

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2021/277

of 16 December 2020

amending Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants as regards pentachlorophenol and its salts and esters

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants ⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

- (1) Regulation (EU) 2019/1021 implements the commitments of the Union under the Stockholm Convention on Persistent Organic Pollutants ⁽²⁾ and under the Protocol on Persistent Organic Pollutants to the 1979 Convention on Long-Range Transboundary Air Pollution ⁽³⁾.
- (2) Pursuant to Article 3(1) of Regulation (EU) 2019/1021, the manufacturing, placing on the market and use, whether on their own, in mixtures or in articles, of substances listed in Annex I to that Regulation are prohibited, subject to Article 4 of that Regulation.
- (3) Pentachlorophenol and its salts and esters are listed in Annex I to Regulation (EU) 2019/1021 without an Unintentional Trace Contaminant (UTC) limit value.
- (4) Article 15(1) of Regulation (EU) 2019/1021 empowers the Commission to adopt delegated acts to modify existing entries of Annex I to adapt them to scientific and technical progress.
- (5) The Commission has determined the presence of pentachlorophenol and its salts and esters as an impurity in some articles, including imported textiles and recovered wood chips for the production of wood panels.
- (6) To allow the continuation of recycling of wood chips and to facilitate enforcement, a UTC limit of 5 mg/kg (0,0005 % by weight) should be set for pentachlorophenol and its salts and esters.
- (7) Regulation (EU) 2019/1021 should therefore be amended accordingly,

⁽¹⁾ OJ L 169, 25.6.2019, p. 45.

⁽²⁾ OJ L 209, 31.7.2006, p. 3.

⁽³⁾ OJ L 81, 19.3.2004, p. 37.

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2019/1021 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Part A of Annex I to Regulation (EU) 2019/1021, in the fourth column ('Specific exemption on intermediate use or other specification') of the entry for pentachlorophenol and its salts and esters, the following text is added:

'For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of pentachlorophenol and its salts and esters equal to or below 5 mg/kg (0,0005 % by weight) where they are present in substances, mixtures or articles.'
