 Amendment 1

Proposal for a regulation
Recital 5

Text proposed by the Commission
(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 and 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. 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 within the United Nations

Amendment
(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; 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; of the Minamata Convention on Mercury, which was approved by the Union on 11 May 2017. 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 within the United Nations framework.

17 OJ L 63, 6.3.2003, p. 29.
18 OJ L 39, 16.2.1993, p. 3.


Justification

Provisions in the Minamata Convention are of particular relevance for the POPs Regulation. Hence, it is appropriate and important to refer to that Convention in the recitals.

Amendment 2

Proposal for a regulation
Recital 10

Text proposed by the Commission

(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.

Amendment

(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. In view of the particular problems of certain Member States, adequate financial and technical assistance should be provided through existing Union financial instruments.
Amendment 3
Proposal for a regulation
Recital 11

Text proposed by the Commission

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

Amendment

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

Justification

The amendment realigns the text with the current one, whereas the Commission proposal deletes the reference to ‘as soon as possible’.

Amendment 4
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) 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

Amendment

(15) 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 may 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.

**Justification**

It is important to ensure ECHA is fully empowered to carry out detailed assessments of whether listing under the Stockholm Convention is the most appropriate risk management measure for a given substance in order to adequately support the Commission and the Council on potential nominations.

**Amendment 5**

**Proposal for a regulation**

**Recital 16**

**Text proposed by the Commission**

(16) The Convention provides that each Party is to draw up 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 both at national and Union level. Cooperation and an exchange of information between the Commission, the Agency and the authorities of the Member States should be

**Amendment**

(16) The Convention provides that each Party is to draw up and endeavour to implement, as appropriate, a plan for the implementation of its obligations under the Convention and transmit it to the Conference of the Parties as soon as possible, at the latest by ... [two years after the date of entry into force of this Regulation]. 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
promoted. Cooperation and an exchange of information between the Commission, the Agency and the authorities of the Member States should be promoted.

**Justification**

*See Stockholm Convention Article 7: each Party shall “transmit its implementation plan to the COP within two years of the date on which this Convention enters into force for it”.*

**Amendment 6**

**Proposal for a regulation**

**Recital 17**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(17) Substances listed in Part A to Annex I or Part A to 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 that Annex and if the manufacturer confirms to the Member State concerned that the substance is only manufactured and used under strictly controlled conditions.</td>
<td>(17) Substances listed in Part A to Annex I or Part A to 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 that Annex and if the manufacturer confirms to the Member State concerned that the substance is only manufactured and used under strictly controlled conditions, <em>namely without posing significant risks to the environment or human health and in the absence of any technically feasible alternatives.</em></td>
</tr>
</tbody>
</table>

**Justification**

This amendment links up to the amendments tabled for Article 4(3)(b) and Article 4(3)(d), amending the relevant recital accordingly.

**Amendment 7**

**Proposal for a regulation**

**Recital 18**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(18) In accordance with the Convention and the Protocol, information on POPs should be provided to other Parties to those</td>
<td>(18) In accordance with the Convention and the Protocol, information on POPs should be provided to other Parties to those</td>
</tr>
</tbody>
</table>

---

EN
Agreements. The exchange of information with third countries not party to those Agreements should also be promoted. Similarly, the Convention requires that each Party is to undertake to develop appropriate strategies to identify sites contaminated by POPs, and the Union’s Seventh Environment Action Programme, up to 2020, commits the Union and its Member States to stepping up their efforts to remediate contaminated sites.

**Justification**

This amendment aligns the recital to the amendments to Article 11(2) and Article 11(3).

**Amendment 8**

**Proposal for a regulation**

**Recital 19**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(19) Since public awareness of the hazards that persistent organic pollutants 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, 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.</td>
<td>(19) 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 and public participation, implementing the UN/ECE Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention), which was approved by the Union on 17 February 2005[^{1a}]</td>
</tr>
</tbody>
</table>
The Aarhus Convention on public access to environmental information and public participation shall be respected and implemented. This is instrumental to achieving greater public awareness and participation in line with the Stockholm Convention Article 10 on public information, awareness and education. Reference to public awareness programs on POPs’ “health and environmental effects and on their alternatives” is also referenced in Art. 10 of the Stockholm Convention.

Amendment 9

Proposal for a regulation
Article 2 – paragraph 1 – point j

Text proposed by the Commission
(j) ’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 one or more other substances and where the manufacture of the intermediate and its transformation into one or more other substances take place on the same site under strictly controlled conditions in that it is rigorously contained by technical means during its whole lifecycle.

