Response to the EU Recast Regulation on Persistent Organic Pollutants (recast of Regulation (EC) No 850/2004)

To: Members of the European Parliament

Brussels, 4 October 2018

Dear Member of the European Parliament,

We are writing to you to express our concerns about some of the proposed amendments and changes to the Regulation on Persistent Organic Pollutants (POPs)[1], which will be voted on by the ENVI Committee on October 10th.

A number of those amendments would go directly against 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", would weaken the Regulation substantially and, in some cases, would even violate EU's international obligations under the Stockholm Convention.

Below are a number of critical points detailing our concerns. A full analysis of the proposed amendments is **attached to this letter** (see Annex II)**.**

The proposed recast would:

- Authorize the recycling of waste containing POPs into new products without adequate controls, despite numerous studies showing that this practice leads to POPs **contamination in consumer goods, including children's products**, hair accessories, kitchen utensils, and food packaging[2] (Article 4). That provision would further **undermine the EU's goal of a circular economy** by allowing the contamination of material cycles and recycled products such as toys, as demonstrated by a study of children's toys made

[1] COM(2018)0144 2018/0070 (COD) 22 March 2018; Parliament Committee on the Environment, Public Health and Food Safety, 2018/0070(COD), draft report PE622.205 (amendments 1-12, 24 May 2018), and tabled amendments, PE623.927 (amendments 13-56, 10 August 2018).

[2] DiGangi, J. and J. Strakova (2016). "Recycling of plastics containing brominated flame retardants leads to contamination of plastic childrens toys." Organohalog Compd 78(2016): 9-11. DiGangi, J., J. Strakova and L. Bell (2017). POPs Recycling Contaminates Children's Toys with Toxic Flame Retardants, IPEN, Arnika: 20. DiGangi, J., J. Strakova and A. Watson (2011). "A survey of PBDEs in recycled carpet padding." Organohalog Compd 73: 2067-2070. Guzzonato, A., F. Puype and S. J. Harrad (2017). "Evidence of bad recycling practices: BFRs in children's toys and food-contact articles." Environmental Science: Processes & Impacts 19(7): 956-963. Kuang, J., M. A.-E. Abdallah and S. Harrad (2018). "Brominated flame retardants in black plastic kitchen utensils: Concentrations and human exposure implications." Science of The Total Environment 610-611(Supplement C): 1138-1146. Strakova, J. and J. Petrlik (2017a). Toy or Toxic Waste? An Analysis of 47 Plastic Toy and Beauty Products Made from Toxic Recycling: 17. Straková, J. and J. Petrlík (2017b). Hračka nebo toxický odpad? Jak odpoví Stockholmská úmluvy? (Toy or Toxic Waste? What Will Be the Stockholm Convention Response?): 17. Straková, J. and J. Petrlík (2017c). Toxická recyklace aneb Jak mohou nevytříděné odpady kontaminovat spotřební zboží v ČR. Praha, Arnika - program Toxické látky a odpady: 27.

of recycled plastics[3] (see Annex I to this letter on POPs concentration limits and recycling);

- Violate the Stockholm Convention Article 8 by requiring socio-economic considerations for the initial proposal in order to list chemicals under the Convention (Article 8.1c, Amendment 4);
- Violate the Stockholm Convention by allowing the manufacture or use of POPs that are banned under the Stockholm Convention, as well as setting POPs content limits that violate the ultimate objective of the Stockholm Convention "to protect human health and the environment from persistent organic pollutants";
- Severely restrict the ability of Member States to engage in the nomination process of a substance as a POP by requiring the use of a centralized nomination proposal dossier prepared by ECHA (Recital 15, Amendment 1);
- Prevent the EU from using the most recent scientific and technical progress action to go beyond the Convention's baseline requirements. The Convention only covers a limited number of POPs due to the length of the international political process. It is critical that the EU can continue to proactively protects its citizens from known toxic substances (Recital 24);
- Limit the public's "right to know" on infringements of the provisions of the Regulation to only those cases deemed "appropriate" by each Member State, in contradiction with the public's right to know and to participate in environmental decisions as enshrined in the Aarhus Convention (Recital 29).

Exposure to POPs has been linked to a number of serious health effects including certain cancers, birth defects, dysfunctional immune and reproductive systems, greater susceptibility to disease, and damages to the central and peripheral nervous system.

We urge you to uphold the EU's global leadership by opposing the changes that would weaken the Regulation in order to effectively protect human health and the environment from POPs and ensure a clean circular economy.

Thank you for your consideration.

Yours sincerely,

Arnika - Toxics and Waste Programme
BUND
Buy Responsibly Foundation
Center for International Environmental Law (CIEL)
Eco-Accord
EEB
Health and Environment Alliance (HEAL)
HEJSupport International
IPEN
Swedish Consumers' Association
ZERO

[3] IPEN, Toxic Toy or Toxic Waste? Recycling POPs into new Products – Summary for Decision-Makers.

Annex I – POPs concentration limits and recycling

European NGOs will release a joint study on 16 October showing that PBDEs, which are already banned in new products, are coming back into contact with European consumers including children in products made of recycled plastic.

The study will publish data from an analysis of plastic toys, hair accessories and kitchen utensils purchased in 19 European Countries demonstrating that some of these consumer products contain elevated levels of bromine and would thus be identified as hazardous waste due to the presence of OctaBDE. They would also fail to meet the EU Regulation regarding POPs in products if the items were composed of new rather than recycled plastics. One of the analysed toys contained the highest concentration of PBDEs (3318 ppm or 0.3% of product weight) among all consumer products IPEN and Arnika have analysed over the past 3 years. Despite the elevated concentrations of POPs in the tested items, the products do not break any legislative limit, because they are made of recycled materials.

We call on you, the members of the ENVI committee, to protect children's health and the environment by closing the EU recycling loophole and to keep hazardous waste out of recycled plastics by refusing exemptions for PBDEs in recycling (for Penta, Hexa, Hepta and Octa-BDE), and above all to implement a most stringent limit for DecaBDE (10 ppm = 0,001 %) for products made of recycled plastics to maintain the same safety standard for products made of virgin as well as recycled plastics. We also urge you to end the extensive exemptions for continuous use of DecaBDE in the aircraft and automotive industries (as proposed by amendment 51 and 52).

E-waste containing PBDEs including DecaBDE must be clearly designated as hazardous to prevent e-waste export to countries that lack regulatory infrastructure and technical and economic capacities for hazardous waste management.

