Persistent organic pollutants

2021/0340(COD) - 09/12/2022 - Final act

PURPOSE: to bring EU legislation into line with the EU's international commitments, in particular under the Stockholm Convention on Persistent Organic Pollutants (POPs).

LEGISLATIVE ACT: Regulation (EU) 2022/2400 of the European Parliament and of the Council of 23 November 2022 amending Annexes IV and V to Regulation (EU) 2019/1021 on persistent organic pollutants.

CONTENT: the Regulation **revises the Annexes of the Persistent Organic Pollutants** (POPs) Regulation in order to introduce new chemicals to the POPs list and to limit their presence in waste by tightening concentration limit values.

The changes to Annexes IV and V of the POPs Regulation are as follows:

- ***Perfluorooctanoic acid (PFOA), its salts and related compounds*** (present in waterproof textiles and fire-fighting foams): the maximum limit value has been set at 1 mg/kg for PFOA and its salts and 40 mg/kg for PFOA-related compounds, with a review clause to reassess the situation by 30 December 2027;

- ***Dioxins and furans (PCDD/PCDF and dl-PCB)***, which may be present as impurities in certain industrial ashes and oils: the limit value is set at 5 g/kg. The limit value for these substances in household ash and soot will apply from 1 January 2025. The limit values for these substances in fly ash from biomass units for heat and power generation will apply from 31 December 2023, with a transitional value set at 10 g /kg in the meantime. The limit values will be reviewed by 30 December 2027;

- ***Perfluorohexane sulphonic acid (PFHxS)*** and its salts and related compounds (present in textiles, non-stick cookware and fire-fighting foams): the limit value has been set at 1 mg/kg for PFHxS and its salts and 40 mg/kg for PFHxS-related components. The limit values will be reviewed by 30 December 2027. This substance was introduced into the Regulation following the decision of the Conference of the Parties to the Stockholm Convention on 9 June to add this substance to Annex A of the Convention.

- ***Hexabromocyclododecane (HBCDD)*** - a flame retardant present in certain plastic and textile wastes, in particular in polystyrene insulation from the demolition of buildings: the Regulation provides for a two-step reduction of the limit value: 500 mg/kg at the entry into force of the Regulation and 200 mg/kg, five years later through a review clause

- ***PBDEs*** (a group of brominated flame retardants): the Regulation provides for a three-step approach with a limit value of 500 mg/kg on entry into force of the Regulation; an automatic reduction to 350 mg/kg from 30 December 2025; and a further automatic reduction to 200 mg/kg from 30 December 2027, provided that the limit value for placing the substance on the market is not higher.

Short Chain Chlorinated Paraffins (SCCPs) - flame retardants in certain rubber and plastic **wastes**, such as rubber conveyor belts, hoses, cables and gaskets: the regulation sets the limit value at 1500 mg/kg with a review clause five years after entry into force.

In addition, the Commission will assess whether EU waste legislation should be amended to evaluate whether waste containing persistent organic pollutants exceeding the concentration limits set out in Annex IV of the POP Regulation should be classified as hazardous.

ENTRY INTO FORCE: 29.12.2022. The regulation is applicable from 10.6.2023.