Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (recast) (Text with EEA relevance)

REGULATION (EU) 2019/1021 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 June 2019

on persistent organic pollutants

(recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) Regulation (EC) No 850/2004 of the European Parliament and of the Council[(3)] has been substantially amended several times. Since it is necessary to make further amendments, that Regulation should be recast in the interests of clarity.

(2) The Union is seriously concerned by the continuous release of persistent organic pollutants (‘POPs’) into the environment. Those chemical substances are transported across international boundaries, far from their sources, and they persist in the environment, bioaccumulate through the food web, and pose a risk to human health and the environment. Therefore, further measures need to be taken in order to protect human health and the environment against those pollutants.

(3) In view of its responsibilities for the protection of the environment, the Union approved on 19 February 2004 the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants[(4)] (‘the Protocol’) and approved on 14 October 2004 the Stockholm Convention on Persistent Organic Pollutants[(5)] (‘the Convention’).

(4) In order to ensure coherent and effective implementation of the Union's obligations under the Protocol and the Convention, it is necessary to establish a common legal framework within which to take measures designed, in particular, to eliminate

the manufacturing, placing on the market and use of intentionally manufactured POPs. Furthermore, POPs' characteristics should be taken into consideration in the framework of the relevant Union assessment and authorisation schemes.

(5) When implementing the provisions of the Convention at Union level, it is necessary to ensure coordination and coherence with the provisions of the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade, which was approved by the Union on 19 December 2002[(6)], and with the provisions of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal, which was approved by the Union on 1 February 1993[(7)] and of the Minamata Convention on Mercury, which was approved by the Union on 11 May 2017[(8)]. This coordination and coherence should also be maintained when participating in the implementation and further development of the Strategic Approach to International Chemicals Management (SAICM), adopted by the First International Conference on Chemicals Management in Dubai on 6 February 2006, and the Sound Management of Chemicals and Waste Beyond 2020 within the United Nations framework.

(6) Moreover, considering that the provisions of this Regulation are underpinned by the precautionary principle as set forth in the Treaty on the Functioning of the European Union (TFEU), and mindful of the precautionary approach to environmental protection as set forth in Principle 15 of the Rio Declaration on Environment and Development, and in view of the aim of the elimination, where feasible, of the release of POPs into the environment, it is appropriate in certain cases to provide for control measures stricter than those under the Protocol and the Convention.

(7) In the Union, the placing on the market and use of most of the POPs listed in the Protocol or the Convention have already been phased out as a result of the prohibitions laid down in, inter alia, Regulations (EC) No 1907/2006[(9)], (EC) No 1107/2009[(10)] and (EU) No 528/2012[(11)] of the European Parliament and of the Council. However, in order to fulfil the Union's obligations under the Protocol and the Convention, and to minimise the release of POPs, it is necessary and appropriate also to prohibit the manufacturing of those substances and to restrict exemptions to a minimum so that exemptions only apply where a substance fulfils an essential function in a specific application.

(8) For reasons of clarity and consistency with other relevant Union legislative acts, certain definitions should be specified, and terminology should be aligned with that used in Regulation (EC) No 1907/2006 and Directive 2008/98/EC of the European Parliament and of the Council[(12)].

(9) Exports of substances covered by the Convention are regulated by Regulation (EU) No 649/2012 of the European Parliament and of the Council[(13)] and therefore need not be further addressed in this Regulation.

(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 stockpiles should be built up.

(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 developed, updated and implemented, as appropriate, as soon as possible, to reduce such releases continuously and cost-effectively. To this end, appropriate tools should be developed in the framework of the Convention.

(12) The Guidelines on Best Available Techniques and Provisional Guidance on Best Environmental Practices Relevant to Article 5 and Annex C of the Stockholm Convention on Persistent Organic Pollutants, which were adopted pursuant to the Stockholm Convention, should be used when considering proposals to construct new facilities or to significantly modify existing facilities using processes that release chemicals listed in Annex III to this Regulation.

(13) Appropriate programmes and mechanisms should be established or maintained, as appropriate, to provide adequate monitoring data on the presence of substances listed in Part A of Annex III in the environment. However, it is necessary to ensure that appropriate tools are available and can be used under economically and technically viable conditions.

(14) Under the Convention, the POP content in waste is to be destroyed or irreversibly transformed into substances that do not exhibit similar characteristics, unless other operations are environmentally preferable. In order for the Union to comply with its obligations under the Convention, it is necessary to lay down specific rules as regards those substances. To ensure a high level of protection, common concentration limits for the substances in waste should be established, monitored and enforced.

(15) Concerning polybrominated diphenyl ethers (PBDEs) listed in this Regulation, including decaBDE, the concentration limit for the sum of those substances in waste is set at 1 000 mg/kg. Considering that scientific and technical progress are rapidly evolving, the Commission should review that concentration limit and, where appropriate, adopt a legislative proposal to lower that value to 500 mg/kg. The Commission should act as quickly as possible and, in any event, not later than 16 July 2021.

(16) It is important to identify and separate waste consisting of, containing or contaminated by POPs at source in order to minimise the spread of those chemicals into other waste. Directive 2008/98/EC establishes Union rules on the management of hazardous waste, obliging Member States to take the necessary measures to require that establishments and undertakings which dispose of, recover, collect or transport hazardous waste, do not mix different categories of hazardous waste or mix hazardous waste with non-hazardous waste.

(17) In order to promote the traceability of waste containing POPs and ensure control, the provisions of the record keeping system established in accordance with Article 17 of Directive 2008/98/EC should apply also to such waste containing POPs which is not defined as hazardous waste according to Commission Decision 2014/955/EU[(14)].

(18) 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 the drawing up of opinions that should 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.

(19) The Convention provides that each Party is to draw up, update and endeavour to implement, as appropriate, a plan for the implementation of its obligations under the Convention. Member States should provide opportunities for public participation in drawing up, implementing and updating their implementation plans. Since the Union and the Member States share competence in that regard, implementation plans should be drawn up and updated both at national and Union level. Cooperation and exchange of information, including on sites contaminated by POPs, between the Commission, the Agency and the authorities of the Member States should be promoted.

(20) Substances listed in Part A of Annex I or Part A of 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 the relevant Annex and if the manufacturer demonstrates to the Member State concerned that the substance is only manufactured and used under strictly controlled conditions.

(21) 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.

(22) 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 as regards their health and environmental effects, 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, without prejudice to Regulations (EC) No 1049/2001[(15)]

and (EC) No 1367/2006[16] of the European Parliament and of the Council, and to Directive 2003/4/EC of the European Parliament and of the Council[17].

(23) In order to promote the development of a comprehensive chemical exposure and toxicity knowledge base, in line with the General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' ('the 7th EAP')[18], the Commission has established the Information Platform for Chemical Monitoring. The use of that platform should be encouraged as a means for Member States to comply with their obligations to report chemical occurrence data and to simplify and reduce their reporting obligations.

(24) 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.

(25) There should be regular evaluation of the effectiveness of measures taken to reduce releases of POPs. To that end, Member States should report regularly, in standardised form, to the Agency, in particular as regards release inventories, notified stockpiles and the manufacturing and placing on the market of restricted substances.

(26) To address the need for information on implementation and compliance, an alternative system of collecting and making information available should be introduced, taking into account the results of the Commission Report on Actions to Streamline Environmental Reporting and its related Fitness Check. In particular, Member States should make all relevant data accessible. That should ensure that the administrative burden on all entities remains as limited as possible. It requires that active dissemination at national level be done in accordance with Directives 2003/4/EC and 2007/2/EC of the European Parliament and of the Council[19], to ensure the appropriate infrastructure for public access, reporting and data-sharing between public authorities. In that context, Member States and the Agency should base the specifications for spatial data on the implementing acts adopted under Directive 2007/2/EC.

(27) The Convention and the Protocol provide that Parties thereto may propose additional substances for international action and consequently additional substances may be listed under those Agreements. In such cases, this Regulation should be amended accordingly.

(28) In order to amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending this Regulation by permitting, where appropriate, the manufacture and use of a substance listed in Part A of Annex I or Part A of Annex II to this Regulation as a closed-system site-limited intermediate and amending the deadlines in an annotation entered in the relevant Annex for that purpose, of amending Annex III to this Regulation in order to move a substance from Part B to Part A thereof and of amending Annexes I, II and III 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 Annexes I and II to this Regulation in order to adapt them to scientific and technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[(20)]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(29) When Annexes to this Regulation are amended to implement any listing of an additional, intentionally produced POP in the Protocol or in the Convention, the listing should be included in Annex II, instead of Annex I, only in exceptional cases and when duly justified.

(30) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt measures concerning waste management and 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 (EU) No 182/2011 of the European Parliament and of the Council[(21)].

(31) 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 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 to 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 Regulation should be made public, where appropriate.

(32) For the purposes of this Regulation other than matters relating to waste, the Commission should be assisted by the committee established by Regulation (EC) No 1907/2006, with a view to ensuring a consistent approach concerning chemicals legislation of the Union.

(33) For the purposes of this Regulation, on matters relating to waste, the Commission should be assisted by the committee established by Directive 2008/98/EC with a view to ensuring a consistent approach concerning waste legislation of the Union.

(34) Since the objective of this Regulation, namely to protect the environment and human health from POPs, cannot be sufficiently achieved by the Member States, owing to the transboundary effects of those pollutants, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

Article 1

Objective and subject matter

Taking into account, in particular, the precautionary principle, the objective of this Regulation is to protect human health and the environment from POPs by prohibiting, phasing out as soon as possible, or restricting the manufacturing, placing on the market and use of substances subject to the Stockholm Convention on Persistent Organic Pollutants, hereinafter 'the Convention', or the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants, hereinafter 'the Protocol', by minimising, with a view to eliminating where feasible as soon as possible, releases of such substances, and by establishing provisions regarding waste consisting of, containing or contaminated by any of those substances.

F1
. . . . . .