Please see Annex II for an appraisal of the Amendments on the Recast Regulation on Persistent Organic Pollutants

Annex II: NGO Comments on the EU Recast Regulation on Persistent Organic Pollutants (recast of Regulation (EC) No 850/2004)

Original text	EU Recast proposal	Proposed amendment	Comment
Recital 12 Obsolete or carelessly managed stockpiles of persistent organic pollutants may seriously endanger the environment and human health through, for instance, contamination of soil and ground water. It is appropriate, therefore, **to adopt provisions that go beyond the provisions** laid down in the Convention. Stockpiles of prohibited substances should be treated as waste, while stockpiles of substances the production or use of which is still allowed should be notified to the authorities and properly supervised. In particular, existing stockpiles which consist of or contain banned persistent organic pollutants should be managed as waste as soon as possible. If other substances are banned in the future, their stocks should also be destroyed without delay and no new stockpiles should be	**Recital 10** Obsolete or carelessly managed stockpiles of POPs may seriously endanger the environment and human health through, for instance, contamination of soil and ground water. It is appropriate, therefore, **to lay down stricter rules concerning the management of such stockpiles compared to those** laid down in the Convention. Stockpiles of prohibited substances should be treated as waste, while stockpiles of substances the manufacturing or use of which is still allowed should be notified to the authorities and properly supervised. In particular, existing stockpiles which consist of or contain banned persistent organic pollutants POPs should be managed as waste as soon as possible. ~~If other substances are banned in the future, their stocks should also be destroyed without delay~~	**Amendment 15, Recital 10** Obsolete or carelessly managed stockpiles of POPs may seriously endanger the environment and human health through, for instance, contamination of soil and ground water. It is appropriate, therefore, to lay down stricter rules concerning the management of such stockpiles compared to those laid down in the Convention. Stockpiles of prohibited substances should be treated as waste, while stockpiles of substances the manufacturing or use of which is still allowed should be notified to the authorities and properly supervised. In particular, existing stockpiles which consist of or contain banned POPs should be managed as waste as soon as possible. ***If other substances are banned in the future, their stocks should also be destroyed without delay and no new***	To adopt provisions that go beyond the provisions laid down in the Convention could include measures in addition to stricter rules concerning the management of such stockpiles, and the original text should be kept not to limit the Regulation. Also, as proposed in the Amendment, the provisions around stockpiles of new substances should be kept to ensure proactive action on these.

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built up. In view of the particular problems of certain new Member States, adequate financial and technical assistance should be provided through existing Community financial instruments, such as the Cohesion and Structural Funds.	~~and no new stockpiles should be built up. In view of the particular problems of certain new Member States, adequate financial and technical assistance should be provided through existing Community financial instruments, such as the Cohesion and Structural Funds.~~	***stockpiles should be built up. In view of the particular problems of certain Member States, adequate financial and technical assistance should be provided through existing Union financial instruments.***	
Recital 13 In line with the Communication from the Commission on the Community Strategy for Dioxins, Furans and Polychlorinated Biphenyls (PCBs), and with the Protocol and the Convention, releases of persistent organic pollutants which are unintentional by-products of industrial processes should be identified and reduced as soon as possible with the ultimate aim of elimination, where feasible. Appropriate national action plans, covering all sources and measures, including those provided for under existing Community legislation, should be drawn up and implemented	**Recital 11** In line with the Protocol and the Convention, releases of POPs which are unintentional by-products of industrial processes should be identified and reduced as soon as possible with the ultimate aim of elimination, where feasible. Appropriate national action plans, covering all sources and measures, including those provided for under existing Union legislation, should be implemented and developed to reduce such releases continuously and cost-effectively. To this end, appropriate tools should be developed in the framework of the Convention.	**Recital 11, Amendment 16, 17** In line with the Protocol and the Convention, releases of POPs which are unintentional by-products of industrial processes should be identified and reduced as soon as possible with the ultimate aim of elimination, where feasible. Appropriate national action plans, covering all sources and measures, including those provided for under existing Union legislation, should be implemented and developed to reduce such releases continuously and cost-effectively ***as soon as possible***. To this end, appropriate tools	The proposal in the Recast makes a significant change by removing "as soon as possible". As proposed by the two Amendments, this should be kept to keep the original meaning of the Recital.

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to reduce the releases continuously and cost-effectively **as soon as possible.** To this end, appropriate tools should be developed in the framework of the Convention.		should be developed in the framework of the Convention.	
	Recital 15 (new) There is a need to ensure the effective coordination and management of technical and administrative aspects of this Regulation at Union level. The European Chemicals Agency ("the Agency"), established by Regulation (EC) No 1907/2006, has the competence and experience in implementing Union legislation on chemicals and international agreements on chemicals. The Member States and the Agency should, therefore, carry out tasks with regard to the administrative, technical and scientific aspects of the implementation of this Regulation and the exchange of information. The role of the Agency should include the preparation and examination of technical dossiers, including stakeholder consultations, and	**Amendment 1, Recital 15** There is a need to ensure the effective coordination and management of technical and administrative aspects of this Regulation at Union level. The European Chemicals Agency ("the Agency"), established by Regulation (EC) No 1907/2006, has the competence and experience in implementing Union legislation on chemicals and international agreements on chemicals. The Member States and the Agency should, therefore, carry out tasks with regard to the administrative, technical and scientific aspects of the implementation of this Regulation and the exchange of information. ***It is necessary that*** the role of the Agency ***cover*** the preparation and examination of technical dossiers, including stakeholder	**The new Recital 15** appropriately introduces ECHA and its technical expertise as a resource in the nomination process. However, the proposed Amendment assigns ECHA power to both decide if substances should be nominated as well as preparing the nomination dossier. This is highly problematic since ECHA´s mandate is to implement the EU´s Chemicals Policies, not taking decisions in relation to the EU´s international Convention engagement. Deciding on measures such as a SC nomination is a political decision and should not be delegated to ECHA

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	the drawing up of opinions that may 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. In addition, the Commission, the Member States and the Agency should cooperate in order to implement the Union's international obligations under the Convention effectively.	consultations, and the drawing up of opinions that ***are 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. In addition, the Commission, the Member States and the Agency should cooperate in order to implement the Union's international obligations under the Convention effectively.	Also, this proposed Amendment would severely limit the ability for Member States to engage in the nomination process. The proposed Amendment should be rejected.
	Recital 17 (new) Substances listed in Part A to Annex I or Part A to Annex II to this Regulation should only be allowed to be manufactured and used as closed-system site-limited intermediates if an annotation to that effect is expressly entered in that Annex and if the manufacturer confirms to the Member State concerned that the substance is only manufactured and used under strictly controlled conditions.	**Amendment 19, Recital 17** Deleted **Amendment 20, Recital 17** Substances listed in Part A to Annex I or Part A to Annex II to this Regulation should only be allowed to be manufactured and used as closed-system site-limited intermediates if an annotation to that effect is expressly entered in that Annex and if the manufacturer confirms to the Member State concerned that the substance is only manufactured and used under strictly controlled	The content of this proposed new Recital is redundant. It is clear from the Convention obligations that manufacture may only be allowed for substances listed in Annex A where a specific exemption is noted for closed-system site-limited intermediates. Also, continuation should be discouraged and only be allowed under closely monitored conditions by an independent third party and not through self-confirmation by manufacturers.

