



Brussels, **XXX**
[...](2014) **XXX** draft

COMMISSION REGULATION (EU) No .../..

of **XXX**

**amending Regulation (EC) No 850/2004 of the European Parliament and of the Council
on persistent organic pollutants as regards Annexes IV and V**

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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/EEC¹, and in particular Article 7(4)(a) and (5) and Article 14(2) and (4) thereof,

Whereas:

- (1) Regulation (EC) No 850/2004 implements in the law of the Union the commitments set out in the Stockholm Convention on Persistent Organic Pollutants (hereinafter "the Convention") approved by Council Decision 2006/507/EC², on behalf of the Community, and in the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants (hereinafter "the Protocol") approved by Council Decision 259/2004/EC³, on behalf of the Community.
- (2) At the fourth meeting of the Conference of the Parties to the Convention from 4 to 8 May 2009, it was agreed to add chlordecone, hexabromobiphenyl, hexachlorocyclohexanes, including lindane, pentachlorobenzene, tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether (hereinafter "polybrominated diphenyl ethers"), as well as perfluorooctane sulfonic acid and its derivatives (hereinafter "PFOS") to the Annexes to the Convention.
- (3) In view of concerns regarding the completeness and representativeness of scientific information on quantities and concentrations of the polybrominated diphenyl ethers and PFOS in articles and wastes, those substances were provisionally listed in Annexes IV and V to Regulation (EC) No 850/2004 without an indication of the maximum concentration limits.
- (4) Additional scientific data on quantities and concentrations of the polybrominated diphenyl ethers and PFOS in articles and wastes has now been assessed. It is therefore necessary to establish maximum concentration limits for these persistent organic pollutants without undue delay in order to ensure a uniform application of Regulation

¹ OJ L 158, 30.4.2004, p. 7.

² Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1).

³ Council Decision 259/2004/EC of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (OJ L 81, 19.02.2004, p. 35).

(EC) No 850/2004 and to avoid a continuous release of those substances into the environment.

- (5) At its 27th session from 14 to 18 December 2009, the Executive Body of the Protocol decided to add hexachlorobutadiene, polychlorinated naphthalenes, and short-chain chlorinated paraffins to the Protocol.
- (6) At its fifth meeting from 25 to 29 April 2011, the Conference of the Parties to the Convention agreed to add endosulfan to the list of persistent organic pollutants to be eliminated worldwide, with some exemptions.
- (7) In view of the decisions taken by the Executive Body of the Protocol and the Conference of the Parties to the Convention, it is necessary to update Annexes IV and V to Regulation (EC) No 850/2004 in order to include those substances.
- (8) Regulation (EC) No 850/2004 should therefore be amended accordingly.
- (9) In order to allow companies and competent authorities sufficient time to adapt to the new requirements, this Regulation should apply from [*Date to be filled in by PO: six months after the date of publication*].
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC⁴,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 850/2004 is amended as follows:

- (1) Annex IV is replaced by the text in Annex I to this Regulation.
- (2) Annex V is amended in accordance with Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [*Date to be filled in by PO: six months after the date of publication*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
José Manuel BARROSO

⁴ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).