Textual Amendments

F1 Words in Art. 1 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **7**

Article 2

Definitions

For the purposes of this Regulation:

(1) 'placing on the market' means placing on the market as defined in point 12 of Article 3 of Regulation (EC) No 1907/2006;

(2) 'article' means article as defined in point 3 of Article 3 of Regulation (EC) No 1907/2006;

(3) 'substance' means substance as defined in point 1 of Article 3 of Regulation (EC) No 1907/2006;

(4) 'mixture' means mixture as defined in point 2 of Article 3 of Regulation (EC) No 1907/2006;

(5) 'manufacturing' means manufacturing as defined in point 8 of Article 3 of Regulation (EC) No 1907/2006;

(6) 'use' means use as defined in point 24 of Article 3 of Regulation (EC) No 1907/2006;

(7) 'import' means import as defined in point 10 of Article 3 of Regulation (EC) No 1907/2006;

(8) 'waste' means waste as defined in point 1 of Article 3 of Directive 2008/98/EC **[**[F2], as read with Articles 5 and 6 of that Directive**]**;

(9) 'disposal' means disposal as defined in point 19 of Article 3 of Directive 2008/98/EC ;

(10) 'recovery' means recovery as defined in point 15 of Article 3 of Directive 2008/98/EC;

(11) '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 ('synthesis') and where the manufacture of the intermediate and the synthesis of one or more other substances from that intermediate take place on the same site, by one or more legal entities, under strictly controlled conditions in that it is rigorously contained by technical means during its whole life cycle;

(12) 'unintentional trace contaminant' means a level of a substance that is incidentally present in a minimal amount, below which the substance cannot be meaningfully used, and above the detection limit of existing detection methods to enable control and enforcement;

(13) 'stockpile' means substances, mixtures or articles accumulated by the holder that consist of or contain any substance listed in Annex I or II.

(14) **[**[F3]'DAERA' means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

(15) 'NRW' means the Natural Resources Body for Wales;

(16) 'PCB Regulations' means—

(a) in relation to England and Wales, the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000;

(b) in relation to Scotland, the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000;

(17) 'Permitting Regulations' means—

(a) in relation to England and Wales, the Environmental Permitting (England and Wales) Regulations 2016;

(b) in relation to Scotland, the Pollution Prevention and Control (Scotland) Regulations 2012;

(18) 'SEPA' means the Scottish Environment Protection Agency;

(19) 'third country' means a country other than the United Kingdom.**]**

Textual Amendments

F2 Words in Art. 2(8) inserted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **8(2)**

F3 Art. 2(14)-(19) inserted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **8(3)**

[[F4]*Article 2A*

Appropriate authority

For the purposes of this Regulation, "appropriate authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Scotland—

(i) the Scottish Ministers; or

(ii) where the Scottish Ministers consent, the Secretary of State;

(c) in relation to Wales—

(i) the Welsh Ministers; or

(ii) where the Welsh Ministers consent, the Secretary of State.

Textual Amendments

F4 Arts. 2A-2C inserted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **9**

Article 2B

Competent authority

For the purposes of this Regulation, "competent authority" means (except in Article 8) —

(a) in relation to England, the Environment Agency;

(b) in relation to Scotland, SEPA;

(c) in relation to Wales, NRW.

Textual Amendments

F4 Arts. 2A-2C inserted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **9**

Article 2C

References to Directive 2008/98/EC

1 For the purposes of this Regulation, "Directive 2008/98/EC" means Directive 2008/98/EC as last amended by Directive (EU) 2018/851 and read in accordance with paragraphs 2 and 3.

2 Article 5 of Directive 2008/98/EC is to be read as if—

a in paragraph 1, "Member States shall take appropriate measures to ensure that" were omitted;

b after paragraph 1 there were inserted—

1A

Any decision as to whether a substance or object is a by-product must be made—

a in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and

b having regard to any guidance published by the appropriate authority or the competent authority for the purposes of this Article.;

c paragraphs 2 and 3 were omitted.

3 Article 6 of Directive 2008/98/EC is to be read as if—

a in paragraph 1, "Member States shall take appropriate measures to ensure that" were omitted;

b after paragraph 1 there were inserted—

1A

Any decision as to whether a substance or object has ceased to be waste must be made—

a in accordance with any regulations or retained direct EU legislation setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and

b having regard to any guidance published by the appropriate authority or the competent authority for the purposes of this Article.;

c in paragraph 2—

i the first subparagraph were omitted;

ii in the second subparagraph, for "Those detailed criteria" there were substituted "Any detailed criteria set out in guidance as referred to in paragraph 1A";

iii the third and fourth subparagraphs were omitted;

d paragraph 3 were omitted;

e in paragraph 4—

i in the first subparagraph—

aa in the first sentence, for the words from the beginning to "Member State", there were substituted "Where criteria have not been set as referred to in paragraph 1A(a), the competent authority";

bb the second sentence were omitted;

ii in the second subparagraph—

aa for "Member States" there were substituted "The appropriate authority";

bb "by competent authorities" were omitted.**]**

Textual Amendments

F4 Arts. 2A-2C inserted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **9**

Article 3

Control of manufacturing, placing on the market and use, and the listing of substances

1 The manufacturing, placing on the market and use of substances listed in Annex I, whether on their own, in mixtures or in articles, shall be prohibited, subject to Article 4.

2 The manufacturing, placing on the market and use of substances listed in Annex II, whether on their own, in mixtures or in articles, shall be restricted, subject to Article 4.

3 **[**[F5]The appropriate authority**]** shall, within the assessment and authorisation schemes for existing and new substances under the relevant **[**[F6]retained EU law**]**, take into consideration the criteria set out in paragraph 1 of Annex D to the Convention and take appropriate measures to control existing substances and prevent the manufacturing, placing on the market and use of new substances, which exhibit characteristics of POPs.

[F7]4 . . . . . .

[F7]5 . . . . . .

6 Waste consisting of, containing or contaminated by any substance listed in Annex IV is regulated by Article 7.

Textual Amendments

F5 Words in Art. 3(3) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **10(2)(a)**

F6 Words in Art. 3(3) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **10(2)(b)**

F7 Art. 3(4)(5) omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **10(3)**

Article 4

Exemptions from control measures

1 Article 3 shall not apply in the case of:

a a substance used for laboratory-scale research or as a reference standard;

b a substance present as an unintentional trace contaminant, as specified in the relevant entries of Annex I or II, in substances, mixtures or articles.

2 For a substance added to Annex I or II after 15 July 2019, Article 3 shall not apply for a six-month period if that substance is present in articles produced before or on the date that this Regulation becomes applicable to that substance.

Article 3 shall not apply in the case of a substance present in articles already in use before or on the date that this Regulation or Regulation (EC) No 850/2004 became applicable to that substance, whichever date came first.

[[F8]Immediately upon becoming aware of articles referred to in the first and second subparagraphs, the competent authority shall inform the Secretary of State and—

where the competent authority is SEPA, the Scottish Ministers;

where the competent authority is NRW, the Welsh Ministers.

Whenever the Secretary of State is so informed or otherwise learns of such articles, the Secretary of State shall, where appropriate, notify the Secretariat of the Convention accordingly without further delay.**]**

[[F9]3 Where a substance is listed in Part A of Annex 1 or in Part A of Annex 2 and a competent authority wishes to permit, until the deadline specified in the relevant Annex, the manufacturing and use of that substance as a closed-system site-limited intermediate, that

competent authority shall notify the Secretary of State, who shall in turn notify the Secretariat of the Convention.

3A The notification by the Secretary of State to the Secretariat of the Convention may be made only if the following conditions are satisfied:

a an annotation has, following the request of a competent authority or on the appropriate authority's own initiative, been entered in the relevant Annex in accordance with paragraph 3C;

b the manufacturer has demonstrated to the competent authority that the manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a POP, ensuring that it is rigorously contained by technical means during its whole lifecycle;

c the manufacturer has demonstrated to the competent authority that the substance is a closed-system site-limited intermediate within the meaning of Article 2(11) and that 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; and

d the manufacturer has informed the competent authority of the details of actual or estimated total manufacturing and use of the substance concerned and the nature of the closed-system site-limited process, specifying the amount of any non-transformed and unintentional trace contamination by any POP starting material in the final substance, mixture or article.

3B. Within one month of submission of the notification to the Secretariat of the Convention, the Secretary of State shall communicate the notification to DAERA, the Scottish Ministers and the Welsh Ministers.

3C. The appropriate authority may by regulations—

a amend Annex 1 or 2 by entering annotations expressly to the effect that manufacturing and use, as a closed-system site-limited intermediate, of a substance listed in Part A of the relevant Annex may be permitted; and

b amend the deadlines in such annotations in cases where, following a repeat notification by the Secretary of State to the Secretariat of the Convention, express or tacit consent is issued under the Convention for the continued manufacturing and use of the substance for another period.**]**

4 Waste consisting of, containing or contaminated by any substance listed in Annex IV is regulated by Article 7.

Textual Amendments

F8 Words in Art. 4(2) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **11(2)**

F9 Art. 4(3)-(3C) substituted for Art. 4(3) (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **11(3)**

Article 5

Stockpiles

1 The holder of a stockpile, which consists of or contains any substance listed in Annex I or II, for which no use is permitted, shall manage that stockpile as waste and in accordance with Article 7.

2 The holder of a stockpile greater than 50 kg, consisting of or containing any substance listed in Annex I or II, and the use of which is permitted shall provide the competent authority [F10]... with information concerning the nature and size of that stockpile. Such information shall be provided within 12 months of the date that this Regulation or Regulation (EC) No 850/2004 became applicable to that substance, whichever date came first for the holder, and of relevant amendments to Annex I or II and annually thereafter until the deadline specified in Annex I or II for restricted use.

The holder shall manage the stockpile in a safe, efficient and environmentally sound manner, in accordance with the thresholds and requirements **[**[F11]set out in the COMAH Regulations 2015**]** and taking all adequate steps to ensure that the stockpile is managed in a manner that will protect human health and the environment.

[[F12]In the second subparagraph, "COMAH Regulations 2015" means the Control of Major Accident Hazards Regulations 2015.**]**

3 **[**[F13]The competent authority**]** shall monitor the use and management of notified stockpiles.

Textual Amendments

F10 Words in Art. 5(2) omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **12(2)(a)**

F11 Words in Art. 5(2) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **12(2)(b)**

F12 Words in Art. 5(2) inserted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **12(2)(c)**

F13 Words in Art. 5(3) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **12(3)**

[[F14]*Article 6*

Release reduction, minimisation and elimination

1 The Secretary of State must maintain the inventory relating to the United Kingdom which was drawn up in accordance with Regulation (EC) No 850/2004 for the substances listed in Annex 3 to this Regulation released into air, water and land in accordance with the United Kingdom's obligations under the Convention and the Protocol.

2 The Secretary of State must review and update the United Kingdom's action plan on measures to identify, characterise and minimise, with a view to eliminating where feasible as soon as possible, the total releases of substances listed in Annex 3, in accordance with Article 7(1)(c) of the Convention.

3 The relevant authority must, when considering proposals to construct new facilities or to significantly modify existing facilities using processes that release chemicals listed in Annex 3, give priority consideration to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of substances listed in Annex 3.

This does not limit the effect of the Permitting Regulations.