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		conditions***, namely without posing significant risks to the environment or human health and in the absence of any technically feasible alternatives***.	The proposed Amendment 19 to delete should be approved.
Recital 18 In accordance with the Convention and the Protocol, information on persistent organic pollutants should be provided to other Parties. The exchange of information with third countries not party to those Agreements should also be promoted.	**Recital 18** In accordance with the Convention and the Protocol, information on POPs should be provided to other Parties to those Agreements. The exchange of information with third countries not party to those Agreements should also be promoted	**Amendment 21, Recital 18** In accordance with the Convention and the Protocol, information on POPs should be provided to other Parties to those Agreements. The exchange of information with third countries not party to those Agreements should also be promoted Similarly, the Convention requires that each Party must undertake to develop appropriate strategies to identify sites contaminated by POPs, and the Union's Seventh Environment Action Programme, up to 2020, commits the Union and its Member States to stepping up their efforts to remediate contaminated sites.	This amendment aligns the recital to the amendments to Article 11(2) and Article 11(3) and should be approved.

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Recital 19 Public awareness of the hazards that persistent organic pollutants pose to the health of present and future generations as well as to the environment, particularly in developing countries, is often lacking, and wide-scale information is therefore needed to increase the level of caution and gain support for restrictions and bans. In accordance with the Convention, public awareness programmes on these substances, especially for the most vulnerable groups, as well as training of workers, scientists, educators, technical and managerial personnel should be promoted and facilitated, as appropriate.	**Recital 19** Since public awareness of the hazards that POPs pose to the health of present and future generations as well as to the environment, particularly in developing countries, is often lacking, wide-scale information is needed to increase the level of caution and ***public understanding of the rationale*** for restrictions and bans. In accordance with the Convention, public awareness programmes on those substances, especially for the most vulnerable groups, as well as training of workers, scientists, educators, technical and managerial personnel should be promoted and facilitated, as appropriate.	**Amendment 22 and 23, Recital 19** Since public awareness of the hazards that POPs pose to the health of present and future generations as well as to the environment, particularly in developing countries, is often lacking, wide-scale information is needed to increase the level of caution and ***gain support*** for restrictions and bans. In accordance with the Convention, public awareness programmes on those substances***, on their health and environmental effects and on their alternatives***, especially for the most vulnerable groups, as well as training of workers, scientists, educators, technical and managerial personnel should be promoted and facilitated, as appropriate. ***The Union should ensure access to information and public participation, implementing the UN/ECE Convention on access to information, public***	The Stockholm Convention Article 10 references public awareness programs on POPs' "health and environmental effects and on their alternatives". Also, the obligations by the EU under the Aarhus Convention on public access to environmental information and public participation shall be respected and implemented in all relevant instances. Therefore, the two amendments should be approved.

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		participation in decision making and access to justice in environmental matters (Aarhus Convention), which was approved by the Union on 17 February 2005.	
Recital 20 Upon request and within available resources, the Commission and the Member States should cooperate in providing appropriate and timely technical assistance designed especially to strengthen the capacity of developing countries and countries with economies in transition to implement the Convention. Technical assistance should include the development and implementation of suitable alternative products, methods and strategies, inter alia, to the use of DDT in disease vector control which, under the Convention, can only be used in accordance with World Health Organisation recommendations and guidelines and when locally safe, effective and affordable	**Recital 21** Upon request and within available resources, the Commission, the Agency and the Member States should cooperate in providing appropriate and timely technical assistance designed especially to strengthen the capacity of developing countries and countries with economies in transition to implement the Convention. Technical assistance should include the development and implementation of suitable alternative products, methods and strategies**,** under the Convention***, to ensure that POPs only continue to be used when locally safe, effective and affordable alternatives are not available to the country in question***.	**Amendment 24, Recital 21** Upon request and within available resources, the Commission, the Agency and the Member States should cooperate in providing appropriate and timely technical assistance designed especially to strengthen the capacity of developing countries and countries with economies in transition to implement the Convention. Technical assistance should include the development and implementation of suitable alternative products, methods and strategies under the Convention.	The proposed recast text is in opposition to the obligations under Stockholm Convention to ban Persistent Organic Pollutants. The proposed revised Recital 21 should therefore be rejected and Amendment 24 should be approved.

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alternatives are not available to the country in question.			
Recital 22 The Convention and the Protocol provide that Parties thereto may propose other substances for international action and consequently additional substances may be listed under those Agreements, in which case this Regulation should be amended accordingly. Furthermore, it should be possible to modify the existing entries in Annexes to this Regulation, inter alia for the purposes of adapting them to scientific and technical progress	**Recital 24** The Convention and the Protocol provide that Parties thereto may propose other additional substances for international action and consequently additional substances may be listed under those Agreements. In such cases, this Regulation should be amended accordingly. ~~Furthermore, it should be possible to modify the existing entries in Annexes to this Regulation, inter alia for the purposes of adapting them to scientific and technical progress.~~		The proposed text in the Recast removes provisions to act proactively when scientific and technical progress provides means to go beyond measures to further eliminate POPs to protect human health and the environment. The proposed deletion should therefore be rejected.
	Recital 25 (new) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to permit, where appropriate, the manufacture and use of a substance listed in Part A to Annex I or Part A to Annex II to this Regulation as a closed-system site-limited		In line with its obligations under the Stockholm Convention, the Commission can only permit manufacture of substances for exemptions that are included in the Convention annex, as well as only be allowed to set concentration limits that are stricter than the ones in the Convention.

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	intermediate, to establish concentration limits for a substance for the purposes of Annexes IV and V and to amend the Annexes to this Regulation in order to adapt them to any change to the list of substances set out in the Annexes to the Convention or the Protocol as well as to modify existing entries or provisions in the Annexes to this Regulation in order to adapt them to scientific and technical progress.		The proposed new Recital should therefore be rejected.
	Recital 28 **(new)** In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt additional measures relating to waste management and to specify the minimum information to be provided by Member States in monitoring the implementation of this Regulation. Those powers should be exercised in accordance with Regulation		In line with its obligations under the Stockholm Convention, the Commission can only permit manufacture of substances for exemptions that are included in the Convention annex, as well as only be allowed to set concentration limits that are stricter than the ones in the Convention. The proposed new Recital should therefore be rejected.

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	(EU) No 182/2011 of the European Parliament and of the Council		
Recital 25 In order to ensure transparency, impartiality and consistency at the level of enforcement activities, Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive, since non-compliance can result in damage to human health and the environment. Information on infringements of the provisions of this Regulation should be made public, where appropriate.	**Recital 29** In order to ensure transparency, impartiality and consistency at the level of enforcement activities, Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive, since non-compliance can result in damage to human health and the environment. ***To ensure consistent and effective enforcement of this Regulation, the Member States should coordinate relevant activities and exchange information in the Forum for Exchange of Information on Enforcement established under Regulation (EC) No 1907/2006.*** Information on infringements of the provisions of this		To ensure obligations on public access to information and public right to know, information on infringements of the provisions of this Regulation should always be made public. The "where appropriate" in the last sentence of the recast proposal should therefore be deleted.

