

The Swedish Chemicals Agency is supervisory authority under the Government. We work in Sweden, the EU and internationally to develop legislation and other incentives to promote good health and improved environment. We monitor compliance of applicable rules on chemical products, pesticides and substances in articles and carry out inspections. We review and authorise pesticides before they can be used. Our environmental quality objective is A Non-toxic Environment.

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Chemical requirements in the POPs Regulation

The EU's Regulation on persistent organic pollutants, known as the POPs Regulation (EC) No 850/2004, bans or restricts the manufacture and use of substances with particularly serious health and environmental properties. The POPs Regulation restricts substances in both chemical products and articles. As a result of the characteristics of these substances, international measures are necessary in order to stop the use and dispersal of these substances.

The POPs Regulation implements the requirements of two conventions

Regulation (EC) No 850/2004 on persistent organic pollutants (POPs) bans or restricts the manufacture of internationally regulated substances which are particularly problematic as a result of their characteristics which are harmful to human health and the environment. The Regulation also contains provisions concerning unintentionally arisen substances, waste management and environmental monitoring.

The Regulation is the EU's tool for regulating substances listed in the global Stockholm Convention and the regional POPs protocol under the Convention on Long-Range Transboundary Air Pollutants (CLRTAP).

The POPs Regulation applies directly in all EU Member States. This means that the Regulation does not need to be incorporated into Swedish legislation. The Swedish Chemicals Agency and the Swedish Environmental Protection Agency are jointly responsible for monitoring, driving and reporting on the Swedish work relating to the POPs Regulation.

The POPs Regulation contains four annexes. These annexes list substances which are covered by specific provisions. Annex I is of particular relevance for manufacturers, importers and distributors of chemicals and articles.



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Examples of articles made of soft PVC plastic that may contain short chained chlorinated paraffins (SCCP).

- Annex I lists prohibited substances. In accordance with Article 3 of the Regulation, these substances may not be manufactured, placed on the market or used separately, in preparations or as constituents in articles except in accordance with the conditions set out in the annex.
- Annex II can specify substances which are covered by restrictions (no substances are currently specified).
- Annex III specifies substances which are covered by provisions concerning emission reductions. For these substances, the individual countries can establish and continually update release inventories with regard to emissions into the atmosphere, water and ground.
- Annex IV specifies substances which are covered by provisions concerning waste management.

If a POPs substance is regulated in other EU legislation, such as the REACH Regulation, and then becomes regulated in the Stockholm Convention or CLRTAP, the substance has so far been transferred to the POPs Regulation. This is done to ensure that the substance is not regulated in a number of regulations. This has been done for perfluorooctanesulphonic acid (PFOS) and short-chain chlorinated paraffins (SCCP). Note that the table below gives examples of the substances that are regulated in the POPs Regulation and where they occur. For the complete list of regulated substances, see the annexes to the Regulation.

Examples of substances regulated in the POPs Regulation	
Annex I	Example uses
Tetra-/penta-/hexa-/hepta-bromodiphenyl ether (BDE)	Flame retardants
Hexabromodiphenyl (HBB)	Flame retardants
Perfluorooctanesulphonic acid (PFOS)	Metal industry, hydraulic oils for aircraft, electronic products, fire-fighting foam, textiles, impregnation
DDT	Pesticides
Endosulfan	Pesticides
Hexachlorobenzene	Fireworks, pesticides
SCCP (short-chain chloro-paraffins)	Impregnation, flame retardants, plasticisers in PVC plastics

What are POPs substances?

POPs stands for *Persistent Organic Pollutants*. These substances are environmental toxins which are hazardous in low concentrations. POPs substances:

- are dispersed across international borders via the aquatic environment and atmosphere far from the point of emission
- persist in nature for a long period of time, accumulate in living organisms and are present in higher concentrations the higher up the food chain the animal occurs
- expose both humans and animals to serious health risks such as cancer, reproduction disorders and disruption of foetal development.

Exposure to POPs substances remains an environmental and health problem. One of the biggest problems relates to diffuse sources for dispersal of the substances, primarily via imported articles. It is therefore vital that POPs substances in chemicals and articles are phased out. To ensure that materials from articles containing POPs are not reused or recycled, special measures are required during the recycling and waste phase. More information on this is available in the Swedish plan for implementation of the Stockholm Convention, which can be accessed via the link in the Links box.

How are POPs substances selected?

The Stockholm Convention is a global convention under the United Nation's environmental programme and entered into force in 2004. The number of regulated substances has risen from 12 to the current figure of 28. Sweden has been a party since 2002. The EU is also a party and has exclusive rights on behalf of the EU Member States to present proposals for substances. The Convention's expert committee draws up recommendations concerning measures on a scientific basis. With the support of these recommendations, the parties to the Convention decide on measures. The parties to the Convention meet every other year.

For EU Member States, decisions taken by parties take effect after one year if the EU does not request a deviation because it is unable to meet the requirements of the Convention. From the time of submission of a proposal to the Stockholm Convention, it takes at least four years before the substance is listed in the EU's POPs Regulation. In some cases, the rules in the POPs Regulation are extend further than the requirements in the Stockholm Convention.

