



TEXTS ADOPTED

P8_TA(2018)0463

Persistent organic pollutants *I**

Amendments adopted by the European Parliament on 15 November 2018 on the proposal for a regulation of the European Parliament and of the Council on persistent organic pollutants (recast) (COM(2018)0144 - C8-0124/2018 – 2018/0070(COD))¹

(Ordinary legislative procedure – recast)

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 2002¹⁷ **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 1993¹⁸. 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

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 2002¹⁷; 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 1993¹⁸; **of the Minamata Convention on Mercury, which was approved by the Union on 11 May 2017^{18a}**. This coordination and coherence should also be maintained when participating in the implementation and further development of the Strategic Approach to International

¹ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0336/2018).

Chemicals Management in Dubai on 6 February 2006 within the United Nations framework.

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 .

¹⁷ OJ L 63, 6.3.2003, p. 29.

¹⁸ OJ L 39, 16.2.1993, p. 3.

^{18a} **OJ L 142, 2.6.2017, p. 4.**

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

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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 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

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. ***It is necessary that*** the role of the Agency ***cover*** the preparation and examination of technical dossiers, including stakeholder consultations, and the drawing up of opinions that ***are to*** 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.

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.

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 promoted.

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 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 promoted.

Amendment 6

Proposal for a regulation Recital 17

Text proposed by the Commission

(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

Amendment

(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.

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, ***namely without posing significant risks to the environment or human health and in the absence of any technically feasible alternatives.***

Amendment 7

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) 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.

Amendment

(18) 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. ***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.***

Amendment 8

Proposal for a regulation

Recital 19

Text proposed by the Commission

(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, and wide-scale information is needed to increase the level of caution and public understanding of the

Amendment

(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

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.

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}***

^{1a} OJ L 124, 17.5.2005, p. 1.

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.

Amendment 10

Proposal for a regulation

Article 4 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(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;

Amendment

(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^{1a} 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;***

^{1a} Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

Amendment 11

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The holder shall manage the stockpile in a safe, efficient and environmentally sound manner.

Amendment

The holder shall manage the stockpile in a safe, efficient and environmentally sound manner, ***in accordance with the thresholds and requirements laid down in Directive 2012/18/EU of the European Parliament and of the Council^{1a} and Directive 2010/75/EU of the European Parliament and of the Council^{1b}, where applicable.***

^{1a} Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).

^{1b} Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

Amendment 12

Proposal for a regulation Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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^{1a}.*

^{1a} Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics (OJ L 332, 9.12.2002, p. 1).

Amendment 13

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

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 that have similar usefulness but which avoid the formation

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 of the European Parliament and of the Council³⁰.

and release of substances listed in Annex III, without prejudice to Directive 2010/75/EU³⁰ of the European Parliament and of the Council.

³⁰ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

³⁰ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

^{29a} Stockholm Convention on POPs (2008). 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. Geneva, Secretariat of the Stockholm Convention on POPs. <http://www.pops.int/Implementation/BATandBEP/BATBEPGuidelinesArticle5/tabid/187/Default.aspx>

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).

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 the prevention of the production and use of new POPs, and on the assessment of pesticides or industrial chemicals currently in use;***

Amendment 16

Proposal for a regulation

Article 8 – paragraph 1 – point f

Text proposed by the Commission

(f) compile, register, process and make available to the Commission and the competent authorities of the Member States all the information received or available pursuant to Article 4(2) and (3), Article 7(4)(b)(iii), Article 9(2), Article 13(1). The Agency shall make the non-confidential information publicly available on its website and shall facilitate the exchange of that information with relevant information platforms such as those referred to in Article 13(2);

Amendment

(f) compile, register, process and make available to the Commission and the competent authorities of the Member States all the information received or available pursuant to Article 4(2) and (3), **Article 5**, Article 7(4)(b)(iii), Article 9(2), Article 13(1). The Agency shall make the non-confidential information publicly available on its website and shall facilitate the exchange of that information with relevant information platforms such as those referred to in Article 13(2);

Amendment 17

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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].

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.

Amendment 19

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Without prejudice to Directive 2003/4/EC³² 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.

3. Without prejudice to Directive 2003/4/EC³² of the European Parliament and of the Council, information ***on health and safety of humans and the environment*** shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange ***other*** information with a third country shall protect any confidential information in accordance with Union law.

³² 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).

³² 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).

