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NOTE

Origine:	Secrétariat général du Conseil
Destinataire:	Comité des représentants permanents
N° doc. préc.:	7138/22 + COR 1
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Objet:	Proposition de règlement du Parlement européen et du Conseil modifiant les annexes IV et V du règlement (UE) 2019/1021 du Parlement européen et du Conseil concernant les polluants organiques persistants - Préparation du trilogue

I INTRODUCTION

1. La Commission a soumis la proposition visée en objet au Parlement européen et au Conseil le 28 octobre 2021. L'objectif de la révision proposée des annexes IV et V du règlement (UE) 2019/1021 (ci-après dénommée "règlement POP") est de mettre à jour la législation européenne sur les polluants organiques persistants pour prendre en compte les engagements de l'UE au titre de la Convention de Stockholm sur les polluants organiques persistants, ainsi que les nouvelles évolutions technologiques en la matière.

II. TRAVAUX AU SEIN DU CONSEIL

2. La Commission a présenté sa proposition lors d'une vidéoconférence informelle des membres du groupe "Environnement" le 22 novembre 2021. Le groupe "Environnement" a ensuite examiné en détail la proposition et son analyse d'impact, lors de plusieurs réunions en janvier et février 2022.
3. Sur la base des observations des États membres, la présidence a préparé une note de compromis, qui a été diffusée le 22 février 2022. Le groupe "Environnement" a examiné ces propositions de compromis le 4 mars 2022. Le 11 mars 2022, sur la base de propositions de compromis révisées, le Comité des représentants permanents a donné un mandat à la présidence pour débiter les négociations avec le Parlement européen, afin de parvenir à un accord en première lecture sur ce dossier.
4. Sur la base de ce mandat, la présidence s'est engagée, le 11 mai 2022, dans un premier trilogue avec le Parlement européen. Des réunions techniques tripartites ont eu lieu les 16 et 20 mai 2022.
5. En préparation des négociations avec le Parlement, le groupe "Environnement" a examiné les amendements du Parlement européen lors de ses réunions du 10 et 18 mai 2022. Sur la base des commentaires des délégations, la présidence a préparé des propositions de compromis, qui figurent à l'annexe du présent document.

Les modifications par rapport à la proposition de la Commission sont signalées par des **caractères gras** pour le nouveau texte et par des ~~caractères biffés~~ pour le texte effacé.

III. PROPOSITIONS DE COMPROMIS DE LA PRÉSIDENTE

6. Dans le but d'avancer rapidement dans les négociations, la présidence propose un paquet de propositions de compromis, qui porte sur toutes les substances qui font l'objet de la révision, à l'exception de l'acide perfluorohexane sulfonique (PFHxS). En effet, cette substance n'est pas encore incluse dans les annexes de la Convention de Stockholm. Pour cette raison, la présidence envisage de proposer des valeurs limites une fois que les résultats de la Conférence des Parties à la Convention de Stockholm seront connus. La Conférence se tiendra à Genève du 6 au 17 juin 2022, et elle devrait approuver l'inclusion de PFHxS dans l'annexe A de ladite Convention.
7. En ce qui concerne les dioxines et furanes (PCDD/Fs), la présidence ne propose aucun changement par rapport au mandat initial du 11 mars 2022, afin de maintenir l'équilibre délicat qui avait été trouvé au Conseil sur ces substances. Ceci concerne notamment le maintien d'une clause de transition pour les cendres et suies domestiques, et la fixation de la valeur limite à 10 µg/kg. Pour rappel, la clause de transition a été introduite afin d'aligner la mise en application de la valeur limite pour ces substances avec l'entrée en vigueur de l'article 10 de la directive cadre déchets concernant la collecte séparée des déchets ménagers.
8. Pour les polybromodiphényléthers (PBDEs), une approche par étapes est prévue. La valeur limite initiale de 500 mg/kg et la clause de révision à une valeur non supérieure à 200 mg/kg sont maintenues. Afin de parvenir à un compromis avec le Parlement européen, la présidence propose d'ajouter une étape intermédiaire: une baisse automatique de la valeur limite à 350 mg/kg 3 ans après l'entrée en vigueur du règlement, tant que cette valeur n'est pas inférieure à celle reprise dans l'Annexe I, qui concerne la mise sur le marché de produits contenant des POP. La présidence estime que cette proposition pourrait être acceptable par le Parlement.

9. En ce qui concerne l'hexabromocyclododecane (HBCDD) et les alcanes en C10-C13, chloro (paraffines chlorées à chaîne courte) (PCCC), les discussions au groupe "Environnement" ont montré une réticence des délégations à procéder à une baisse immédiate des valeurs limites, au-delà de ce qui avait été proposé par la Commission. Néanmoins, la présidence propose d'ajouter des clauses de révision, pour permettre d'abaisser ces valeurs limites dans le futur.
10. Le mandat initial est maintenu sur l'acide perfluorooctanoïque (PFOA), les changements du Parlement européen ayant été considérés comme techniquement et économiquement non réalisables par les délégations. En effet, l'étude d'impact de la Commission met en évidence les difficultés techniques à disposer d'un seuil de quantification inférieur à 1 mg/kg pour ce qui concerne les matrices complexes pour les déchets.
11. Enfin, la présidence propose d'accepter l'ajout du Parlement européen d'un nouvel article sur la classification des déchets. Cette proposition est faite dans un esprit de compromis, pour signaler la volonté du Conseil de parvenir à un accord rapidement. La présidence considère que le texte proposé en annexe ne crée pas de procédure automatique, qui entraînerait la classification de tous les déchets contenant des POP en tant que déchets dangereux. Pour rappel, les amendements du Parlement à ce sujet visent à faire évaluer par la Commission la pertinence de réviser la décision 2014/955/UE du 18 décembre 2014 relative à la liste des déchets et/ou la directive-cadre sur les déchets afin de reconnaître le statut de déchet dangereux à tout déchet dépassant les limites de concentration en POP de l'annexe IV. Le Parlement a proposé un délai de 18 mois après l'entrée en vigueur du règlement pour que la Commission présente, éventuellement, une proposition législative à cet effet. La présidence a estimé, en lien avec la Commission, que le délai était trop court et devait être porté à 36 mois.

