



**EUROPEAN COMMISSION PROPOSAL FOR AMENDING ANNEXES IV AND V TO THE REGULATION (EU) 2019/1021 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON PERSISTENT ORGANIC POLLUTANTS:**

**AN OPPORTUNITY FOR THE EU TO PREVENT TOXIC RECYCLING AND CONTAMINATION OF THE CIRCULAR ECONOMY THROUGH THE SUBSTANTIAL STRENGTHENING OF LIMIT VALUES FOR POPs IN WASTE**

Civil society comments and briefing for European Union Member States and Members of the European Parliament

We urge Members of the European Parliament and Member States to support stronger limit values for POPs in waste than what the EC proposes. The weak limits currently proposed by the EC undermine the Stockholm Convention and lead in practice to POPs recycling that is incompatible with the European Green Deal.

The European Commission (EC) is proposing to adopt new limit values for persistent organic pollutants (POPs) in waste. POPs are the most toxic and persistent chemicals ever studied and include dioxins (PCDD/Fs), PCBs or some PFAS and brominated flame retardants (PBDEs). The Stockholm Convention requires the **destruction of wastes that exceed POPs limit values** (known as Low POP Content Levels set by the Basel Convention) and bans the recycling of wastes contaminated with POPs to maintain toxic-free material cycles. However, the EC is proposing weak POP limits, which will allow plastic and other wastes contaminated with POPs to be, in practice, recycled by the industry in the EU. The transition to high-quality and toxic-free material cycles cannot be achieved while allowing POPs recycling in materials.

The strong limit values highlighted in the table below should be adopted:

Substances	Range of limit values based on EC methodology	Weak limit values proposed by the EC	Strong limit values proposed by civil society organizations
*Sum of PBDEs (mg/kg)	200-1,000	500 (reduced in 5 yrs)	50
HBCDD (mg/kg)	100-1,000	500	100
SCCPs (mg/kg)	420-10,000	1,500	100
**PCDD/Fs + dl PCBs (mg TEQ/kg)	0.001 - 0.015***	0.005	0.001
PFOA, its salts and PFOA related compounds (mg/kg)	0.025-50 for PFOA and salts; 1-2,000 for related compounds	1 for PFOA and salts; 40 for related compounds	0.025 for PFOA and salts; 10 for related compounds

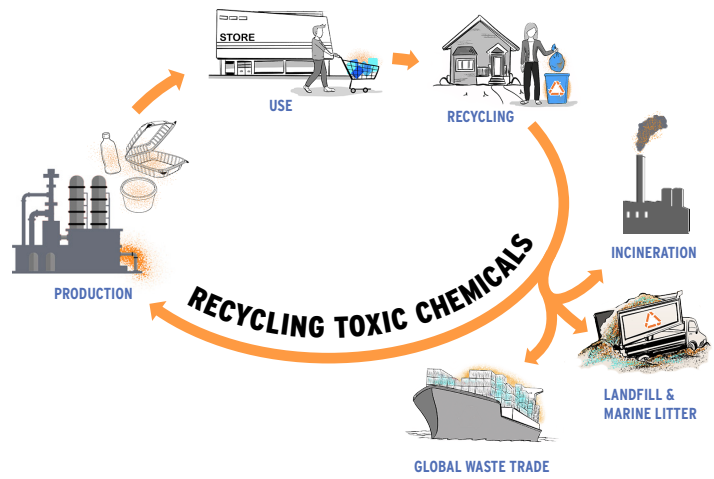
\*EC proposes to include PBDE sum (tetra-, penta-, hexa-, hepta-, decaBDE) into the limit value

\*\*EC proposes new approach to include dioxin-like PCBs into the limit for dioxins and furans (PCDD/Fs)

\*\*\*EC proposed options in this range for PCDD/Fs



Recycling POPs in wastes leads to contamination of new products, including toys, made of the recycle. This disrupts the circular economy by allowing POPs-rich material to circulate in our products and waste, and increases human exposure to vulnerable populations. Several industry sectors (mainly plastic, recycling, and waste incineration) are pushing EU regulators to set weak limits that would allow them to access more materials for recycling, even when they are heavily contaminated with POPs. If such POPs are recycled into new products, the public credibility of recycling and of the circular economy as a whole will be jeopardised.



The EU can set POPs standards that are consistent with the European Green Deal's ambitions, but this can only be achieved by suggesting strong POPs limit values for wastes. Establishing toxic-free material cycles, protecting public health and building confidence in recycled products will only be possible if European institutions ensure the recovery of clean waste streams into recycled products.

**THE PROBLEM: THE EUROPEAN COMMISSION CURRENTLY PROPOSES INDUSTRY FRIENDLY 'MIDDLE-GROUND' POP LIMITS FOR WASTE BASED ON ECONOMIC CRITERION INSTEAD OF STRONG AND HEALTH-PROTECTIVE VALUES.**

The methodology adopted by the EC to determine POPs limits suggests a range of values from strong limits that protect human health up to weak limits that are based on 'economic considerations' of the plastic, recycling, and waste incineration industry. Unfortunately, the EC 'recycle at all costs' approach neglects the serious harm for human health and related socioeconomic costs that can arise from recycling wastes that contain POPs - this translates into the current suggestion for middle-ground limit values.

