



Council of the
European Union

Brussels, 10 July 2018
(OR. en)

10980/18
ADD 1

ENV 511
ENT 130

COVER NOTE

From:	European Commission
date of receipt:	6 July 2018
To:	General Secretariat of the Council
No. Cion doc.:	D049821/02 - Annex
Subject:	ANNEX to the Commission Regulation amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants

Delegations will find attached document D049821/02 - Annex.

Encl.: D049821/02 - Annex



Brussels, **XXX**
D049821/02
[...] (2018) **XXX** draft

ANNEX 1

ANNEX

to the

Commission Regulation

**amending Annexes IV and V to Regulation (EC) No 850/2004 of the European
Parliament and of the Council on persistent organic pollutants**

ANNEX

Annexes IV and V to Regulation (EC) No 850/2004 are amended as follows:

(1) In the table of Annex IV, the following row is added:

List of substances subject to waste management provisions set out in Article 7

Substance	CAS No	EC No	Concentration limit referred to in Article 7(4)(a)
Pentachlorophenol and its salts and esters	87-86-5 and others	201-778-6 and others	100 mg/kg

(2) In Part 2 of Annex V, the table is replaced by the following table:

Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV ¹	Operation
10	WASTES FROM THERMAL PROCESSES	Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs): 10 000 mg/kg; Aldrin: 5 000 mg/kg; Chlordane: 5 000 mg/kg; Chlordecone: 5 000 mg/kg; DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl) ethane): 5 000 mg/kg; Dieldrin: 5 000 mg/kg; Endosulfan: 5 000 mg/kg; Endrin: 5 000 mg/kg;	Permanent storage shall be allowed only when all the following conditions are met: (1) The storage takes place in one of the following locations: – safe, deep, underground, hard rock formations; – salt mines; – a landfill site for hazardous waste, provided that the waste is solidified or partly stabilised
10 01	Wastes from power stations and other combustion plants (except 19)		
10 01 14 * 6	Bottom ash, slag and boiler dust from co-incineration containing hazardous substances		
10 01 16 *	Fly ash from co-incineration containing hazardous substances		
10 02	Wastes from the iron and steel industry		

¹ These limits apply exclusively to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous waste, including salt mines.

10 02 07 *	Solid wastes from gas treatment containing hazardous substances	Heptachlor: 5 000 mg/kg; Hexabromobiphenyl: 5 000 mg/kg;	<p>where technically feasible as required for classification of the waste in subchapter 19 03 of Decision 2000/532/EC.</p> <p>(2) The provisions of Council Directive 1999/31/EC⁴ and Council Decision 2003/33/EC⁵ were respected.</p> <p>(3) It has been demonstrated that the selected operation is environmentally preferable.</p>
10 03	Wastes from aluminium thermal metallurgy	Hexabromocyclododecane ² : 1 000 mg/kg;	
10 03 04 *	Primary production slags	Hexachlorobenzene: 5 000 mg/kg;	
10 03 08 *	Salt slags from secondary production	Hexachlorobutadiene: 1 000 mg/kg;	
10 03 09 *	Black drosses from secondary production	Hexachlorocyclohexanes, including lindane: 5000 mg/kg;	
10 03 19 *	Flue-gas dust containing hazardous substances	Mirex: 5 000 mg/kg; Pentachlorobenzene: 5 000 mg/kg;	
10 03 21 *	Other particulates and dust (including ball-mill dust) containing hazardous substances	Pentachlorophenol and its salts and esters: 1 000 mg/kg;	
10 03 29 *	Wastes from treatment of salt slags and black drosses containing hazardous substances	Perfluorooctane sulfonic acid and its derivatives (PFOS) (C ₈ F ₁₇ SO ₂ X) (X=OH, Metal salt (O-M ⁺), halide, amide, and other derivatives including polymers): 50 mg/kg;	
10 04	Wastes from lead thermal metallurgy		
10 04 01 *	Slags from primary and secondary production	Polychlorinated Biphenyls (PCB) ³ :50 mg/kg;	
10 04 02 *	Dross and skimmings from primary and secondary production	Polychlorinated dibenzo-p-dioxins and dibenzofurans: 5 mg/kg;	
10 04 04 *	Flue-gas dust	Polychlorinated naphthalenes*: 1 000 mg/kg;	
10 04 05 *	Other particulates and dust	Sum of the concentrations	

⁶ Any waste marked with an asterisk "*" is considered as hazardous waste pursuant to Directive 2008/98/EC and is subject to the provisions of that Directive.

² "Hexabromocyclododecane" means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha- hexabromocyclododecane, beta- hexabromocyclododecane and gamma- hexabromocyclododecane

³ The calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall apply.

⁴ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p.1)

⁵ Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (OJ L 11, 16.1.2003, p.27).

10 04 06 *	Solid wastes from gas treatment	of tetrabromodiphenyl ether (C ₁₂ H ₆ Br ₄ O), pentabromodiphenyl ether (C ₁₂ H ₅ Br ₅ O), hexabromodiphenyl ether (C ₁₂ H ₄ Br ₆ O) and heptabromodiphenyl ether (C ₁₂ H ₃ Br ₇ O): 10 000 mg/kg; Toxaphene: 5 000 mg/kg.
10 05	Wastes from zinc thermal metallurgy	
10 05 03 *	Flue-gas dust	
10 05 05 *	Solid waste from gas treatment	
10 06	Wastes from copper thermal metallurgy	
10 06 03 *	Flue-gas dust	
10 06 06 *	Solid wastes from gas treatment	
10 08	Wastes from other non-ferrous thermal metallurgy	
10 08 08 *	Salt slag from primary and secondary production	
10 08 15 *	Flue-gas dust containing hazardous substances	
10 09	Wastes from casting of ferrous pieces	
10 09 09 *	Flue-gas dust containing hazardous substances	
16	WASTES NOT OTHERWISE SPECIFIED IN THE LIST	
16 11	Waste linings and refractories	
16 11 01 *	Carbon-based linings and refractories from metallurgical processes containing hazardous substances	

16 11 03 *	Other linings and refractories from metallurgical processes containing hazardous substances		
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)		
17 01	Concrete, bricks, tiles and ceramics		
17 01 06 *	Mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing hazardous substances		
17 05	Soil (including excavated soil from contaminated sites), stones and dredging spoil		
17 05 03 *	Soil and stones containing hazardous substances		
17 09	Other construction and demolition wastes		
17 09 02 *	Construction and demolition wastes containing PCB, excluding PCB containing equipment		
17 09 03 *	Other construction and demolition wastes (including mixed wastes) containing hazardous substances		

19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FROM INDUSTRIAL USE		
19 01	Wastes from incineration or pyrolysis of waste		
19 01 07 *	Solid wastes from gas treatment		
19 01 11 *	Bottom ash and slag containing hazardous substances		
19 01 13 *	Fly ash containing hazardous substances		
19 01 15 *	Boiler dust containing hazardous substances		
19 04	Vitrified waste and waste from vitrification		
19 04 02 *	Fly ash and other flue-gas treatment wastes		
19 04 03 *	Non-vitrified solid phase		

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

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