12. Lors des dernières discussions en groupe "Environnement" et au vu des commentaires émis, la présidence a identifié le besoin d'amender les codes déchets figurant à l'annexe V. En effet, l'élimination des terres excavées contenant de faibles niveaux de POP comme les PFOA en raison de l'utilisation de mousses anti-incendie pourrait poser problème. Il est possible que le dépassement de la valeur de l'annexe IV implique que de grandes quantités de terres excavées contaminées par du PFOA soient considérées comme des déchets POP mais pas des déchets dangereux et se voient ainsi attribuer la rubrique 17 05 04 (*terres et pierres autres que celles visées à la rubrique 17 05 03*). Or, les déchets énumérés dans la partie 2 de l'annexe V du règlement POP, pour lesquels une dérogation au traitement destructif est possible, ne comprennent que la rubrique 17 05 03 (*terres et pierres contenant des substances dangereuses*).
- Afin de donner de la flexibilité aux Etats membres pour la gestion de terres excavées contenant des POP, la Présidence souhaite modifier l'annexe du règlement afin d'inclure ces catégories de déchets non dangereux. Elle a proposé d'y ajouter le code déchets 17 05 04 (*soil and stones other than those mentioned in 17 05 03*). Ce point n'a pas été discuté avec le Parlement mais a été largement soutenu par les Etats membres lors du groupe "Environnement" du 18 mai dernier.
13. La présidence considère que les propositions de compromis décrites ci-dessus pourront servir de base à un paquet global de compromis avec le Parlement européen.
- Néanmoins, de la flexibilité supplémentaire pourrait s'avérer nécessaire lors du trilogue. Les délégations sont invitées à indiquer à la présidence les éléments pour lesquels leur position est flexible.

IV. CONCLUSION

14. Le Comité des représentants permanents est invité à examiner les propositions de compromis dont le texte figure à l'annexe et à donner un mandat à la présidence pour poursuivre les négociations avec le Parlement européen le 31 mai 2022, sur la base de ce texte, afin de parvenir à un accord en première lecture.

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

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<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p> <p>Having regard to the opinion of the European Economic and Social Committee¹,</p> <p>Having regard to the opinion of the</p>		<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p> <p>Having regard to the opinion of the European Economic and Social Committee¹,</p> <p>Having regard to the opinion of the</p>	<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p> <p>Having regard to the opinion of the European Economic and Social Committee¹,</p> <p>Having regard to the opinion of the Committee of the Regions²,</p>

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<p>Committee of the Regions²,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>_____</p> <p>¹ OJ C , , p. .</p> <p>² OJ C , , p. .</p>		<p>Committee of the Regions²,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>_____</p> <p>¹ OJ C , , p. .</p> <p>² OJ C , , p. .</p>	<p>Acting in accordance with the ordinary legislative procedure,</p> <p>_____</p> <p>¹ OJ C , , p. .</p> <p>² OJ C , , p. .</p>
Recital 1			
<p>1) Regulation (EU) 2019/1021 of the European Parliament and of the Council³ on persistent organic pollutants implements in the law of the Union the commitments set out in the Stockholm Convention on Persistent Organic Pollutants (hereinafter ‘the Convention’) approved on behalf of the Community by Council Decision 2006/507/EC⁴, and in the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants approved on behalf of the Community by Council Decision 2004/259/EC⁵</p> <p>_____</p> <p>³ Regulation (EU) 2019/1021 of the European Parliament and of the Council</p>		<p>1) Regulation (EU) 2019/1021 of the European Parliament and of the Council³ on persistent organic pollutants implements in the law of the at Union level the commitments set out in the Stockholm Convention on Persistent Organic Pollutants (hereinafter ‘the Convention’) approved on behalf of the Community by Council Decision 2006/507/EC⁴, and in the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants approved on behalf of the Community by Council Decision 2004/259/EC⁵.</p> <p>_____</p> <p>³ Regulation (EU) 2019/1021 of the European Parliament and of the Council</p>	<p>1) Regulation (EU) 2019/1021 of the European Parliament and of the Council³ on persistent organic pollutants implements in the law of the at Union level the commitments set out in the Stockholm Convention on Persistent Organic Pollutants (hereinafter ‘the Convention’) approved on behalf of the Community by Council Decision 2006/507/EC⁴, and in the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants approved on behalf of the Community by Council Decision 2004/259/EC⁵.</p> <p>_____</p> <p>³ Regulation (EU) 2019/1021 of the European Parliament and of the Council of</p>

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<p>of 20 June 2019 on persistent organic pollutants (recast) (OJ L 169, 25.6.2019, p. 45).</p> <p>⁴ Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1).</p> <p>⁵ Council Decision 259/2004/EC of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (OJ L 81, 19.03.2004, p. 35).</p>		<p>of 20 June 2019 on persistent organic pollutants (recast) (OJ L 169, 25.6.2019, p. 45).</p> <p>⁴ Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1).</p> <p>⁵ Council Decision 259/2004/EC of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (OJ L 81, 19.03.2004, p. 35).</p>	<p>20 June 2019 on persistent organic pollutants (recast) (OJ L 169, 25.6.2019, p. 45).</p> <p>⁴ Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1).</p> <p>⁵ Council Decision 259/2004/EC of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (OJ L 81, 19.03.2004, p. 35).</p>
Amendment 1 Recital 2			
<p>2) At the seventh meeting of the Conference of the Parties to the Convention, held from 4 to 15 May 2015, it was agreed to include pentachlorophenol, its salts and esters ('pentachlorophenol') in Annex A to the Convention. At the ninth meeting of the Conference of the Parties to the Convention, held from 29 April to 10 May 2019, it was agreed to include dicofol as well as perfluorooctanoic acid (PFOA), its salts and PFOA-</p>	<p>2) At the seventh meeting of the Conference of the Parties to the Convention, held from 4 to 15 May 2015, it was agreed to include pentachlorophenol, its salts and esters ('pentachlorophenol') in Annex A to the Convention. At the ninth meeting of the Conference of the Parties to the Convention, held from 29 April to 10 May 2019, it was agreed to include dicofol as well as perfluorooctanoic acid (PFOA), its salts and PFOA-</p>	<p>2) At the seventh meeting of the Conference of the Parties to the Convention, held from 4 to 15 May 2015, it was agreed to include pentachlorophenol, its salts and esters ('pentachlorophenol') in Annex A to the Convention. At the ninth meeting of the Conference of the Parties to the Convention, held from 29 April to 10 May 2019, it was agreed to include dicofol as well as perfluorooctanoic acid (PFOA), its salts and PFOA-</p>	<p>2) At the seventh meeting of the Conference of the Parties to the Convention, held from 4 to 15 May 2015, it was agreed to include pentachlorophenol, its salts and esters ('pentachlorophenol') in Annex A to the Convention. At the ninth meeting of the Conference of the Parties to the Convention, held from 29 April to 10 May 2019, it was agreed to include dicofol as well as perfluorooctanoic acid (PFOA), its salts and PFOA-related</p>