Amendment
(j) ’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, hereinafter referred to as ‘synthesis’, and where the manufacture of the intermediate and its transformation into one or more other substances take place by way of a synthesis on the same site, including a site that is operated by one or more legal entities, under strictly controlled conditions in that it is rigorously contained by technical means during its whole lifecycle.

Justification
Consistency with REACH Art 3.15 that defines “intermediates” as “a substance that is manufactured for and consumed in or used for chemical processing in order to be transformed into another substances (hereinafter referred to as “synthesis”).”

Amendment 10

Proposal for a regulation
Article 4 – paragraph 3 – subparagraph 2 – point b
(b) the manufacturer demonstrates that the manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a POP;

(b) the manufacturer demonstrates that the manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a POP, 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, as shown through assessment of that closed system in accordance with Regulation (EC) No 1272/2008\(^1\) of the European Parliament and of the Council and that there are no technically feasible alternatives to the use of a substance listed in Part A of Annex I or in Part A of Annex II to this Regulation;


**Justification**

The Stockholm Convention stipulates that POP manufacturers must assume responsibility for reducing the adverse effects their products have on human health or the environment and providing information to users, governments and the public on the hazardous properties of those substances. That principle should also extend to the users of POPs. The amendment is consistent with Article 4 of Regulation 2017/852 on mercury. The POPs Regulation should be aligned with the Convention and with the latest Union legislation.

**Amendment 11**

**Proposal for a regulation**

**Article 5 – paragraph 2 – subparagraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The holder shall manage the stockpile in a safe, efficient and environmentally sound manner</td>
<td>The holder shall manage the stockpile in a safe, efficient and environmentally sound manner</td>
</tr>
</tbody>
</table>
manner, in accordance with the thresholds and requirements laid down in Directive 2012/18/EU of the European Parliament and of the Council\textsuperscript{1a} and Directive 2010/75/EU of the European Parliament and of the Council\textsuperscript{1b}, where applicable.


\textit{Justification}

Directive 2012/18/EU also applies to dangerous substances falling within the scope of the POPs Regulation. Its requirements should thus be referred to in this proposal for a regulation.

\textbf{Amendment 12}

\textbf{Proposal for a regulation}

\textbf{Article 5 – paragraph 3 a (new)}

\begin{tabular}{ll}
\textit{Text proposed by the Commission} & \textit{Amendment} \\
\end{tabular}

3a. The information referred to in this Article shall be expressed using the codes laid down in Regulation (EC) No 2150/2002 of the European Parliament and of the Council\textsuperscript{1a}.

Given that POP stocks must be managed as waste, and also in accordance with Article 7 of the proposal for a regulation on waste management, it might be helpful to refer to Regulation (EC) No 2150/2002 on waste statistics as regards the arrangements for submitting the information requested in this article.

Amendment 13

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. Member States shall, when considering proposals to construct new facilities or to significantly modify existing facilities using processes that release chemicals listed in Annex III, 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 III, without prejudice to Directive 2010/75/EU of the European Parliament and of the Council.

Amendment

3. Member States shall, when considering proposals to construct new facilities or to significantly modify existing facilities using processes that release chemicals listed in Annex III, give priority consideration to alternative processes, techniques or practices\(^{29a}\) that have similar usefulness but which avoid the formation and release of substances listed in Annex III, without prejudice to Directive 2010/75/EU\(^{30}\) of the European Parliament and of the Council.


Justification

In paragraph 3, it is necessary to add a reference to the BAT / BEP Guidelines of the
Stockholm Convention, which provide alternatives to the incineration of waste containing POPs that lead to dioxins. It is not possible to find these alternatives in any of the EU documents. The purpose of this reference is to better implement and clarify the obligations under the Stockholm Convention.

Amendment 14

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission

6. The Commission may, where appropriate, and taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or by the competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt, by means of implementing acts, additional measures relating to the implementation of this Article. In particular, the Commission may specify the information to be submitted by Member States in accordance with paragraph 4(b)(iii). Such measures shall be decided in accordance with the advisory procedure laid down in Article 20(2).

Amendment

6. The Commission may, where appropriate, and taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or by the competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt implementing acts setting out the format of the information to be submitted by Member States in accordance with point (b)(iii) of paragraph 4. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 20(2).

Justification

The aim of this amendment is to clearly and precisely define the object of the implementing powers conferred on the Commission, as required by the relevant case law of the Court of Justice.

