

FEAD position to the revision of Annexes IV and V of the POPs Regulation

The Commission has proposed amendments to revise Annexes IV and V to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants. This initiative intends to update, **for certain substances and groups of substances, the concentration limits set in Annexes IV and V of the POPs Regulation**, which determine how waste containing POPs is treated, and particularly if it can be recycled, destroyed, or irreversibly transformed.

The challenging question is **finding the best policy and time frame option**, while ensuring a consistent regulatory framework for **EU policy goals for reducing POP substances** from the production to end-of-life phase, while at the same time **increasing circularity/recycling and reducing greenhouse gas emissions**.

How to reach the best environmental result with regards to PBDE and HCDD (brominated flame retardants) and also perfluorooctanoic acid (PFOA), its salts and PFOA related compounds?

Concerning polybrominated diphenyl ethers (PBDEs) listed in Regulation (EU) 2019/1021, European Commission proposed to review the concentration limit for the sum of those substances in waste from 1.000 mg/kg to 500mg/kg.

Concerning perfluorooctanoic acid (PFOA), its salts and PFOA related compounds, European Commission proposed to review the concentration limit for the sum of those substances to 40 mg/kg.

Reducing the concentration limits put at risks recycling of ELVs and WEEE. It will create:

- **Difficulties** regarding the methods of analysis due to the current absence of available standards and techniques for measuring such low values. The uncertainty increases the lower the limit value is set. Any new target can only be achieved if legislation goes hand in hand with standards and technologies.
- **Instability** within the recycling industry suffering unpredictability resulting from constant and frequent changes of applicable thresholds. Long term investments need regulatory stability and sufficient time to adapt to new rules.

One of the main aims of the review should be the consistency of the preferred option with other pieces of legislation aiming to restrict hazardous substances, as well as the European objectives of a high-quality recycling. FEAD would also like to remind that the chemicals strategy, where the European Commission agreed to look at how to simplify and strengthen the legal framework, foresees a move towards **'one substance – one assessment'**.

FEAD supports the Council's mandate for negotiating with European Parliament based on the concentration limit of 500 mg/kg, as proposed by European Commission, to be decreased *where appropriate* 7 years after the entry into force of the revised Regulation.

FEAD asks for a period of 5 years for applying the new concentration limit of 500 mg/kg, to allow further investments in separation techniques that can achieve such a threshold. This transition period is also needed to collect data on the presence of these substances in the waste flows and develop measurement methods and standards.

Strengthening the zero-pollution based approach, whereby recycling should happen after separation/sorting of POPs/ non-POPs waste requires full traceability, separation, checks, and decontamination. Enough time for a transition period is crucially needed to make it a reality, **notably - but not only – in Central and Eastern Europe**. The conditions proposed by FEAD are in line with one of the options (option n.2) that was examined by the European Commission.

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