4. In paragraph 3, "relevant authority" means—

a in relation to England and Wales, the authority responsible for discharging functions in accordance with regulation 32 of the Environmental Permitting (England and Wales) Regulations 2016;

b in relation to Scotland, SEPA.**]**

Textual Amendments

F14 Art. 6 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **13**

Article 7

Waste management

1 Producers and holders of waste shall undertake all reasonable efforts to avoid, where feasible, contamination of this waste with substances listed in Annex IV.

2 Notwithstanding **[**[F15]the PCB Regulations**]**, waste consisting of, containing or contaminated by any substance listed in Annex IV to this Regulation shall be disposed of or recovered, without undue delay and in accordance with Part 1 of Annex V to this Regulation, in such a way as to ensure that the POP content is destroyed or irreversibly transformed so that the remaining waste and releases do not exhibit the characteristics of POPs.

In carrying out such a disposal or recovery, any substance listed in Annex IV may be isolated from the waste, provided that this substance is subsequently disposed of in accordance with the first subparagraph.

3 Disposal or recovery operations that may lead to recovery, recycling, reclamation or re-use on their own of the substances listed in Annex IV shall be prohibited.

4 By way of derogation from paragraph 2:

a waste containing or contaminated by any substance listed in Annex IV may be otherwise disposed of or recovered in accordance with the relevant **[**[F16]retained EU law**]**, provided that the content of the listed substances in the waste is below the concentration limits specified in Annex IV;

b **[**[F17]a competent authority**]** may, in exceptional cases, allow wastes listed in Part 2 of Annex V containing or contaminated by a substance listed in Annex IV up to concentration limits specified in Part 2 of Annex V to be otherwise dealt with in accordance with a method listed in Part 2 of Annex V, provided that the following conditions are fulfilled:

(i) the holder concerned has demonstrated to the satisfaction of the competent authority [F18]... that decontamination of the waste in relation to substances listed in Annex IV was not feasible, and that destruction or irreversible transformation of the POP content, performed in accordance with best environmental practice or best available techniques, does not represent the environmentally preferable option and the competent authority has subsequently authorised the alternative operation;

(ii) the holder concerned has provided information on the POP content of the waste to the competent authority;

(iii) the operation is in accordance with relevant **[**[F19]retained EU law**]** and with the conditions laid down in relevant additional measures referred to in paragraph 5;

(iv) **[**[F20]the competent authority has informed the Secretary of State, the Welsh Ministers and the Scottish Ministers of its authorisation and the reasons for it.**]**

[[F21]5 The appropriate authority may by regulations specify the format of the information to be submitted by the competent authority in accordance with paragraph 4(b)(iv), (v) or (vi) (as the case may be).

6 The appropriate authority may by regulations amend Annex 4 or 5 for the purposes set out in Article 15(2).

Before making regulations under this paragraph, the appropriate authority shall take into consideration any relevant technical developments or international guidelines or decisions and any relevant authorisations granted by the competent authority.

7. The appropriate authority shall take the necessary measures to ensure the control and traceability of waste containing or contaminated by a substance listed in Annex 4 to this Regulation ("relevant waste"); and the appropriate authority may by regulations make such provision as the appropriate authority considers appropriate for that purpose.

8. In paragraph 7, the reference to measures to ensure the control and traceability of relevant waste is a reference to measures—

a to ensure that the production, collection, transportation, storage and treatment of relevant waste are carried out under conditions providing protection for the environment and human health;

b to ensure the traceability and control of relevant waste from its production to its final destination in accordance with paragraph 10; and

c to prohibit the abandonment, dumping or uncontrolled management of relevant waste.

9. In paragraph 8(a), the reference to conditions providing protection for the environment and human health is a reference to ensuring that waste management is carried out without endangering human health, without harming the environment and, in particular—

a without risk to water, air, soil, plants or animals;

b without causing a nuisance through noise or odours; and

c without adversely affecting the countryside or places of special interest.

10. Measures are in accordance with this paragraph if they ensure that establishments and undertakings within the scope of the Permitting Regulations, producers of relevant waste, and the establishments and undertakings which collect or transport relevant waste on a professional basis, or act as dealers and brokers of relevant waste—

a keep a chronological record of—

i the quantity, nature and origin of that waste and the quantity of products and materials resulting from preparing that waste for re-use, recycling or other recovery operation; and

ii where relevant, the destination, frequency of collection, mode of transport and treatment method foreseen in respect of the waste;

b make that data available, on request, to the competent authority through any electronic registry established for the reporting of the data or, if no such registry is in operation, in such form and manner as the regulator may specify;

c keep the records for at least three years, except in the case of establishments and undertakings transporting relevant waste which shall keep such records for at least 12 months;

d where relevant, supply documentary evidence that the activity in question has been carried out at the request of the competent authority or of a previous holder.

11. Regulations under paragraph 7 may create criminal offences.

12. Regulations may provide for an offence under the regulations to be triable—

a only summarily; or

b either summarily or on indictment.

13. But regulations under paragraph 7 may not create an offence for which an individual who has reached the age of 18 (or, in relation to Scotland, 21) is capable of being sentenced to imprisonment for a term of more than 2 years (ignoring any enactment prohibiting or restricting the imprisonment of individuals who have no previous convictions).

14. No regulations may be made under paragraph 7 on or after 31st October 2023.

15. In this Article—

a "broker" means broker as defined in point 8 of Article 3 of Directive 2008/98/EC;

b "collection" means collection as defined in point 10 of Article 3 of Directive 2008/98/EC;

c "dealer" means dealer as defined in point 7 of Article 3 of Directive 2008/98/EC;

d "establishment" has the same meaning as in Article 23(1) of Directive 2008/98/EC;

e "treatment" means treatment as defined in point 14 of Article 3 of Directive 2008/98/EC;

f "undertaking" has the same meaning as in Article 23(1) of Directive 2008/98/EC;

g "waste management" means waste management as defined in point 9 of Article 3 of Directive 2008/98/EC.**]**

Textual Amendments

F15 Words in Art. 7(2) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **14(2)**

F16 Words in Art. 7(4)(a) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **14(3)(a)**

F17 Words in Art. 7(4)(b) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **14(3)(b)(i)**

F18 Words in Art. 7(4)(b)(i) omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **14(3)(b)(ii)**

F19 Words in Art. 7(4)(b)(iii) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **14(3)(b)(iii)**

F20 Art. 7(4)(b)(iv) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **14(3)(b)(iv)**

F21 Art. 7(5)-(15) substituted for Art. 7(5)(6) (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **14(4)**

[F22 Article 8

Technical and scientific support

1 The Secretary of State, the Scottish Ministers or the Welsh Ministers may ask the relevant competent authority to provide technical and scientific support in order to ensure the effective implementation of this Regulation.

2 The relevant competent authority must comply with any request under paragraph 1.

3 In paragraphs 1 and 2, "relevant competent authority" means—

a in relation to a request by the Secretary of State, the Environment Agency;

b in relation to a request by the Scottish Ministers, SEPA;

c in relation to a request by the Welsh Ministers, NRW.

4. Paragraphs 5 to 7 apply where the Secretary of State is considering submitting a proposal, on behalf of the United Kingdom, to list a substance in accordance with Article 8(1) of the Convention.

5. The Environment Agency must provide technical and scientific support to the Secretary of State, taking into account, as appropriate, results from existing assessment schemes referred to in Article 3(3).

6. The Secretary of State must—

a publish a notice relating to the proposal on an appropriate website;

b invite all interested parties to submit comments about the notice within eight weeks; and

c publish any comments on the website.

7. Following that, the Secretary of State may ask the Environment Agency to prepare documents in support of the proposal, and the Environment Agency must comply with that request.

8. Paragraphs 9 to 11 apply where the Persistent Organic Pollutants Review Committee has made available for comment a draft risk profile on a substance in accordance with Article 8(6) of the Convention.

9. The Secretary of State must—

a publish the draft risk profile, or a link to the draft risk profile, on an appropriate website;

b invite all interested parties to submit comments about it within eight weeks; and

c publish any comments on the website.

10. If, subsequently, in relation to the substance, the Persistent Organic Pollutants Review Committee invites Parties to the Convention to submit further information relating to the considerations specified in Annex F to the Convention, in accordance with Article 8(7) of the Convention, the Secretary of State must carry out the actions in paragraph 11.

11. The actions are—

a to use an appropriate website to invite all interested parties to submit comments relating to the considerations specified in Annex F to the Convention; and

b to publish any comments on the website.

12. The Environment Agency must, generally, provide the Secretary of State with technical and scientific support in implementing and further developing the Convention, in particular with respect to the Persistent Organic Pollutants Review Committee.

13. The Environment Agency may, at any time, advise the Secretary of State to consider submitting a proposal to list a substance in accordance with Article 8(1) of the Convention or Article 14 of the Protocol, taking into account, as appropriate, results from existing assessment schemes referred to in Article 3(3).

14. Where the Environment Agency is to provide support to the Secretary of State under this Regulation, it may ask DAERA, NRW or SEPA for assistance with providing that support in relation to Northern Ireland, Wales or Scotland respectively.

15. DAERA, NRW or SEPA (as the case may be) must so far as possible comply with any request under paragraph 14.

16. Where the Environment Agency is to provide support to the Secretary of State under this Regulation, DAERA, NRW or SEPA may (despite not having been asked to do so under paragraph 14) provide it with advice relating to that support in relation to Northern Ireland, Wales or Scotland respectively.

17. The Environment Agency must have regard to any advice given under paragraphs 14 to 16 in the provision of its support to the Secretary of State.

18. In this Article, "Persistent Organic Pollutants Review Committee" has the same meaning as in Article 8(2) of the Convention.**]**

Textual Amendments

F22 Arts. 8, 9 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **15**

[F22 Article 9

Implementation plans

1 When reviewing and updating the implementation plan for the United Kingdom in accordance with Article 7(1)(c) of the Convention, the Secretary of State must consult the public.

2 As soon as the Secretary of State has updated the implementation plan for the United Kingdom in accordance with Article 7(1)(c) of the Convention, the Secretary of State must make it publicly available.

3 If the Secretary of State reviews or updates the implementation plan for the United Kingdom in accordance with Article 7(1)(c) of the Convention, the competent authority or, in relation to Northern Ireland, DAERA, must support the Secretary of State as appropriate.**]**

Textual Amendments

F22 Arts. 8, 9 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **15**

Article 10

Monitoring

1 The **[**[F23]appropriate authority, with the support of the competent authority,**]** shall establish or maintain, as appropriate, in close cooperation, appropriate programmes and mechanisms, consistent with the state of the art, for the regular provision of comparable monitoring data on the presence of substances as listed in Part A of Annex III in the environment. When establishing or maintaining such programmes and mechanisms, due account shall be taken of developments under the Protocol and the Convention.

