

# Commission proposal- Recast of Persistent Organic Pollutants (POPs) Regulation

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Eurelectric position paper

August 2018

Eurelectric represents the interests of the electricity industry in Europe. Our work covers all major issues affecting our sector. Our members represent the electricity industry in over 30 European countries.

We cover the entire industry from electricity generation and markets to distribution networks and customer issues. We also have affiliates active on several other continents and business associates from a wide variety of sectors with a direct interest in the electricity industry.

## We stand for

The vision of the European power sector is to enable and sustain:

- A vibrant competitive European economy, reliably powered by clean, carbon-neutral energy
- A smart, energy efficient and truly sustainable society for all citizens of Europe

We are committed to lead a cost-effective energy transition by:

**investing** in clean power generation and transition-enabling solutions, to reduce emissions and actively pursue efforts to become carbon-neutral well before mid-century, taking into account different starting points and commercial availability of key transition technologies;

**transforming** the energy system to make it more responsive, resilient and efficient. This includes increased use of renewable energy, digitalisation, demand side response and reinforcement of grids so they can function as platforms and enablers for customers, cities and communities;

**accelerating** the energy transition in other economic sectors by offering competitive electricity as a transformation tool for transport, heating and industry;

**embedding** sustainability in all parts of our value chain and take measures to support the transformation of existing assets towards a zero carbon society;

**innovating** to discover the cutting-edge business models and develop the breakthrough technologies that are indispensable to allow our industry to lead this transition.

# Commission proposal - Recast of Persistent Organic Pollutants (POPs) Regulation

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In the European Union, the use of polychlorinated biphenyls (PCBs), a persistent organic pollutant (POP), in transformers is being phased out gradually. Equipment containing more than 5 litres of PCBs had to be decontaminated and/or disposed of at the latest by the end of 2010, except for transformers containing between 0.05 % and 0.005 % by weight of PCBs, which can be disposed of at the end of their useful lives.

On 22 March, the Commission published a proposal for a Regulation on persistent organic pollutants (POPs), a recast of existing POP Regulation (EC) n° 850/2004. It aims at: updating provisions on reporting and monitoring in order to reduce the administrative burden on Member States; giving a new role to the European Chemicals Agency; and updating the Annexes in order to comply with the Annexes of the Stockholm Convention on POPs.

Eurelectric is concerned by the way the annexes of the Stockholm Convention have been translated into the Commission proposal in Annex I, Part A, going beyond the Convention's requirement.

On the one hand, Article 3 of the Stockholm Convention sets out the prohibition on chemicals listed in Annex A subject to provisions of that Annex. Annex A, Part I lists PCBs as a prohibited chemical but has listed beside it a specific exemption for "Articles in use in accordance with provision of Part II of this Annex".

Part II (a) of Annex A states that:

"Each Party shall:

(a) With regard to the elimination of the use of polychlorinated biphenyls in equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) by 2025, subject to review by the Conference of the Parties, take action in accordance with the following priorities:

- (i) Make determined efforts to identify, label and remove from use equipment containing greater than 10 per cent polychlorinated biphenyls and volumes greater than 5 litres;
- (ii) Make determined efforts to identify, label and remove from use equipment containing greater than 0.05 per cent polychlorinated biphenyls and volumes greater than 5 litres;
- (iii) Endeavour to identify and remove from use equipment containing greater than 0.005 percent polychlorinated biphenyls and volumes greater than 0.05 litres;"

On the other hand, the text inserted in Annex I, Part A of the proposed recast of the POPs Regulation to replicate point (iii) makes it a requirement for Member States to "identify and remove from use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0.005 % PCBs and volumes greater than 0.05 dm<sup>3</sup>, as soon as possible but no later than 31 December 2025".

The change in wording from “shall endeavour to identify and remove” to “shall identify and remove” introduces a more prescriptive and onerous obligation for the use of PCBs in, amongst other things, transformers. Not only is it inconsistent with the stated aim of the proposed recast of the POPs regulation, i.e. to update the Annexes in order to comply with the Stockholm Convention; it represents a policy change that has not been consulted upon and has not been subject to an associated and necessary impact assessment.

Eurelectric supports the aim of the Stockholm Convention and an ambitious EU environmental policy. We want to stress that the change in policy between the Stockholm Convention and the proposed recast would introduce a significant cost to the energy system to test equipment for PCBs and remove transformers before the end of their useful lives. Eurelectric asks for a return to the original text of the Stockholm Convention which still facilitates a progressive removal of such equipment over time: we support amendment 50 submitted by EP rapporteur, Ms Julie Girling (EPP-UK). We acknowledge the importance of environmental protection from chemical exposure and it may ultimately be appropriate to put forward such policy proposal. Any further change in policy as proposed in the draft regulation should be consulted upon and be the subject of an appropriate impact assessment.

Eurelectric pursues in all its activities the application of the following sustainable development values:

Economic Development

- Growth, added-value, efficiency

Environmental Leadership

- Commitment, innovation, pro-activeness

Social Responsibility

- Transparency, ethics, accountability



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