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Proposal for a

**COUNCIL DECISION**

**on the submission, on behalf of the European Union, of a proposal for the listing of additional chemicals in Annex A to the Stockholm Convention on Persistent Organic Pollutants**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

The Stockholm Convention on Persistent Organic Pollutants (the Convention), approved by Council Decision 2006/507/EC<sup>1</sup>, entered into force on 17 May 2004. The aim of the Convention is to protect human health and the environment from persistent organic pollutants (POPs). The Convention provides a framework, based on the precautionary principle, for elimination of production, use, import and export of currently twenty-two priority POPs, their safe handling and disposal and elimination or reduction of releases of certain unintentional POPs.

Regulation (EC) No 850/2004 on persistent organic pollutants<sup>2</sup> implements in Union law the commitments set out in the Convention and in the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants (the Protocol), approved by Council Decision 259/2004/EC<sup>3</sup>.

Article 8(1) of the Convention stipulates that any Party may submit a proposal to the Secretariat for listing a chemical in Annexes A, B or C to the Convention which will then be reviewed by the Persistent Organic Pollutants Review Committee (POP RC) following Article 8(3) and (4). The proposal shall contain the information specified in Annex D. The procedure for the adoption of amendments to Annexes is governed by Article 22 of the Convention.

According to available scientific information and review reports as well as taking due account of the screening criteria laid down in Annex D to the Convention, dicofol exhibit characteristics of POPs.

Dicofol has not been included<sup>4</sup> as active substances in Annex I to Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market<sup>5</sup>. Moreover, dicofol has not been included<sup>6</sup> in Annex I or IA to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market<sup>7</sup>. Therefore, the placing on the market and use of the substance has already ceased or has been severely reduced in the EU.

In 2008, on the basis of Risk Profile and Summary Report for Dicofol<sup>8</sup> prepared by the Netherlands, the EU nominated dicofol for listing as a POP under the Protocol. Furthermore, dicofol has been assessed by POP RC as a potential alternative to endosulfan. On the basis of this assessment POP RC considers that dicofol meets the criteria of Annex D to the Convention and therefore could be considered as a POP.

It cannot be excluded that dicofol is still produced, used or significantly unintentionally emitted in other countries. Due to the potential for long-range environmental transport of this

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<sup>1</sup> OJ L 209, 31.7.2006, p. 1.

<sup>2</sup> OJ L 158, 30.4.2004, p. 7.

<sup>3</sup> OJ L 81, 19.3.2004, p. 35.

<sup>4</sup> Commission Decision (2008/764/EC) of 30 September 2008 concerning the non-inclusion of dicofol in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ L 262, 1.10.2008, p. 40).

<sup>5</sup> OJ L 230, 19.8.1991, p. 1.

<sup>6</sup> Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referenced in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 325, 11.12.2007, p. 3).

<sup>7</sup> OJ L 123, 24.4.1998, p. 1.

<sup>8</sup> Available at:

[http://www.unece.org/fileadmin/DAM/env/lrtap/TaskForce/popsxg/2008/Dicofol\\_RA%20dossier\\_proposal%20for%20submission%20to%20UNECE%20POP%20protocol.pdf](http://www.unece.org/fileadmin/DAM/env/lrtap/TaskForce/popsxg/2008/Dicofol_RA%20dossier_proposal%20for%20submission%20to%20UNECE%20POP%20protocol.pdf).

chemical, the measures taken nationally or at the Union level are not sufficient to safeguard the high level of protection of the environment and human health and wider international action is necessary.

With a view to the next POP RC meeting in October 2013, it is appropriate that the Commission submit on behalf of the Union a proposal for the listing of dicofol for inclusion in Annex A to the Secretariat of the Stockholm Convention. This constitutes a position to be adopted on the Union's behalf for the purpose of Article 218(9) TFEU.

Proposal for a

## **COUNCIL DECISION**

### **on the submission, on behalf of the European Union, of a proposal for the listing of additional chemicals in Annex A to the Stockholm Convention on Persistent Organic Pollutants**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 191(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union ratified the Stockholm Convention on Persistent Organic Pollutants (the Convention) on 16 November 2004 by 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<sup>9</sup>.
- (2) As a Party to the Convention, the Union may make proposals for amendment of the Annexes to the Convention. Annex A to the Convention lists persistent organic pollutants (POPs) to be eliminated.
- (3) According to available scientific information and review reports as well as taking due account of the screening criteria laid down in Annex D to the Convention, dicofol exhibits characteristics of POPs.
- (4) Dicofol was nominated by the EU as a potential POP under the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution. Furthermore, according to the preliminary assessment by the Persistent Organic Pollutants Review Committee, undertaken in the context of identification of alternatives to endosulfan, dicofol meets the criteria laid down in Annex D to the Convention.
- (5) The placing on the market and use of dicofol has already ceased in the Union. It cannot be excluded that the substance is still produced, used or significantly unintentionally emitted in third countries.
- (6) Due to the potential for long-range environmental transport of dicofol, the measures taken nationally or at Union level are not sufficient to safeguard the high level of protection of the environment and human health and wider international action is necessary.
- (7) The Union should therefore submit a proposal to the Secretariat of the Convention for the listing of dicofol in Annex A to the Convention,

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<sup>9</sup> OJ L 209, 31.7.2006, p. 1.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Union shall submit a proposal for the listing of dicofol (CAS number: 115-32-2) in Annex A to the Stockholm Convention on Persistent Organic Pollutants (the Convention):
2. The Commission shall communicate the proposal on behalf of the Union to the Secretariat of the Convention with all the information required under Annex D to the Convention.

*Article 2*

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council  
The President*