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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.7.2008  
COM(2008) 413 final

**RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL**

**Concerning proposals, on behalf of the European Community together with the Member States, for amendments to Annex I of the Protocol on Persistent Organic Pollutants (POPs) under the UN-ECE Convention on Long-Range Transboundary Air Pollution**

## A. EXPLANATORY MEMORANDUM

1. The Executive Body of the UNECE Convention on Long-Range Transboundary Air Pollution (CLRTAP) adopted the Protocol on POPs in June 1998. The Protocol on POPs focuses currently on a list of 16 substances comprising eleven pesticides, two industrial chemicals and three unintentional by-products. The ultimate objective is to eliminate any discharge, emission and loss of these POP substances. The Protocol on POPs entered into force 23 October 2003. 29 Parties, including the Community and 21 Member States have ratified it<sup>1</sup>.
2. The Council adopted a Decision on the conclusion, on behalf of the European Community, of the Protocol on 19 February 2004<sup>2</sup>. The instrument for Community approval was deposited on 30 April 2004.
3. According to Article 14 of the Protocol, any Party may propose amendments to the Protocol and its annexes. The Parties meeting within the Executive Body shall discuss the proposed amendments and adopt them by consensus of the Parties present at the meeting.
4. Proposals to amend Annexes to the Protocol should only be done on behalf of the Community and its Member States, based on the obligation of cooperation and unity in the international representation of the community that flows from Article 10 of the EC Treaty.
5. With a view to starting the procedures towards negotiations on possible amendments of the Annexes to the Protocol, the Commission, with respect to matters falling within Community competence, has submitted in 2005 to the Executive Body of the Protocol, the proposal, on behalf of the Community and together with Member States which are Parties to the Convention, to amend the relevant Annexes of the Protocol by adding the following substances: Hexachlorobutadiene (HCBd); Commercial Octabromodiphenyl ether (c-OctaBDE); Pentachlorobenzene (PeCB); Polychlorinated naphthalenes (PCNs); Short-chained chlorinated paraffins (SCCPs); and Perfluorooctane sulfonate (PFOS).
6. According to available scientific information and review reports, endosulfan and trifluralin exhibit characteristics of POPs. The two substances have been evaluated under the Council Directive 91/414/EEC concerning the placing of plants protection products on the market<sup>3</sup>. As a result, plant protection products containing endosulfan have been totally and definitively withdrawn by December 2007<sup>4</sup> and plant protection products containing trifluralin

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<sup>1</sup> According to the most recent update on 18 September 2007 by the POPs secretariat.

<sup>2</sup> Council Decision 2004/259/EC of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants, OJ L81, 19.3.2004, p. 37.

<sup>3</sup> OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2005/58/EC (OJ L 246, 22.9.2005, p. 17).

<sup>4</sup> OJ L 317, 3.12.2005, p. 25.

should be totally and definitively withdrawn by December 2008<sup>5</sup>. Due to the potential for long-range environmental transport of these chemicals, the measures taken nationally or at Community level are not sufficient to safeguard a high level of protection of the environment and human health and wider international action is therefore necessary. The substances were nominated, by the Community and the Member States, to the Stockholm Convention on POPs in 2007. It is therefore appropriate that the Community and the Member States which are Parties to the Protocol, propose to amend the relevant Annexes to the Protocol by adding these two substances.

## **B. RECOMMENDATION**

In the light of the above, the Commission recommends that:

The Council authorises, with a view to starting the procedures towards negotiations on possible amendments of the Annexes to the UN-ECE Protocol on POPs, the Commission to submit to the Executive Body of the Protocol on POPs, in time for consideration by the next Meeting of the Executive Body in December 2008, the proposal, on behalf of the Community and together with Member States which are Parties to the Convention, to amend the relevant Annexes of the Protocol by adding the following substances to Annex I:

- Endosulfan
- Trifluralin

The Commission together with the Member States shall ensure that relevant information in support of the proposals is submitted to the Executive Body.

Done at Brussels,

*For the Council, The President*

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<sup>5</sup> Commission Decision of 20 September 2007 concerning the non-inclusion of trifluralin in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance. OJ L 255, 29.9.2007, p 42.