

Persistent organic pollutants. Recast

2018/0070(COD) - 22/03/2018 - Legislative proposal

PURPOSE: to protect human health and the environment against persistent organic pollutants (POPs).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Regulation (EC) No 850/2004 of the European Parliament and of the Council (the POPs Regulation) implements the commitments of the Union under the Stockholm Convention on Persistent Organic Pollutants (the Stockholm Convention) approved by Council Decision 2006/507/EC and under the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants (POPs Protocol).

The **recast** of the POP Regulation is proposed for the following reasons:

- in view of the **procedural changes** introduced by the Treaty on the Functioning of the European Union (the 'Lisbon Treaty'), it is necessary to adapt the provisions of the POPs Regulation concerning **comitology** by specifying which rules are subject to implementing acts and clarified which conditions apply to the adoption of delegated acts;
- in order to support the Commission in its tasks foreseen under the POPs Regulation, it is proposed to: (i) **involve the European Chemicals Agency** in certain administrative, technical and scientific tasks necessary for the implementation of the Regulation; (ii) support the enforcement of the POPs Regulation by Member States by including a coordination role for the Forum for Exchange of Information on Enforcement established by Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([REACH](#));
- in light of the experience of the functioning of the procedures under the POPs Regulation, it is proposed to include certain technical amendments to the operative provisions, such as clarifying existing definitions and adding the definitions of manufacturing, use and a closed-system site-limited intermediate and to update the provisions of the reporting requirements.

The proposal contributes to the achievement of priority objective 3 of the [7th Environment Action Programme](#) to 2020: 'to safeguard the Union's citizens from environment-related pressures and risks to health and well-being'.

CONTENT: the recast proposal contains provisions concerning the **monitoring of persistent organic pollutants** (POPs) and the reporting of information on their manufacture, use and emissions. It also lays down obligations on the monitoring of the application of the POP Regulation. It also requires the establishment and regular review of an implementation plan for the Stockholm Convention.

The proposed recast Regulation would essentially maintain all provisions of the current POPs Regulation, including those that go beyond the requirements of the Stockholm Convention and the POPs Protocol.

In order to enhance clarity and improve the functioning of the Regulation. The main changes are as follows:

Clarification of definitions: the definitions for 'placing on the market', 'article', 'substance', 'waste', 'disposal' and 'recovery' have been amended. The term 'preparation' has been replaced by 'mixture' to

reflect the changes in the general chemicals legislation. It has also been proposed to add definitions for 'manufacturing', 'use' and 'closed-system, site-limited intermediate'.

Involvement of the European Chemicals Agency: a role for the Agency in the implementation of this Regulation has been proposed due to the Agency's expertise and experience with the implementation of general chemicals legislation and international agreements on chemicals, in particular regarding its current involvement in REACH and Regulation (EU) No 649/2012. It is proposed that the role of the Agency will include its involvement in the **technical preparation of dossiers on substances** that may be used by the Commission, should it use its discretion to propose one or more such substances to be listed as POPs in the Stockholm Convention. In particular, the Agency will take action where substances are considered to fulfil the criteria in Annex D of the Stockholm Convention.

In addition, the Commission, the Member States and the Agency should cooperate to implement effectively the Union's international obligations under the Convention.

Role of the REACH 'Forum': the Forum is a network of authorities responsible for the enforcement of REACH, [Regulation \(EC\) No 1272/2008](#) (CLP) and [Regulation \(EC\) 649/2012](#) (PIC) in the EU. As a result of the experience it has accrued in relation to those chemical regulations, it is deemed appropriate to propose a role for the Forum in **coordinating the enforcement tasks** specified in this Regulation.

Comitology: in order to take account of the entry into force of the Lisbon Treaty, it is proposed to revise the provisions by which certain powers are conferred on the European Commission.

Reporting and monitoring: the recast includes certain adjustments, in particular with regard to streamlining, simplifying and automatising the reporting and monitoring process, and improving the provision of public information.

BUDGETARY IMPACT: the proposal is not expected to have important budgetary implications since no new tasks were introduced compared to Regulation (EC) No 850/2004. The transfer of certain tasks from the Commission to the Agency is expected to have no significant impact on the overall costs of implementation. Reductions are expected to be achieved in the medium-term considering the potential for synergies with other existing tasks of the Agency.

The financing of the tasks carried out by the Agency will be provided in form of a subsidy from the Union budget.