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European Union

Brussels, 29 October 2021  
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IND 307  
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## PROPOSAL

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 28 October 2021

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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No. Cion doc.: COM(2021) 656 final - ANNEX

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Subject: ANNEX to the 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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Delegations will find attached document COM(2021) 656 final - ANNEX.

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Encl.: COM(2021) 656 final - ANNEX



Brussels, 28.10.2021  
COM(2021) 656 final

ANNEX

**ANNEX**

**to the**

**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**

{SEC(2021) 379 final} - {SWD(2021) 299 final} - {SWD(2021) 300 final} -  
{SWD(2021) 301 final}

## ANNEX

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<br>(PFOA and its salts),<br><br>40 mg/kg<br>(PFOA-related compounds)’ |

(b) the row for the substance Alkanes C<sub>10</sub>-C<sub>13</sub>, chloro (short-chain chlorinated paraffins) (SCCPs) is replaced by the following:

|  |            |           |              |
|--|------------|-----------|--------------|
| ‘Alkanes C <sub>10</sub> -C <sub>13</sub> , chloro (short-chain chlorinated paraffins) (SCCPs) | 85535-84-8 | 287-476-5 | 1 500 mg/kg’ |
|--|------------|-----------|--------------|

(c) the rows for the substances Tetrabromodiphenyl ether C<sub>12</sub>H<sub>6</sub>Br<sub>4</sub>O, Pentabromodiphenyl ether C<sub>12</sub>H<sub>5</sub>Br<sub>5</sub>O, Hexabromodiphenyl ether C<sub>12</sub>H<sub>4</sub>Br<sub>6</sub>O, Heptabromodiphenyl ether C<sub>12</sub>H<sub>3</sub>Br<sub>7</sub>O and Decabromodiphenyl ether C<sub>12</sub>Br<sub>10</sub>O are replaced by the following:

|  |                       |                      |  |  |
|--|-----------------------|----------------------|--|--|
| ‘Tetrabromodiphenyl ether C <sub>12</sub> H <sub>6</sub> Br <sub>4</sub> O | 40088-47-9 and others | 254-787-2 and others |  | Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl |
| Pentabromodiphenyl ether C <sub>12</sub> H <sub>5</sub> Br <sub>5</sub> O  | 32534-81-9 and others | 251-084-2 and others |  |  |
| Hexabromodiphenyl ether C <sub>12</sub> H <sub>4</sub> Br <sub>6</sub> O   | 36483-60-0 and others | 253-058-6 and        |  |  |

|   |                          |                         |  |   |
|---|--------------------------|-------------------------|--|---|
|   |                          | others                  |  | ether and decabromodiphenyl ether:  |
| Heptabromodiphenyl ether<br>C <sub>12</sub> H <sub>3</sub> Br <sub>7</sub> O                      | 68928-80-3<br>and others | 273-031-2<br>and others |  |   |
| Bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE) C <sub>12</sub> Br <sub>10</sub> O | 1163-19-5<br>and others  | 214-604-9<br>and others |  | (a) until [OP, please introduce the date of the day before the date in the following point], 500 mg/kg<br><br>(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.' |

(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 <sup>(2)</sup> |
|--|--|--|------------------------|

(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.’

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

|  |  |                        |            |
|--|--|------------------------|------------|
| ‘Hexabromocyclododecane <sup>(4)</sup> | 25637-99-4,<br>3194-55-6,<br>134237-50-6,<br>134237-51-7,<br>134237-52-8 | 247-148-4<br>221-695-9 | 500 mg/kg’ |
|--|--|------------------------|------------|

(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 (C<sub>12</sub>H<sub>6</sub>Br<sub>4</sub>O), pentabromodiphenyl ether (C<sub>12</sub>H<sub>5</sub>Br<sub>5</sub>O), hexabromodiphenyl ether (C<sub>12</sub>H<sub>4</sub>Br<sub>6</sub>O) and heptabromodiphenyl ether (C<sub>12</sub>H<sub>3</sub>Br<sub>7</sub>O): 10 000 mg/kg;’ is replaced by the following:

‘Sum of the concentrations of tetrabromodiphenyl ether (C<sub>12</sub>H<sub>6</sub>Br<sub>4</sub>O), pentabromodiphenyl ether (C<sub>12</sub>H<sub>5</sub>Br<sub>5</sub>O), hexabromodiphenyl ether (C<sub>12</sub>H<sub>4</sub>Br<sub>6</sub>O), heptabromodiphenyl ether (C<sub>12</sub>H<sub>3</sub>Br<sub>7</sub>O) and decabromodiphenyl ether (C<sub>12</sub>Br<sub>10</sub>O): 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).’.

(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**

| <b>PCDD</b>         | <b>TEF</b> |
|---------------------|------------|
| 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     |
| <b>PCDF</b>         | <b>TEF</b> |
| 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     |
| <b>dl-PCBs</b>      | <b>TEF</b> |
| 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 |

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