Draft Regulations laid before Parliament under Article 18(4) of Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No. 0000

ENVIRONMENTAL PROTECTION

The Persistent Organic Pollutants (Amendment) Regulations 2024

Made - - - -

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 7(6), 15(1), 15(2), and 18(1) of Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast) ("the POPs Regulation")(**a**).

The Scottish Ministers and the Welsh Ministers have consented to the Secretary of State making these Regulations, in accordance with Article 2A of the POPs Regulation.

In accordance with Article 7(6) of the POPs Regulation, the Secretary of State has taken into consideration any relevant technical developments or international guidelines or decisions and any relevant authorisations granted by the competent authority.

In accordance with Article 18(4) of the POPs Regulation, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Persistent Organic Pollutants (Amendment) Regulations 2024 and come into force 21 days after the day on which they are made.

(2) These Regulations extend to England and Wales and Scotland.

Amendments to Regulation (EU) 2019/1021

2. Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast) is amended in accordance with regulations 3 to 5.

(**a**) EUR 2019/1021, amended by EUR 2020/784, EUR 2020/1204, S.I. 2020/1358, S.I. 2022/1293, S.I. 2023/729, and S.I. 2023/1217; there are other amending instruments but none is relevant.

Amendments to Annex 1

3.—(1) The table in Part A of Annex 1 (Substances listed in the Convention and in the Protocol as well as substances listed only in the Convention) is amended as follows.

(2) In the entry for Hexachlorobenzene, in the fourth column, insert—

"For the purposes of this entry, Article 4(1)(b) applies where the concentration of hexachlorobenzene present in a substance, mixture or article is equal to or below 10 mg/kg (0.001% by weight).".

(3) In the entry for Pentachlorophenol and its salts and esters, in the fourth column, insert—

"For the purposes of this entry, Article 4(1)(b) applies where the sum of the concentrations of pentachlorophenol, any of its salts, and any of its esters present in a substance, mixture or article is equal to or below 5 mg/kg (0.0005% by weight).".

(4) In the entry for Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, in the fourth column—

(a) omit point 3;

(b) in point 4—

(i) omit "of up to 400 kilograys";

(ii) after "or by thermal degradation", insert ", if such PTFE micropowders are transported or treated for the purpose of reducing the concentration of PFOA and its salts below the limit of 0.025 mg/kg (0.0000025% by weight)";

(iii) omit "as well as in mixtures and articles for industrial and professional uses containing PTFE micropowders";

(iv) omit the final sentence;

(c) for point 7 substitute—

"The use of perfluorooctyl bromide containing perfluorooctyl iodide for the purpose of producing pharmaceutical products is allowed until 31 December 2026. ".

(5) At the end, insert—

"Dechlorane Plus. 'Dechlorane Plus' includes its syn-isomer and anti-isomer.	13560-89-9; 135821-03-3; 135821-74-8	236-948-9	1. For the purposes of this entry, Article 4(1)(b) applies where the concentration of Dechlorane Plus present in a substance, mixture or article is equal to or below 10 mg/kg (0.001% by weight). 2. The placing on the market and use of Dechlorane Plus is allowed for replacement parts for, and repair of, land-based motor vehicles where Dechlorane Plus was used in the manufacture of the part being replaced

			or repaired, until the earlier of— (i) the end of the service life of the vehicle, and (ii) 2044.
Methoxychlor. “Methoxychlor” means any possible isomer of dimethoxydiphenyltrichloroethane or any combination thereof.	72-43-5 30667-99-3 76733-77-2 255065-25-9 255065-26-0 59424-81-6 1348358-72-4 and others	200-779-9	For the purposes of this entry, Article 4(1)(b) applies where the concentration of methoxychlor present in a substance, mixture or article is equal to or below 0.01 mg/kg (0.000001% by weight).
UV-328	25973-55-1	247-384-8	1. For the purposes of this entry, Article 4(1)(b) applies where the concentration of UV-328 present in a substance, mixture or article is equal to or below 10 mg/kg (0.001% by weight). 2. The manufacturing, placing on the market and use of UV-328 are allowed for the following purposes— (a) mechanical separators in blood collection tubes, until 26 February 2030; (b) replacement parts for land-based motor vehicles where UV-328 was used in the manufacture of the part being replaced, until the earlier of—

			(i) the end of the service life of the vehicle, and (ii) 2044.”.

Amendments to Annex 4

4.—(1) The table in Annex 4 (List of substances subject to waste management provisions set out in Article 7) is amended as follows.

(2) In the fourth column, in the cell which relates to the sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether—

(a) in the first sentence, for “1 000 mg/kg” substitute “500 mg/kg”;

(b) omit the second and third sentences.