Amendment 15

Proposal for a regulation
Article 8 – paragraph 1 – point c

Text proposed by the Commission

(c) upon request, provide technical and scientific support and input to the Commission for substances that may comply with the criteria for listing in the Convention or the Protocol;

Amendment

(c) upon request, provide robust technical and scientific support and input to the Commission for substances that may comply with the criteria for listing in the Convention or the Protocol, including on
Reference to Stockholm Convention Article 3, paragraphs 3 and 4. It is crucial that the process for nomination is based strictly on scientific evidence, as per the established process under the Convention. Other considerations, such as socio-economic analyses, risk undermining the scientific basis and shall thus not be made under this Article, especially as they are already carried out by the expert body of the Convention (POPRC) as a part of their assessment.

Amendment 16
Proposal for a regulation
Article 8 – paragraph 1 – point f

Justification

The information referred to in Article 5 should be explicitly included among that for which ECHA will be required to establish a register. All this information, moreover, should be made publicly available, but this is not clear in the Italian version of the text proposed by the Commission.

Amendment 17
Proposal for a regulation
Article 8 – paragraph 1 a (new)
Text proposed by the Commission

1a. The Agency shall start providing the assistance and technical and scientific guidance referred to in point (a) of Article 8 (1) by ... [one year after the date of the entry into force of this Regulation].

Justification

A specific deadline for the proposed guidance should be agreed in order to ensure that all Member States are compliant within as short a time as possible.

Amendment 18

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall organise an exchange of information with the Member States regarding the measures taken at national level to identify and assess sites contaminated by POPs and to address the significant risks such contamination may pose to human health and the environment.

Justification

Article 6(1) of the Convention stipulates that ‘each Party shall: (...) (a) Develop appropriate strategies for identifying stockpiles consisting of or containing chemicals (...)’. The 7th EAP commits the EU to remediating contaminated sites. In several Member States such identification and remediation has yet to take place. The amendment is consistent with Article 15 of Regulation 2017/852 on mercury. This regulation, too, should be aligned with the Convention and with the latest Union legislation.

Amendment 19

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

2003/4/EC\(^{32}\) of the European Parliament and of the Council, information referred to in paragraphs 1 and 2 shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange information with a third country shall protect any confidential information in accordance with Union law.

Amendment 20

Proposal for a regulation
Article 13 – paragraph 1 – subparagraph 2 a (new)

\[\text{Text proposed by the Commission}\]

\[\text{Amendment}\]

*The Union shall ensure access to information and public participation throughout the monitoring of implementation.*

Amendment 21

Proposal for a regulation
Article 13 – paragraph 5

\[\text{Text proposed by the Commission}\]

\[\text{Amendment}\]

5. The Commission may adopt implementing acts further specifying the minimum information to be provided in accordance with paragraph 1, including the definition of indicators, maps and Member State overviews referred to in paragraph 1(f). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 20(2).

5. The Commission may adopt implementing acts setting out the format of the information to be provided in accordance with paragraph 1, including the definition of indicators, maps and Member State overviews referred to in point (f) of paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 20(2).
Justification

The aim of this amendment is to make clear that the content of the information is determined in the basic act and that implementing powers are conferred on the Commission to ensure that the report referred to in Article 13(1) is drawn up by Member States in a uniform manner.

Amendment 22

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 4(3), 7(5) and 15 shall be conferred on the Commission for an indeterminate period of time from [...] .

Amendment

2. The power to adopt delegated acts referred to in Articles 4(3), 7(5) and 15 shall be conferred on the Commission for a period of five years from ... [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Justification

The delegation of power conferred on the Commission cannot be for an indeterminate period of time. The European Parliament and the Council must be able to exercise political control over any delegations conferred on the Commission.

Amendment 23

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by the Committee established by Article 133 of Regulation (EC) No 1907/2006 for all

Amendment

1. The Commission shall be assisted by:

[Further text not visible]
matters under this Regulation.

(a) the Committee established by Article 133 of Regulation (EC) No 1907/2006 with regard to the implementation of the issues referred to in Article 13(5), except where it refers to implementing acts setting out the format of the information referred to in point (a) of Article 13(1) with regard to the application of Article 7, and point (b) of Article 13(1) where it refers to information received pursuant to Article 5(2) and point (b)(iii) of Article 7(4); and

(b) the Committee established by Article 39 of Directive 2008/98/EC\(^a\) of the European Parliament and of the Council, with regard to the implementation of the issues referred to in Article 7(6) and Article 13(5) where it refers to implementing acts setting out the format of the information referred to in point (a) of Article 13(1) with regard to the application of Article 7, and point (b) of Article 13(1) where it refers to information received pursuant to Article 5(2) and point (b)(iii) of Article 7(4).


