and the authorities of the Member States must be

promoted.

- Public awareness of the hazards that persistent organic pollutants pose to the health of present and future generations as well as to the environment, particularly in developing countries, is often lacking, and wide-scale information is therefore needed to increase the level of caution and gain support for restrictions and bans. Public awareness programmes on these substances, especially for the most vulnerable groups, as well as training of workers, scientists, educators, technical and managerial personnel must be promoted.
- Technical assistance to developing countries should include the development and implementation of suitable alternative products, methods and strategies, inter alia, to the use of DDT in disease vector control which, under the Convention, can only be used in accordance with World Health Organisation recommendations and guidelines and when locally safe, effective and affordable alternatives are not available to the country in question.
- Member States must report every three years to the Commission, in particular as regards release inventories, notified stockpiles and the production and placing on the market of restricted substances.
- Information on infringements of the provisions of this Regulation should be made public, where appropriate.
- Finally, on the question of DDT, the existing production and use of DDT as a closed-system site-limited intermediate for the production of dicofol is allowed until 1 January 2014. The Commission shall review this exemption by 31.12.2008 in the light of the outcome of the evaluation in the framework of Directive 91/414/EEC.

ENTRY INTO FORCE: 20/05/04.