(3) At the end, insert—

“Pentachlorophenol and its salts and esters	87-86-5 and others	201-778-6 and others	Sum of the concentrations of pentachlorophenol, its salts, and its esters: 100 mg/kg
Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds (as defined in Annex 1)	335-67-1 and others	206-397-9 and others	1. Except in fire-fighting foam mixtures— (a) sum of the concentrations of PFOA and its salts: 1 mg/kg; (b) sum of the concentrations of PFOA-related compounds: 40 mg/kg. 2. In fire-fighting foam mixtures— (a) sum of the concentrations of PFOA and its salts: 0.025 mg/kg; (b) sum of the concentrations of PFOA-related compounds: 1 mg/kg.
Dicofol	115-32-2	204-082-0	50 mg/kg

Perfluorohexane sulfonic acid (PFHxS), its salts, and PFHxS-related compounds (as defined in Annex 1)	355-46-4 and others	206-587-1 and others	Sum of the concentrations of PFHxS and its salts: 1 mg/kg; Sum of the concentrations of PFHxS-related compounds: 40 mg/kg.".

Amendments to Annex 5

5.—(1) The first table in Part 2 of Annex 5 (Wastes and operations to which Article 7(4)(b) applies) is amended as follows.

(2) In the first column (Wastes as classified in Decision 2000/532/EC)—

(a) after the entry for "10 01 Wastes from power stations and other combustion plants (except 19)", insert as a new row and in the appropriate sub-columns—

"10 01 03	Fly ash from peat and untreated wood";

(b) after the entry for "17 05 03* Soil and stones containing hazardous substances", insert as a new row and in the appropriate sub-columns—

"17 05 04	Soil and stones other than those mentioned in 17 05 03*".

(3) In the second column (Maximum concentration limits of substances listed in Annex 4)—

(a) for "Sum of the concentrations of tetrabromodiphenyl ether $C_{12}H_6Br_4O$), pentabromodiphenyl ether ($C_{12}H_5Br_5O$), hexabromodiphenyl ether ($C_{12}H_4Br_6O$)and heptabromodiphenyl ether ($C_{12}H_3Br_7O$)" substitute "Sum of the concentrations of tetrabromodiphenyl ether ($C_{12}H_6Br_4O$), pentabromodiphenyl ether ($C_{12}H_5Br_5O$), hexabromodiphenyl ether ($C_{12}H_4Br_6O$), heptabromodiphenyl ether ($C_{12}H_3Br_7O$) and decabromodiphenyl ether ($C_{12}Br_{10}O$)";

(b) after "Toxaphene: 5 000 mg/kg", insert—

";

Sum of the concentrations of Pentachlorophenol, its salts, and its esters: 1000 mg/kg;

Dicofol: 5000 mg/kg;

Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds (as defined in Annex 1): 50 mg/kg for the sum of the concentrations of PFOA and its salts, 2000 mg/kg for the sum of the concentrations of PFOA-related compounds;

Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds (as defined in Annex 1): 50 mg/kg for the sum of the concentrations of PFHxS and its salts, 2000 mg/kg for the sum of the concentrations of PFHxS-related compounds".

Name
Parliamentary Under Secretary of State
Date Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by Articles 7(6), 15(1), 15(2), and 18(1) of Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast) ("EUR 2019/1021").

Regulation 3(2) to (4) makes amendments to the entries for Hexachlorobenzene, Pentachlorophenol and Perfluorooctanoic acid in Annex 1 to EUR 2019/1021.

Regulation 3(5) adapts Annex 1 to EUR 2019/1021 to changes to the list of substances set out in Annex A to the Stockholm Convention on Persistent Organic Pollutants ("the Convention") (ratified by the United Kingdom on 17th January 2005). These changes were adopted at the eleventh meeting of the Conference of the Parties to the Convention in Decisions SC-11/9, SC-11/10 and SC-11/11, and were notified to parties to the Convention under Depository Notification C.N.77.2024.TREATIES-XXVII.15. Regulation 3(5) also specifies the concentration limits up to which the newly listed substances may be present as an unintentional trace contaminant, and specific exemptions.

Regulation 4 amends and adds new substances to the list of substances subject to waste management provisions in Annex 4 to EUR 2019/1021.

Regulation 5 amends and adds new wastes and substances to the table in Part 2 of Annex 5 to EUR 2019/1021 setting out wastes and operations to which the derogation in Article 7(4)(b) of EUR 2019/1021 applies.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. Instead a de minimis assessment has been prepared as this instrument is likely to entail some costs for businesses, but the net impact is estimated to be below £5 million per year.

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