2 The **[**[F24]appropriate authority**]** shall regularly assess the possible need for the mandatory monitoring of a substance listed in Part B of Annex III. In the light of such an assessment and any data made available to it by **[**[F25]the competent authority, the appropriate authority may by regulations**]** amend Annex III in order to move, where appropriate, a substance from Part B of Annex III to Part A thereof.

Textual Amendments

F23 Words in Art. 10(1) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **16(2)**

F24 Words in Art. 10(2) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **16(3)(a)**

F25 Words in Art. 10(2) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **16(3)(b)**

Article 11

Information exchange

1 The **[**[F26]Secretary of State**]** shall facilitate and undertake the exchange within the **[**[F27]United Kingdom**]** and with third countries of information relevant to the reduction, minimisation or elimination, where feasible, of the manufacturing, use and release of POPs and to alternatives to those substances, specifying the risks and the economic and social costs related to such alternatives.

2 The **[**[F28]appropriate authority and the competent authority**]**, as appropriate, shall promote and facilitate with regard to POPs:

a awareness programmes, including relating to their health and environmental effects and their alternatives and on the reduction or elimination of their manufacture, use and release, especially for:

(i) policy- and decision-makers;

(ii) particularly vulnerable groups;

b the provision of public information;

c training, including workers, scientists, educators and technical and managerial personnel.

[[F29]3 Information on the health and safety of humans and the environment shall not be regarded as confidential.

This does not limit the effect of—

a in relation to England, Northern Ireland and Wales, the Environmental Information Regulations 2004;

b in relation to Scotland, the Environment Information (Scotland) Regulations 2004.**]**

Textual Amendments

F26 Words in Art. 11(1) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **17(2)(a)**

F27 Words in Art. 11(1) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **17(2)(b)**

F28 Words in Art. 11(2) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **17(3)**

F29 Art. 11(3) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **17(4)**

Article 12

Technical assistance

In accordance with Articles 12 and 13 of the Convention, the **[**[F30]Secretary of State must cooperate with other Parties to the Convention**]** in providing appropriate and timely technical and financial assistance to developing countries and countries with economies in transition to assist them, upon request and within available resources and taking into account their particular needs, to develop and strengthen their capacity to fully implement their obligations under the Convention. Such support may also be channelled through regional centres, as identified under the Convention, **[**[F31]or**]** non-governmental organisations [F32]....

Textual Amendments

F30 Words in Art. 12 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **18(2)**

F31 Word in Art. 12 inserted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **18(3)(a)**

F32 Words in Art. 12 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **18(3)(b)**

[[F33]*Article 13*

Reporting within the United Kingdom

1 The competent authority and, in relation to Northern Ireland, DAERA must provide the Secretary of State with—

a for 2021, and each subsequent calendar year, statistical data on the actual or estimated total production and placing on the market of any substance listed in Annex 1 or 2; and

b for the 3-year period ending with 31st December 2021, and each subsequent 3-year period (each "reporting period")—

i information on infringements and penalties; and

ii summary information compiled from the notifications, concerning stockpiles, received pursuant to Article 5(2).

2 The competent authority and, in relation to Northern Ireland, DAERA, must provide information to the Secretary of State under paragraph 1 promptly after the end of the calendar year or reporting period in question.

3 The Secretary of State must develop a common format for the submission of information under paragraph 1.

4 The Secretary of State must, for each reporting period—

a compile information on the application of this Regulation, including information on enforcement activities, infringements and penalties;

b integrate that information with—

i the information available in the context of the United Kingdom Pollutant Release and Transfer Register established under Regulation (EC) No 166/2006;

ii the information referred to in paragraph 1;

iii summary information from the release inventories drawn up pursuant to Article 6(1);

iv summary information on the presence in the environment of the dioxins, furans and Polychlorinated Biphenyls referred to in Annex 3; and

v information on the use of derogations under Article 7(4); and

c prepare a report from the integrated information referred to in point (b).

5 The Secretary of State must prepare the report referred to in paragraph 4(c) within a reasonable period following the end of the reporting period in question.

6. The Secretary of State must then promptly publish a summary of the report, in a manner which the Secretary of State considers appropriate.

7. The Secretary of State must give the competent authority and DAERA access to any information contained in any report prepared in accordance with paragraph 4(c).**]**

Textual Amendments

F33 Art. 13 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **19**

[F34]*Article 14*

Penalties

. . . . . .

Textual Amendments

F34 Art. 14 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **20**

Article 15

Amendment of Annexes

[[F35]1 The appropriate authority may by regulations amend Annex 1, 2 or 3 in order to adapt them to changes to the list of substances set out in the Annexes to the Convention or the Protocol or to modify existing entries or provisions in Annex 1 or 2 in order to adapt them to scientific and technical progress.**]**

2 The **[**[F36]appropriate authority**]** shall keep Annexes IV and V under constant review and shall, where appropriate, make legislative proposals to amend these Annexes in order to adapt them to the changes to the list of substances set out in the Annexes to the Convention or the Protocol or to modify existing entries or provisions in the Annexes to this Regulation in order to adapt them to scientific and technical progress.

Textual Amendments

F35 Art. 15(1) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **21(2)**

F36 Words in Art. 15(2) substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **21(3)**

[F37]*Article 16*

The budget of the Agency

. . . . . .

Textual Amendments

F37 Art. 16 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **22**

[F38]*Article 17*

Formats and software for publication or notification of information

. . . . . .

Textual Amendments

F38 Art. 17 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **22**

[F39 Article 18

Regulations

1 Regulations made under this Regulation may—

a contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));

b make different provision for different purposes.

2 Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

3 For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

4 A statutory instrument containing regulations made by the Secretary of State under this Regulation which include (whether alone or with other provision) a specified provision may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

5 Any other statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

6 A statutory instrument containing regulations made by the Welsh Ministers under this Regulation which include (whether alone or with other provision) a specified provision may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

7. Any other statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of Senedd Cymru.

8. Regulations made by the Scottish Ministers under this Regulation are—

a if they include (whether alone or with other provision) a specified provision, subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010);

b otherwise, subject to the negative procedure (see section 28 of that Act).

9. In this Article, "specified provision" means a provision which—

a amends or repeals any provision of an Act, an Act of the Scottish Parliament, or a Measure or Act of Senedd Cymru; or

b creates a new offence or widens the scope of an offence.**]**

Textual Amendments

F39 Art. 18 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **23**

[F40] Article 19

Competent authorities

. . . . . .

Textual Amendments

F40 Art. 19 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **24**

[F41] Article 20

Committee procedure

. . . . . .

Textual Amendments

F41 Art. 20 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **24**

Article 21

Repeal

Regulation (EC) No 850/2004 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VII.

Article 22

Entry into force

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

F42 …

Textual Amendments

F42 Words in Signature omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **25**

ANNEX I

Part A

Substances listed in the Convention and in the Protocol as well as substances listed only in the Convention

Substance	CAS No	EC No	Specific exemption on intermediate use or other specification
Tetrabromodiphenyl ether $C_{12}H_6Br_4O$	40088-47-9 and others	254-787-2 and others	[[x1] 1. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of tetrabromodiphenyl ether equal to or below 10 mg/kg (0,001 % by weight) where it is present in substances. 2. For the purposes of the entries on tetra-, penta-, hexa-, hepta- and decaBDE, point (b) of Article 4(1) shall apply to the sum of the concentration of those substances up to 500 mg/kg where they are present in mixtures

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

			or articles, subject to review and assessment by the **[**[F47]appropriate authority**]** by 16 July 2021. This review shall assess, inter alia, all relevant impacts with regard to health and the environment. 3. By way of derogation, the manufacturing, placing on the market and use of the following shall be allowed: electrical and electronic equipment within the scope of **[**[F48]the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012**]**. 4. Use of articles already in use in the Union before 25 August 2010 containing tetrabromodiphenyl ether shall be allowed.

				Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.**]**
Pentabromodiphenyl ether $C_{12}H_5Br_5O$	32534-81-9 and others	251-084-2 and others	1.	For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of pentabromodiphenyl ether equal to or below 10 mg/kg (0,001 % by weight) where it is present in substances.
			2.	For the purposes of the entries on tetra-, penta-, hexa-, hepta- and decaBDE, point (b) of Article 4(1) shall apply to the sum of the concentration of those substances up to 500 mg/kg where they are present in mixtures or articles, subject to review and assessment

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

			by the [[F49]appropriate authority] by 16 July 2021. This review shall assess, inter alia, all relevant impacts with regard to health and the environment.
			[[X1]3. By way of derogation, the manufacturing, placing on the market and use of the following shall be allowed: electrical and electronic equipment within the scope of [[F50]the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012].
			4. Use of articles already in use in the Union before 25 August 2010 containing pentabromodiphenyl ether shall be allowed. Article 4(2), third and fourth subparagraphs

				shall apply in relation to such articles.**]**
Hexabromodiphenyl ether $C_{12}H_4Br_6O$	36483-60-0 and others	253-058-6 and others	1.	For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of hexabromodiphenyl ether equal to or below 10 mg/kg (0,001 % by weight) where it is present in substances.
			2.	For the purposes of the entries on tetra-, penta-, hexa-, hepta- and decaBDE, point (b) of Article 4(1) shall apply to the sum of the concentration of those substances up to 500 mg/kg where they are present in mixtures or articles, subject to review and assessment by the **[**[F51]appropriate authority**]** by 16 July

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

			2021. This review shall assess, inter alia, all relevant impacts with regard to health and the environment. [X1 3. By way of derogation, the manufacturing, placing on the market and use of the following shall be allowed: electrical and electronic equipment within the scope of [F52 the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012]. 4. Use of articles already in use in the Union before 25 August 2010 containing hexabromodiphenyl ether shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.]