Amendment 20

Proposal for a regulation

Article 13 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

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 proposed by the Commission

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).

Amendment 22

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

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 ***an indeterminate*** period of ***time from [...]***.

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.

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 matters under this Regulation.***

Amendment

1. The Commission shall be assisted by:

(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^{1a} 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).

^{1a} *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).*

Amendment 24

Proposal for a regulation

Annex I – part A – table – row 17

Text proposed by the Commission

| | | | |
|---------------------------------|----------------------|----------------------|--|
| Polychlorinated Biphenyls (PCB) | 1336-36-3 and others | 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 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. |
|---------------------------------|----------------------|----------------------|--|

Amendment

| | | | |
|---------------------------------|----------------------|----------------------|--|
| Polychlorinated Biphenyls (PCB) | 1336-36-3 and others | 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 dm ³ , as soon as possible and no later than 31 December 2025. |
|---------------------------------|----------------------|----------------------|--|

Amendment 25

Proposal for a regulation

Annex I – part A – row 24 a (new)

Text proposed by the Commission

Amendment

| <i>Substance</i> | <i>CAS No</i> | <i>EC No</i> | <i>Specific exemption on intermediate use or other specification</i> |
|--|-----------------------|-----------------------|--|
| <i>Bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE)</i> | <i>1163- 19-5</i> | <i>214- 604-9</i> | <p><i>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) when it occurs in substances, mixtures, articles or as constituents of the flame-retarded parts of articles.</i></p> <p><i>2. By way of derogation, the manufacturing, placing on the market and use of decaBDE shall be allowed:</i></p> <p><i>(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;</i></p> <p><i>(b) in the production of spare parts for either of the following:</i></p> <p><i>(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;</i></p> <p><i>(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.</i></p> <p><i>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</i></p> |

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;*
- (d) electrical and electronic equipment within the scope of Directive 2011/65/EU of the European Parliament and of the Council.*

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 2018/1139^{1c} 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.*

^{1a} 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).

^{1b} Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).

^{1c} Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

Amendment 26

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

Text proposed by the Commission

| <i>Substance</i> | <i>CAS No</i> | <i>Amendment</i> | |
|--|-------------------|------------------|---|
| | | <i>EC No</i> | <i>Specific exemption on intermediate use or other specification</i> |
| <i>Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs)</i> | <i>85535-84-8</i> | <i>287-476-5</i> | <i>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</i> |

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.

Amendment 27

Proposal for a regulation Annex I – part B

Text proposed by the Commission

| <i>Substance</i> | <i>CAS No</i> | <i>EC No</i> | <i>Specific exemption on intermediate use or other specification</i> |
|--|---------------------|--------------------|--|
| <i>4</i> | <i>4</i> | <i>4</i> | <i>4</i> |
| <i>4</i> | | | <i>4</i> |
| <i>5 Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs)</i> | <i>5 85535-84-8</i> | <i>5 287-476-5</i> | <i>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.</i> <i>2. Use shall be allowed in respect of:</i> <i>(a) conveyor belts in the mining industry and dam sealants</i> |

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

deleted

Amendment 28

Proposal for a regulation Annex III

Text proposed by the Commission

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)³⁷

37.

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-

Amendment

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)³⁷

37.

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.
Pentachlorobenzene (CAS No 608-93-5)

cd)pyrene.
Pentachlorobenzene (CAS No 608-93-5)

Polychlorinated naphthalenes ^{37a}

^{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)

Amendment 37

**Proposal for a regulation
Annex IV – rows 5 – 8**

Text proposed by the Commission

| Substance | CAS No | EC No | Concentration limit referred to in Article 7(4)(a) |
|--|-----------------------|----------------------|---|
| Tetrabromodiphenyl ether C ₁₂ H ₆ Br ₄ O | 40088-47-9 and others | 254-787-2 and others | Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether: 1000 mg/kg |
| Pentabromodiphenyl ether C ₁₂ H ₅ Br ₅ O | 32534-81-9 and others | 251-084-2 and others | |
| Hexabromodiphenyl ether C ₁₂ H ₄ Br ₆ O | 36483-60-0 and others | 253-058-6 and others | |
| Heptabromodiphenyl ether C ₁₂ H ₃ Br ₇ O | 68928-80-3 and others | 273-031-2 and others | |