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	Regulation should be made public, where appropriate		
	Article 2 – paragraph 1 – point j (new)'closed system site-limited intermediate' means a substance that is manufactured for and consumed in or used for chemical processing in order to be transformed into ***one or more other substances*** and where the manufacture of the intermediate and its transformation into ***one or more*** other ***substances take*** place on the same site under strictly controlled conditions in that it is rigorously contained by technical means during its whole lifecycle.	**Amendment 2, Article 2 – paragraph 1 – point j** 'closed system site-limited intermediate' means a substance that is manufactured for and consumed in or used for chemical processing in order to be transformed into ***another substance, hereinafter 'synthesis',*** and where the manufacture of the intermediate and its transformation into ***(an)***other ***substance(s) take*** place ***in a synthesis*** on the same site, ***including a site that is operated by one or more legal entities,*** under strictly controlled conditions in that it is rigorously contained by technical means during its whole lifecycle.	Synthesis denotes a broader chemical process than simply the process of converting chemical processing in order to be transformed into one or more other substance. It is therefore possible that the proposed revision would open up for a broader use of banned chemicals in production chains. Noting that there is no definition of what a site is in the regulation or the Convention, having a toxic chemical handled by different legal entities open ups for shell corporations conducting a wide variety of illegal activities such as waste dumping, insecure transports leading to spills and accidents, etc. It also introduces the tangible risk for trading of banned substances between companies.
	Article 4 – paragraph 1- point c (new)		This new point in the Recast proposal provides means to continue the hazardous

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	Article 3 shall not apply in the case of: (c) waste consisting of, containing or contaminated by any substance listed in Annex I or II.		practice of recycling of waste contaminated with POPs. Already numerous studies have shown that this leads to POPs contamination in consumer products, including children´s products intended for mouthing. This proposal for new point c should therefore be rejected.
Article 4 – paragraph 3 – subparagraph 2 – point b the manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a persistent organic pollutant;	**Article 4 – paragraph 3 – subparagraph 2 – point b** 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	**Amendment 25, Article 4 – paragraph 3 – subparagraph 2 – point b** 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 ***or pose other significant risks to the environment or human health***	This proposed Amendment should be adopted based on its justification: The Stockholm Convention stipulates that POP manufacturers must assume responsibility for reducing the adverse effects their products have on human health or the environment and providing information to users, governments and the public on the hazardous properties of those substances. That principle should also extend to the users of POPs. The amendment is consistent with Article 4 of Regulation 2017/852 on mercury. The POPs Regulation should be

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			aligned with the Convention and with the latest Union legislation.
Article 4 – paragraph 3 – subparagraph 2 – point c 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, as shown through assessment of that closed system in accordance with Commission Directive 2001/59/EC.	**Article 4 – paragraph 3 – subparagraph 2 – point c** the manufacturer confirms that the substance is a closed-system site-limited intermediate within the meaning of Article 2(j).	**Amendment 26** **Article 4 – paragraph 3 – subparagraph 2 – point c** 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, as shown through assessment of that closed system in accordance with Regulation (EC) No 1272/2008[1a] of the European Parliament and of the Council Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).	The proposed Recast text weakens the Regulation substantially. The amendment retaining the original text with updated legal references should be adopted.
		Amendment 27 Article 4 – paragraph 3 – subparagraph 2 – point c a (new)	The proposed amendment should be adopted based on its justification: The Stockholm

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		the manufacturer demonstrates 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	Convention stipulates that POP manufacturers must assume responsibility for reducing the adverse effects their products have on human health or the environment and providing information to users, governments and the public on the hazardous properties of those substances. That principle should also extend to the users of POPs. The amendment is consistent with Article 4 of Regulation 2017/852 on mercury. The POPs Regulation should be aligned with the Convention and with the latest Union legislation.
	Article 4 -paragraph 4 (new) Paragraphs 2 and 3 shall not apply to waste consisting of, containing or contaminated by any substance listed in Annexes I or II.		This new paragraph in the Recast proposal provides means to continue the hazardous practice of recycling of waste contaminated with POPs. Already numerous studies have shown that this leads to POPs contamination in consumer products, including children´s products intended for mouthing. This proposal for

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			the new paragraph 4 should therefore be rejected.
Article 5 – paragraph 2 – subparagraph 2 The holder shall manage the stockpile in a safe, efficient and environmentally sound manner	**Article 5 – paragraph 2 – subparagraph 2** The holder shall manage the stockpile in a safe, efficient and environmentally sound manner	**Amendment 28** **Article 5 – paragraph 2 – subparagraph 2** The holder shall manage the stockpile in a safe, efficient and environmentally sound manner, in accordance with the thresholds and requirements laid down in Directive 2012/18/EU of the European Parliament and of the Council[1a] and Directive 2010/75/EU of the European Parliament and of the Council[1b], where applicable.	The amendment should be adopted based on its justification: Directive 2012/18/EU also applies to dangerous substances falling within the scope of the POPs Regulation. Its requirements should thus be referred to in this proposal for a regulation.
Article 6 – paragraph 1 Within two years of the date of entry into force of this Regulation, Member States shall draw up and maintain release inventories for the substances listed in Annex III into air, water and land in accordance with their obligations under the Convention and the Protocol	**Article 6 – paragraph 1** Within two years of the date of entry into force of this Regulation or Regulation (EC) No 850/2004, whichever date came first , Member States shall draw up inventories for the substances listed in Annex III released into air, water and land in accordance with their obligations under the Convention and the Protocol	**Amendment 30, Article 6 – paragraph 1** Within two years of the date of entry into force of this Regulation or Regulation (EC) No 850/2004, whichever date came first , Member States shall draw up inventories for the substances listed in Annex III released into air, water and land ***or contained in waste,*** in accordance with their obligations under the	The amendment should be adopted based on its justification: The EU Member States are not carrying out the mandatory reporting of dioxin substances using the Dioxin Toolkit, as required under the Stockholm Convention. Most are only reporting emissions of these substances into the air and sometimes into the water, but they are rarely reporting how

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	and shall subsequently ***maintain such*** inventories	Convention and the Protocol***,*** and shall subsequently ***update those*** inventories	much ends up in waste. In contrast with the LRTAP POPs protocol, under which European states are accustomed to reporting, the Stockholm Convention also focuses on the elimination of POPs in waste. The above insertions should help to clarify that fact.
Article 7 – paragraph 6 The Commission may, where appropriate, and taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or the competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt additional measures relating to the implementation of this Article. The Commission shall define a format for the submission of the information by Member States in accordance with paragraph 4(b)(iii). Such measures shall be decided in	**Article 7 – paragraph 6** The Commission may, where appropriate, and taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or by the competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt***, by means of*** implementing acts additional measures relating to the implementation of this Article. In particular, the Commission may specify the information to be submitted by Member States in accordance with paragraph 4(b)(iii). Such	**Amendment 3, Article 7 – paragraph 6** The Commission may, where appropriate, and taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or by the competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt implementing acts ***setting out the format of*** the information to be submitted by Member States in accordance with paragraph 4(b)(iii). ***Those implementing acts*** shall be ***adopted*** in	The proposed Amendment changes the meaning of the paragraph and radically weakens it provisions. It is a big difference between "adopt additional measures by means of implementation acts" and "adopt implementing acts ***setting out the format of*** the information to be submitted". The proposed Amendment weakens the provisions of the Regulation and should therefore be rejected.

