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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	28 October 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 656 final - ANNEX
Subject:	ANNEX to the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Annexes IV and V to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants

Delegations will find attached document COM(2021) 656 final - ANNEX.

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ANNEX

ANNEX

to the

Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Annexes IV and V to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants

{SEC(2021) 379 final} - {SWD(2021) 299 final} - {SWD(2021) 300 final} -
{SWD(2021) 301 final}

ANNEX

Annexes IV and V are amended as follows:

(1) Annex IV is amended as follows:

(a) the following rows are added to the table:

'Pentachlorophenol, its salts and esters	87-86-5 and others	201-778-6 and others	100 mg/kg
Dicofol	115-32-2	204-082-0	50 mg/kg
Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds	335-67-1 and others	206-397-9 and others	1 mg/kg (PFOA and its salts), 40 mg/kg (PFOA-related compounds)'

(b) the row for the substance Alkanes C_{10}-C_{13}, chloro (short-chain chlorinated paraffins) (SCCPs) is replaced by the following:

'Alkanes C_{10}-C_{13}, chloro (short-chain chlorinated paraffins) (SCCPs)	85535-84-8	287-476-5	1 500 mg/kg'

(c) the rows for the substances Tetrabromodiphenyl ether $C_{12}H_6Br_4O$, Pentabromodiphenyl ether $C_{12}H_5Br_5O$, Hexabromodiphenyl ether $C_{12}H_4Br_6O$, Heptabromodiphenyl ether $C_{12}H_3Br_7O$ and Decabromodiphenyl ether $C_{12}Br_{10}O$ are replaced by the following:

'Tetrabromodiphenyl ether $C_{12}H_6Br_4O$	40088-47-9 and others	254-787-2 and others		Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl
Pentabromodiphenyl ether $C_{12}H_5Br_5O$	32534-81-9 and others	251-084-2 and others		
Hexabromodiphenyl ether $C_{12}H_4Br_6O$	36483-60-0 and others	253-058-6 and		

		others		ether and decabromodiphenyl ether:
Heptabromodiphenyl ether $C_{12}H_3Br_7O$	68928-80-3 and others	273-031-2 and others		
Bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE) $C_{12}Br_{10}O$	1163-19-5 and others	214-604-9 and others		(a) until *[OP, please introduce the date of the day before the date in the following point]*, 500 mg/kg (b) from *[OP, please introduce the date of 5 years after the date of entry into force of this Regulation]*, 200 mg/kg or, if higher, the sum of the concentration of those substances where they are present in mixtures or articles, as set out in Annex I, fourth column, point 2 for the substances tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether.’

(d) the row for the substances Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) is replaced by the following:

‘Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and dioxin-like polychlorinated biphenyls (dl-PCBs)			5 µg/kg (2)

(2) The limit is calculated as the sum of PCDD, PCDF and dl-PCBs according to the toxic equivalency factors (TEFs) set out in Part 2, in the third subparagraph, in the table, of Annex V.'

(e) the row for the substance hexabromocyclododecane is replaced by the following:

'Hexabromocyclododecane(4)	25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8	247-148-4 221-695-9	500 mg/kg'

(2) Part 2 of Annex V is amended as follows:

(a) in the second paragraph, the second column of the table, 'Maximum concentration limits of substances listed in Annex IV', is amended as follows:

(i) the text 'Polychlorinated dibenzo-p-dioxins and dibenzofurans: 5 mg/kg;' is replaced by the following:

'Polychlorinated dibenzo-p-dioxins and dibenzofurans and dioxin-like polychlorinated biphenyls (dl-PCBs): 5 mg/kg;';

(ii) the text 'Sum of the concentrations of tetrabromodiphenyl ether ($C_{12}H_6Br_4O$), pentabromodiphenyl ether ($C_{12}H_5Br_5O$), hexabromodiphenyl ether ($C_{12}H_4Br_6O$) and heptabromodiphenyl ether ($C_{12}H_3Br_7O$): 10 000 mg/kg;' is replaced by the following:

'Sum of the concentrations of tetrabromodiphenyl ether ($C_{12}H_6Br_4O$), pentabromodiphenyl ether ($C_{12}H_5Br_5O$), hexabromodiphenyl ether ($C_{12}H_4Br_6O$), heptabromodiphenyl ether ($C_{12}H_3Br_7O$) and decabromodiphenyl ether ($C_{12}Br_{10}O$): 10 000 mg/kg;';

(iii) the following text is inserted after 'Toxaphene: 5 000 mg/kg.':

'Pentachlorophenol, its salts and esters: 1 000 mg/kg;

Dicofol: 5 000 mg/kg;

Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds: 50 mg/kg (PFOA and its salts), 2 000 mg/kg (PFOA-related compounds).'.

(b) the third paragraph is replaced by the following:

‘The maximum concentration limit of polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD and PCDF) and dioxin-like polychlorinated biphenyls (dl-PCBs) shall be calculated according to the following toxic equivalency factors (TEFs):

Toxicity equivalency factors (TEFs) for PCDD, PCDF and dl-PCBs

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	0,0003
PCDF	**TEF**
2,3,7,8-TeCDF	0,1
1,2,3,7,8-PeCDF	0,03
2,3,4,7,8-PeCDF	0,3
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	0,0003
dl-PCBs	**TEF**
PCB 77	0,0001
PCB 81	0,0003

PCB 105	0,00003
PCB 114	0,00003
PCB 118	0,00003
PCB 123	0,00003
PCB 126	0,1
PCB 169	0,03
PCB 156	0,00003
PCB 157	0,00003
PCB 167	0,00003
PCB 189	0,00003

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