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<p>related compounds in Annex A to the Convention. In view of those amendments to the Convention and to ensure that waste containing those substances is managed in accordance with the provisions of the Convention, it is necessary to also amend Annexes IV and V to Regulation (EU) 2019/1021 by including pentachlorophenol, dicofol and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in the Annexes and indicating their corresponding concentration limits.</p>	<p>related compounds in Annex A to the Convention. In view of those amendments to the Convention and to ensure that waste containing those substances is managed in accordance with the provisions of the Convention, it is necessary to also amend Annexes IV and V to Regulation (EU) 2019/1021 by including pentachlorophenol, dicofol and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in the Annexes and <i>also</i> indicating their corresponding concentration limits.</p>	<p>related compounds in Annex A to the Convention. In view of those amendments to the Convention and to ensure that waste containing those substances is managed in accordance with the provisions of the Convention, it is necessary to also amend Annexes IV and V to Regulation (EU) 2019/1021 by including pentachlorophenol, dicofol and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in the Annexes and indicating their corresponding concentration limits.</p>	<p>compounds in Annex A to the Convention. In view of those amendments to the Convention and to ensure that waste containing those substances is managed in accordance with the provisions of the Convention, it is necessary to also amend Annexes IV and V to Regulation (EU) 2019/1021 by including pentachlorophenol, dicofol and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in the Annexes and also indicating their corresponding concentration limits.</p>

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Amendment 2 Recital 3			
<p>3) Pentachlorophenol had been previously listed in Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council⁶ by Commission Regulation (EU) 2019/636⁷, with an Annex IV value of 100 mg/kg and an Annex V value of 1 000 mg/kg. Regulation (EC) No 850/2004 was repealed by Regulation (EU) 2019/1021, but pentachlorophenol was unintentionally omitted from that Regulation. It is therefore necessary to amend Annexes IV and V to Regulation (EU) 2019/1021 to include pentachlorophenol</p> <p>⁶ 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). ⁷ Commission Regulation (EU) 2019/636 of 23 April 2019 amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the</p>	<p>3) Pentachlorophenol had been previously listed in Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council¹ by Commission Regulation (EU) 2019/636², with an Annex IV value of 100 mg/kg and an Annex V value of 1 000 mg/kg. Regulation (EC) No 850/2004 was repealed by Regulation (EU) 2019/1021, but pentachlorophenol was unintentionally omitted from that Regulation. It is therefore necessary to amend Annexes IV and V to Regulation (EU) 2019/1021 to now include pentachlorophenol.</p> <p>¹ 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). ² Commission Regulation (EU) 2019/636 of 23 April 2019 amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the</p>	<p>3) Pentachlorophenol had been previously listed in Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council⁶ by Commission Regulation (EU) 2019/636⁷, with an Annex IV value of 100 mg/kg and an Annex V value of 1 000 mg/kg. Regulation (EC) No 850/2004 was repealed by Regulation (EU) 2019/1021, but pentachlorophenol was unintentionally omitted from that Regulation. It is therefore necessary to amend Annexes IV and V to Regulation (EU) 2019/1021 to include pentachlorophenol.</p> <p>⁶ 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). ⁷ Commission Regulation (EU) 2019/636 of 23 April 2019 amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the</p>	<p>3) Pentachlorophenol had been previously listed in Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council¹ by Commission Regulation (EU) 2019/636², with an Annex IV value of 100 mg/kg and an Annex V value of 1 000 mg/kg. Regulation (EC) No 850/2004 was repealed by Regulation (EU) 2019/1021, but pentachlorophenol was unintentionally omitted from that Regulation. It is therefore necessary to amend Annexes IV and V to Regulation (EU) 2019/1021 to now include pentachlorophenol.</p>

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Council on persistent organic pollutants (OJ L 109, 24.4.2019, p. 6).	Council on persistent organic pollutants (OJ L 109, 24.4.2019, p. 6).	Council on persistent organic pollutants (OJ L 109, 24.4.2019, p. 6).	
Amendment 3 Recital 4			
<p>4) Annexes IV and V to Regulation (EU) 2019/1021 already contain concentration limits for the following substances or substance groups: a) the sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether (with the exception of the latter, which is not listed in Annex V to that Regulation); b) Hexabromocyclododecane; c) Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs); and d) Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF). Pursuant to Article 15(2) of Regulation (EU) 2019/1021, it is appropriate to amend the concentration limits in Annex IV for those substances to adapt their</p>	<p>4) Annexes IV and V to Regulation (EU) 2019/1021 already contain concentration limits for the following substances or substance groups: a) the sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether (with the exception of the latter, which is not listed in Annex V to that Regulation); b) Hexabromocyclododecane; c) Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs); and d) Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF). Pursuant to Article 15(2) of Regulation (EU) 2019/1021, it is appropriate to amend the concentration limits in Annex IV for those substances to adapt their</p>	<p>4) Annexes IV and V to Regulation (EU) 2019/1021 already contain concentration limits for the following substances or substance groups: a) the sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether (with the exception of the latter, which is not listed in Annex V to that Regulation); b) Hexabromocyclododecane; c) Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs); and d) Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF). Pursuant to Article 15(2) of Regulation (EU) 2019/1021, it is appropriate to amend the concentration limits in Annex IV for those substances to adapt their</p>	<p>4) Annexes IV and V to Regulation (EU) 2019/1021 already contain concentration limits for the following substances or substance groups: a) the sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether (with the exception of the latter, which is not listed in Annex V to that Regulation); b) Hexabromocyclododecane; c) Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs); and d) Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF). Pursuant to Article 15(2) of Regulation (EU) 2019/1021, it is appropriate to amend the concentration limits in Annex IV for those substances to adapt their</p>

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limit values to scientific and technical progress. To be consistent with the list of polybrominated diphenyl ethers (PBDEs) listed in Annex IV to Regulation (EU) 2019/1021, the substance decabromodiphenyl ether should be included among the PBDEs listed in the third column of Annex V to that Regulation.	limit values <i>according</i> to scientific and technical progress. To be consistent with the list of polybrominated diphenyl ethers (PBDEs) listed in Annex IV to Regulation (EU) 2019/1021, the substance decabromodiphenyl ether should be included among the PBDEs listed in the third column of Annex V to that Regulation.	limit values to scientific and technical progress. To be consistent with the list of polybrominated diphenyl ethers (PBDEs) listed in Annex IV to Regulation (EU) 2019/1021, the substance decabromodiphenyl ether should be included among the PBDEs listed in the third column of Annex V to that Regulation.	limit values to scientific and technical progress. To be consistent with the list of polybrominated diphenyl ethers (PBDEs) listed in Annex IV to Regulation (EU) 2019/1021, the substance decabromodiphenyl ether should be included among the PBDEs listed in the third column of Annex V to that Regulation.
Recital 4a (new)			
		4a) In order to enable Member States to collect data on the actual amount of PCDD/PCDF and of dioxin-like polychlorinated biphenyls (dl-PCBs) in ashes and soot from private households, and to afford Member States sufficient time to take measures necessary to give effect to Regulation (EU) 2019/1021, the amended concentration limit for the sum of PCDD/PCDF and dioxin-like polychlorinated biphenyls (dl-PCBs) should, with regard to ashes and soot from private	4a) In order to enable Member States to collect data on the actual amount of PCDD/PCDF and of dioxin-like polychlorinated biphenyls (dl-PCBs) in ashes and soot from private households, and to afford Member States sufficient time to take measures necessary to give effect to Regulation (EU) 2019/1021, the amended concentration limit for the sum of PCDD/PCDF and dioxin-like polychlorinated biphenyls (dl-PCBs) should, with regard to ashes and soot from private households, apply at a