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accordance with the procedure laid down in Article 17(2).	measures shall be decided in accordance with the advisory procedure laid down in Article 20(2).	accordance with the advisory procedure ***referred to*** in Article 20(2).	
		Amendment 5 **Article 8 – paragraph 1 a (new)** The Agency shall start providing the assistance and technical and scientific guidance referred to in point (a) of Article 8 (1) by ... [the date one year after the entry into force of this Regulation].	Amendment 5 should be read in conjuncture with Amendment 1, which assigns inappropriate authority to ECHA in relation to nominating new substance to the Stockholm Convention. In line with Amendment 1, Amendment 5 should be rejected.
	Article 8 – paragraph 1 – point c (new) upon request, provide technical ***and*** scientific ***support and input*** to the Commission for substances ***that*** may comply with the criteria for listing in the Convention or the Protocol	**Amendment 4** **Article 8 – paragraph 1 – point c** upon request, provide ***a dossier of*** technical***,*** scientific ***and socio-economic assessments*** to the Commission for substances ***where evidence exists that these substances*** may comply with the criteria for listing in the Convention or the Protocol;	Amendment 4 violates the procedures of the Stockholm Convention and its information criteria in Annex D for submitting a proposal to list a chemical and should be rejected. This is also supported by the justification to Amendment 33: It is crucial that the process for nomination is based strictly on scientific evidence, as per the

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		Amendment 32 **Article 8 – paragraph 1 – point c** upon request, provide technical and scientific support and input to the Commission for substances that may comply with the criteria for listing in the Convention or the Protocol***, including on the prevention of the production and use of new POPs, and on the assessment of pesticides or industrial chemicals currently in use*;	established process under the Convention. Other considerations, such as socio-economic analyses, risk undermining the scientific basis and shall thus not be made under this Article, especially as they are already carried out by the expert body of the Convention (POPRC) as a part of their assessment. Amendment 32 includes correct references of language in the Stockholm Convention and should be adopted.
		Amendment 33 **Article 8 – paragraph 1 – point c** upon request, provide ***robust*** technical and scientific support and input to the Commission for substances that may comply with the criteria for listing in the Convention or the Protocol	
		Amendment 35 **Article 11 – paragraph 2 a (new)** The Commission shall organise an exchange of information	Amendment 35 should be adopted based on its justification: Article 6(1) of the Convention stipulates that 'each Party shall:

Original text	EU Recast proposal	Proposed amendment	Comment
		with the Member States regarding the measures taken at national level to identify and assess sites contaminated by POPs and to address the significant risks such contamination may pose to human health and the environment.	(...) (a) Develop appropriate strategies for identifying stockpiles consisting of or containing chemicals (...)'. The 7th EAP commits the EU to remediating contaminated sites. In several Member States such identification and remediation has yet to take place. The amendment is consistent with Article 15 of Regulation 2017/852 on mercury. This regulation, too, should be aligned with the Convention and with the latest Union legislation
	Article 11 – paragraph 3 Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council[32] , information ***referred to in paragraphs 1 and 2*** shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange information with a third country shall protect any confidential information in accordance with Union law	**Amendment 36** **Article 11 – paragraph 3** Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council[32] , information ***on health and safety of humans and the environment*** shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange ***other*** information with a third country shall protect any confidential	Amendment 36, 37 and 38 are all based on the need to align the language of the Regulation with that of the Stockholm Convention Article 9(5). These revisions should be adopted.

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		information in accordance with Union law ***as mutually agreed***. **Amendment 37** **Article 11 – paragraph 3** Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information[32], information on the environment and health and safety of humans, in addition to the information referred to in paragraphs 1, 2 and 2a, shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange information with a third country shall protect any confidential information in accordance with Union law. **Amendment 38** **Article 11 – paragraph 3** Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council[32], information ***on health and safety of humans and the***	

Original text	EU Recast proposal	Proposed amendment	Comment
		environment shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange information with a third country shall protect any confidential information in accordance with Union law	
		Amendment 40, 41 **Article 13 – paragraph 1 – subparagraph 2 a (new)** The Union shall ensure access to information and public participation throughout the monitoring of implementation	Amendment 40 and 41 should be adopted based on their justifications: The proposed monitoring system lacks reference to the access to information and public participation, and shall be amended accordingly.
	Article 13 – paragraph 5 (new) The Commission may adopt implementing acts ***further specifying the minimum*** information to be provided in accordance with paragraph 1, including the definition of indicators, maps and Member State overviews referred to in paragraph 1(f). Those implementing acts shall be adopted in accordance with the	**Amendment 6** **Article 13 – paragraph 5** The Commission may adopt implementing acts ***setting out the format of the*** information to be provided in accordance with paragraph 1, including the definition of indicators, maps and Member State overviews referred to in paragraph 1(f). Those implementing acts shall be adopted in accordance with	The proposed Amendment changes the meaning of the paragraph. It is a big difference between "adopt implementing acts ***further specifying the minimum*** information" and "adopt implementing acts ***setting out the format of*** the information to be provided". The proposed Amendment weakens the provisions of the

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	advisory procedure referred to in Article 20(2).	the advisory procedure referred to in Article 20(2).	Regulation and should therefore be rejected.
	Article 18 – paragraph 2 The power to adopt delegated acts referred to in Articles 4(3), 7(5) and 15 shall be conferred on the Commission for an indeterminate period of time from […].	**Amendment 42** **Article 18 – paragraph 2** The power to adopt delegated acts referred to in Articles 4(3), 7(5) and 15 shall be conferred on the Commission for a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period	Amendment 42 should be adopted based on its justification: The delegation of power conferred on the Commission cannot be for an indeterminate period of time. The European Parliament and the Council must be able to exercise political control over any delegations conferred on the Commission.
	Annex I – part A – table – column 4 – row 1 – point 2 – point a (a) without prejudice to subparagraph (b), articles and mixtures containing concentrations below 0,1 % of	**Amendment 46** **Annex I – part A – table – column 4 – row 1 – point 2 – point a** deleted	Amendment 46 should be adopted based on its justification: The biggest issue connected with the POPs is currently the lack of regulation of emissions in waste. The excessively lax