Justification

The separation of competences between the waste Committee and the REACH Committee should be kept.

Amendment 24

Proposal for a regulation
Annex I – part A – table – row 17

Text proposed by the Commission

| Polychlorinated | 1336-36-3 | 215-648-1 | Without prejudice to Directive 96/59/EC, articles already in use at |
Biphenyls (PCB) and others and others the time of the entry into force of this Regulation are allowed to be used.

Member States 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 dm3, as soon as possible but no later than 31 December 2025.

**Amendment**

Polychlorinated Biphenyls (PCB) 1336-36-3 215-648-1 and others

Without prejudice to Directive 96/59/EC, articles already in use at the time of the entry into force of this Regulation are allowed to be used.

Member States shall Endeavour to 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 dm3, as soon as possible and no later than 31 December 2025.

**Justification**

This proposal aligns the text with that of the Stockholm Convention.

**Amendment 25**

Proposal for a regulation
Annex I – part A – row 24 a (new)

*Text proposed by the Commission*

<table>
<thead>
<tr>
<th>Substance</th>
<th>CAS No</th>
<th>EC No</th>
<th>Specific exemption on intermediate use or other specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bis(pentabromophenyl)</td>
<td>1163-</td>
<td>214-</td>
<td>I. For the purposes of this</td>
</tr>
</tbody>
</table>
ether
(decabromodiphenyl ether; decaBDE)

entry, point (b) of Article 4(1) shall apply to concentrations of decaBDE equal to or below 10 mg/kg (0.001 % by weight) when it occurs in substances, mixtures, articles or as constituents of the flame-retarded parts of articles.

2. By way of derogation, the manufacturing, placing on the market and use of decaBDE shall be allowed:

(a) in the production of an aircraft, for which type approval has been applied for before date of entry into force and has been received before December 2022, before 2 March 2027;

(b) in the production of spare parts for either of the following:

(i) an aircraft, for which type approval has been applied for before date of entry into force and has been received before December 2022, produced before 2 March 2027 until the end of the service life of those aircraft;

(ii) motor vehicles within the scope of Directive 2007/46/EC of the European Parliament and of the Council, produced before ... [date of entry into force of this Regulation], either until 2036 or the end of the service life of those motor vehicles, whichever date comes earlier.

3. The specific exemptions for spare parts for use in motor vehicles referred to in point (b)(ii) of paragraph 2 shall apply for the production and use of commercial decaBDE falling into one or more of the following categories:

(i) powertrain and under-hood applications such as battery mass wires, battery interconnection wires, mobile air-conditioning
(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;

(ii) fuel system applications such as fuel hoses, fuel tanks and fuel tanks under body;

(iii) pyrotechnical devices and applications affected by pyrotechnical devices such as air bag ignition cables, seat covers/fabrics (only if airbag relevant) and airbags (front and side);

(iv) suspension and interior applications such as trim components, acoustic material and seat belts.

(v) reinforced plastics (instrument panels and interior trim);

(vi) under the hood or dash (terminal/fuse blocks, higher-amperage wires and cable jacketing (spark plug wires));

(vii) electric and electronic equipment (battery cases and battery trays, engine control electrical connectors, components of radio disks, navigation satellite systems, global positioning systems and computer systems);

(viii) fabric such as rear decks, upholstery, headliners, automobile seats, head rests, sun visors, trim panels, carpets.

3. The manufacturing of decaBDE and its use in the production and placing on the market of the following articles shall be allowed:

(a) articles placed on the market before ... [date of entry into force
of this Regulation;
(b) aircraft produced in accordance with subparagraph 2(a);
(c) spare parts of aircraft produced in accordance with point (b) of paragraph 2;

4. For the purposes of this entry, ‘aircraft’ means one of the following:

(a) a civil aircraft produced in accordance with a type certificate issued under Regulation (EU) No 2018/1139c of the European Parliament and of the Council or with a design approval issued under the national regulations of a Contracting State to the International Civil Aviation Organisation (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;
(b) a military aircraft.


Justification

This amendment is necessary in order to align the present recast to the most recent decisions of the Stockholm Convention’s Conference of the Parties.

Amendment 26

Proposal for a regulation
Annex I – part A – row 24 b (new)

Text proposed by the Commission

Amendment

<table>
<thead>
<tr>
<th>Substance</th>
<th>CAS No</th>
<th>EC No</th>
<th>Specific exemption on intermediate use or other specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alkanes C10-C13, chloro (short-chain chlorinated paraffins)</td>
<td>85535-84-8</td>
<td>287-476-5</td>
<td>1. By way of derogation, the manufacturing, placing on the market and use of substances or preparations containing SCCPs in concentrations lower than 1 % by</td>
</tr>
</tbody>
</table>
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 paragraph 2.