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		households, apply at a later stage after the entry into force of this Regulation.	later stage after the entry into force of this Regulation.
Recital 4b (new)			
		4b) Concerning polybrominated diphenyl ethers (PBDEs) listed in Regulation (EU) 2019/1021, the concentration limit for the sum of those substances in waste should be set at 500mg/kg. Taking due account of the declining concentrations of PBDEs in certain waste, resulting from existing limitations on the placing on the market and use of PBDEs, and in light of the possible evolution of relevant sorting and analytical methods, the Commission should review that concentration limit and, where appropriate, adopt a legislative proposal to lower that value.	4b) Concerning polybrominated diphenyl ethers (PBDEs) listed in Regulation (EU) 2019/1021, the concentration limit for the sum of those substances in waste should be set at 500mg/kg. Taking due account of the declining concentrations of PBDEs in certain waste, resulting from existing limitations on the placing on the market and use of PBDEs, and in light of the possible evolution of relevant sorting and analytical methods, the Commission should review that concentration limit and, where appropriate, adopt a legislative proposal to lower that value.
5) Considering that a subgroup of 12 PCB congeners ⁸ , known as dioxin-like PCBs (dl-PCBs), have toxicological properties that		5) Considering that a subgroup of 12 PCB congeners ⁸ , known as dioxin-like PCBs (dl-PCBs), have toxicological properties that	5) Considering that a subgroup of 12 PCB congeners ⁸ , known as dioxin-like PCBs (dl-PCBs), have toxicological properties that closely

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<p>closely resemble those of PCDD/PCDF, and to take into account the aggregated effect of all dioxin-like compounds listed in Regulation (EU) 2019/1021, it is appropriate to include dl-PCBs within the existing group entry for PCDD/PCDF in Annexes IV and V to Regulation (EU) 2019/1021. The list of toxic equivalency factor values in Part 2 of Annex V to that Regulation should also be amended to introduce the corresponding values for the individual dl-PCB congeners.</p> <p>⁸ PCB-77, PCB-81, PCB-105, PCB-114, PCB-118, PCB-123, PCB-126, PCB-156, PCB-157, PCB-167, PCB-169 and PCB 189.</p>		<p>closely resemble those of PCDD/PCDF, and to take into account the aggregated effect of all dioxin-like compounds listed in Regulation (EU) 2019/1021, it is appropriate to include dl-PCBs within the existing group entry for PCDD/PCDF in Annexes IV and V to Regulation (EU) 2019/1021. The list of toxic equivalency factor values in Part 2 of Annex V to that Regulation should also be amended to introduce the corresponding values for the individual dl-PCB congeners.</p> <p>⁸ PCB-77, PCB-81, PCB-105, PCB-114, PCB-118, PCB-123, PCB-126, PCB-156, PCB-157, PCB-167, PCB-169 and PCB 189.</p>	<p>resemble those of PCDD/PCDF, and to take into account the aggregated effect of all dioxin-like compounds listed in Regulation (EU) 2019/1021, it is appropriate to include dl-PCBs within the existing group entry for PCDD/PCDF in Annexes IV and V to Regulation (EU) 2019/1021. The list of toxic equivalency factor values in Part 2 of Annex V to that Regulation should also be amended to introduce the corresponding values for the individual dl-PCB congeners.</p> <p>⁸ PCB-77, PCB-81, PCB-105, PCB-114, PCB-118, PCB-123, PCB-126, PCB-156, PCB-157, PCB-167, PCB-169 and PCB 189.</p>
Amendment 4 Recital 5a (new)			
	<p><i>5a) Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds have been proposed by the Persistent Organic Pollutants Review Committee (POPRC) for listing under Annex A of the Convention</i></p>		<p><i>Note from the Presidency: Awaiting COP decision on listing of PFHxS</i></p>

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	<p><i>without specific exemptions^{5a} after completing the risk profile and risk management evaluation for those substances. A decision to include PFHxS, its salts and PFHxS-related compounds is envisaged to take place in Stockholm Convention COP-10, which was initially scheduled in July 2021, and is now scheduled to take place in June 2022 as a result of the negative evolution in many European countries of the COVID-19 pandemic. With respect to the objectives of the Convention, it is therefore appropriate, based on the current impact assessment^{5b} and to ensure that waste containing those substances is managed in accordance with the provisions of the Convention, to already amend Annexes IV and V to Regulation (EU) 2019/1021 by including perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds in the Annexes and indicating their</i></p>		

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	<p><i>corresponding concentration limits. The Commission should reflect those amendments to Annex IV and V in other Annexes of the Regulation (EU) 2019/1021 to ensure consistency.</i></p> <hr/> <p><i>^{5a} POPRC-15/1</i> <i>^{5b} SWD(2021) 300 final</i></p>		

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Amendment 5 Recital 6			
<p>6) The proposed concentration limits in Annexes IV and V to Regulation (EU) 2019/1021 have been set applying the same methodology that was used to establish the concentration limits in previous amendments of Annexes IV and V to Regulation (EC) No 850/2004. The proposed concentration limits should achieve the objective of a high level of protection of human health and the environment associated to the destruction or irreversible transformation of the substances concerned. Those limits should also take into consideration the broader policy objective of achieving a climate-neutral and circular economy, enshrined in the European Green Deal⁹.</p>	<p>6) The proposed concentration limits in Annexes IV and V to Regulation (EU) 2019/1021 have been set applying the same methodology that was used to establish the concentration limits in previous amendments of Annexes IV and V to Regulation (EC) No 850/2004. The proposed concentration limits should <i>be underpinned by the precautionary principle as set forth in the Treaty on the Functioning of the European Union (TFEU) and aim to eliminate, where feasible, the release of POPs into the environment, in order to</i> achieve the objective of a high level of protection of human health and the environment associated to the destruction or irreversible transformation of the substances concerned. Those limits should also take into consideration the broader policy objective of achieving a climate-neutral <i>the</i></p>	<p>6) The proposed concentration limits in Annexes IV and V to Regulation (EU) 2019/1021 have been set applying the same methodology that was used to establish the concentration limits in previous amendments of Annexes IV and V to Regulation (EC) No 850/2004. The proposed concentration limits should achieve the objective of a high level of protection of human health and the environment associated to the destruction or irreversible transformation of the substances concerned. Those limits should also take into consideration the broader policy objective of achieving a climate-neutral and circular economy, enshrined in the European Green Deal⁹.</p>	<p>6) The proposed concentration limits in Annexes IV and V to Regulation (EU) 2019/1021 have been set applying the same methodology that was used to establish the concentration limits in previous amendments of Annexes IV and V to Regulation (EC) No 850/2004. The proposed concentration limits should be underpinned by the precautionary principle as set forth in the Treaty on the Functioning of the European Union (TFEU) and should aim to eliminate, where feasible, the release of POPs into the environment, in order to achieve the objective of a high level of protection of human health and the environment associated to the destruction or irreversible transformation of the substances concerned. Those limits should also take into consideration the broader policy objective of achieving a</p>

