



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 2 June 2006 (06.06)  
(OR. fr)**

**10163/06**

**ENV 337  
ENT 89**

**PROPOSAL**

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from: European Commission  
dated: 1 June 2006  
Subject: Proposal for a COUNCIL REGULATION amending Annex IV to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC

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Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Javier SOLANA, Secretary-General/High Representative.

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Encl.: COM(2006) 242 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.5.2006  
COM(2006) 242 final

Proposal for a

**COUNCIL REGULATION**

**amending Annex IV to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

Article 7(4)(a) of Regulation (EC) 850/2004 on persistent organic pollutants provides that the content of the substances listed in Annex IV is below the concentration limits to be specified in Annex IV before 31 December 2005, in accordance with the procedure referred to in Article 17(2). In accordance with Article 17(1), 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.

Accordingly, the Commission submitted a draft Regulation for vote in the Committee established under Article 18 of Directive 75/442/EEC on waste on 25 January 2006. There was no qualified majority for the draft Regulation.

Thus in accordance with the procedure set out in Article 5 of Decision 1999/468/EC a Proposal for a Council Regulation is submitted to Council. If the Council has not acted within three months from the date of referral of the proposal, the proposed measures shall be adopted by the Commission.

In accordance with Article 7(6) and 14(3) of Regulation (EC) 2004/850 the Commission had intended to also propose to adopt a measure on the solidification of wastes to be otherwise recovered exceeding the concentration of 1 µg/kg PCDD/PCDF, but complying with the low concentration limit of 15 µg/kg PCDD/PCDF. This additional measure depends on the adoption of the low concentration limit for PCDD/PCDF. As there was no qualified majority for the draft Regulation on the low concentration limit of 15 µg/kg PCDD/PCDF, the additional measure alone would be meaningless and was not proposed for vote yet.

Proposal for a

## COUNCIL REGULATION

**amending Annex IV to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC**

**(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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/EEC<sup>1</sup>, and in particular Article 7(4)(a) and 14(3) thereof,

Whereas:

- (1) The Commission conducted a study on the implementation of waste-related provisions of Regulation No 850/2004.
- (2) The proposed concentration limits in Annex IV are considered the most appropriate to ensure a high level of protection in view of the destruction or irreversible transformation of the persistent organic pollutants.
- (3) For toxaphene, a mixture of over 670 substances, no agreed and relevant analytical methodology to determine the total concentration is available. However the above mentioned study has not identified any stocks consisting of, containing or contaminated with toxaphene in the European Union. In addition the study demonstrates that, whenever any persistent organic pollutant pesticides were detected in wastes, their concentrations were usually high when compared with the proposed concentration limits. For the time being, the available analytical methodologies for the determination of toxaphene can be considered as sufficiently fit for the purpose of this Regulation.
- (4) The concentration limit for PCDF/PCDD is expressed in toxic equivalent concentration ("TEQ"), using the 1998 World Health Organisation toxic equivalency factors ("TEFs"). Available data on dioxin-like PCB is not sufficient to include these compounds in the TEQ.
- (5) Hexachlorocyclohexane (HCH) is the name of a technical mixture of various isomers. The effort to completely analyse them would be inadequate. Only alpha-, beta- and gamma-HCH is of toxicological relevance. Therefore the concentration limit

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<sup>1</sup> OJ L 158, 30.4.2004, p. 7; corrected version in OJ L 229, 29.6.2004, p. 5.

exclusively refers to them. Most commercially available analytical standard mixtures for the analyses of this compound class only identify these isomers.

- (6) Regulation (EC) No 850/2004 should therefore be amended accordingly.
- (7) The Committee established under Article 17(1) of Regulation (EC) No 850/2004 has not delivered an opinion on the measures laid down in a draft Commission Regulation, following its consultation, on 25 January 2006, in accordance with the procedure laid down in Article 17(2) of that Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex IV to Regulation (EC) No 850/2004/EEC is replaced by the text set out in the Annex 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*.

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

Done at Brussels,

*For the Council*  
*The President*

## ANNEX

Annex IV to Regulation (EC) No 850/2004 is replaced by the following:

### *ANNEX IV*

“LIST OF SUBSTANCES SUBJECT TO WASTE MANAGEMENT PROVISIONS

SET OUT IN ARTICLE 7

SUBSTANCE	CAS No	EC No	CONCENTRATION LIMIT REFERRED TO IN ARTICLE 7(4)(a)
Aldrin	309-00-2	206-215-8	50 mg/kg
Chlordane	57-74-9	200-349-0	50 mg/kg
Dieldrin	60-57-1	200-484-5	50 mg/kg
Endrin	72-20-8	200-775-7	50 mg/kg
Heptachlor	76-44-8	200-962-3	50 mg/kg
Hexachlorobenzene	118-74-1	200-273-9	50 mg/kg
Mirex	2385-85-5	219-196-6	50 mg/kg
Toxaphene	8001-35-2	232-283-3	50 mg/kg
Polychlorinated Biphenyls (PCB) and others	1336-36-3	215-648-1	50 mg/kg*
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)	50-29-3	200-024-3	50 mg/kg
Chlordecone	143-50-0	205-601-3	50 mg/kg
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)			15 µg/kg**
The sum of alpha, beta- and gamma-HCH	58-89-9, 319-84-6, 319-85-7	206-270-8, 206-271-3 and 200-401-2	50 mg/kg

Hexabromobiphenyl	36355-01-8	252-994-2	50 mg/kg
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\* Where applicable, the calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall be applied

\*\* The limit is calculated as PCDD and PCDF according to the following toxic equivalency factors (TEFs):

PCDD	TEF
2,3,7,8-TeCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0.1
1,2,3,6,7,8-HxCDD	0.1
1,2,3,7,8,9-HxCDD	0.1
1,2,3,4,6,7,8-HpCDD	0.01
OCDD	0.0001
PCDF	
2,3,7,8-TeCDF	0.1
1,2,3,7,8-PeCDF	0.05
2,3,4,7,8-PeCDF	0.5
1,2,3,4,7,8-HxCDF	0.1
1,2,3,6,7,8-HxCDF	0.1
1,2,3,7,8,9-HxCDF	0.1
2,3,4,6,7,8-HxCDF	0.1
1,2,3,4,6,7,8-HpCDF	0.01
1,2,3,4,7,8,9-HpCDF	0.01
OCDF	0.0001

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