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# Potential ECHA tasks under the EU POP Regulation

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## Key messages

A proposal to recast the POPs-Regulation[1] is currently in the final stage of approval in the European Commission. ECHA is envisaged to receive with the Recast new tasks with regard to the administrative, technical and scientific aspects of the implementation of this Regulation and the exchange of information. The tasks link to or are analogous to ECHA's current work in several areas (e.g. SVHC identification, restrictions, biocides, PIC) and therefore suit well to ECHA's draft strategic priorities.

ECHA has a very good technical and scientific capability to take over the planned tasks. The new responsibilities would also provide synergies with current ones and vice versa. However, ECHA is concerned that the resources currently proposed in the legislative financial statement to carry out the envisaged duties are significantly underestimated.

## Background

Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants ("POPs-Regulation") implements since 2004 the commitments of the Union under two international conventions[2] regulating persistent organic pollutants (POPs), whereas the majority of the international work takes place under the Stockholm Convention. The Commission is currently in the process of finalising the drafting of a Recast of the POPs-Regulation, which in the next step will be forwarded to the ordinary legislative procedure of the Union.

As previously informed in the context of discussions on potential new tasks of ECHA, the Commission plans to allocate to ECHA tasks to support the implementation of the POPs Regulation. These are outlined, among other elements, in the draft Recast. ECHA's management has had several opportunities to provide input and comments on the planned tasks and the related resource planning.

The duties planned for ECHA are not new in the context of the EU's work on POPs, but these have so far been carried out by the Commission and their contractors. However, the Recast will likely introduce some streamlining elements as well as few further specifications to the already existing frame of work.

Already today ECHA has an indirect role related to POPs. ECHA facilitates further data generation and PBT/vPvB assessment via the evaluation processes under REACH and the BPR and supports hereby also the MSCAs. ECHA's PBT Expert Group provides advice on assessment cases and has also provided advice on several POP assessments. SVHC identification based on MSCAs' proposals in particular has been a springboard for identifying potential POPs, and ECHA has managed the restriction process on proposals prepared by MSCAs to support the work on adding new POPs to the Stockholm Convention.

[1] Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7.).

[2] the Stockholm Convention on Persistent Organic Pollutants ('the Convention') approved by Council Decision 2006/507/EC[2] and the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants ('the Protocol') approved by Council Decision 2004/259/EC. The work takes generally only place under the Convention.

## Rationale

DG Environment is responsible within the Commission for policy development and implementation of the POPs-Regulation in the EU, including the adoption of legislation, and for all international obligations stemming from the Convention. DG Environment represents the European Union at Convention level, participates in the Persistent Organic Pollutants Review Committee (POP RC), and plays a leading role in the international negotiations.

ECHA's foreseen function is to support the Commission in fulfilling the Union's obligations on POPs. The planned responsibilities can be divided into two main categories:

**Work in relation to listing substances in the Stockholm Convention**

Support to the Commission in the process of adding new substances to the Stockholm Convention and reviewing risk management measures of already included substances:

- Generation of proposal documents (1-2 per year) for identifying new substances which might fulfil the criteria of POPs
- Generation of risk profile documents for substances having been confirmed to fulfil the POP criteria (1-2 per year)
- Generation of risk management evaluation documents for identification of appropriate risk management measures under the Stockholm Convention (1-2 per year)
- Contribution to other POP Review Committee work
- Participation in POP Review Committee meetings (with 1-2 experts)

**Reporting, monitoring and enforcement**

- Reception, registration and storage of notifications, data and maps related to the reporting obligations, information on stockpiles, release inventories, national implementation plans and national implementation reports from the Member States (frequency depends on the task)
- Establishing and maintaining a website on POPs (continuous)
- Facilitation and promotion of information exchange on POPs among various EU actors and ensuring suitable distribution and publication of the collected information (continuous)
- Updating the Union implementation plan (every 2 years)
- Generating or supporting the generation of required reports (e.g., Union implementation report every 4 years, Union synthesis report on the application of the POPs-Regulation every 4 years)
- The Forum for Exchange of Information on Enforcement under REACH is envisaged to assume a coordinative role in supporting the enforcement of the POPs-Regulation by the Member States
- IT-tools adaptation and maintenance serving the tasks outlined above

ECHA has the expertise required for the work under the Stockholm Convention in substance identity determination, PBT/vPvB-assessment, exposure assessment, risk management and socio-economic analysis. ECHA currently functions as a hub for expertise on PBT/vPvB assessment in Europe by, e.g., defining the regulatory assessment and socio-economic analysis approaches for PBT/vPvB and facilitating their further development, SVHC identification of PBT/vPvB substances and coordination of ECHA's PBT expert group. The new responsibilities related to POPs would allow in a natural way to harness ECHA's scientific expertise even more for international activities. Also ECHA's current other duties, e.g., those related to the PIC-Regulation and the BPR bring synergies to the envisaged work on POPs, and *vice versa (*e.g., by broadening the substance pool for the search of potential POPs).

ECHA also has strong experience and expertise in data management of various data formats, as

well as in reporting and publication of information. However, the data reception, management and reporting obligations on POPs have not yet been analysed and may require some specific adaptations of supporting IT-tools.

Implementation of regulatory processes in a transparent and predictable manner, including organisation of appropriate consultations of interested parties (industry, public, MSCAs, academia) is ECHA's daily business. Such experience can also be expected to benefit the POP work within the EU when the new responsibilities will be handed over to ECHA. The upcoming tasks of ECHA have already been recognised by industry stakeholders, and they seem to be positive about ECHA taking on this new role.

## Drawbacks

From the initial discussions with the Commission and further internal reflections, it was concluded that the activities described above could be carried out by 2 FTE, provided that the number of documents to be generated by ECHA for the work under the Convention remains low (1 to 3 per year). This estimate has also been included in the draft SPD for 2019-2021. ECHA anticipates that the tasks related to the work under the Convention may already take the major part of this resource in the coming few years: generation of the foreseen documents by ECHA one per year each document type would mean detailed assessment and information collection work on ca. 2-3 substances per year, whereas the additionally expected support of the Commission in the POP Review Committee–work on other substances is not a minor effort either: on average 4-7 substances per year are in the work program of the Committee in total. The additional tasks in terms of reporting, monitoring, awareness raising and enforcements will need to be carried out by many different staff members spread among different parts of the Agency, which provides an additional management challenge.

ECHA has understood that in the final commission proposal that is undergoing inter-service consultation the Commission has proposed to make available only one Contract Agent post which is clearly a concern. ECHA will continue further discussion with the Commission services during the further legislative process to achieve a more appropriate staff level that is in balance with the foreseen tasks for the Agency.

The budget appropriations for an amount of EUR 369,000 (of which EUR 100,000 is for staff expenditure and EUR 269,000 of operational expenditure) has been added to the 2019 budget line 'Activities in the field of legislation on import and export of dangerous chemicals' (PIC). It is proposed to reduce this amount for 2020 to EUR 263,000.

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