COMMISSION PROPOSAL 28 October 2021	EUROPEAN PARLIAMENT MANDATE 3 May 2022	COUNCIL MANDATE 11 March 2022	Presidency compromise suggestions
<p>⁹ COM(2019) 640 final.</p>	<p><i>zero-pollution ambition for a toxic-free environment, increasing recycling, reducing greenhouse gas emissions, developing non-toxic material cycles where banned substances should not be reintroduced on the EU market through recycling activities, and a circular economy, enshrined in the European Green Deal³.</i></p> <p>³ COM(2019) 640 final</p>	<p>⁹ COM(2019) 640 final.</p>	<p>climate-neutral the zero-pollution ambition for a toxic-free environment, increasing recycling, reducing greenhouse gas emissions, developing non-toxic material cycles, and a cleaner circular economy, enshrined in the European Green Deal⁹.</p> <p>⁹ COM(2019) 640 final</p>
<p>Amendment 6 Recital 6a (new)</p>			
	<p><i>6a) The concentration limits specified in Annexes IV and V to Regulation (EU) 2019/1021 should be coherent and contribute to the implementation of the communication of the Commission of 14 October 2020 entitled ‘Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment’ that proposes a comprehensive set of actions to address the use of and contamination with per-and</i></p>		<p>6a) The concentration limits specified in Annexes IV and V to Regulation (EU) 2019/1021 should be coherent and contribute to the implementation of the communication of the Commission of 14 October 2020 entitled ‘Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment’.</p>

COMMISSION PROPOSAL 28 October 2021	EUROPEAN PARLIAMENT MANDATE 3 May 2022	COUNCIL MANDATE 11 March 2022	Presidency compromise suggestions
<i>polyfluoroalkoxy alkyl substances.</i>			
Amendment 7 Recital 6b (new)			
	<p><i>6b) To prevent mixing of contaminated waste with other waste or materials and to ensure better traceability and effective treatment of waste containing persistent organic pollutants, there is a need to avoid inconsistency between the provisions regarding waste which contains persistent organic pollutants originally set out in Regulation (EC) No 850/2004, now repealed by Regulation (EU) 2019/1021, and those set out thereafter. The Commission should therefore assess whether it is appropriate to recognise that waste which contains any persistent organic pollutants exceeding the concentration limits specified in Annex IV to Regulation (EU) 2019/1021 is to be classified as hazardous and put forward, if appropriate, a legislative proposal to amend</i></p>		<p>6b) To ensure better traceability and effective treatment of waste containing persistent organic pollutants, and to avoid inconsistency in Union law, there is a need to ensure coherence between the provisions regarding waste which contains persistent organic pollutants originally set out in Regulation (EC) No 850/2004, now repealed by Regulation (EU) 2019/1021, and those set out thereafter. The Commission should therefore assess whether it is appropriate that waste which contains any persistent organic pollutants exceeding the concentration limits specified in Annex IV to Regulation (EU) 2019/1021 is to be classified as hazardous and put forward, if appropriate, a</p>

COMMISSION PROPOSAL 28 October 2021	EUROPEAN PARLIAMENT MANDATE 3 May 2022	COUNCIL MANDATE 11 March 2022	Presidency compromise suggestions
	<i>Directive 2009/98/EC or Decision 2014/955/EU , or both, accordingly.</i>		legislative proposal to amend Directive 2008/98/EC or Decision 2000/532/EC, or both, accordingly.
7) Regulation (EU) 2019/1021 should therefore be amended accordingly.		7) Regulation (EU) 2019/1021 should therefore be amended accordingly.	7) Regulation (EU) 2019/1021 should therefore be amended accordingly.
8) It is appropriate to provide for a sufficient period of time to allow companies and competent authorities to adapt to the new requirements.		8) It is appropriate to provide for a sufficient period of time to allow companies and competent authorities to adapt to the new requirements.	8) It is appropriate to provide for a sufficient period of time to allow companies and competent authorities to adapt to the new requirements.

COMMISSION PROPOSAL 28 October 2021	EUROPEAN PARLIAMENT MANDATE 3 May 2022	COUNCIL MANDATE 11 March 2022	Presidency compromise suggestions
Recital 8a (new)			
		<p>8a) Since the objective of this Regulation, namely to protect the environment and human health from persistent organic pollutants, 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.</p>	<p>8a) Since the objective of this Regulation, namely to protect the environment and human health from persistent organic pollutants, 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.</p>

COMMISSION PROPOSAL 28 October 2021	EUROPEAN PARLIAMENT MANDATE 3 May 2022	COUNCIL MANDATE 11 March 2022	Presidency compromise suggestions
HAVE ADOPTED THIS REGULATION:			
<i>Article 1</i>			
		Regulation (EU) 2019/1021 is amended as follows:	Regulation (EU) 2019/1021 is amended as follows:
Article 1, point 1 (new)			
		1) The following Article is inserted:	1) The following Article is inserted:
		<p>‘Article 21 a</p> <p>Transitional provision</p> <p>The value of 15 µg/kg shall continue to apply for ashes and soot from private households consisting of, containing or contaminated by polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) listed in Annex IV of Regulation (EU) 2019/1021 until 31 December 2024. For ashes and soot from private households consisting of, containing or contaminated by polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and polychlorinated biphenyls (dl-PCBs), the value of 10 µg/kg</p>	<p>‘Article 21 a</p> <p>Transitional provision</p> <p>The value of 15 µg/kg shall continue to apply for ashes and soot from private households consisting of, containing or contaminated by polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) listed in Annex IV of Regulation (EU) 2019/1021 until 31 December 2024. For ashes and soot from private households consisting of, containing or contaminated by polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and polychlorinated biphenyls (dl-PCBs), the value of 10 µg/kg</p>