Heptabromodiphenyl ether $C_{12}H_3Br_7O$	68928-80-3 and others	273-031-2 and others	1. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of heptabromodiphenyl ether equal to or below 10 mg/kg (0,001 % by weight) where it is present in substances. 2. For the purposes of the entries on tetra-, penta-, hexa-, hepta- and decaBDE, point (b) of Article 4(1) shall apply to the sum of the concentration of those substances up to 500 mg/kg where they are present in mixtures or articles, subject to review and assessment by the **[**[F53]appropriate authority**]** by 16 July 2021. This review shall assess, inter alia, all

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

			relevant impacts with regard to health and the environment. [X1 3. By way of derogation, the manufacturing, placing on the market and use of the following shall be allowed: electrical and electronic equipment within the scope of [F54 the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012]. 4. Use of articles already in use in the Union before 25 August 2010 containing heptabromodiphenyl ether shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.]
Bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE)	1163-19-5	214-604-9	1. For the purposes of this entry,

				point (b) of Article 4(1) shall apply to concentrations of decaBDE equal to or below 10 mg/kg (0,001 % by weight) where it is present in substances.
			2.	For the purposes of the entries on tetra-, penta-, hexa-, hepta- and decaBDE, point (b) of Article 4(1) shall apply to the sum of the concentrations of those substances up to 500 mg/kg where they are present in mixtures or articles, subject to review and assessment by the **[**[F55]Secretary of State**]** by 16 July 2021. This review shall assess, inter alia, all relevant impacts with regard to health

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

			and the environment.
			[F56 3. By way of derogation, the manufacturing, placing on the market and use of decaBDE are allowed for the following purposes: (a) in the manufacturing of an aircraft, for which type approval was applied for before 2 March 2019 and was received before December 2022, until 18 December 2023, or, in cases where the continuing need is justified, until 2 March 2027; (b) in the manufacturing of spare parts for either of the following: (i) an aircraft, for which type approval was

				applied for before 2 March 2019 and was received before December 2022, produced before 18 December 2023, or, in cases where the continuing need is justified, produced before 2 March 2027, until the end of service life of that aircraft;
			(ii)	a motor vehicle within the scope of Regulation (EU) 2018/858 of the European

			Parliament and of the Council on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC and produced before 15 July 2019, either until 2036 or

			the end of service life of that motor vehicle, whichever date comes earlier;
			(c) electric and electronic equipment within the scope of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012.**]**
			[[X1]4. The specific exemptions for spare parts for use in motor vehicles referred to in point 3(b)(ii) shall apply for the manufacturing and use of commercial decaBDE falling into one or more of the following categories:
			(a) powertrain and under-hood

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			applications such as battery mass wires, battery interconnection wires, mobile air condition (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; (b) fuel system applications such as fuel hoses, fuel tanks and fuel tanks under body; (c) pyrotechnical devices and applications affected by pyrotechnical devices such as airbag ignition cables, seat covers/ fabrics (only if airbag relevant) and airbags (front and side).

			5.	Use of articles already in use before 15 July 2019 in the Union containing decaBDE shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.
			6.	Without prejudice to the application of other **[**[F57]retained EU law**]** on the classification, packaging and labelling of substances and mixtures, articles in which decaBDE is used shall be identifiable by labelling or other means throughout its life cycle.
			[[X1]7.	The placing on the market and use of articles

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				containing decaBDE imported for the purposes of the specific exemptions in point 3 shall be allowed until the expiry of those exemptions. Point 6 shall apply as if such articles were produced pursuant to the exemption in point 3. Such articles already in use by the date of expiry of the relevant exemption may continue to be used.**]**
			8.	For the purposes of this entry 'aircraft' means the following:
			(a)	a civil aircraft produced in accordance with a type certificate issued under Regulation (EC) No 216/2008 of the European

			(b)	Parliament and of the Council[b] or with a design approval issued under the national regulations of a contracting state of 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; a military aircraft.
Perfluorooctane sulfonic acid and its derivatives (PFOS) $C_8F_{17}SO_2X$ (X = OH, Metal salt (O-M+), halide, amide, and other derivatives including polymers)	1763-23-1 2795-39-3 29457-72-5 29081-56-9 70225-14-8 56773-42-3 251099-16-8 4151-50-2 31506-32-8 1691-99-2 24448-09-7 307-35-7 and others	217-179-8 220-527-1 249-644-6 249-415-0 274-460-8 260-375-3 223-980-3 250-665-8 216-887-4 246-262-1 206-200-6 and others	1.	For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOS equal to or below 10 mg/kg (0,001 % by weight) where it is present in substances or in mixtures.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

			2.	For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOS in semi-finished products or articles, or parts thereof, if the concentration of PFOS is lower than 0,1 % by weight calculated with reference to the mass of structurally or micro-structurally distinct parts that contain PFOS or, for textiles or other coated materials, if the amount of PFOS is lower than 1 μg/m^2 of the coated material.
			3.	Use of articles already in use in the Union before 25 August 2010 containing

				PFOS shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles.
			[F58 4.	If the quantity released into the environment is minimised, manufacturing and placing on the market shall be allowed until 7 September 2025 for use as mist suppressant for non-decorative hard chromium (VI) plating in closed loop systems. [F59 Provided that where PFOS is used the competent authority reports to the appropriate authority] by 7 September 2024 on progress made to eliminate PFOS and

justify the continuing need for this use, the **[**[F60]appropriate authority**]** shall review the need for a prolongation of the derogation for this use of PFOS for a maximum of five years by 7 September 2025.**]**

Where such a derogation concerns production or use in an installation within the scope of **[**[F61]the Permitting Regulations**]**, the relevant best available techniques for the prevention and minimisation of emissions of PFOS [F62]... shall apply.

[[F63]As soon as new information on details of uses and safer alternative substances or technologies becomes available, the **[**[F64]appropriate authority**]** shall review the derogation in the second subparagraph so that:**]**

5. Once standards are adopted by the European Committee for

				Standardisation (CEN) they shall be used as the analytical test methods for demonstrating the conformity of substances, mixtures and articles to points 1 and 2. Any other analytical method for which the user can prove equivalent performance could be used as an alternative to the CEN standards.
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)	50-29-3	200-024-3	—	
Chlordane	57-74-9	200-349-0	—	
Hexachlorocyclohexanes, including lindane	58-89-9	200-401-2	—	
	319-84-6	206-270-8		
	319-85-7	206-271-3		
	608-73-1	210-168-9		
Dieldrin	60-57-1	200-484-5	—	
Endrin	72-20-8	200-775-7	—	
Heptachlor	76-44-8	200-962-3	—	
Endosulfan	115-29-7 959-98-8 33213-65-9	204-079-4	1.	Placing on the market and use of articles already in use before or on 10

			July 2012 containing endosulfan shall be allowed. 2. Article 4(2), third and fourth subparagraphs shall apply to articles referred to in point 1.
Hexachlorobenzene	118-74-1	204-273-9	—
Chlordecone	143-50-0	205-601-3	—
Aldrin	309-00-2	206-215-8	—
Pentachlorobenzene	608-93-5	210-172-0	—
Polychlorinated Biphenyls (PCB)	1336-36-3 and others	215-648-1 and others	Without prejudice to **[**[F65]the PCB Regulations**]**, articles already in use at the time of the entry into force of this Regulation are allowed to be used. **[**[F66]The appropriate authority**]** 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 dm^3, as soon as possible but no later than 31 December 2025.
Mirex	2385-85-5	219-196-6	—
Toxaphene	8001-35-2	232-283-3	—
Hexabromobiphenyl	36355-01-8	252-994-2	—
[[X1]Hexabromocyclododecane**]** ‘Hexabromocyclododecane’ means: hexabromocyclododecane,	25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7,	247-148-4, 221-695-9	1. For the purposes of this entry,

1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha-hexabromocyclododecane; beta-hexabromocyclododecane; and gamma-hexabromocyclododecane	134237-52-8			point (b) of Article 4(1) shall apply to concentrations of hexabromocyclododecane equal to or below 100 mg/kg (0,01 % by weight) where it is present in substances, mixtures, articles or as constituents of the flame-retarded articles[F67].... 2. Expanded polystyrene articles containing hexabromocyclododecane already in use in buildings before 21 February 2018 in accordance with Commission Regulation (EU) 2016/293[c] and Commission Implementing Decision No 2016/C 12/06[d], and extruded polystyrene articles containing hexabromocyclododecane already in use in

				buildings before 23 June 2016 may continue to be used. Article 4(2), third and fourth subparagraphs shall apply to such articles.
			3.	Without prejudice to the application of other **[**[F68]retained EU law**]** on the classification, packaging and labelling of substances and mixtures, expanded polystyrene placed on the market after 23 March 2016 in which hexabromocyclododecane was used shall be identifiable by labelling or other means throughout its life cycle.
Hexachlorobutadiene	87-68-3	201-765-5	1.	Placing on the market and use of articles already in use before

			or on 10 July 2012 containing hexachlorobutadiene shall be allowed. 2. Article 4(2), third and fourth subparagraphs shall apply to articles referred to in point 1.
Pentachlorophenol and its salts and esters	87-86-5 and others	201-778-6 and others	
Polychlorinated naphthalenes[e]	70776-03-3 and others	274-864-4 and others	1. Placing on the market and use of articles already in use before or on 10 July 2012 containing polychlorinated naphthalenes shall be allowed. 2. Article 4(2), third and fourth subparagraphs shall apply to articles referred to in point 1.
Alkanes C_{10}-C_{13}, chloro (short-chain chlorinated paraffins) (SCCPs)	85535-84-8 and others	287-476-5	1. By way of derogation, the manufacturing, placing on the market and use of substances or mixtures containing SCCPs in

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				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 before or on 4 December 2015; and
			(b)	articles containing SCCPs other than those referred to in point (a) already in use before or on 10 July 2012.
			3.	The third and fourth subparagraphs of Article 4(2) shall apply to the articles referred to in point 2.
[[F46]Perfluorooctanoic acid (PFOA), its salts	335-67-1 and others	206-397-9 and others	1.	For the purposes of this entry,

and PFOA-related compounds ‘Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds’ means the following: (i) perfluorooctanoic acid, including any of its branched isomers; (ii) its salts; (iii) PFOA-related compounds which, for the purposes of the Convention, are any substances that degrade to PFOA, including any substances (including salts and polymers) having a linear or branched perfluoroheptyl group with the moiety (C_7F_{15})C as one of the structural elements. The following compounds are not included as PFOA-related compounds: (i) C_8F_{17}-X, where X = F, Cl, Br; (ii) fluoropolymers that are covered by $CF_3[CF_2]$			point (b) of Article 4(1) shall apply to concentrations of PFOA or any of its salts equal to or below 0,025 mg/kg (0,0000025 % by weight) where they are present in substances, mixtures or articles. 2. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of any individual PFOA-related compound or a combination of PFOA-related compounds equal to or below 1 mg/kg (0,0001 % by weight) where they are present in substances, mixtures or articles. 3. For the purposes of this entry, point (b)

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	$_n$-R', where R'=any group, n> 16;			of Article 4(1) shall apply to concentrations of PFOA-related compounds equal to or below 20 mg/kg (0,002 % by weight) where they are present in a substance to be used as a transported isolated intermediate within the meaning of Article 3 point 15(c) of Regulation (EC) No 1907/2006 and fulfilling the strictly controlled conditions set out in Article 18(4)(a) to (f) of that Regulation for the production of fluorochemicals with a carbon chain equal to or shorter than 6 atoms. This exemption shall be reviewed and assessed
(iii)	perfluoroalkyl carboxylic acids (including their salts, esters, halides and anhydrides) with ≥ 8 perfluorinated carbons;			
(iv)	perfluoroalkane sulfonic acids and perfluoro phosphonic acids (including their salts, esters, halides and anhydrides) with ≥ 9 perfluorinated carbons;			
(v)	perfluorooctane sulfonic acid and its derivatives (PFOS), as listed in this Annex.			

