

# Persistent organic pollutants

2003/0119(COD) - 12/06/2003 - Legislative proposal

**PURPOSE** : proposal for a Regulation on persistent organic pollutants and to amend Directives 79/117 /EEC and 96/59/EC

**CONTENT** : persistent organic pollutants (POPs) are chemical substances that persist in the environment, bioaccumulate through the food web, and pose a risk of causing adverse effects to human health and the environment. These pollutants are transported across international boundaries far from their sources, even to regions where they have never been used or produced. The ecosystems and indigenous people of the Arctic are particularly at risk because of the long-range environmental transportation and biomagnification of these substances. Consequently, persistent organic pollutants pose a threat to the environment and to human health all over the globe. The European Community and its Member States signed the Protocol to the regional UNECE Convention on Long-Range Transboundary Air Pollution (CLRTAP) on POPs in June 1998 and the global Stockholm Convention on POPs in May 2001. The purpose of the proposed Regulation is to give effect to the main provisions of the Convention and the Protocol which are not yet sufficiently covered by Community legislation. Separate proposals for Council Decisions concerning the Community's conclusions on these two international agreements are being submitted in parallel to this proposal. (See CNS/2003/0118). Current Community legislation includes restrictions on marketing and use of most of the intentionally produced substances listed in the Convention and in the Protocol. The main deficiency in the present Community legislation is that there is no legislation on prohibition of the production of any of the currently listed chemicals nor is there any framework to prohibit the production of new POPs added in the agreements in future. Another significant deficiency is that most of the existing Community prohibitions on the marketing and use of specific POP chemicals are not complete, as Directive 79/117/EEC only covers use of substances as plant protection products, not e.g. biocidal or industrial uses. Furthermore, placing on the market and use of chemicals occurring as constituents of articles are not in all cases banned, either, and exemptions given in the two limitations Directives are wider than those set in the Convention. The proposed Regulation would implement the main provisions of the Stockholm Convention and the UNECE Protocol on intentionally produced POPs by prohibiting the production, use and placing on the market of the listed substances. To ensure a high level of protection of health and the environment, the proposed new Regulation would not make use of the possibility offered by the international agreements of continuing the production, placing on the market and use of some of the listed substances for limited uses. The proposed Regulation would also contain certain provisions on stockpiles and waste, which to some extent would go beyond those set in the Convention. As the necessary legislation on the listed by-products is to a great extent in place, it is proposed to include only provisions on release inventories and on the development and implementation of the national action plans in the Regulation. In addition to provisions on control measures, the proposal contains certain general obligations based on the provisions of the Convention and the Protocol. Adding new POP substances is a crucial element of the proposed Regulation, and new chemicals will most likely be added relatively soon both in the Convention and in the UNECE Protocol. After a decision on listing of a substance is made under either of the two international legally binding instruments on POPs, the Regulation would be amended, as appropriate, by using a regulatory committee procedure. This is sufficient because all Member States and the Council would have already dealt with the listing of a new POP during international negotiations. This procedure provides a possibility also for the European Parliament to react on the Commission proposals and decisions taken. The regulatory committee procedure would enable the Community to decide on the inclusion of a substance in the given one year timeframe. For the sake of legal clarity, it is proposed to repeal the obsolete marketing and use restrictions on eight POP pesticides set out in Council Directive 79/117/EEC. In addition, it is proposed to make a slight amendment in the PCB Disposal Directive (96/59/EC). However, the present restrictions on PCBs would remain intact.