COMMISSION PROPOSAL 28 October 2021	EUROPEAN PARLIAMENT MANDATE 3 May 2022	COUNCIL MANDATE 11 March 2022	Presidency compromise suggestions
		provided in the Annex of the Regulation amending Annex IV and V to Regulation (EU) 2019/1021 shall apply from 1 January 2025.'	provided in the Annex of the Regulation amending Annex IV and V to Regulation (EU) 2019/1021 shall apply from 1 January 2025.'
Article 1, point 2			
Annexes IV and V to Regulation (EU) 2019/1021 are amended in accordance with the Annex to this Regulation.		2) Annexes IV and V to Regulation (EU) 2019/1021 are amended in accordance with the Annex to this Regulation.	2) Annexes IV and V to Regulation (EU) 2019/1021 are amended in accordance with the Annex to this Regulation.
Amendment 8 Article 1a (new)			
	<i>Article 1a</i> <i>The Commission shall assess whether it would be appropriate to amend the Directive 2008/98/EC on waste or Commission Decision 2014/955/EU^{1a}, or both, to recognize that waste containing any persistent organic pollutants exceeding the concentration limits indicated in Annex IV to Regulation (EU) 2019/1021 is to be classified as hazardous, and, if appropriate, based on that assessment and not later than 18 months after entry into force of</i>		Article 1a The Commission shall assess whether it would be appropriate to amend Directive 2008/98/EC on waste or Commission Decision 2000/532/EC^{1a}, or both, to recognize that waste containing any persistent organic pollutants exceeding the concentration limits indicated in Annex IV to Regulation (EU) 2019/1021 is to be classified as hazardous, and, if appropriate, based on that assessment and not later than 36 months after entry into force of

COMMISSION PROPOSAL 28 October 2021	EUROPEAN PARLIAMENT MANDATE 3 May 2022	COUNCIL MANDATE 11 March 2022	Presidency compromise suggestions
	<p><i>this legislation, put forward a legislative proposal to amend the Directive or the Decision, or both, accordingly.</i></p> <hr/> <p><i>^{1a} Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC (OJ L 370, 30.12.2014, p. 44).</i></p>		<p>this Regulation, put forward a legislative proposal to amend Directive 2008/98/EC or Decision 2000/532/EC, or both, accordingly.</p> <hr/> <p>^{1a} Commission Decision 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. 3–24).</p>

COMMISSION PROPOSAL 28 October 2021	EUROPEAN PARLIAMENT MANDATE 3 May 2022	COUNCIL MANDATE 11 March 2022	Presidency compromise suggestions
<i>Article 2</i>			
This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .
This Regulation shall apply from [OP, please introduce the date of 6 months after publication in the <i>Official Journal of the European Union</i>].		This Regulation shall apply from [OP, please introduce the date of 6 months after publication in the <i>Official Journal of the European Union</i>].	This Regulation shall apply from [OP, please introduce the date of 6 months after publication in the <i>Official Journal of the European Union</i>].
This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.

Amendment 9
Annex I – paragraph 1 – point 1 – point a – table

Commission proposal (28 October 2021)

Annexes IV and V are amended as follows:

(1) Annex IV is amended as follows:

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

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

European Parliament mandate (3 May 2022)

Annexes IV and V are amended as follows:

(1) Annex IV is amended as follows:

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

‘Pentachlorophenol (<i>PCP</i>), its salts and esters	87-86-5 and others	201-778-6 and others	100 mg/kg
Dicofol	115-32-2	204-082-0	50 mg/kg
Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds	335-67-1 and others	206-397-9 and others	± 0,1 mg/kg (PFOA and its salts), 40 20 mg/kg (<i>sum of</i> PFOA-related compounds)’

<i>Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds</i>	<i>355-46-4 and others</i>	<i>355-46-4 and others</i>	<i>0,1 mg/kg (PFHxS and its salts), 20 mg/kg (PFHxS-related compounds)'</i>
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Council mandate (11 March 2022)

Annexes IV and V are amended as follows:

(1) Annex IV is amended as follows:

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

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

Presidency compromise proposals

Annexes IV and V are amended as follows:

(1) Annex IV is amended as follows:

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

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

Note from the Presidency on the addition of PFHxS: Awaiting COP decision on listing of PFHxS

Amendment 10
Annex I – paragraph 1 – point 1 – point b – table

Commission proposal (28 October 2021)

(b) the row for the substance Alkanes C₁₀-C₁₃, chloro (short-chain chlorinated paraffins) (SCCPs) is replaced by the following:

‘Alkanes C ₁₀ -C ₁₃ , chloro (short-chain chlorinated paraffins) (SCCPs)	85535-84-8	287-476-5	1 500 mg/kg’
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European Parliament mandate (3 May 2022)

(b) the row for the substance Alkanes C₁₀-C₁₃, chloro (short-chain chlorinated paraffins) (SCCPs) is replaced by the following:

‘Alkanes C ₁₀ -C ₁₃ , chloro (short-chain chlorinated paraffins) (SCCPs)	85535-84-8	287-476-5	1 500 420 mg/kg’
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Council mandate (11 March 2022)

(b) the row for the substance Alkanes C₁₀-C₁₃, chloro (short-chain chlorinated paraffins) (SCCPs) is replaced by the following:

‘Alkanes C ₁₀ -C ₁₃ , chloro (short-chain chlorinated paraffins) (SCCPs)	85535-84-8	287-476-5	1 500 mg/kg’
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Presidency compromise proposals

(b) the row for the substance Alkanes C₁₀-C₁₃, chloro (short-chain chlorinated paraffins) (SCCPs) is replaced by the following:

'Alkanes C ₁₀ -C ₁₃ , chloro (short-chain chlorinated paraffins) (SCCPs)	85535-84-8	287-476-5	1 500 mg/kg' The Commission shall review that concentration limit and shall, where appropriate, adopt a legislative proposal to lower that value not later than [OP, please introduce the date of 7 years after the date of entry into force of this Regulation].
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Amendment 11
Annex I – paragraph 1 – point 1 – point c – table

Commission proposal (28 October 2021)

(c) the rows for the substances Tetrabromodiphenyl ether C₁₂H₆Br₄O, Pentabromodiphenyl ether C₁₂H₅Br₅O, Hexabromodiphenyl ether C₁₂H₄Br₆O, Heptabromodiphenyl ether C₁₂H₃Br₇O and Decabromodiphenyl ether C₁₂Br₁₀O are replaced by the following:

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

European Parliament mandate (3 May 2022)

(c) the rows for the substances Tetrabromodiphenyl ether C₁₂H₆Br₄O, Pentabromodiphenyl ether C₁₂H₅Br₅O, Hexabromodiphenyl ether C₁₂H₄Br₆O, Heptabromodiphenyl ether C₁₂H₃Br₇O and Decabromodiphenyl ether C₁₂Br₁₀O are replaced by the following:

'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 C₁₂H₆Br₄O , pentabromodiphenyl ether C₁₂H₅Br₅O , hexabromodiphenyl ether C₁₂H₄Br₆O , heptabromodiphenyl ether C₁₂H₃Br₇O and decabromodiphenyl ether C₁₂Br₁₀O :
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	
Bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE) C ₁₂ Br ₁₀ O	1163-19-5 and others	214-604-9 and others	
			(a) until [OP, please introduce the date of the day before the date in the following point], 500 200 mg/kg <i>The Commission shall review that concentration limit and shall, where appropriate and in accordance with the Treaties, adopt a legislative proposal to lower that value no later than [OP, please introduce the date of 5 years after the date of entry into force of this Regulation].</i>
			(b) from [OP, please introduce the date of 5 years after the date of entry into force of this Regulation], 200 mg/kg or, if higher, the sum of the concentration of those substances where they are present in mixtures or articles, as set out in Annex I, fourth column, point 2 for the substances tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether.?