				by the Commission no later than 5.7.2022.
			4.	For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOA and its salts equal to or below 1 mg/kg (0,0001 % by weight) where they are present in polytetrafluoroethylene (PTFE) micropowders produced by ionising irradiation of up to 400 kilograys or by thermal degradation as well as in mixtures and articles for industrial and professional uses containing PTFE micropowders. All emissions of PFOA during the manufacture and use of PTFE micropowders shall be avoided

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

			and, if not possible, reduced as far as possible. This exemption shall be reviewed and assessed by the Commission no later than 5.7.2022. 5. By way of derogation, the manufacturing, placing on the market and use of PFOA, its salts and PFOA-related compounds shall be allowed for the following purposes: (a) photolithography or etch processes in semiconductor manufacturing, until 4 July 2025; (b) photographic coatings applied to films, until 4 July 2025;

			(c) textiles for oil- and water-repellency for the protection of workers from dangerous liquids that comprise risks to their health and safety, until [F69 3 December 2025]; (d) invasive and implantable medical devices, until 4 July 2025; (e) manufacture of polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for the production of: (i) high-performance, corrosion-resistant gas filter

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					membranes, water filter membranes and membranes for medical textiles;
				(ii)	industrial waste heat exchanger equipment,
				(iii)	industrial sealants capable of preventing leakage of volatile organic compounds and PM2.5 particulates;
					until 4 July 2023.
			6.	By way of derogation, the use of PFOA, its salts and PFOA-related compounds shall be allowed in fire-fighting foam for liquid fuel vapour suppression and liquid fuel fire (Class B fires) already installed in systems,	

			including both mobile and fixed systems, until 4 July 2025, subject to the following conditions: (a) fire-fighting foam that contains or may contain PFOA, its salts and/or PFOA-related compounds shall not be used for training; (b) fire-fighting foam that contains or may contain PFOA, its salts and/or PFOA-related compounds shall not be used for

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				testing unless all releases are contained;
			(c)	as from 1 January 2023, uses of fire-fighting foam that contains or may contain PFOA, its salts and/or PFOA-related compounds shall only be allowed in sites where all releases can be contained;
			(d)	fire-fighting foam stockpiles that contain or may contain PFOA, its salts

			and/ or PFOA-related compounds shall be managed in accordance with Article 5.
			7. By way of derogation, the use of perfluooroctyl bromide containing perfluoroctyl iodide for the purpose of producing pharmaceutical products shall be allowed, subject to review and assessment by the **[**[F70]appropriate authority**]** by 31 December 2026, every four years thereafter and by 31 December 2036.
			8. Use of articles already in use in the Union before 4 July 2020 containing PFOA, its salts and/ or PFOA-

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			related compounds shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles. 9. **[**[X2]By way of derogation, the manufacturing, placing on the market and use of PFOA, its salts and PFOA-related compounds shall be allowed until 3 December 2020 for the following purposes:**]** (a) medical devices other than implantable ones, within the scope of Regulation (EU) 2017/745[f]; (b) latex printing inks; (c) plasma nano-coatings.**]**
[[F71]Dicofol	115-32-2	204-082-0	None**]]**

[[F72]Perfluorohexane sulfonic acid (PFHxS), its salts, and PFHxS-related compounds. ‘Perfluorohexane sulfonic acid (PFHxS), its salts, and PFHxS-related compounds’ means the following: (i) perfluorohexane sulfonic acid (PFHxS), including branched isomers; (ii) its salts; (iii) any substance that contains the chemical moiety $C_6F_{13}SO_2$- as one of its structural elements and that potentially degrades to PFHxS.	355-46-4 and others	206-587-1 and others	For the purposes of this entry, Article 4(1)(b) applies in each of the following cases: (a) where the sum of the concentrations of PFHxS and any of its salts present in a substance, mixture or article is equal to or below 0.025 mg/kg (0.0000025% by weight); (b) where the sum of the concentrations of any PFHxS-related compounds present in a substance, mixture or article is equal to or below 1 mg/kg (0.0001% by weight); (c) where the sum of the concentrations of PFHxS, any of its salts, and any PFHxS-related compounds present in concentrated fire-fighting foam mixtures that are to be used or are used in the production of other fire-fighting foam mixtures is equal to or below 0.1 mg/kg (0.00001% by weight).**]**

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. . .

a Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p.1).

b Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC [F44]....

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. . .

c Commission Regulation (EU) 2016/293 of 1 March 2016 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex I (OJ L 55, 2.3.2016, p. 4).

d OJ C 10, 13.1.2016, p. 3.

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e	Polychlorinated naphthalenes means chemical compounds based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms.
f	**[**[F46]Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC.**]**

Editorial Information

X1 Substituted by Corrigendum to Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (Official Journal of the European Union L 169 of 25 June 2019).

X2 Substituted by Corrigendum to Commission Delegated Regulation (EU) 2020/784 of 8 April 2020 amending Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council as regards the listing of perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds (Official Journal of the European Union L 188 I of 15 June 2020).

Textual Amendments

F43 Words in Annex 1 Pt. A omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(11)(a)**

F44 Words in Annex 1 Pt. A omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(11)(b)**

F45 Words in Annex 1 Pt. A omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(11)(c)**

F46 Inserted by Commission Delegated Regulation (EU) 2020/784 of 8 April 2020 amending Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council as regards the listing of perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds (Text with EEA relevance).

F47 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(3)(a)**

F48 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(3)(b)**

F49 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(4)(a)**

F50 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(4)(b)**

F51 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(5)(a)**

F52 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(5)(b)**

F53 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(6)(a)**

F54 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(6)(b)**

F55 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(7)(a)**

F56 Words in Annex 1 Pt. A inserted (7.12.2022) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022 (S.I. 2022/1293), regs. 1(2), **2(2)(a)**

F57 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(7)(c)**

F58 Substituted by Commission Delegated Regulation (EU) 2020/1203 of 9 June 2020 amending Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council as regards the entry for perfluorooctane sulfonic acid and its derivatives (PFOS) (Text with EEA relevance).

F59 Words in Annex 1 Pt. A substituted (7.12.2022) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022 (S.I. 2022/1293), regs. 1(2), **2(2)(b)(i)**

F60 Words in Annex 1 Pt. A substituted (7.12.2022) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022 (S.I. 2022/1293), regs. 1(2), **2(2)(b)(ii)**

F61 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(8)(b)(i)**

F62 Words in Annex 1 Pt. A omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(8)(b)(ii)**

F63 Deleted by Commission Delegated Regulation (EU) 2020/1203 of 9 June 2020 amending Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council as regards the entry for perfluorooctane sulfonic acid and its derivatives (PFOS) (Text with EEA relevance).

F64 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(8)(c)**

F65 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(9)(a)**

F66 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(9)(b)**

F67 Words in Annex 1 Pt. A omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(10)(a)**

F68 Words in Annex 1 Pt. A substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **26(10)(b)**

F69 Words in Annex 1 Pt. A substituted (4.7.2023) by The Persistent Organic Pollutants (Amendment) Regulations 2023 (S.I. 2023/729), regs. 1(1), **2(2)**

F70 Words in Annex 1 Pt. A substituted (7.12.2022) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2022 (S.I. 2022/1293), regs. 1(2), **2(2)(c)**

F71 Inserted by Commission Delegated Regulation (EU) 2020/1204 of 9 June 2020 amending Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council as regards the listing of dicofol (Text with EEA relevance).

F72 Words in Annex 1 Pt. A inserted (16.11.2023) by The Persistent Organic Pollutants (Amendment) (No. 2) Regulations 2023 (S.I. 2023/1217), regs. 1(1), **2(2)**

Part B

Substances listed only in the Protocol

Substance	CAS No	EC No	Specific exemption on intermediate use or other specification

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

ANNEX II

LIST OF SUBSTANCES SUBJECT TO RESTRICTIONS

Part A

Substances listed in the Convention and in the Protocol

Substance	CAS No	EC No	Conditions of restriction

Part B

Substances listed only in the Protocol

Substance	CAS No	EC No	Conditions of restriction

ANNEX III

LIST OF SUBSTANCES SUBJECT TO RELEASE REDUCTION PROVISIONS

PART A

Substance (CAS No)

Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)

Polychlorinated biphenyls (PCB)

[X1PART B Substance (CAS No)]

Hexachlorobenzene (HCB) (CAS No 118-74-1)

Polycyclic aromatic hydrocarbons (PAHs)(22)

Pentachlorobenzene (CAS No 608-93-5)

Hexachlorobutadiene (CAS No 87-68-3)

Polychlorinated naphthalenes (CAS No 70776-03-3 and others)

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)
Endosulfan	115-29-7 959-98-8 33213-65-9	204-079-4	50 mg/kg
Hexachlorobutadiene	87-68-3	201-765-5	100 mg/kg
Polychlorinated naphthalenes[a]			10 mg/kg
Alkanes C_{10}-C_{13}, chloro (short-chain chlorinated paraffins) (SCCPs)	85535-84-8	287-476-5	10 000 mg/kg
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 ether and
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	
Heptabromodiphenyl ether $C_{12}H_3Br_7O$	68928-80-3 and others	273-031-2 and others	

a Polychlorinated naphthalenes means chemical compounds based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms.

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

PCDD	TEF		PCDF	TEF		PCDD	TEF
2,3,7,8-TeCDD	1		2,3,7,8-TeCDF	0,1		1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8-PeCDD	1		1,2,3,7,8-PeCDF	0,03		1,2,3,7,8,9-HxCDF	0,1
1,2,3,4,7,8-HxCDD	0,1		2,3,4,7,8-PeCDF	0,3		2,3,4,6,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDD	0,1		1,2,3,4,7,8-HxCDF	0,1		1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,7,8,9-HxCDD	0,1					1,2,3,4,7,8,9-HpCDF	0,01
1,2,3,4,6,7,8-HpCDD	0,01					OCDF	0,0003
OCDD	0,0003						

c The calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall apply.

d ‘Hexabromocyclododecane’ means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha-hexabromocyclododecane, beta-hexabromocyclododecane and gamma-hexabromocyclododecane.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

Decabromodiphenyl ether $C_{12}Br_{10}O$	1163-19-5 and others	214-604-9 and others	decabromodiphenyl ether: 1 000 mg/kg. The [F73appropriate authority] shall review that concentration limit and shall, where appropriate F74..., adopt a legislative proposal to lower that value to 500 mg/kg. The [F75appropriate authority] shall carry out such review as soon as possible and, in any event, not later than 16 July 2021.
Perfluorooctane sulfonic acid and its derivatives (PFOS) $C_8F_{17}SO_2X$ (X = OH, Metal salt (O-M+), halide, amide, and other derivatives including polymers)	1763-23-1 2795-39-3 29457-72-5 29081-56-9 70225-14-8 56773-42-3 251099-16-8 4151-50-2 31506-32-8 1691-99-2 24448-09-7 307-35-7 and others	217-179-8 220-527-1 249-644-6 249-415-0 274-460-8 260-375-3 223-980-3 250-665-8 216-887-4 246-262-1 206-200-6 and others	50 mg/kg

a Polychlorinated naphthalenes means chemical compounds based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms.