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	tetrabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;		limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen utensils or food packaging. To stop the flow of these toxic substances, it will be necessary to remove the recycling derogations.
	Annex I – part A – table – column 4 – row 2 – point 2 – point a (a) without prejudice to subparagraph (b), articles and mixtures containing concentrations below 0,1 % of tetrabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use	**Amendment 47** **Annex I – part A – table – column 4 – row 2 – point 2 – point a** deleted	Amendment 47 should be adopted based on its justification: The biggest issue connected with the POPs is currently the lack of regulation of emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen utensils or food packaging. To stop the flow of these toxic substances, it will be necessary

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			to remove the recycling derogations.
	Annex I – part A – table – column 4 – row 3 – point 2 – point a (a) without prejudice to subparagraph (b), articles and mixtures containing concentrations below 0,1 % of hexabromobiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;	**Amendment 48** **Annex I – part A – table – column 4 – row 3 – point 2 – point a** deleted	Amendment 48 should be adopted based on its justification: The biggest issue connected with the POPs is currently the lack of regulation of emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen utensils or food packaging. To stop the flow of these toxic substances, it will be necessary to remove the recycling derogations.
	Annex I – part A – table – column 4 – row 4 – point 2 – point a (a) without prejudice to subparagraph (b), articles and mixtures containing concentrations below 0,1 % of heptabromodiphenyl ether by weight when produced partially	**Amendment 49** **Annex I – part A – table – column 4 – row 4 – point 2 – point a** deleted	Amendment 49 should be adopted based on its justification: The biggest issue connected with the POPs is currently the lack of regulation of emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the

Original text	EU Recast proposal	Proposed amendment	Comment
	or fully from recycled materials or materials from waste prepared for re-use;		recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen utensils or food packaging. To stop the flow of these toxic substances, it will be necessary to remove the recycling derogations.
	Annex I – part A – table – row 17 Member States shall identify and remove from use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0,005 % PCBs and volumes greater than 0,05 dm3, as soon as possible but no later than 31 December 2025. _	**Amendment 50** **Annex I – part A – table – row 17** Member States shall ***endeavour to*** identify and remove from use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0,005 % PCBs and volumes greater than 0,05 dm3, as soon as possible ***and*** no later than 31 December	Amendment 50 drastically weakens the provisions for PCBs, one of the original twelve POPs covered by the Stockholm Convention at its signing in 2001. All use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0,005 % PCBs and volumes greater than 0,05 dm3 must be identified and removed at latest by the assigned deadline, noting the extensive time frame for compliance.
		Amendment 7 **Annex I – part A – row 24 a (new)** 1. For the purposes of this entry, point (b) of Article 4(1)	It should be noted that the low POPs content limits established under the Stockholm and Basel Convention refers to (hazardous) waste and not to

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		shall apply to concentrations of decaBDE equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances, mixtures, articles or as constituents of the flame-retarded parts of articles 2. By way of derogation, the manufacturing, placing on the market and use of decaBDE shall be allowed: (a) in the production of an aircraft, for which type approval has been applied for before date of entry into force and has been received before December 2022, before 2 March 2027;. (b) in the production of spare parts for either of the following: (i) an aircraft, for which type approval has been applied for before date of entry into force and has been received before December 2022, produced before 2 March 2027 until the end of the service life of those aircraft;	allowed limits in articles. In fact, it is highly inappropriate that limits allowed in consumer articles are even close to limits where they are considered hazardous waste. Therefore, referring to these limits as proposed in Amendment 52 should be strongly rejected. Also, it should be noted that DecaBDE exhibits similar properties to PentaBDE and OctaBDE which are already listed in the Stockholm Convention and in the EU POPs regulation with acceptable limits up to 10 mg/kg. Allowing any higher limits for DecaBDE disregards its persistent, bioaccumulative, and toxic properties. It would also introduce DecaBDE into the recycling stream, causing uncontrolled, widespread contamination of articles made from recycled plastic. Therefore, the higher concentration limit of 1,000 mg/kg proposed in amendment 52 should strongly be rejected.

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		(ii) motor vehicles within the scope of Directive 2007/46/EC, produced before... [the date of entry into force of this Regulation], either until 2036 or the end of the service life of those motor vehicles, whichever date comes earlier. 3. The specific exemptions for spare parts for use in motor vehicles referred to in paragraph 2(b)(ii) shall apply for the production and use of commercial decaBDE falling into one or more of the following categories: (i) powertrain and under-hood applications such as battery mass wires, battery interconnection wires, mobile air-conditioning (MAC) pipes, powertrains, exhaust manifold bushings, under-hood insulation, wiring and harness under hood (engine wiring, etc.), speed sensors, hoses, fan modules and knock sensors; (ii) fuel system applications such as fuel hoses, fuel tanks and fuel tanks under body;	The proposed limit of 10 mg/kg for DecaBDE in Amendment 7 harmonizes the concentration limit with the limits for PentaBDE and OctaBDE and should be included into the revised POPs regulation. While the derogations proposed under 2-4 falls under the specific exemptions agreed under the Stockholm Convention, the consequence of allowing the use of DecaBDE in the wide range of articles listed is highly concerning both since it does not agree with the objective of the Stockholm Convention mindful of the precautionary approach protecting human health and the environment, and since it will create possibly insurmountable obstacles for the EU strategy for a circular economy. It should also be noted that the POPS review Committee after careful investigation of the

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		(iii) pyrotechnical devices and applications affected by pyrotechnical devices such as air bag ignition cables, seat covers/fabrics (only if airbag relevant) and airbags (front and side); (iv) suspension and interior applications such as trim components, acoustic material and seat belts. (v) reinforced plastics (instrument panels and interior trim); (vi) under the hood or dash (terminal/fuse blocks, higher-amperage wires and cable jacketing (spark plug wires)); (vii) electric and electronic equipment (battery cases and battery trays, engine control electrical connectors, components of radio disks, navigation satellite systems, global positioning systems and computer systems); (viii) fabric such as rear decks, upholstery, headliners, automobile seats, head rests,	availability of alternatives[1] concluded that - "*For the automotive industry, the production and use of c-decaBDE should be limited to parts for use in legacy vehicles*" - "*Knowing that generic parts for cars in general are available and noting that some spare parts could possibly be retrofitted to legacy car models, it may be possible to limit the specific exemptions for civilian cars even further than described above*" - "*For the aerospace industry a phase-out of c-decaBDE in new aircraft types by 2018 is widely supported...//The Boeing Company expects a complete phase-out of c-decaBDE to be possible by the entry into force of a possible amendment of Annex A...*" Any derogations proposed in the EU should therefore be thoroughly investigated and strictly limited to enable greater protections for EU

[1] UNEP-POPS-POPRC.12-11-Add.4.English

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		sun visors, trim panels, carpets. 3. The manufacturing of decaBDE and its use in the production and placing on the market of the following articles shall be allowed: (a) articles placed on the market before ... [the date of entry into force of this Regulation]; (b) aircraft produced in accordance with subparagraph 2(a); (c) spare parts of aircraft produced in accordance with subparagraph 2(b). (d) electrical and electronic equipment within the scope of Directive 2011/65/EU. 4. For the purpose of this entry 'aircraft' means one of the following: (a) a civil aircraft produced in accordance with a type certificate issued under Regulation (EU) No 216/2008 of the European Parliament and of the Council or with a design approval issued under the national regulations of a	residents and not just copied and pasted from the Stockholm Convention decisions.