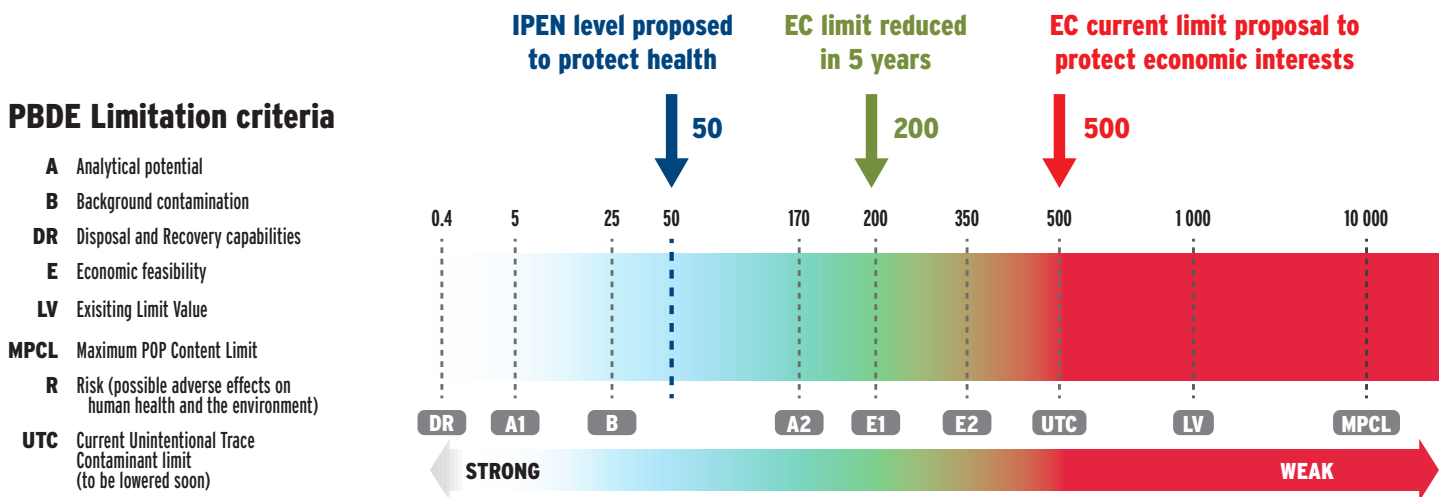
It is also important to mention that, with the adoption of such values, the downstream user industries will suffer from

obtaining recycled materials containing high levels of legacy chemicals which will further prevent them from increasing the use of recycled materials and their re-entering back to the economy.

Other factors such as the technical ability to measure low concentrations of POPs and their background levels in the environment are also considered in the methodology. The EC is proposing levels in the middle of this range, giving industry major concessions to allow POP-rich plastic and dioxin-rich ashes recycling while abandoning the precautionary principle and health protective POPs limits.

Using the PBDE example, Figure 1 shows the comparison between the recommended range of levels presented to the EC by its expert consultants, the weak levels proposed by the EC, and finally the strong and technically justifiable limits proposed by IPEN, Arnika and other civil society organizations.

The consultants also considered the following aspects: the levels at which analytical capability is reliable, the



background contamination levels in the environment, the disposal and recovery capability and the risk to public health and the environment. **IPEN, Arnika, and other European civil society organizations propose a level for PBDE of 50 mg/kg that can be implemented with current technology.**

The same methodological approach was used for all POPs. Options ranging from strong health protective limits to weak limits that protect economic interests were presented to the EC (see Table 1). In nearly all cases, the EC supported the levels more prone to protect economic and political interests above public health.

While some of the proposed EC limits for POPs are a slight improvement in comparison to the Basel Convention global Low POPs Content Levels, they are still far too weak to protect the environment and public health.

The transition to high-quality, toxic-free material cycles cannot co-exist with an approach that allows the recycling of POPs-containing wastes based on weak POPs limit values. By establishing strong POP limit values for waste, the EC can demonstrate global leadership, increase human health protection and promote the development of the circular economy free of contamination. On the contrary, adopting weak limit values will do more harm than good and reduce the long-term credibility of recycling. Establishing strong limit values for POPs in waste today will significantly promote the future of a toxic-free circular economy, because it will promote innovation in recycling, increase the pressure on industrial designers to remove POPs from products, and ensure that the circular economy is not poisoned in its infancy. **Therefore we strongly call on the European Parliament and Member States to support more ambitious limit values for POPs in waste than those proposed by the European Commission, as described in this briefing.**

**For more information kindly contact:**

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**SIGNED NGOS**

	Arnika - Toxics and Waste Programme (Czech Republic)		Réseau Environnement Santé (RES) (France)		Ecocity (Greece)
	International Pollutants Elimination Network (IPEN)		Health and Environment Justice Support (HEJSupport)		Women Engage for a Common Future (WECF)
	Health and Environment Alliance (HEAL)		Générations Futures (France)		Humusz Waste Prevention Alliance (Hungary)
	BUND - Friends of the Earth Germany		Tegengif (Netherlands)		ToxicoWatch Foundation (Netherlands)
	Center for International Environmental Law (CIEL)		The Cancer Prevention and Education Society (UK)		Friends of the Earth (Slovakia)
	ZERO - Association for the Sustainability of the Earth System (Portugal)		Armenian Women for Health and Healthy Environment (Armenia)		AlHem - Safer Chemical Alternative (Serbia)