

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2021/0340(COD)</p>	Procedure completed
<p>Persistent organic pollutants</p> <p>Amending Regulation (EU) 2019/1021 2018/0070(COD)</p> <p>Subject</p> <p>3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity</p> <p>3.70.02 Atmospheric pollution, motor vehicle pollution</p> <p>3.70.04 Water control and management, pollution of waterways, water pollution</p> <p>3.70.05 Marine and coastal pollution, pollution from ships, oil pollution</p> <p>3.70.06 Soil pollution, deterioration</p> <p>3.70.09 Transfrontier pollution</p> <p>3.70.12 Waste management, domestic waste, packaging, light industrial waste</p> <p>3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)</p> <p>3.70.18 International and regional environment protection measures and agreements</p> <p>Legislative priorities</p> <p>Joint Declaration 2022</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety	 HOJSÍK Martin	15/12/2021
		Shadow rapporteur	
		 CLUNE Deirdre	
		 ARENA Maria	
		 RIPA Manuela	
		 VONDRA Alexandr	
		 HAZEKAMP Anja	
Council of the European Union	Commission DG	Commissioner	
European Commission	Environment	SINKEVIČIUS Virginijus	
European Economic and Social Committee			
European Committee of the Regions			

Key events

28/10/2021	Legislative proposal published	COM(2021)0656	Summary
10/11/2021	Committee referral announced in Parliament, 1st reading		
31/03/2022	Vote in committee, 1st reading		
06/04/2022	Committee report tabled for plenary, 1st reading	A9-0092/2022	Summary
02/05/2022	Debate in Parliament		
03/05/2022	Decision by Parliament, 1st reading	T9-0130/2022	Summary
03/05/2022	Matter referred back to the committee responsible		
11/07/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE734.320 GEDA/A/(2022)004940	
04/10/2022	Results of vote in Parliament		
04/10/2022	Decision by Parliament, 1st reading	T9-0342/2022	Summary
24/10/2022	Act adopted by Council after Parliament's 1st reading		
23/11/2022	Final act signed		
09/12/2022	Final act published in Official Journal		

Technical information

Procedure reference	2021/0340(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation regulation (EU) 2019/1021 2018/0070(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/9/07538

Documentation gateway

Legislative proposal	COM(2021)0656	28/10/2021	EC	Summary
Document attached to the procedure	SEC(2021)0379	28/10/2021	EC	
Document attached to the procedure	SWD(2021)0299	28/10/2021	EC	
Document attached to the procedure	SWD(2021)0300	28/10/2021	EC	
Document attached to the procedure	SWD(2021)0301	28/10/2021	EC	
Economic and Social Committee: opinion, report	CES5605/2021	08/12/2021	ESC	
Committee draft report	PE703.218	09/02/2022	EP	

Amendments tabled in committee	PE719.599	09/03/2022	EP	
Committee report tabled for plenary, 1st reading/single reading	A9-0092/2022	06/04/2022	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading	T9-0130/2022	03/05/2022	EP	Summary
Text agreed during interinstitutional negotiations	PE734.320	20/06/2022	EP	
Coreper letter confirming interinstitutional agreement	GEDA/A/(2022)004940	29/06/2022	CSL	
Text adopted by Parliament, 1st reading/single reading	T9-0342/2022	04/10/2022	EP	Summary
Draft final act	00039/2022/LEX	23/11/2022	CSL	
Commission response to text adopted in plenary	SP(2022)623	07/12/2022	EC	

Final act

[Regulation 2022/2400](#)

[OJ L 317 09.12.2022, p. 0024](#) Summary

[Corrigendum to final act 32022R2400R\(01\)](#)

[OJ L 328 22.12.2022, p. 0169](#)

Persistent organic pollutants

PURPOSE: to protect human health and the environment from the adverse effects caused by of persistent organic pollutants (POPs) and to eliminate or minimise emissions of POPs from waste.

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 \(EU\) 2019/1021](#) of the European Parliament and of the Council on persistent organic pollutants (POPs Regulation) implements the Union's commitments under the Stockholm Convention on POPs, approved by Council Decision 2006/507/EC, and the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants, approved by Council Decision 2004/259/EC.

All POP substances are recognised to have adverse, generally long-term effects upon living organisms. They persist for a very long time in the environment and in our bodies and can be transported unchanged to almost any remote point of the globe, far away from where they were produced or used.

Management of POP waste, including its recycling where this is possible, should be carried out in an environmentally sound manner, with minimal impact on human health and the environment. It should also minimise the extent to which toxic substances are released into the environment, and thus contribute to the zero-pollution ambition by reducing their environmental and health impact.

