

Persistent organic pollutants

2021/0340(COD) - 03/05/2022 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 506 votes to 68, with 49 abstentions, to 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.

The matter was referred back to the committee responsible for inter-institutional negotiations.

As a reminder, the European Commission proposed to revise Annexes IV and V of Regulation (EU) 2019/1021 (POPs Regulation) to ensure their alignment with international obligations, in particular the Stockholm Convention whose main objective is to protect human health and the environment from persistent organic pollutants.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows.

Concentration limits

The amended text clarifies that the concentration limits proposed in Annexes IV and V of Regulation (EU) 2019/1021 should:

- be underpinned by the **precautionary principle** and aim to eliminate, where feasible, releases of persistent organic pollutants into the environment;
- take into account the broader objective of achieving the zero-pollution ambition for a toxic-free environment, increasing recycling, reducing greenhouse gas emissions, implementing non-toxic material cycles where banned substances should not be reintroduced into the EU market through recycling activities, and achieving a circular economy, an objective enshrined in the European Green Deal;
- be consistent with and contribute to the implementation of the [Commission's Communication](#) of 14 October 2020 entitled 'A Sustainable Chemicals Strategy: Towards an Environment Free of Toxic Substances', which proposes a comprehensive set of measures addressing the use of and contamination by poly- and perfluoroalkyl substances.

Amendment of Annexes IV and V of Regulation (EU) 2019/1021

- For the sum of the concentrations of C₁₂H₆Br₄O tetrabromodiphenyl ether, C₁₂H₅Br₅O pentabromodiphenyl ether, C₁₂H₄Br₆O hexabromodiphenyl ether, C₁₂H₃Br₇O heptabromodiphenyl ether and C₁₂Br₁₀O decabromodiphenyl ether, Members proposed a concentration limit of 200 mg/kg. The Commission would review this concentration limit and, if appropriate, adopt a legislative proposal to lower this value at the latest 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.

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.

Waste containing POPs

The resolution stressed that in order to avoid the mixing of contaminated waste with other waste or materials and to ensure better traceability and efficient treatment of waste containing POPs, it is necessary to avoid inconsistencies between the provisions on waste containing POPs originally set out in Regulation (EC) No 850/2004, now repealed by Regulation (EU) 2019/1021, and those set out subsequently.

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.