



Regulation 850/2004/EEC on Persistent Organic Pollutants

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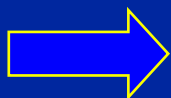
Content

- **Background – International agreements on POPs**
- **Implementation of the international obligations in the EU**
- **Regulation 850/2004/EC and its implementation**



What are POPs?

- **Persistent Organic Pollutants (POPs) are chemical substances that**
 - persist in the environment,
 - bioaccumulate through the food web,
 - are transported across international boundaries far from their sources, and
 - pose a risk of causing adverse effects to human health and the environment



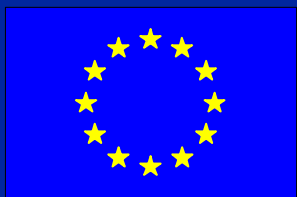
Warrant global action

- **Pesticides, industrial chemicals, by-products**
-



Internationally recognised POPs

- **Stockholm Convention – 12 POPs:**
 - Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Hexachlorobenzene, Mirex, Toxaphene, DDT, PCBs, Hexachlorobenzene, Dioxins, Furans
- **UNECE Protocol – 16 POPs:**
 - all 12 Stockholm POPs, Lindane (= hexachlorocyclohexane), Chlordecone, Hexabromobiphenyl and Polycyclic aromatic hydrocarbons (PAHs)



International action

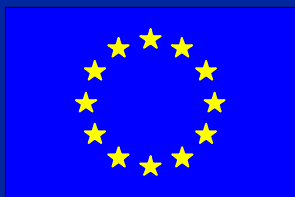
Two international, legally binding instruments:

- **CLRTAP Protocol on POPs**
- **The Stockholm Convention**



UNECE Protocol on POPs

- **Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution (CLRTAP)**
- **Adopted in Aarhus in June 1998**
- **16th ratification in August 2003 - entered into force 23 October 2003**
- **Ratified so far by 25 of the 50 CLRTAP Parties**
- **Covers 16 POPs but additional substances are meant to be added**
- **Includes similar control measures as the global Stockholm Convention, but is generally less demanding (except: PCBs, release reduction)**



Stockholm Convention

- Adopted in Stockholm in May 2001
- Signed by 150 governments and by the Community
- Entered into force 17 May 2004 after the 50th ratification
- So far ratified by 120 countries, including most of the EU Member States
- Covers 12 POPs but additional substances are meant to be added
- Includes a wide range of control measures and general obligations: restrictions of production, use, export and import, control of releases of by-products; control of stockpiles and waste



Community approach

- **Community fully committed to effectively implement the Stockholm Convention and the UNECE Protocol on POPs**
- **Before ratification, Community legislation needed to be amended to be fully in line with the international obligations**
- **In some cases measures that go beyond the international obligations were deemed necessary**



Regulation 850/2004

Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC

- Adopted by the EP and the Council on 29 April 2004 (1st reading agreement)
- Published in *Official Journal* 30.4.2004, L 158, p. 7.
- Entry into force 20 May 2004



The POP Regulation (850/2004)

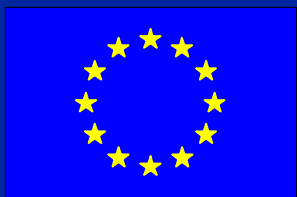
Purpose:

- enable the Community to ratify the two POP agreements
- to give effect to the main provisions of the Convention and the Protocol which were not yet sufficiently covered by Community legislation
- to advance the elimination of POPs by measures which go partially beyond the provisions of the international Conventions



More stringent measures

- **Most of the measures originating from the SC and the very limited general exemptions are applied also for the 4 POPs listed only in the Protocol**
- **No country-specific exemptions allowed**
- **Lindane: total phase out by 31/12/2007 instead of restrictions**
- **General exemptions as restrictive as in the SC for all 16 substances**
- **Notification of stockpiles (> 50 kg)**
- **POPs waste: limit values to be set for “low POP content”**