The Convention on Long-Range Transboundary Air Pollutants under the United Nations Economic Commission for Europe (UN-ECE, CLRTAP) entered into force in 1983. This Convention covers eight protocols that identify specific measures, of which the POPs protocol from 2003 is one. More information can be found on the Swedish Environmental Protection Agency's website which can be reached through the link in the Links box.

What does it mean that a substance is regulated in the POPs Regulation?

Anyone who manufactures, imports or sell chemicals or articles must ensure that the product fulfils the requirements stipulated in the POPs Regulation. A knowledge of the substances that a product or articles consist of is

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Through the POPs Regulation, fire fighting foam containing PFOS is now prohibited..

required. In some cases, it may be necessary to request test results or to actually test the articles in order to be certain about its contents. You can facilitate this process by establishing a good relationship with your supplier.

As the distribution of substances, particularly substances in articles, is often global, international collaboration is required in order to increase the level of knowledge of substances in articles, including POPs substances. The UN's environmental programme within the global chemical strategy (Strategic Approach to International Chemicals Management, SAICM) has therefore developed a programme concerning the way in which manufacturers and importers can improve the

Explanation of terms

To ensure the consistent use of terminology across the chemical legislation, the Swedish Chemicals Agency uses the terms **articles** and **chemical products** in this factsheet.

Article has the same meaning as the term product. The Regulation uses the term article.

Chemical products has the same meaning as mixtures and preparations. The Regulation uses the term preparation.

information available concerning chemicals in articles. Linked to the programme is a guide to how you as a company can work systematically in order to improve your knowledge. You will find the programme and the guide via links in the Links box.

Are there any exemptions from the prohibitions and restrictions in the Regulation?

Article 4 of the Regulation contains general exemptions from the provisions concerning the prohibitions. These exemptions apply to substances used for laboratory research or as a reference standard for chemical analysis and to substances which arise as unintentional trace contaminants in substances, mixtures or articles. Substances which are present as constituents in articles which were already in use before the Regulation entered into force are also exempt. There are also special substance-specific exemptions in connection with the regulation of the respective substances in Annex I.

What can these exemptions entail?

Two examples of frequently asked questions are given below:

1. Are short-chain chloroparaffins (SCCP) completely prohibited in articles?

As SCCPs are listed in Annex I, SCCP may not be present in articles. Specifically stipulated exemptions from this prohibition apply to articles which contain SCCP at concentrations of less than 0.15 percent by weight or 1500 ppm. There is also an exemption for conveyor belts in the mining industry and sealants in dams which were already in use by 4 December 2015. It is also permitted to use SCCP in other articles which were already in use before 10 July 2012.

2. Are short-chain chloroparaffins (SCCP) completely prohibited in chemical products?

As SCCP is listed in Annex I, SCCP may not occur either as a separate substance or as a constituent in mixtures. Specifically stipulated exemptions from this prohibition apply to substances or mixtures which contain SCCP in concentrations below 1 percent by weight or 10,000 ppm.

Penal provisions

According to the POPs Regulation, Member States are responsible for laying down rules on penalties applicable to infringements of the provisions of the Regulation. In Sweden, penal provisions have been introduced in

Chapter 29 Section 3(4) of the Environmental Code. In cases where a chemical product or article contains prohibited concentrations of POPs, the Swedish Chemicals Agency may prohibit the sale of the chemical product or article. The party that sold the chemical product

or article may be required to take it back from other actors on the market and from consumers who have purchased it. We also report suspected breaches to the environmental crimes prosecutor.

Links:

The POPs Regulation:

<http://eur-lex.europa.eu/legal-content/SV/TXT/HTML/?uri=CELEX:02004R0850-20151204&qid=1450270037326&from=EN>

The Swedish Chemicals Agency's information about the Regulation:

<https://www.kemi.se/en/directly-to/rules-and-regulations/additional-eu-rules/persistent-organic-pollutants-pops-regulation>

The Swedish Environmental Protection Agency's information about the Regulation:

<http://www.naturvardsverket.se/Stod-i-miljoarbetet/Rattsinformation/Direktiv/Langlivade-organiska-foreningar/> (in Swedish)

The Stockholm Convention:

<http://chm.pops.int/Default.aspx>

Sweden's most recent action plan regarding the Stockholm Convention:

<http://www.naturvardsverket.se/Om-Naturvardsverket/Publikationer/ISBN/6400/978-91-620-6498-3/> (in Swedish)

The Persistent Organic Pollutants Review Committee:

<http://chm.pops.int/TheConvention/POPsReviewCommittee/OverviewandMandate/tabid/2806/Default.aspx>

Protocol on Persistent Organic Pollutants (POPs):

http://www.unece.org/env/lrtap/pops_h1.html

Naturvårdsverkets information om FN:s luftvårdskonvention (CLRTAP):

<http://www.naturvardsverket.se/Miljoarbete-i-samhallet/EU-och-internationellt/Internationellt-miljoarbete/miljokonventioner/Luftvard/> (in Swedish)

The UN's environmental programme regarding Chemicals in products (CiP):

<https://www.unenvironment.org/explore-topics/chemicals-waste/what-we-do/emerging-issues/chemicals-products>

SAICM, link to the programme:

http://www.saicm.org/Portals/12/Documents/saicmtxts/New%20SAICM%20Text%20with%20ICCM%20resolutions_E.pdf

SAICM, link to guidance:

<http://www.saicm.org/Portals/12/Documents/OOG%20document%20English.pdf>