Justification

This amendment is necessary in order to align the present recast to the most recent decisions of the Stockholm Convention's Conference of the Parties.

Amendment 27

Proposal for a regulation
Annex I – part B

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Substance</th>
<th>CAS No</th>
<th>EC No</th>
<th>Specific exemption on intermediate use or other specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>5 Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs)</td>
<td>5 85535-84-8</td>
<td>5 287-476-5</td>
<td>5 1. By way of derogation, the production, placing on the market and use of substances or mixtures containing SCCPs in concentrations lower than 1 % by weight or articles containing SCCPs in concentrations lower than 0.15 % by weight shall be allowed.</td>
</tr>
</tbody>
</table>
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 paragraph 2.

Amendment

delayed

Justification

This amendment is necessary in order to align the present recast to the most recent decisions of the Stockholm Convention’s Conference of the Parties.

Amendment 28

Proposal for a regulation
Annex III

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Substance (CAS No)</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)</td>
<td></td>
</tr>
<tr>
<td>Hexachlorobenzene (HCB) (CAS No: 118-74-1)</td>
<td></td>
</tr>
<tr>
<td>Polychlorinated biphenyls (PCB)</td>
<td></td>
</tr>
<tr>
<td>Polycyclic aromatic hydrocarbons (PAHs)</td>
<td></td>
</tr>
<tr>
<td>37. For the purpose of emission</td>
<td>37. For the purpose of emission</td>
</tr>
</tbody>
</table>

LIST OF SUBSTANCES SUBJECT TO RELEASE REDUCTION PROVISIONS

Substance (CAS No)

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

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

Polychlorinated biphenyls (PCB)

Polycyclic aromatic hydrocarbons (PAHs)
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.

Pentachlorobenzene (CAS No 608-93-5)

Polychlorinated naphthalenes

37a ‘Polychlorinated naphthalenes’ means chemical compounds based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms.

Hexachlorobutadiene (CAS No 87-68-3)

**Justification**

*This amendment is necessary in order to align the present recast to the most recent decisions of the Stockholm Convention’s Conference of the Parties.*

**Amendment 29**

Proposal for a regulation
Annex IV – table 1 – column “Concentration limit referred to in point (a) of Article 7(4)” – row “Polychlorinated” – footnote 7

*Text proposed by the Commission*

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

<table>
<thead>
<tr>
<th>PCDD</th>
<th>TEF</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,3,7,8-TeCDD</td>
<td>1</td>
</tr>
<tr>
<td>1,2,3,7,8-PeCDD</td>
<td>1</td>
</tr>
<tr>
<td>1,2,3,4,7,8-HxCDD</td>
<td>0,1</td>
</tr>
<tr>
<td>1,2,3,6,7,8-HxCDD</td>
<td>0,1</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>PCDD</th>
<th>TEF</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,3,7,8-TeCDD</td>
<td>1</td>
</tr>
<tr>
<td>1,2,3,7,8-PeCDD</td>
<td>1</td>
</tr>
<tr>
<td>1,2,3,4,7,8-HxCDD</td>
<td>0,1</td>
</tr>
<tr>
<td>1,2,3,6,7,8-HxCDD</td>
<td>0,1</td>
</tr>
<tr>
<td>1,2,3,7,8,9-HxCDD</td>
<td>0,1</td>
</tr>
<tr>
<td>1,2,3,4,6,7,8-HxCDF</td>
<td>0,1</td>
</tr>
<tr>
<td>1,2,3,4,6,7,8-HpCDF</td>
<td>0,01</td>
</tr>
<tr>
<td>OCDD</td>
<td>0,0003</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PCDF</th>
<th>TEF</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,3,7,8-TeCDF</td>
<td>0,1</td>
</tr>
<tr>
<td>1,2,3,7,8-PeCDF</td>
<td>0,03</td>
</tr>
<tr>
<td>2,3,4,7,8-PeCDF</td>
<td>0,3</td>
</tr>
<tr>
<td>1,2,3,4,7,8-HxCDF</td>
<td>0,1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PCDD</th>
<th>TEF</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,2,3,6,7,8-HxCDF</td>
<td>0,1</td>
</tr>
<tr>
<td>1,2,3,7,8,9-HxCDF</td>
<td>0,1</td>
</tr>
</tbody>
</table>
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

Justification

This amendment is necessary in order to address technical deficiencies concerning titles of the schedule provided for in footnote No 7 of Annex IV.