Legal basis

**The principal aim is the protection of
human health and the environment
-> Article 175(1) of the Treaty**



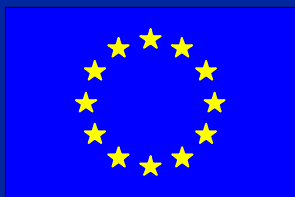
Article 1 - Subject matter and scope

- **Outlines the subject matter and scope by emphasising the type of control measures to be taken**
- **Emphasises the subordination of the Regulation to the international legally binding instruments**
 - **no other than internationally agreed POPs are meant to be included in the Regulation**



Article 2 – Definitions

- **“Placing on the market” (includes imports)**
- **“Article”**
- Substance; preparation; waste; disposal; recovery – existing definitions are referred to



Article 3 – Prohibitions and restrictions

- **Total ban of production, placing on the market and use of Annex I substances**
 - **10 SC POPs and 3 Protocol POPs**

- **Restriction of production, placing on the market and use of Annex II substances**
 - **No substances at the moment in Annex II**



Article 3(3) – POP like substances

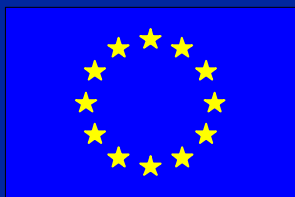
Article 3(3) of the Regulation:

« Member States and the Commission shall, within the assessment and authorisation schemes for existing and new chemicals and pesticides under the relevant Community legislation, take into consideration the criteria set out in paragraph 1 of Annex D to the Convention and take appropriate measures to control existing chemicals and pesticides and prevent the production, placing on the market and use of new chemicals and pesticides, which exhibit characteristics of POPs. »



Article 3(3) – POP like substances

- **Article 3(3) flows from Article 3(3) and (4) of the Stockholm Convention**
- **to be implemented by:**
 - for marketing and use of PPP and biocides: Directives 91/414/EEC and 98/8/EC
 - for marketing and use of industrial chemicals: currently Directive 67/548/EEC (new substances), Regulation 793/93/EC (existing substances); in future REACH Regulation
 - for production of any chemical: future REACH Regulation
- **POP Criteria: Annex D of Stockholm Convention**



Article 4 – Exemptions (1)

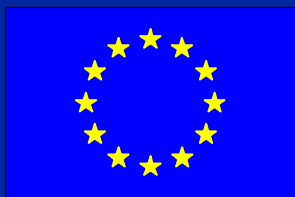
1. **Laboratory-scale research or as reference standards:** no specific conditions
2. **Unintentional trace contaminants** in products and articles: no specific conditions
3. Substances used as **constituents of articles** manufactured or already in use before the entry into force of the prohibition: notification obligation



Article 4 – Exemptions (2)

4. Closed-system site-limited intermediates

- ❑ restricted in Annex I to existing plants using DDT in dicofol production
- ❑ notification obligation and other stringent conditions



Article 5 – Stockpiles

- **Stockpiles consisting of or containing totally prohibited POPs have to be disposed of as waste**
- **Stockpiles of POP substances subject to restrictions (Annex II POPs; remaining lindane/HCH products until end of 2007) have to be notified to the Competent Authorities (if over 50 kg)**
- **Reporting of stockpiles (Art 12)**



Article 6 – Release reduction

- **Annex III substances (dioxins, furans, HCB, PCBs, PAHs)**
 - **Member States obliged to develop and maintain release inventories**
 - **Member States obliged to develop and implement National Action Plans designed to identify, characterise and reduce the releases**



Article 7 – Waste management

- Annex IV - all listed POPs except PAHs
- **General rule:** waste containing any of the listed POPs should be disposed of in such a way that the POP content is destroyed or irreversibly transformed
- **Exceptions:**
 1. When the POP content is below certain concentration limits given in Annex IV, other environmentally sound disposal method could be applied
 - Limit values in Annex IV to be adopted later
 2. When destruction is not environmentally preferable option: detailed rules and conditions in Annex V
 - **Limit values to be adopted by a Comitology procedure**
- Ban of re-use and recovery of POPs



Article 8 - Implementation plans

- Stockholm Convention: All Parties shall develop and endeavour implement a National Implementation Plan; NIPs to be submitted to the Convention Secretariat in 2 years from becoming a Party
- Community also needs to develop an Implementation Plan
- To facilitate co-operation and information exchange within the Community, the Implementation Plans are to be submitted to the Commission and other Member States.



