

Persistent organic pollutants

2021/0340(COD) - 06/04/2022 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Martin HOJSÍK (Renew Europe, SK) on the proposal for a regulation of the European Parliament and of the Council amending Annexes IV and V to Regulation (EU) 2019/1021 of the European

Parliament and of the Council on persistent organic pollutants.

As a reminder, the European Commission has proposed to review the Annexes IV and V of the Regulation (EU) 2019/1021 (POPs Regulation) to ensure their alignment with the international obligations, particularly the Stockholm Convention whose main goal is to protect human health and the environment from persistent organic pollutants. As POPs belong to the most dangerous chemicals in the world and are linked to irreversible impacts on public health and environment, the Stockholm Convention requires Parties to prohibit and/or take the legal and administrative measures necessary to eliminate both the production and use of chemicals listed in Annex A, and the import and export of those chemicals.

Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds have been proposed by the Persistent Organic Pollutants Review Committee (POPRC) for listing under Annex A of the Convention without specific exemptions after completing the risk profile and risk management evaluation for those substances.

A decision to **include PFHxS, its salts and PFHxS-related compounds is envisaged to take place in Stockholm Convention COP-10**, which was initially scheduled in July 2021, and is now scheduled to take place in June 2022.

With respect to the objectives of the Convention, it is therefore appropriate to amend Annexes IV and V to Regulation (EU) 2019/1021 by including perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds in the Annexes and indicating their corresponding concentration limits.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

The report stressed that in order to prevent mixing of contaminated waste with other waste or materials and to ensure better traceability and effective treatment of waste containing persistent organic pollutants, there is a need to avoid inconsistency between the provisions regarding waste which contains persistent organic pollutants originally set out in Regulation (EC) No 850/2004, now repealed by Regulation (EU) 2019/1021, and those set out thereafter.

The Commission should therefore assess whether to recognise that waste containing persistent organic pollutants exceeding the concentration limits specified in Annex IV of Regulation (EU) 2019/1021 should be classified as hazardous and, if appropriate, present a legislative proposal to amend Directive 2009/98/EC on waste or Decision 2014/955/EU, or both, accordingly.

Concentration limits

The values proposed by Members in the respective Annexes IV (on POPs waste management) should not only allow for a better implementation of the EU's international obligations but will also ensure a better alignment between the POPs Regulation and the objectives of the European Green Deal, in particular the ambitions for a toxic-free environment and a truly circular economy.

For the sum of polybrominated diphenyl ethers, Members proposed a limit of **200 mg/kg**. The Commission will review this concentration limit and, if appropriate, adopt a legislative proposal to lower this value no later than 5 years after the date of entry into force of the Regulation.

For the short-chain chlorinated paraffins, it proposed to limit it to the **420 mg/kg**.

For the hexabromocyclododecane, Members proposed a limit of **200 mg/kg** with a further limitation to 100 in 5 years.

For polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and dioxin-like polychlorinated biphenyls (dl-PCB), a limit of **1 g/kg** is proposed.

Lastly, Members proposed to amend Annexes IV and V of Regulation (EU) 2019/1021 by including **perfluorohexane sulphonic acid (PFHxS), its salts and PFHxS-related compounds** in the Annexes and indicating their corresponding concentration limits, as the Commission also acknowledges in its impact assessment of this revision that the European Parliament and the Council will have to include these substances as soon as they are listed in the Stockholm Convention in 2022, according to the recommendation issued by the POPs Review Committee in 2019.