CONTENT: the proposal aims to implement, for the substances within its scope, the EUs international obligations under the Stockholm Convention and, more specifically, those derived from the POPs Regulation. The proposed update brings Annexes IV and V of the Regulation into line with the Stockholm Convention and Annex I of the POPs Regulation by aligning them with the substances listed therein and by introducing concentration limits for these substances.

Taking into account the amendments made to the Stockholm Convention on 15 May 2015 and in order to ensure that waste containing these substances is managed in accordance with the provisions of the Stockholm Convention, the Commission proposes to amend Annexes IV and V of Regulation (EU) 2019/1021 by including pentachlorophenol, dicofol and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in the Annexes and indicating their corresponding concentration limits.

It is also proposed to amend the concentration limits set out in Annex IV for the following substances to adapt their limit values to scientific and technical progress: tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether, hexabromocyclododecane, alkanes C10-C13, chloro (short-chain chlorinated paraffins), polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF).

Lastly, dioxin-like polychlorinated biphenyls (dioxin-like PCBs) should be included in the existing group entry for Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) in Annexes IV and V of the POP Regulation.

The proposal is consistent with the objective of ensuring an optimal balance with the Green Deal for Europe's ambitions to achieve toxic-free material cycles, increasing recycling and circularity and reducing greenhouse gas (GHG) emissions.

Persistent organic pollutants

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 µg/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.

Persistent organic pollutants

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 µg/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.

Persistent organic pollutants

The European Parliament adopted by 534 votes to 25, with 66 abstentions, a legislative resolution 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 (POPs).

The proposal aims 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 first reading position under the ordinary legislative procedure amends the proposal as follows.

Stricter limits for POPs

The proposed concentration limits should be in line with the precautionary principle as laid down in the Treaty on the Functioning of the European Union and should aim to eliminate, as far as possible, the release of POPs into the environment. These limits should also take into account the broader objective of achieving a zero pollution ambition for a non-toxic environment.

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

- PBDEs (a group of brominated flame retardants)

The concentration limit for the sum of these substances in waste is set at 500 mg/kg. In view of the declining concentrations of PBDEs in certain wastes as a result of the restrictions on the placing on the market and use of PBDEs, and in the light of potential developments in sorting and analytical methods in this area, the limit value should be lowered to 350 mg/kg three years after the entry into force of the Regulation and to 200 mg/kg five years after its entry into force.

- Perfluorooctanoic acid (PFOA)

The concentration limit is set at 1 mg/kg for PFOA and its salts and 40 mg/kg for the sum of PFOA-related compounds. The Commission will review this concentration limit and adopt, if appropriate, a legislative proposal to lower this value at the latest five years after the date of entry into force of the Regulation.

- Perfluorohexane sulphonic acid (PFHxS)

The Regulation introduces a limit for the synthetic chemical compound perfluorohexane sulphonic acid (PFHxS), following its inclusion in the Stockholm Convention in 2022.

The concentration limit is set at 1 mg/kg for PFHxS and its salts and 40 mg/kg for the sum of PFHxS-related compounds. The Commission will review this concentration limit and adopt, if appropriate, a legislative proposal to lower this value at the latest five years after the date of entry into force of the Regulation.

- Dioxins and furans (PCDD/PCDF and dl-PCB)

The limit for dioxins and furans is set at 5 µg/kg. The Commission will review this concentration limit and adopt, if appropriate, a legislative proposal to lower this value at the latest five years after the date of entry into force of the Regulation.

A value of 10 µg/kg will apply to fly ashes from biomass units for heat and power production containing or are contaminated by PCDD/PCDF and dioxin-like PCBs until one year after the date of entry into force of the Regulation. The value of 5 µg/kg will apply to fly ashes from biomass units for heat and power production, starting one year + one day after the date of entry into force of the Regulation.

A value of 15 µg/kg will continue to apply for ashes and soot from households that contain or are contaminated with PCDD/PCDF until 31 December 2024. For ashes and soot from private households that contain or are contaminated with PCDD/PCDF and dioxin-like PCBs, the value of 5 µg/kg will apply from 1 January 2025.

- Hexabromocyclododecane

The Commission will review the concentration limit of 500 mg/kg and adopt, if appropriate, a legislative proposal to lower it to a value not exceeding 200 mg/kg, at the latest five years after the date of entry into force of the Regulation.

Waste classification

The Commission will assess whether Directive 2008/98/EC and/or Decision 2000/532/EC should be amended to recognise that waste containing any persistent organic pollutants exceeding the concentration limits specified in Annex IV to Regulation (EU) 2019/1021 is to be classified as hazardous, and, if appropriate, based on that assessment and not later than 36 months after entry into force of this Regulation, should put forward a legislative proposal to amend Directive 2008/98/EC or a proposal to amend Decision 2000/532/EC, or both, accordingly.

Persistent organic pollutants

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 µg/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 µg/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.

Transparency			
TOLLERET Irène	Member	08/06/2022	Chanel Limited