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		Contracting State to the International Civil Aviation Organisation (ICAO), or for which a certificate of airworthiness has been issued by an ICAO Contracting State under Annex 8 to the Convention on International Civil Aviation; (b) a military aircraft. **Amendment 51** 1. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of decaBDE at a level to be agreed under the Basel and Stockholm Conventions respectively when it occurs in substances, mixtures, articles or as constituents of the flame-retarded parts of articles. Point 2-4 the same as amendment 7 **Amendment 52** 1. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of	

Original text	EU Recast proposal	Proposed amendment	Comment
		decaBDE equal to or below 1000 mg/kg (0,1 % by weight) when it occurs in substances, mixtures, articles or as constituents of the flame-retarded parts of articles. Point 2-4 the same as amendment 7	
		Amendment 8 **Annex I – part A – row 24 b (new)** 1. By way of derogation, the manufacturing, placing on the market and use of substances or preparations containing SCCPs in concentrations lower than 1 % by weight or articles containing SCCPs in concentrations lower than 0,15 % by weight shall be allowed. 2. Use shall be allowed in respect of: (a) conveyor belts in the mining industry and dam sealants containing SCCPs already in use	SCCPs are toxic to aquatic organisms at low concentrations, disrupt endocrine function, and are suspected to cause cancer in humans. Any allowed limits should therefore be carefully considered, mindful of the precautionary approach protecting human health and the environment. A report developed on behalf of the Federal Environment Agency in Germany in 2015[2] concludes that "In order to minimise risks, it is possible to set the Low POPs Content Level

[2] https://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte_35_2015_identification_of_potentially_pop-containing_wastes.pdf

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		before or on 4 December 2015; and (b) articles containing SCCPs other than those referred to in (a) already in use before or on 10 July 2012. 3. Article 4(2) third and fourth subparagraphs shall apply to the articles referred to in point 2 above.	for SCCP to 1,000 mg/kg or even 100 mg/kg", affirming the feasibility of a 100 mg/kg LPCL. Noting that these are the levels that refer to hazardous waste and not to allowed limits in articles, any trace amounts allowed in articles should be significantly lower than 100 mg/kg. Noting also that SCCP contamination is already widespread in plastics in the recycling stream and ending up in toys[3], every care should be taken to keep additional contamination out. The limits proposed in Amendment 8 are recklessly high and should therefore be strongly rejected.
		Amendment 10 **Annex III, footnote 1** polychlorinated naphthalenes means chemical compounds	The definitions in the Regulation should not deviate from the definition of the Stockholm Convention, and

[3] See e.g. https://ipen.org/sites/default/files/documents/ipen-sccps-report-v1_5-en.pdf

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		based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms. Hexachlorobutadiene	Amendment 10 should therefore be rejected and Stockholm Convention definition[4] added: "Polychlorinated naphthalenes, including dichlorinated naphthalenes, trichlorinated naphthalenes, tetrachlorinated naphthalenes, pentachlorinated naphthalenes, hexachlorinated naphthalenes, heptachlorinated naphthalenes, octachlorinated naphthalene"
	Annex IV – table – row 4 Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs) 10 000 mg/kg	**Amendment 53** **Annex IV – table – row 4** Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs) 100 mg/kg	Amendment 53 should be adopted based on its justification: The biggest issue connected with the POPs is currently the lack of reporting on emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen

[4] Stockholm decision SC-7/14
http://chm.pops.int/Portals/0/download.aspx?d=UNEP-POPS-COP.7-SC-7-14.English.pdf

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			utensils or food packaging. To stop the flow of these toxic substances, it will be necessary set stricter POPs limits in waste
	Annex IV – table – column 4 – row 5 Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether: 1000 mg/kg	**Amendment 54** **Annex IV – table – column 4 – row 5** Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether: 50 mg/kg	Amendment 54 should be adopted based on its justification: The biggest issue connected with the POPs is currently the lack of reporting on emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen utensils or food packaging. To stop the flow of these toxic substances, it will be necessary set stricter POPs limits in waste
	Annex IV – table 1 – column 4 – row 10 – footnote 7	**Amendment 55** **Annex IV – table 1 – column 4 – row 10 – footnote 7** PCB TEF PCB 77 0,0001 PCB 81 0,0003 PCB 126 0,1	Amendment 55 should be adopted based on its justification: Not only are polychlorinated biphenyls (PCBs) on the list of substances whose further manufacture and use is prohibited by the Stockholm Convention, but they

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		PCB 169 0,03 PCB 105 0,0000 3 PCB 114 0,0000 3 PCB 118 0,0000 3 PCB 123 0,0000 3 PCB 156 0,0000 3 PCB 157 0,0000 3	are also on the list of substances that are produced as unintended by-products in Annex C to the Convention (or Annex III to the POPs Regulation). However, the limit for PCBs in waste has been set only for those of their typical congeners for technical (intentionally produced) PCB mixtures (the inclusion of PCBs in Appendix A), not for typical congeners such as dioxin-like PCBs (DL PCBs). That needs to be corrected and DL-PCBs need to be included in the limits, which is the purpose of this addition.
	Annex V – part 1 – table – row 4 Recycling/reclamation of metals and metal compounds, under the following conditions: The operations are restricted to residues from iron- and steel-making processes such as dusts or sludges from gas treatment or mill scale or zinc-containing filter dusts from steelworks, dusts from gas cleaning systems of copper smelters and	**Amendment 56** **Annex V – part 1 – table – row 4** Deleted	Amendment 56 should be adopted based on its justification: The inclusion of this technology is very problematic, given that, in most of the relevant facilities, dioxins (PCDDs and PCDFs) are not regularly measured in emissions. What is more, metallurgical plants are major sources of dioxin emissions, and so they cannot be included among the processes which

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	similar wastes and lead-containing leaching residues of the non-ferrous metal production. Waste containing PCBs is excluded. The operations are restricted to processes for the recovery of iron and iron alloys (blast furnace, shaft furnace and hearth furnace) and non-ferrous metals (Waelz rotary kiln process, bath melting processes using vertical or horizontal furnaces), provided the facilities meet as minimum requirements the emission limit values for PCDDs and PCDFs laid down in accordance with Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions, whether or not the processes are subject to that Directive and without prejudice to the other provisions of the Directive		must destroy them (break them down).