Council mandate (11 March 2022)

(c) the rows for the substances Tetrabromodiphenyl ether C₁₂H₆Br₄O, Pentabromodiphenyl ether C₁₂H₅Br₅O, Hexabromodiphenyl ether C₁₂H₄Br₆O, Heptabromodiphenyl ether C₁₂H₃Br₇O and Decabromodiphenyl ether C₁₂Br₁₀O are replaced by the following:

'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 ether and decabromodiphenyl ether: (a) until [OP, please introduce the date of the day before the date in the following point] , 500 mg/kg (b) from [OP, please introduce the date of 5 years after the date of entry into force of this Regulation] , 200 mg/kg or, if higher, the sum of the concentration of those substances where they are present in mixtures or articles, as set out in Annex I, fourth column, point 2 for the substances tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether. ² The Commission shall review that concentration limit and shall, where appropriate, adopt a legislative proposal to lower that value to a value no higher than 200 mg/kg not later than [OP, please introduce the date of 7 years after the date of entry into force of this Regulation].
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	
Bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE) C ₁₂ Br ₁₀ O	1163-19-5 and others	214-604-9 and others	

Presidency compromise proposal

(c) the rows for the substances Tetrabromodiphenyl ether C₁₂H₆Br₄O, Pentabromodiphenyl ether C₁₂H₅Br₅O, Hexabromodiphenyl ether C₁₂H₄Br₆O, Heptabromodiphenyl ether C₁₂H₃Br₇O and Decabromodiphenyl ether C₁₂Br₁₀O are replaced by the following:

'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 ether and decabromodiphenyl ether:
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	(a) until [OP, please introduce the date of the day before the date in the following point], (a) until [OP, please introduce the date of the day before the date in point (b)], 500 mg/kg
Bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE) C ₁₂ Br ₁₀ O	1163-19-5 and others	214-604-9 and others	(b) from [OP, please introduce the date of 5 years after the date of entry into force of this Regulation], 200 mg/kg or, if higher, the sum of the concentration of those substances where they are present in mixtures or articles, as set out in Annex I, fourth column, point 2 for the substances tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether. (b) from [OP, please introduce the date of 3 years after the date of entry into force of this Regulation], 350 mg/kg or, if higher, the sum of the concentration of those substances where they are present in mixtures or articles, as set out in Annex I, fourth column, point 2 for the substances tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and

			<p>decabromodiphenyl ether.²</p> <p>The Commission shall review this concentration limit and shall, where appropriate, adopt a legislative proposal to lower this concentration limit to a value no higher than 200 mg/kg not later than <i>[OP, please introduce the date of 7 years after the date of entry into force of this Regulation]</i>.</p>
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Amendment 12
Annex I – paragraph 1 – point 1 – point d – table

Commission proposal (28 October 2021)

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

‘Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and dioxin-like polychlorinated biphenyls (dl-PCBs)			5 µg/kg ⁽²⁾
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⁽²⁾ The limit is calculated as the sum of PCDD, PCDF and dl-PCBs according to the toxic equivalency factors (TEFs) set out in Part 2, in the third subparagraph, in the table, of Annex V.’

European Parliament mandate (3 May 2022)

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

‘Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and dioxin-like polychlorinated biphenyls (dl-PCBs)			5 1 µg/kg ⁽²⁾
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⁽²⁾ The limit is calculated as the sum of PCDD, PCDF and dl-PCBs according to the toxic equivalency factors (TEFs) set out in Part 2, in the third subparagraph, in the table, of Annex V.’

Council mandate (11 March 2022)

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

‘Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and dioxin-like polychlorinated biphenyls (dl-PCBs)			5 10 µg/kg ⁽²⁾
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⁽²⁾ The limit is calculated as the sum of PCDD, PCDF and dl-PCBs according to the toxic equivalency factors (TEFs) set out in Part 2, in the third subparagraph, in the table, of Annex V.’

Presidency compromise proposal

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

‘Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and dioxin-like polychlorinated biphenyls (dl-PCBs)			5 10 µg/kg ⁽²⁾
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⁽²⁾ The limit is calculated as the sum of PCDD, PCDF and dl-PCBs according to the toxic equivalency factors (TEFs) set out in Part 2, in the third subparagraph, in the table, of Annex V.’

Amendment 13
Annex I – paragraph 1 – point 1 – point e – table

Commission proposal (28 October 2021)

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

‘Hexabromocyclododecane ⁽⁴⁾	25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8	247-148-4 221-695-9	500 mg/kg’
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European Parliament mandate (3 May 2022)

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

‘Hexabromocyclododecane ⁽⁴⁾	25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8	247-148-4 221-695-9	500 mg/kg <i>(a) until [OP, please introduce the date of the day before the date in the following point], 200 mg/kg</i>
			<i>The Commission shall review that concentration limit and shall, where appropriate and in accordance with the Treaties, adopt a legislative proposal to lower that value to 100 mg / kg no later than [OP, please introduce the date of 5 years after the date of entry into force of this Regulation].</i>

Council mandate (11 March 2022)

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

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

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

'Hexabromocyclododecane' ⁽⁴⁾	25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8	247-148-4 221-695-9	500 mg/kg
			The Commission shall review that concentration limit and shall, where appropriate and in accordance with the Treaties, adopt a legislative proposal to lower that value to 200 mg / kg no later than [OP, please introduce the date of 7 years after the date of entry into force of this Regulation].