Article 9 - Monitoring

- **The Commission and the Member States should establish, in close co-operation, appropriate programmes and mechanisms for the environmental monitoring of dioxins, furans and PCBs**
 - **additional requirement compared to international obligations**
 - **based on the Community Strategy for Dioxins, Furans and PCBs**
 - **appropriate measurement and monitoring tools yet to be developed**



Article 10 - Information exchange

- **Based on Article 9 of the Convention**
- **Information exchange within the Community and with non-EU countries to be promoted.**
- **Facilitation of awareness raising and public availability of data**



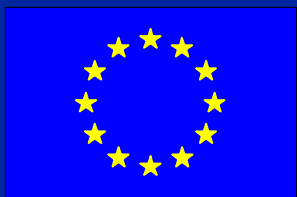
Article 11 - Technical Assistance

- **Based on Article 12 of the Convention**
- **The Commission and the Member States to provide appropriate technical assistance to developing countries and countries with economies in transition**
 - **Research, development and introduction of alternatives to DDT should be promoted**
 - **Consider giving support to non-governmental organisations**



Article 12 - Reporting

- **General reporting under the international agreements: not covered by the Regulation**
- **Every three years: Reporting within the Community on the application of the Regulation in the Member States**
- **Every year: Reporting on the production and placing on the market of substances listed in Annex I or II**
 - **Community competence; Commission to compile a joint report**
- **Every three years: summary reports on stockpiles and release inventories**



Article 13 - Penalties

- **Standard provision in Regulations**



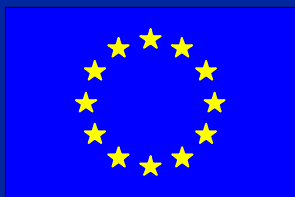
Article 14 - Amendment of Annexes

- **Important element of the proposed Regulation**
- **After the decision at the international level on the inclusion of a substance:**
 - **Commission to prepare a proposal on amendment of relevant Annexes**
 - **The decision to be taken using the regulatory committee procedure**
- **Review of the conditions and substance specific exemptions at regular intervals; appropriate modifications on the basis of the developments in the Community and under the international agreements**



Article 15 - Competent Authorities

- **Specific authorities to be designated by the Member States to act for the performance of the administrative functions required by the Regulation**
- **Competent Authorities meet informally 1-2 / year to exchange information and to discuss any implementation problems**



Article 16 - Committee for general matters

- **The Commission shall be assisted by the Committee established by Article 29 of Directive 67/548/EEC for all matters under this Regulation except for those relating to waste**



Article 17- Committee for waste matters

- **The Commission shall be assisted by the Committee established by Article 18 of Directive 75/442/EEC, for matters relating to waste under this Regulation.**



Article 18 - Amendments to Directive 79/117/EEC

- Restrictions adopted under Directive 79/117/EEC on eight POP pesticides repealed**



Annexes (1)

Annex I: 12 substances subject to total prohibitions

Annex II: substances subject to restrictions on production, placing on the market and use; empty

Annex III: lists the unintentionally produced substances subject to release inventories and release reduction



Annexes (2)

Annex IV: lists the substances subject to specific waste management provisions; concentration limits for low POP content to be added later

Annex V – Waste Management

Part 1 - Allowed disposal and recovery operations for Article 7(2)

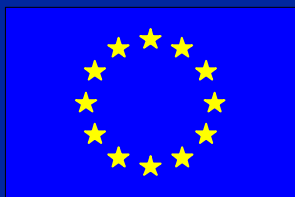
Part 2 - Wastes and operations to which Article 7(4)(b) derogation applies



Implementation of the Stockholm Convention (5)

Stockpiles

- Issue is of particular interest to new Member States - various possibilities for support
- Stockpiles consisting of or containing totally prohibited POPs have to be disposed of as waste
- Stockpiles of POP substances subject to restrictions (Annex II POPs) have to be notified to CAs (quantities > 50 kg)
- Reporting of stockpiles (Art 12)



Further information

Regulation:

http://europa.eu.int/comm/environment/pops/index_en.htm

Stockholm Convention: www.pops.int

UNECE POP Protocol:

http://www.unece.org/env/lrtap/pops_h1.htm