| Substance | CAS No | EC No | Concentration limit referred to in Article 7(4)(a) |
|--|-----------------------------|-----------------------------|---|
| Tetrabromodiphenyl ether C ₁₂ H ₆ Br ₄ O | 40088-47-9 and others | 254-787-2 and others | Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl <i>and decabromodiphenyl ether</i> : 500 mg/kg |
| Pentabromodiphenyl ether C ₁₂ H ₅ Br ₅ O | 32534-81-9 and others | 251-084-2 and others | |
| Hexabromodiphenyl ether C ₁₂ H ₄ Br ₆ O | 36483-60-0 and others | 253-058-6 and others | |
| Heptabromodiphenyl ether C ₁₂ H ₃ Br ₇ O | 68928-80-3 and others | 273-031-2 and others | |
| <i>Decabromodiphenyl ether</i> <i>C₁₂Br₁₀O</i> | <i>1163-19-5 and others</i> | <i>214-604-9 and others</i> | |

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):

| | |
|-------------|------------|
| <i>PCDD</i> | <i>TEF</i> |
| <i>PCDF</i> | <i>TEF</i> |
| <i>PCDD</i> | <i>TEF</i> |

| | |
|----------------------------|---------------|
| <i>2,3,7,8-TeCDD</i> | <i>1</i> |
| <i>1,2,3,7,8-PeCDD</i> | <i>1</i> |
| <i>1,2,3,4,7,8-HxCDD</i> | <i>0,1</i> |
| <i>1,2,3,6,7,8-HxCDD</i> | <i>0,1</i> |
| <i>1,2,3,7,8,9-HxCDD</i> | <i>0,1</i> |
| <i>1,2,3,4,6,7,8-HpCDD</i> | <i>0,01</i> |
| <i>OCDD</i> | <i>0,0003</i> |
| <i>2,3,7,8-TeCDF</i> | <i>0,1</i> |
| <i>1,2,3,7,8-PeCDF</i> | <i>0,03</i> |
| <i>2,3,4,7,8-PeCDF</i> | <i>0,3</i> |
| <i>1,2,3,4,7,8-HxCDF</i> | <i>0,1</i> |
| <i>1,2,3,6,7,8-HxCDF</i> | <i>0,1</i> |
| <i>1,2,3,7,8,9-HxCDF</i> | <i>0,1</i> |
| <i>2,3,4,6,7,8-HxCDF</i> | <i>0,1</i> |
| <i>1,2,3,4,6,7,8-HpCDF</i> | <i>0,01</i> |
| <i>1,2,3,4,7,8,9-HpCDF</i> | <i>0,01</i> |
| <i>OCDF</i> | <i>0,0003</i> |

Amendment

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

| <i>PCDD</i> | <i>TEF</i> |
|----------------------------|---------------|
| <i>2,3,7,8-TeCDD</i> | <i>1</i> |
| <i>1,2,3,7,8-PeCDD</i> | <i>1</i> |
| <i>1,2,3,4,7,8-HxCDD</i> | <i>0,1</i> |
| <i>1,2,3,6,7,8-HxCDD</i> | <i>0,1</i> |
| <i>1,2,3,7,8,9-HxCDD</i> | <i>0,1</i> |
| <i>1,2,3,4,6,7,8-HpCDD</i> | <i>0,01</i> |
| <i>OCDD</i> | <i>0,0003</i> |
| <i>PCDF</i> | <i>TEF</i> |
| <i>2,3,7,8-TeCDF</i> | <i>0,1</i> |
| <i>1,2,3,7,8-PeCDF</i> | <i>0,03</i> |
| <i>2,3,4,7,8-PeCDF</i> | <i>0,3</i> |
| <i>1,2,3,4,7,8-HxCDF</i> | <i>0,1</i> |

| <i>PCDD</i> | | <i>TEF</i> |
|----------------------------|---------------|------------|
| <i>1,2,3,6,7,8-HxCDF</i> | <i>0,1</i> | |
| <i>1,2,3,7,8,9-HxCDF</i> | <i>0,1</i> | |
| <i>2,3,4,6,7,8-HxCDF</i> | <i>0,1</i> | |
| <i>1,2,3,4,6,7,8-HpCDF</i> | <i>0,01</i> | |
| <i>1,2,3,4,7,8,9-HpCDF</i> | <i>0,01</i> | |
| <i>OCDF</i> | <i>0,0003</i> | |