Persistent organic pollutants. Recast

2018/0070(COD) - 15/11/2018 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 567 votes to 23, with 27 abstentions, **amendments** to the proposal for a regulation of the European Parliament and of the Council on persistent organic pollutants (recast).

The matter was referred back to the committee for interinstitutional negotiations.

The proposed recast of the Persistent Organic Pollutants (POPs) Regulation updates the Annexes in accordance with decisions taken in 2015 and 2017 during the meetings of the Conference of the Parties to the Stockholm Convention. In addition, the update defines a new role for the European Chemicals Agency (ECHA), which is now responsible for supporting the Commission's work in the preparation of dossiers on substances.

The main amendments to the Commission proposal adopted in plenary aim to:

- refer, in the recitals, to the provisions of the **Minamata Convention** approved by the Union on 11 May 2017, which are of particular relevance for the POPs Regulation;
- align the text with that of the **REACH Regulation** in order to ensure clarity and consistency for all actors, in particular citizens and companies whose activities are affected by this recast;
- align the recast with the most **recent decisions of the Conference of the Parties to the Stockholm Convention** and on the REACH Regulation in order to ensure clarity and coherence for all actors, in particular citizens and companies whose activities are affected by this recast;
- clarify that the manufacturer demonstrates that the manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a POP, that it is not expected that either **humans or the environment** will be exposed to any significant quantities of the substance during its production and use, and that there are no technically feasible alternatives to the use of a substance listed in Part A of Annex I or in Part A of Annex II to this Regulation;
- require holders to manage the stockpile in a safe, efficient and environmentally sound manner, in accordance with the thresholds and requirements of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions and Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, where applicable;
- provide that existing stockpiles of banned POPs or containing them should be managed as waste as soon as possible and that other substances are banned in the future, their stocks should also be destroyed **without delay** and no new stockpiles should be built up; adequate financial and technical assistance should be provided through existing Union financial instrument taking into account the particular problems faced by some Member States;
- ensure that the role of the **European Chemicals Agency** (ECHA) includes the preparation and review of technical dossiers, including consultations with stakeholders, and the drawing up of opinions to be used by the Commission in considering whether to come forward with a proposal for listing a substance as a POP in the Convention or the Protocol;
- provide that, upon request, the Agency shall provide the Commission with **scientific and technical information** on substances that may comply with the criteria for inclusion in the Convention or Protocol, including measures to prevent the production and use of new POPs or new industrial chemicals, and on the assessment of pesticides or industrial chemicals currently in use;
- provide that the Commission will organise an **exchange of information** with Member States on measures taken at national level to identify and assess sites contaminated by POPs and to address the significant risks that such contamination may pose to human health and the environment;

- ensure **access to information and public participation** by applying the UN/ECE Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention), which was approved by the Union on 17 February 2005;
- clarify the use of **implementing acts** and specify the format of the implementation information to be provided to ensure that the report referred to in Article 13(1) is drawn up by the Member States in a uniform manner, in order to streamline the processing of this information;
- maintain the **separation of competences** between the Waste Committee and the REACH Committee;
- provide that the **delegation of power** is conferred on the Commission for a period of five years (renewable) and that the European Parliament and the Council must be able to exercise political control over any delegations conferred on the Commission.

The Agency shall start providing technical and scientific guidance as from **one year after the date of entry into force** of the Regulation under consideration.