

Persistent organic pollutants. Recast

2018/0070(COD) - 25/06/2019 - Final act

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

LEGISLATIVE ACT: Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants.

CONTENT: the Union is seriously concerned by the continuous release of persistent organic pollutants ('POPs') into the environment. Those chemical substances are transported across international boundaries, far from their sources, and they persist in the environment, bioaccumulate through the food web, and pose a risk to human health and the environment.

Objective and subject matter

Taking into account, in particular, the precautionary principle, the objective of this Regulation is to protect human health and the environment from POPs by prohibiting, phasing out as soon as possible, or restricting the manufacturing, placing on the market and use of substances subject to the Stockholm Convention on Persistent Organic Pollutants or the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants, by minimising, with a view to eliminating where feasible as soon as possible, releases of such substances, and by establishing provisions regarding waste consisting of, containing or contaminated by any of those substances.

Where appropriate, Member States may apply stricter requirements than those provided for in the Regulation.

Tasks of the Agency and the Forum

Under the new rules, the current high level of protection of human health and the environment in Europe shall be maintained. However, some tasks shall be transferred from the European Commission to the European Chemicals Agency (ECHA) in Helsinki.

The Agency's role shall include preparing and reviewing technical dossiers, including stakeholder consultations, and providing advice to which the Commission should refer when considering proposing a substance for inclusion as a POP on the lists of the Convention or Protocol. In addition, the Commission, Member States and the Agency shall cooperate to effectively implement the Union's international obligations under the Stockholm Convention.

The Forum for Exchange of Information on Enforcement set up by the REACH Regulation shall be used to coordinate a network of Member States' authorities responsible for monitoring the application of the Regulation.

Controlled substances

The Regulation adds the flame retardant decaBDE to the list of controlled substances and sets the unintentional contamination value of a substance at 10 mg/kg for cases where decaBDE is present in substances. It sets this value at 500 mg/kg for the sum of all polybrominated diphenyl ethers (tetraBDE,

pentaBDE, hexaBDE, heptaBDE and decaBDE) in mixtures or articles, with a review and assessment of this threshold by the Commission scheduled no later than 16 July 2021. This review will assess, inter alia, all significant impacts on health and the environment.

In addition, specific derogations concerning the use of decaBDE are introduced for aircraft, motor vehicles and electronic equipment, also in the case of imports.

For short-chain chlorinated paraffins (SCCPs), the Regulation introduces a derogation from the prohibition on manufacture, placing on the market and use for substances or mixtures containing SCCPs in concentrations lower than 1 % by weight or articles containing SCCPs in concentrations lower than 0,15 % by weight shall be allowed.

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.

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.

Each Member State shall designate a competent authority or authorities responsible for the administrative tasks and enforcement activities required by the Regulation.

ENTRY INTO FORCE: 6.7.2019.