Basic information

2018/0070(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Persistent organic pollutants. Recast Repealing Regulation (EC) No 850/2004 2003/0119(COD) Amended by 2021/0340(COD) Amended by 2023/0455(COD) Amended by 2025/0176(COD) **Subject** 3.40.01 Chemical industry, fertilizers, plastics 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	GIRLING Julie (PPE)	06/04/2018
	Shadow rapporteur PAOLUCCI Massimo (S&D) PIECHA Bolesław G. (ECR) HUITEMA Jan (ALDE) KONEČNÁ Kateřina (GUE/NGL) EICKHOUT Bas (Verts/ALE) PEDICINI Piernicola (EFDD)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	

Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
JURI Legal Affairs	GERINGER DE OEDENBERG Lidia Joanna (S&D)	19/07/2018

Council of the

Council configuration	Meetings	Date

European Union	Employment, Social Policy, Health and Consumer Affairs	3698	2019-06-13

European Commission	Commission DG	Commissioner
	Environment	VELLA Karmenu

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
22/03/2018	Legislative proposal published	COM(2018)0144	Summary
16/04/2018	Committee referral announced in Parliament, 1st reading		
10/10/2018	Vote in committee, 1st reading		
16/10/2018	Committee report tabled for plenary, 1st reading	A8-0336/2018	Summary
14/11/2018	Debate in Parliament		
15/11/2018	Decision by Parliament, 1st reading	T8-0463/2018	Summary
15/11/2018	Results of vote in Parliament		
15/11/2018	Matter referred back to the committee responsible for interinstitutional negotiations		
14/03/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE636.247 GEDA/A/(2019)002029	
18/04/2019	Decision by Parliament, 1st reading	T8-0436/2019	Summary
18/04/2019	Results of vote in Parliament		
13/06/2019	Act adopted by Council after Parliament's 1st reading		
20/06/2019	Final act signed		
20/06/2019	End of procedure in Parliament		
25/06/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0070(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 850/2004 2003/0119(COD) Amended by 2021/0340(COD) Amended by 2023/0455(COD)

	Amended by 2025/0176(COD)
Legal basis	Rules of Procedure EP 61 Treaty on the Functioning of the European Union TFEU 192-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/8/12585

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE622.205	24/05/2018	
Amendments tabled in committee		PE623.927	10/08/2018	
Committee draft report		PE625.541	31/08/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0336/2018	16/10/2018	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T8-0463/2018	15/11/2018	Summary
Text agreed during interinstitutional negotiations		PE636.247	01/03/2019	
Text adopted by Parliament, 1st reading/single reading		T8-0436/2019	18/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)002029	01/03/2019	
Draft final act	00061/2019/LEX	20/06/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0144	22/03/2018	Summary
Commission response to text adopted in plenary	SP(2019)440	08/08/2019	
Follow-up document	COM(2021)0408	22/07/2021	
Follow-up document	SWD(2021)0201	22/07/2021	
Follow-up document	COM(2023)0680	30/10/2023	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	RO_SENATE	COM(2018)0144	18/05/2018	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act

Regulation 2019/1021
OJ L 169 25.06.2019, p. 0045 Summary

Corrigendum to final act 32019R1021R(01)
OJ L 179I 09.06.2020, p. 0004

Delegated acts

Reference	Subject
2020/2622(DEA)	Examination of delegated act
2020/2929(DEA)	Examination of delegated act
2020/2679(DEA)	Examination of delegated act
2020/2899(DEA)	Examination of delegated act
2020/2678(DEA)	Examination of delegated act
2022/2833(DEA)	Examination of delegated act
2023/2579(DEA)	Examination of delegated act
2025/2701(DEA)	Examination of delegated act
2025/2703(DEA)	Examination of delegated act
2023/2723(DEA)	Examination of delegated act
2025/2672(DEA)	Examination of delegated act
2025/2723(DEA)	Examination of delegated act
2025/2837(DEA)	Examination of delegated act
2026/2885(DEA)	Examination of delegated act

Persistent organic pollutants. Recast

2018/0070(COD) - 16/10/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Julie GIRLING (EPP, UK) on the proposal for a regulation of the European Parliament and of the Council on persistent organic pollutants (recast).

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

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 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**;
- 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;

- 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.

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, 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.

Persistent organic pollutants. Recast

2018/0070(COD) - 22/03/2018 - Legislative proposal

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

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Regulation (EC) No 850/2004 of the European Parliament and of the Council (the POPs Regulation) implements the commitments of the Union under the Stockholm Convention on Persistent Organic Pollutants (the Stockholm Convention) approved by Council Decision 2006/507/EC and under the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants (POPs Protocol).

The **recast** of the POP Regulation is proposed for the following reasons:

- in view of the **procedural changes** introduced by the Treaty on the Functioning of the European Union (the 'Lisbon Treaty'), it is necessary to adapt the provisions of the POPs Regulation concerning **comitology** by specifying which rules are subject to implementing acts and clarified which conditions apply to the adoption of delegated acts;
- in order to support the Commission in its tasks foreseen under the POPs Regulation, it is proposed to: (i) **involve the European Chemicals Agency** in certain administrative, technical and scientific tasks necessary for the implementation of the Regulation; (ii) support the enforcement of the POPs Regulation by Member States by including a coordination role for the Forum for Exchange of Information on Enforcement established by Regulation (EC) No 1907/2006 of the European Parliament and of the Council (REACH);
- in light of the experience of the functioning of the procedures under the POPs Regulation, it is proposed to include certain technical amendments to the operative provisions, such as clarifying existing definitions and adding the definitions of manufacturing, use and a closed-system site-limited intermediate and to update the provisions of the reporting requirements.