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

PCDD	TEF		PCDF	TEF		PCDD	TEF
2,3,7,8-TeCDD	1		2,3,7,8-TeCDF	0,1		1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8-PeCDD	1		1,2,3,7,8-PeCDF	0,03		1,2,3,7,8,9-HxCDF	0,1
1,2,3,4,7,8-HxCDD	0,1		2,3,4,7,8-PeCDF	0,3		2,3,4,6,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDD	0,1		1,2,3,4,7,8-HxCDF	0,1		1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,7,8,9-HxCDD	0,1					1,2,3,4,7,8,9-HpCDF	0,01
1,2,3,4,6,7,8-HpCDD	0,01					OCDF	0,0003
OCDD	0,0003						

c The calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall apply.

d ‘Hexabromocyclododecane’ means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha-hexabromocyclododecane, beta-hexabromocyclododecane and gamma-hexabromocyclododecane.

Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)			15 µg/kg[b]
DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl)ethane)	50-29-3	200-024-3	50 mg/kg
Chlordane	57-74-9	200-349-0	50 mg/kg
Hexachlorocyclohexanes, including lindane	58-89-9 319-84-6 319-85-7 608-73-1	210-168-9 200-401-2 206-270-8 206-271-3	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	204-273-9	50 mg/kg
Chlordecone	143-50-0	205-601-3	50 mg/kg
Aldrin	309-00-2	206-215-8	50 mg/kg
Pentachlorobenzene	608-93-5	210-172-0	50 mg/kg
Polychlorinated Biphenyls (PCB)	1336-36-3 and others	215-648-1	50 mg/kg[c]
Mirex	2385-85-5	219-196-6	50 mg/kg

a Polychlorinated naphthalenes means chemical compounds based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms.

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

PCDD	TEF		PCDF	TEF		PCDD	TEF
2,3,7,8-TeCDD	1		2,3,7,8-TeCDF	0,1		1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8-PeCDD	1		1,2,3,7,8-PeCDF	0,03		1,2,3,7,8,9-HxCDF	0,1
1,2,3,4,7,8-HxCDD	0,1		2,3,4,7,8-PeCDF	0,3		2,3,4,6,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDD	0,1		1,2,3,4,7,8-HxCDF	0,1		1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,7,8,9-HxCDD	0,1					1,2,3,4,7,8,9-HpCDF	0,01
1,2,3,4,6,7,8-HpCDD	0,01					OCDF	0,0003
OCDD	0,0003						

c The calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall apply.

d ‘Hexabromocyclododecane’ means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha-hexabromocyclododecane, beta-hexabromocyclododecane and gamma-hexabromocyclododecane.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

Toxaphene	8001-35-2	232-283-3	50 mg/kg
Hexabromobiphenyl	36355-01-8	252-994-2	50 mg/kg
Hexabromocyclododecane	25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8	247-148-4 221-695-9	1 000 mg/kg **F76** …

a Polychlorinated naphthalenes means chemical compounds based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms.

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

PCDD	TEF		PCDF	TEF		PCDD	TEF
2,3,7,8-TeCDD	1		2,3,7,8-TeCDF	0,1		1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8-PeCDD	1		1,2,3,7,8-PeCDF	0,03		1,2,3,7,8,9-HxCDF	0,1
1,2,3,4,7,8-HxCDD	0,1		2,3,4,7,8-PeCDF	0,3		2,3,4,6,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDD	0,1		1,2,3,4,7,8-HxCDF	0,1		1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,7,8,9-HxCDD	0,1					1,2,3,4,7,8,9-HpCDF	0,01
1,2,3,4,6,7,8-HpCDD	0,01					OCDF	0,0003
OCDD	0,0003						

c The calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall apply.

d 'Hexabromocyclododecane' means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha-hexabromocyclododecane, beta-hexabromocyclododecane and gamma-hexabromocyclododecane.

Textual Amendments

F73 Words in Annex 4 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **27(2)(a)(i)**

F74 Words in Annex 4 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **27(2)(a)(ii)**

F75 Words in Annex 4 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **27(2)(b)**

F76 Words in Annex 4 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **27(3)**

ANNEX V

WASTE MANAGEMENT

Part 1

Disposal and recovery under Article 7(2)

The following disposal and recovery operations, as provided for in Annexes I and II of Directive 2008/98/EC, are permitted for the purposes of Article 7(2), when applied in such a way as to ensure that the persistent organic pollutant content is destroyed or irreversibly transformed

D9	Physico-chemical treatment.
D10	Incineration on land.
R1	Use principally as a fuel or other means to generate energy, excluding waste containing PCBs.
R4	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 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 **[**[F78], as a minimum, the emission limit value for PCDDs and PCDFs set out immediately below this Table**]**.

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Textual Amendments

F77 Words in Annex 5 Pt. 1 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **28(2)(b)(i)**

F78 Words in Annex 5 Pt. 1 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **28(2)(a)**

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

[[F79]The emission limit value for PCDDs and PCDFs is the average emission limit value of 0.1ng/Nm^3 over a sampling period of a minimum of 6 hours and a maximum of 8 hours. The emission limit value refers to the total concentration of PCDDs and PCDFs.

To determine the total concentration of PCDDs and PCDFs, the mass concentration of a dibenzo-p-dioxin or dibenzofuran in the first column of the following Table is to be multiplied by the corresponding toxic equivalence factor in the second column before summing:

Substance	*Toxic equivalence factor*
2,3,7,8 — Tetrachlorodibenzodioxin (TCDD)	1
1,2,3,7,8 — Pentachlorodibenzodioxin (PeCDD)	0.5
1,2,3,4,7,8 — Hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,6,7,8 — Hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,7,8,9 — Hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,4,6,7,8 — Heptachlorodibenzodioxin (HpCDD)	0.01
Octachlorodibenzodioxin (OCDD)	0.001
2,3,7,8 — Tetrachlorodibenzofuran (TCDF)	0.1
2,3,4,7,8 — Pentachlorodibenzofuran (PeCDF)	0.5
1,2,3,7,8 — Pentachlorodibenzofuran (PeCDF)	0.05
1,2,3,4,7,8 — Hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,6,7,8 — Hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,7,8,9 — Hexachlorodibenzofuran (HxCDF)	0.1
2,3,4,6,7,8 — Hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,4,6,7,8 — Heptachlorodibenzofuran (HpCDF)	0.01
1,2,3,4,7,8,9 — Heptachlorodibenzofuran (HpCDF)	0.01
Octachlorodibenzofuran (OCDF)	0.001**]**

Textual Amendments

F79 Words in Annex 5 Pt. 1 inserted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **28(2)(b)(ii)**

Pre-treatment operation prior to destruction or irreversible transformation pursuant to this Part of this Annex may be performed, provided that a substance listed in Annex IV that is isolated from the waste during the pre-treatment is subsequently disposed of in accordance with this Part of this Annex. Where only part of a product or waste, such as waste equipment, contains or is contaminated with persistent organic pollutants, it shall be separated and then disposed of in accordance with the requirements of this Regulation. In addition, repackaging and temporary storage operations may be performed prior to such pre-treatment or prior to destruction or irreversible transformation pursuant to this part of this Annex.

Part 2

Wastes and operations to which Article 7(4)(b) applies

The following operations are permitted for the purposes of Article 7(4)(b) in respect of the wastes specified, defined by the six-digit code as classified in Commission Decision 2000/532/EC[(23)].

Pre-treatment operations prior to permanent storage pursuant to this part of this Annex may be performed, provided that a substance listed in Annex IV that is isolated from the waste during the pre-treatment is subsequently disposed of in accordance with Part 1 of this Annex. In addition, repackaging and temporary storage operations may be performed prior to such pre-treatment or prior to permanent storage pursuant to this part of this Annex.

Wastes as classified in Decision 2000/532/EC		**Maximum concentration limits of substances listed in Annex IV**[a]	**Operation**
10	WASTES FROM THERMAL PROCESSES	Alkanes C_{10}-C_{13}, chloro (short-chain chlorinated paraffins)	Permanent storage shall be allowed only when all the following conditions are met:

a These limits apply exclusively to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous waste, including salt mines.

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b ‘Hexabromocyclododecane’ means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha- hexabromocyclododecane, beta- hexabromocyclododecane and gamma-hexabromocyclododecane.

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c The calculation method laid down in [F83British standards BS EN 12766-1:2000, BS 2000-462:2001, BS EN 12766-2:2001 and BS 2000-462.2:2001] shall apply.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

10 01	Wastes from power stations and other combustion plants (except 19)	(SCCPs): 10 000 mg/kg; Aldrin: 5 000 mg/kg; Chlordane: 5 000 mg/kg; Chlordecone: 5 000 mg/kg; DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl) ethane): 5 000 mg/kg; Dieldrin: 5 000 mg/kg; Endosulfan: 5 000 mg/kg; Endrin: 5 000 mg/kg; Heptachlor: 5 000 mg/kg; Hexabromobiphenyl: 5 000 mg/kg; Hexabromocyclododecane[b]: 1 000 mg/kg; Hexachlorobenzene: 5 000 mg/kg; Hexachlorobutadiene: 1 000 mg/kg;	(1)	The storage takes place in one of the following locations: — safe, deep, underground, hard rock formations, — salt mines, — a landfill site for hazardous waste, provided that the waste is solidified or partly stabilised where technically feasible as required for classification of the
10 01 14 *	Bottom ash, slag and boiler dust from co-incineration containing hazardous substances			
10 01 16 *	Fly ash from co-incineration containing hazardous substances			
10 02	Wastes from the iron and steel industry			
10 02 07 *	Solid wastes from gas treatment containing hazardous substances			
10 03	Wastes from aluminium thermal metallurgy			
10 03 04 *	Primary production slags			
10 03 08 *	Salt slags from secondary production			
10 03 09 *	Black drosses from secondary production			
10 03 19 *	Flue-gas dust containing hazardous substances			
10 03 21 *	Other particulates and dust (including ball-			

a These limits apply exclusively to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous waste, including salt mines.

