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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on persistent organic pollutants (recast) (first reading) - Adoption of the legislative act - Statements

Statement by the Commission

The Commission underlines that, notwithstanding the right of the co-legislators to choose the ordinary legislative procedure over delegated acts, the use of the ordinary legislative procedure to amend Annexes IV and V could compromise the ability of the EU and its Member States to comply with their international obligations under the Stockholm Convention and to negotiate concentration limits for POPs wastes within the Basel Convention, in view of the timelines and procedures that apply.

Statement by the Commission

The Commission notes that as the definition of "article" in the recast of the POPs Regulation refers directly to the definition of "article" in Regulation (EC) No 1907/2006 (REACH), the Commission interprets this term in the same way as it is interpreted in REACH, including any clarifications provided by relevant case-law. Guidance will be prepared by the European Chemicals Agency, in agreement with the Commission, to confirm this interpretation of the term "article" in the POPs Regulation, in line with relevant case-law, at the earliest opportunity following the entry into force of the recast of the POPs Regulation.

Statement by the Commission

The Commission confirms its intention to launch without delay a review of the limit value for PBDEs in Annex IV to the POPs Regulation, taking into account the available scientific and technical evidence, with the objective of proposing a lower limit value which would include consideration of a possible limit value of 500 ppm.

Joint statement by France and Sweden

France and Sweden welcome the recasting of the Regulation on persistent organic pollutants, which implements the European Union's commitments under the international Stockholm Convention while complying with the Lisbon Treaty.

We are grateful for the work achieved by the Austrian and Romanian Presidencies. We would also thank the MEPs tasked with working on the recast during the European Parliament's eighth term. We also thank the European Commission for providing technical elements for establishing the threshold values in the annexes.

France and Sweden stress their attachment to the recital recalling the Union's serious concern regarding the continuous release of persistent organic pollutants ('POPs') into the environment, since these chemical substances are transported across international boundaries, far from their sources, and persist in the environment, bioaccumulate through the food web, and thereby pose a threat to human health and the environment.

We are therefore concerned that the Regulation should constitute a common legal framework within which to take measures designed, in particular, to eliminate the manufacturing, placing on the market and use of POPs, as stressed in the recitals.

In that regard, we would reiterate that the task entrusted to the European Commission as from the adoption of this recast, namely the adoption of a revised threshold value for polyBDEs by 2021 at the latest, should begin as soon as possible. Sharing of experience on best technical and organisational practices will be an essential part of the Commission's task. The recently adopted 'best available techniques' (BREF on waste treatment of August 2018) and those currently being worked on (BREF on waste treatment by incineration, scheduled for adoption on 17 June 2019) can facilitate the speedy attainment of that objective.