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		Amendment 12 **Annex V a (new)** ANNEX V a ECHA DOSSIERS FOR SUBSTANCES CONSIDERED FOR NOMINATION UNDER THE STOCKHOLM CONVENTION I. INTRODUCTION AND GENERAL PROVISIONS This Annex lays down the general principles for preparing the European Chemicals Agency ('ECHA') dossiers to support the Commission in the nomination of substances as Persistent Organic Pollutants ('POPs'), in accordance with Better Regulation principles, this Regulation and pursuant to the criteria set out in Annex D to the Stockholm Convention. II. CONTENT OF DOSSIERS Substance identity The dossier shall include the identity of the substance(s) concerned and whether the ECHA proposes to identify such a substance as a potential POP according to the criteria set out	The proposed Amendment 12 misquotes Annex D of the Stockholm Convention, as well as add additional requirements violating the Stockholm Convention nomination process as set out in the Convention Annex D. The Amendment should be therefore strongly be rejected not to undermine the Stockholm Convention nomination process. The correct language in Annex D is: 1. A Party submitting a proposal to list a chemical in Annexes A, B and/or C shall identify the chemical in the manner described in subparagraph (a) and provide the information on the chemical, and its transformation products where relevant, relating to the screening criteria set out in subparagraphs (b) to (e): (a) Chemical identity: (i) Names, including trade name or names, commercial

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		in Annex D to the Stockholm Convention. Information on properties The dossier shall include the following information on properties, in line with Annex D to the Stockholm Convention: (a)Persistence (i) evidence that the half-life of the substance in water is greater than two months, or that its half-life in soil is greater than six months; or (ii) evidence that the substance is otherwise sufficiently persistent to justify its consideration within the scope of the Convention; (b)Bio-accumulation other reasons for concern, such high bio-accumulation in other species, high toxicity or ecotoxicity; or (iii)monitoring data in biota indicating that the bio-accumulation potential of the substance is sufficient to justify its consideration within the scope of the Convention; (c) Potential for long-range transport	name or names and synonyms, Chemical Abstracts Service (CAS) Registry number, International Union of Pure and Applied Chemistry (IUPAC) name; and (ii) Structure, including specifi cation of isomers, where applicable, and the structure of the chemical class; (b) Persistence: (i) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; or (ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention; (c) Bio-accumulation: (i) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic

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		(i) measured levels of the substance in locations distant from the sources of its release that are of potential concern; (ii) monitoring data showing that long-range environmental transport of the substance, with the potential for transfer to a receiving environment, may have occurred via air, water or migratory species; or (iii) environmental fate properties and/or model results that demonstrate that the substance has a potential for long-range environmental transport through air, water or migratory species, with the potential for transfer to a receiving environment in locations distant from the sources of its release. For a substance that migrates significantly through air, its half-life in air should be greater than two days; (d) Adverse effects (i) evidence of adverse effects to human health or to the environment that justifies consideration of the substance	species for the chemical is greater than 5,000 or, in the absence of such data, that the log Kow is greater than 5; (ii) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; or (iii) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention; (d) Potential for long-range environmental transport: (i) Measured levels of the chemical in locations distant from the sources of its release that are of potential concern; (ii) Monitoring data showing that long-range environmental transport of the chemical, with the potential for transfer to a receiving environment, may have occurred via air, water or migratory species; or

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		within the scope of this Convention; or (ii) toxicity or ecotoxicity data that indicate the potential for damage to human health or the environment. Justification for action at the international level In line with Annex D to the Stockholm Convention, the dossier shall provide a statement of the reasons for concern including, where possible, a comparison of toxicity or ecotoxicity data with (i) evidence that the bio-concentration factor of bio-accumulation factor in aquatic species for the substance is greater than 5,000 or, in the absence of such data, that the log Kow is greater than 5; (ii)evidence that a substance presents detected or predicted levels of a substance resulting or anticipated from its long-range environmental transport, and a statement indicating the need	(iii) Environmental fate properties and/or model results that demonstrate that the chemical has a potential for long-range environmental transport through air, water or migratory species, with the potential for transfer to a receiving environment in locations distant from the sources of its release. For a chemical that migrates significantly through the air, its half-life in air should be greater than two days; and (e) Adverse effects: (i) Evidence of adverse effects to human health or to the environment that justifies consideration of the chemical within the scope of this Convention; or (ii) Toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment.

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		for global control. The dossier shall furthermore provide justification that: - characteristics, properties and uses of the substance(s) justify the adoption of risk control measures; - risk management options at Union level would not effectively reduce the risks associated with the substance(s) under scrutiny; - the substance(s) has adverse effects on human health and the environment to the extent that action is required at the international level; - the nomination of the substance(s) under the Stockholm Convention is the most appropriate measure. Information on socio-economic impacts The dossier shall provide relevant information relating to the socio-economic impacts associated with possible measures under the Stockholm Convention to enable a decision by the Commission before it puts forward a nomination for	2. The proposing Party shall provide a statement of the reasons for concern including, where possible, a comparison of toxicity or ecotoxicity data with detected or predicted levels of a chemical resulting or anticipated from its long-range environmental transport, and a short statement indicating the need for global control. 3. The proposing Party shall, to the extent possible and taking into account its capabilities, provide additional information to support the review of the proposal referred to in paragraph 6 of Article 8. In developing such a proposal, a Party may draw on technical expertise from any source.

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		listing. To that end, the net benefits to human health and the environment of the proposed risk management option shall be compared to its net costs for manufacturers, importers, downstream users, distributors, consumers and society as a whole. Such information shall include consideration of the following indicative list of items: 1. Efficacy and efficiency of possible control measures in meeting risk reduction goals: a) technical feasibility; and b) costs, including environmental and health costs; 2. Alternatives(products and processes): a) technical feasibility; b) costs, including environmental and health costs; c) efficacy; d) risk; e) Availability; and f) Accessibility; 3. Positive and/or negative impacts on society of	

Original text	EU Recast proposal	Proposed amendment	Comment
		implementing possible control measures: a) health, including public, environmental and occupational health; b) agriculture, including aquaculture and forestry; c) biota(biodiversity); d) economic aspects; e) movement towards sustainable development; and f) social costs; 4. Waste and disposal implications (in particular, obsolete stocks of pesticides and clean-up of contaminated sites): a) technical feasibility; and b) cost; 5. Access to information and public education; 6. Status of control and monitoring capacity; and 7. Any existing risk management measures at Union level or adopted by industry.	