Amendment 14
Annex I – paragraph 1 – point 2 – point a

Commission proposal (28 October 2021)

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

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

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

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

(ii) the text ‘Sum of the concentrations of tetrabromodiphenyl ether (C₁₂H₆Br₄O), pentabromodiphenyl ether (C₁₂H₅Br₅O), hexabromodiphenyl ether (C₁₂H₄Br₆O) and heptabromodiphenyl ether (C₁₂H₃Br₇O): 10 000 mg/kg;’ is replaced by the following:

‘Sum of the concentrations of tetrabromodiphenyl ether (C₁₂H₆Br₄O), pentabromodiphenyl ether (C₁₂H₅Br₅O), hexabromodiphenyl ether (C₁₂H₄Br₆O), heptabromodiphenyl ether (C₁₂H₃Br₇O) and decabromodiphenyl ether (C₁₂Br₁₀O): 10 000 mg/kg;’;

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

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

Dicofol: 5 000 mg/kg;

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

European Parliament mandate (3 May 2022)

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

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

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

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

(ii) the text ‘Sum of the concentrations of tetrabromodiphenyl ether (C₁₂H₆Br₄O), pentabromodiphenyl ether (C₁₂H₅Br₅O), hexabromodiphenyl ether (C₁₂H₄Br₆O) and heptabromodiphenyl ether (C₁₂H₃Br₇O): 10 000 mg/kg;’ is replaced by the following:

‘Sum of the concentrations of tetrabromodiphenyl ether (C₁₂H₆Br₄O), pentabromodiphenyl ether (C₁₂H₅Br₅O), hexabromodiphenyl ether (C₁₂H₄Br₆O), heptabromodiphenyl ether (C₁₂H₃Br₇O) and decabromodiphenyl ether (C₁₂Br₁₀O): 10 000 mg/kg;’;

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

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

Dicofol: 5 000 mg/kg;

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

(iv) Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds: 50 mg/kg (PFHxS and its salts), 2 000 mg/kg (PFHxS-related compounds).

Council mandate (11 March 2022)

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

(a) in the second paragraph, the first column of the table, ‘Wastes as classified in Decision 2000/532/EC’, is amended as follows:

(i) the following text is inserted after ‘10.01 Wastes from power stations and other combustion plants (except 19)’:

10 01 03: fly ash from peat and untreated wood

(ii) the following text is inserted after ‘19 04 03* Non-vitrified solid waste’:

20 MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS

20 01: separately collected fractions (except 15 01)

20 01 41: wastes from chimney sweeping

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

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

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

(ii) the text ‘Sum of the concentrations of tetrabromodiphenyl ether (C₁₂H₆Br₄O), pentabromodiphenyl ether (C₁₂H₅Br₅O), hexabromodiphenyl ether (C₁₂H₄Br₆O) and heptabromodiphenyl ether (C₁₂H₃Br₇O): 10 000 mg/kg;’ is replaced by the following:

‘Sum of the concentrations of tetrabromodiphenyl ether (C₁₂H₆Br₄O), pentabromodiphenyl ether (C₁₂H₅Br₅O), hexabromodiphenyl ether (C₁₂H₄Br₆O), heptabromodiphenyl ether (C₁₂H₃Br₇O) and decabromodiphenyl ether (C₁₂Br₁₀O): 10 000 mg/kg;’;

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

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

Dicofol: 5 000 mg/kg;

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

Presidency compromise suggestion

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

(a) in the second paragraph, the first column of the table, ‘Wastes as classified in Decision 2000/532/EC’, is amended as follows:

(i) the following text is inserted after ‘10.01 Wastes from power stations and other combustion plants (except 19)’:

10 01 03 : fly ash from peat and untreated wood

(ii) the following text is inserted after ‘17 05 03* Soil and stones containing hazardous substances’:

17 05 04 : soil and stones other than those mentioned in 17 05 03

(iii) the following text is inserted after ‘19 04 03* Non-vitrified solid waste’:

20 MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS

20 01 : separately collected fractions (except 15 01)

20 01 41 : wastes from chimney sweeping

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

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

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

(ii) the text ‘Sum of the concentrations of tetrabromodiphenyl ether (C₁₂H₆Br₄O), pentabromodiphenyl ether (C₁₂H₅Br₅O), hexabromodiphenyl ether (C₁₂H₄Br₆O) and heptabromodiphenyl ether (C₁₂H₃Br₇O): 10 000 mg/kg;’ is replaced by the following:

‘Sum of the concentrations of tetrabromodiphenyl ether (C₁₂H₆Br₄O), pentabromodiphenyl ether (C₁₂H₅Br₅O), hexabromodiphenyl ether (C₁₂H₄Br₆O), heptabromodiphenyl ether (C₁₂H₃Br₇O) and decabromodiphenyl ether (C₁₂Br₁₀O): 10 000 mg/kg;’;

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

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

Dicofol: 5 000 mg/kg;

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

Note from the presidency on the addition of PFHxS: Awaiting COP decision on listing of PFHxS

Commission proposal (28 October 2021)

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

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

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

PCDD	TEF
2,3,7,8-TeCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0,1
1,2,3,6,7,8-HxCDD	0,1
1,2,3,7,8,9-HxCDD	0,1
1,2,3,4,6,7,8-HpCDD	0,01
OCDD	0,0003
PCDF	TEF
2,3,7,8-TeCDF	0,1
1,2,3,7,8-PeCDF	0,03
2,3,4,7,8-PeCDF	0,3
1,2,3,4,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDF	0,1
2,3,4,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,4,7,8,9-HpCDF	0,01
OCDF	0,0003
dl-PCBs	TEF
PCB 77	0,0001

PCB 81	0,0003
PCB 105	0,00003
PCB 114	0,00003
PCB 118	0,00003
PCB 123	0,00003
PCB 126	0,1
PCB 169	0,03
PCB 156	0,00003
PCB 157	0,00003
PCB 167	0,00003
PCB 189	0,00003

'.

Council mandate (11 March 2022)

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

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

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

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

PCB 77	0,0001
PCB 81	0,0003
PCB 105	0,00003
PCB 114	0,00003
PCB 118	0,00003
PCB 123	0,00003
PCB 126	0,1
PCB 169	0,03
PCB 156	0,00003
PCB 157	0,00003
PCB 167	0,00003
PCB 189	0,00003

Presidency compromise proposal

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

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

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

PCDD	TEF
2,3,7,8-TeCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0,1
1,2,3,6,7,8-HxCDD	0,1
1,2,3,7,8,9-HxCDD	0,1
1,2,3,4,6,7,8-HpCDD	0,01

OCDD	0,0003
PCDF	TEF
2,3,7,8-TeCDF	0,1
1,2,3,7,8-PeCDF	0,03
2,3,4,7,8-PeCDF	0,3
1,2,3,4,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDF	0,1
2,3,4,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,4,7,8,9-HpCDF	0,01
OCDF	0,0003
dl-PCBs	TEF
PCB 77	0,0001
PCB 81	0,0003
PCB 105	0,00003
PCB 114	0,00003
PCB 118	0,00003
PCB 123	0,00003
PCB 126	0,1
PCB 169	0,03
PCB 156	0,00003
PCB 157	0,00003
PCB 167	0,00003
PCB 189	0,00003