The proposal contributes to the achievement of priority objective 3 of the 7th Environment Action Programme to 2020: ‘to safeguard the Union’s citizens from environment-related pressures and risks to health and well-being’.

CONTENT: the recast proposal contains provisions concerning the **monitoring of persistent organic pollutants** (POPs) and the reporting of information on their manufacture, use and emissions. It also lays down obligations on the monitoring of the application of the POP Regulation. It also requires the establishment and regular review of an implementation plan for the Stockholm Convention.

The proposed recast Regulation would essentially maintain all provisions of the current POPs Regulation, including those that go beyond the requirements of the Stockholm Convention and the POPs Protocol.

In order to enhance clarity and improve the functioning of the Regulation. The main changes are as follows:

Clarification of definitions: the definitions for ‘placing on the market’, ‘article’, ‘substance’, ‘waste’, ‘disposal’ and ‘recovery’ have been amended. The term ‘preparation’ has been replaced by ‘mixture’ to reflect the changes in the general chemicals legislation. It has also been proposed to add definitions for 'manufacturing', 'use' and 'closed-system, site-limited intermediate'.

Involvement of the European Chemicals Agency: a role for the Agency in the implementation of this Regulation has been proposed due to the Agency's expertise and experience with the implementation of general chemicals legislation and international agreements on chemicals, in particular regarding its current involvement in REACH and Regulation (EU) No 649/2012. It is proposed that the role of the Agency will include its involvement in the **technical preparation of dossiers on substances** that may be used by the Commission, should it use its discretion to propose one or more such substances to be listed as POPs in the Stockholm Convention. In particular, the Agency will take action where substances are considered to fulfil the criteria in Annex D of the Stockholm Convention.

In addition, the Commission, the Member States and the Agency should cooperate to implement effectively the Union's international obligations under the Convention.

Role of the REACH ‘Forum’: the Forum is a network of authorities responsible for the enforcement of REACH, Regulation (EC) No 1272/2008 (CLP) and Regulation (EC) 649/2012 (PIC) in the EU. As a result of the experience it has accrued in relation to those chemical regulations, it is deemed appropriate to propose a role for the Forum in **coordinating the enforcement tasks** specified in this Regulation.

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.

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.

BUDGETARY IMPACT: the proposal is not expected to have important budgetary implications since no new tasks were introduced compared to Regulation (EC) No 850/2004. The transfer of certain tasks from the Commission to the Agency is expected to have no significant impact on the overall costs of implementation. Reductions are expected to be achieved in the medium-term considering the potential for synergies with other existing tasks of the Agency.

The financing of the tasks carried out by the Agency will be provided in form of a subsidy from the Union budget.

Persistent organic pollutants. Recast

2018/0070(COD) - 18/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 443 votes to 51, with 55 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on persistent organic pollutants (recast).

The proposed recast of the Persistent Organic Pollutants (POPs) Regulation updates the Annexes in accordance with the decisions taken in 2015 and 2017 during the meetings of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants. 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 preparing substance dossiers.

The European Parliament’s position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

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, in accordance with the Treaty on the Functioning of the European Union.

Control measures and exceptions

The new Regulation shall prohibit the manufacture, placing on the market and use of substances listed in Annexes I and II either as such, in mixtures or in articles except (i) in the case of a substance intended for use in laboratory research or as a reference standard or (ii) in the case of a substance present in substances, mixtures or articles as an unintentional trace contaminant.

The amended text adds decaBDE to the list of controlled substances and sets the value of unintentional contamination 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, hexaBDE, heptaBDE and decaBDE) in mixtures or articles, with a review and assessment of this threshold by the Commission to be carried out no later than two years after the date of entry into force of the Regulation. This review shall assess, *inter alia*, all relevant 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 text 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.

Notification

Where a substance is listed in Part A of Annex I or in Part A of Annex II, a Member State wishing to permit, until the deadline specified in the relevant Annex, the manufacturing and use of that substance as a closed-system site-limited intermediate shall notify accordingly the Secretariat of the Convention.

Such notification may be made only if the following conditions are satisfied:

- the manufacturer demonstrates to the competent authority of the Member State in which the manufacturer is established that the manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a POP, ensuring that it is rigorously contained by technical means during its whole life cycle;

- the manufacturer demonstrates to the competent authority of the Member State in which the manufacturer is established that the substance is a closed-system site-limited intermediate and 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;

- the manufacturer informs the Member State on the details of actual or estimated total manufacturing and use of the substance concerned and the nature of the closed-system site-limited process, specifying the amount of any non-transformed and unintentional trace contamination by any POP starting material in the final substance, mixture or article.

Monitoring and review

The Commission shall:

- regularly assess the possible need for the mandatory monitoring of a substance listed in Part B of Annex III. In the light of such an assessment and any data made available to it by Member States, the Commission is empowered to adopt delegated acts to amend Annex III in order to move, where appropriate, a substance from Part B of Annex III to Part A thereof;

- keep Annexes IV and V under constant review and shall, where appropriate, make legislative proposals to amend these Annexes in order to adapt them to the changes to the list of substances set out in the Annexes to the Convention or the Protocol or to modify existing entries or provisions in the Annexes to this Regulation in order to adapt them to scientific and technical progress.

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.