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b 'Hexabromocyclododecane' means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha- hexabromocyclododecane, beta- hexabromocyclododecane and gamma-hexabromocyclododecane.

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c The calculation method laid down in **[**[F83]British standards BS EN 12766-1:2000, BS 2000-462:2001, BS EN 12766-2:2001 and BS 2000-462.2:2001**]** shall apply.

	mill dust) containing hazardous substances	Hexachlorocyclohexanes, including lindane: 5 000 mg/kg; Mirex: 5 000 mg/kg; Pentachlorobenzene: 5 000 mg/kg; Perfluorooctane sulfonic acid and its derivatives (PFOS) ($C_8F_{17}SO_2X$) (X = OH, Metal salt (O-M+), halide, amide, and other derivatives including polymers): 50 mg/kg; Polychlorinated Biphenyls (PCB)[c]: 50 mg/kg; Polychlorinated dibenzo-p-dioxins and dibenzofurans: 5 mg/kg; Polychlorinated naphthalenes (*): 1 000 mg/kg;		waste in subchapter 19 03 of Decision 2000/532/EC.
10 03 29 *	Wastes from treatment of salt slags and black drosses containing hazardous substances			
10 04	Wastes from lead thermal metallurgy		(2)	[F84The provisions of the Landfill Regulations were respected.
10 04 01 *	Slags from primary and secondary production			
10 04 02 *	Dross and skimmings from primary and secondary production		(2A)	In point (2), the "Landfill Regulations" means—
10 04 04 *	Flue-gas dust			
10 04 05 *	Other particulates and dust			
10 04 06 *	Solid wastes from gas treatment		(a)	in relation to England and Wales, the Environmental Permitting (England and Wales) Regulations 2016;
10 05	Wastes from zinc thermal metallurgy			
10 05 03 *	Flue-gas dust			
10 05 05 *	Solid waste from gas treatment			
10 06	Wastes from copper thermal metallurgy			
10 06 03 *	Flue-gas dust			
10 06 06 *	Solid wastes from gas treatment		(b)	in relation to

a These limits apply exclusively to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous waste, including salt mines.

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b 'Hexabromocyclododecane' means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha- hexabromocyclododecane, beta- hexabromocyclododecane and gamma-hexabromocyclododecane.

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c The calculation method laid down in [F83British standards BS EN 12766-1:2000, BS 2000-462:2001, BS EN 12766-2:2001 and BS 2000-462.2:2001] shall apply.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

10 08	Wastes from other non-ferrous thermal metallurgy			
10 08 08 *	Salt slag from primary and secondary production			
10 08 15 *	Flue-gas dust containing hazardous substances			
10 09	Wastes from casting of ferrous pieces			
10 09 09 *	Flue-gas dust containing hazardous substances			
16	WASTES NOT OTHERWISE SPECIFIED IN THE LIST			
16 11	Waste linings and refractories			
16 11 01 *	Carbon-based linings and refractories from metallurgical processes containing hazardous substances			
16 11 03 *	Other linings and refractories from metallurgical processes containing hazardous substances			
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING	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; Toxaphene: 5 000 mg/kg.	(3)	Scotland, the Landfill (Scotland) Regulations 2003.] It has been demonstrated that the selected operation is environmentally preferable.

a These limits apply exclusively to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous waste, including salt mines.

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b 'Hexabromocyclododecane' means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha- hexabromocyclododecane, beta- hexabromocyclododecane and gamma-hexabromocyclododecane.

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c The calculation method laid down in [F83British standards BS EN 12766-1:2000, BS 2000-462:2001, BS EN 12766-2:2001 and BS 2000-462.2:2001] shall apply.

	EXCAVATED SOIL FROM CONTAMINATED SITES)		
17 01	Concrete, bricks, tiles and ceramics		
17 01 06 *	Mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing hazardous substances		
17 05	Soil (including excavated soil from contaminated sites), stones and dredging spoil		
17 05 03 *	Soil and stones containing hazardous substances		
17 09	Other construction and demolition wastes		
17 09 02 *	Construction and demolition wastes containing PCB, excluding PCB containing equipment		
17 09 03 *	Other construction and demolition wastes (including mixed wastes) containing hazardous substances		

a These limits apply exclusively to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous waste, including salt mines.

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b ‘Hexabromocyclododecane’ means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha- hexabromocyclododecane, beta- hexabromocyclododecane and gamma-hexabromocyclododecane.

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c The calculation method laid down in **[**[F83]British standards BS EN 12766-1:2000, BS 2000-462:2001, BS EN 12766-2:2001 and BS 2000-462.2:2001**]** shall apply.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FROM INDUSTRIAL USE		
19 01	Wastes from incineration or pyrolysis of waste		
19 01 07 *	Solid wastes from gas treatment		
19 01 11 *	Bottom ash and slag containing hazardous substances		
19 01 13 *	Fly ash containing hazardous substances		
19 01 15 *	Boiler dust containing hazardous substances		
19 04	Vitrified waste and waste from vitrification		
19 04 02 *	Fly ash and other flue-gas treatment wastes		
19 04 03 *	Non-vitrified solid phase		

a These limits apply exclusively to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous waste, including salt mines.

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b 'Hexabromocyclododecane' means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha- hexabromocyclododecane, beta- hexabromocyclododecane and gamma-hexabromocyclododecane.

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c The calculation method laid down in **[**[F83]British standards BS EN 12766-1:2000, BS 2000-462:2001, BS EN 12766-2:2001 and BS 2000-462.2:2001**]** shall apply.

Textual Amendments

F80 Words in Annex 5 Pt. 2 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **28(3)(b)(i)**

F81 Words in Annex 5 Pt. 2 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **28(3)(b)(i)**

F82 Words in Annex 5 Pt. 2 omitted (31.12.2020) by virtue of The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **28(3)(b)(i)**

F83 Words in Annex 5 Pt. 2 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **28(3)(b)(ii)**

F84 Words in Annex 5 Pt. 2 substituted (31.12.2020) by The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1358), regs. 2(2), **28(3)(a)**

The maximum concentration limit of polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD and PCDF) shall be calculated 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	0,0003
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

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

ANNEX VI

Repealed Regulation with list of the successive amendments thereto

Regulation (EC) No 850/2004 of the European Parliament and of the Council (OJ L 158, 30.4.2004, p. 7)	
Council Regulation (EC) No 1195/2006 (OJ L 217, 8.8.2006, p. 1)	
Council Regulation (EC) No 172/2007 (OJ L 55, 23.2.2007, p. 1)	
Commission Regulation (EC) No 323/2007 (OJ L 85, 27.3.2007, p. 3)	
Regulation (EC) No 219/2009 of the European Parliament and of the Council (OJ L 87, 31.3.2009, p. 109)	Only point 3.7 of the Annex
Commission Regulation (EC) No 304/2009 (OJ L 96, 15.4.2009, p. 33)	
Commission Regulation (EU) No 756/2010 (OJ L 223, 25.8.2010, p. 20)	
Commission Regulation (EU) No 757/2010 (OJ L 223, 25.8.2010, p. 29)	
Commission Regulation (EU) No 519/2012 (OJ L 159, 20.6.2012, p. 1)	
Commission Regulation (EU) No 1342/2014 (OJ L 363, 18.12.2014, p. 67)	
Commission Regulation (EU) 2015/2030 (OJ L 298, 14.11.2015, p. 1)	
Commission Regulation (EU) 2016/293 (OJ L 55, 2.3.2016, p. 4)	
Commission Regulation (EU) 2016/460 (OJ L 80, 31.3.2016, p. 17)	

ANNEX VII

CORRELATION TABLE

Regulation (EC) No 850/2004	**This Regulation**
Article 1(1)	Article 1
Article 2, introductory wording	Article 2, introductory wording
Article 2, points (a) to (d)	Article 2, points (1) to (4)

—	Article 2, points (5) to (7)
Article 2, point (e)	Article 2, point (8)
Article 2, point (f)	Article 2, point (9)
Article 2, point (g)	Article 2, point (10)
—	Article 2, points (11) to (13)
Article 3	Article 3(1) to (3)
—	Article 3(4) and (5)
Article 1(2)	Article 3(6)
Article 4(1) to (3)	Article 4(1) to (3)
—	Article 4(3), point (d)
Article 1(2)	Article 4(4)
Article 5	Article 5
Article 6	Article 6
Article 7(1) to (4)	Article 7(1) to (4)
Article 7(6)	Article 7(5)
—	Article 7(6)
Article 7(7)	—
—	Article 8
Article 8	Article 9
Article 9	Article 10
Article 10	Article 11
Article 11	Article 12
Article 12(1)	Article 13(1), point (a)
Article 12(3), point (a)	Article 13(1), point (b)
Article 12(3), point (b)	Article 13(1), point (c)
—	Article 13(1), point (d)
Article 12(3), point (c)	Article 13(1), point (e)
Article 12(2)	Article 13(1), point (f)
—	Article 13(2)
Article 12(4)	—
Article 12(5)	Article 13(3)
Article 12(6)	—
—	Article 13(4) and (5)
Article 13	Article 14

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council. (See end of Document for details)*

Article 14	Article 15(1)
Article 7(5)	Article 15(2)
—	Article 16
—	Article 17
—	Article 18
Article 15	Article 19
Articles 16 and 17	Article 20
Article 18	—
—	Article 21
Article 19	Article 22
Annexes I to V	Annexes I to V
—	Annex VI
—	Annex VII

(**1**) OJ C 367, 10.10.2018, p. 93.

(**2**) Position of the European Parliament of 18 April 2019 (not yet published in the Official Journal) and decision of the Council of 13 June 2019.

(**3**) 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 (OJ L 158, 30.4.2004, p. 7).

(**4**) OJ L 81, 19.3.2004, p. 37.

(**5**) OJ L 209, 31.7.2006, p. 3.

(**6**) OJ L 63, 6.3.2003, p. 29.

(**7**) OJ L 39, 16.2.1993, p. 3.

(**8**) OJ L 142, 2.6.2017, p. 4.

(**9**) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

(**10**) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

(**11**) Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

(**12**) 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).

(**13**) Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (OJ L 201, 27.7.2012, p. 60).

(**14**) Commission Decision 2014/955/EU of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council (OJ L 370, 30.12.2014, p. 44).

(**15**) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

(**16**) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

(**17**) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

(**18**) OJ L 354, 28.12.2013, p. 171.

(**19**) Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

(**20**) OJ L 123, 12.5.2016, p. 1.

(**21**) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(**22**) For the purpose of emission inventories, the following four compound indicators shall be used: benzo(a)pyrene, benzo(b) fluoranthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene.

(**23**) Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

Changes to legislation:
There are currently no known outstanding effects for the Regulation (EU) 2019/1021 of the European Parliament and of the Council.