



2024/2555

27.9.2024

COMMISSION DELEGATED REGULATION (EU) 2024/2555

of 21 March 2024

amending Regulation (EU) 2019/1021 of the European Parliament and of the Council as regards hexabromocyclododecane

(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⁾ ('the Convention') and under the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants ⁽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) Hexabromocyclododecane (HBCDD) is listed in Annex I to Regulation (EU) 2019/1021 with an Unintentional Trace Contaminant (UTC) limit value of 100 mg/kg (0,01 % by weight) where it is present in substances, mixtures, articles or as constituents of the flame-retarded articles. That UTC limit value is subject to review by the Commission.
- (4) Manufacturing, placing on the market and use of HBCDD in the Union have been largely phased out. Due to past and current recycling activities HBCDD occurs in recycled plastics and products made therefrom. There are concerns that new applications of recycled polymeric material that in its original application had been flame-retarded has led to the undesirable presence of restricted brominated flame retardants in goods such as children's toys, food-contact articles and polystyrene packaging.
- (5) Considering the presence of HBCDD in various waste streams and its relevance for recycling activities since the substance has been identified as a persistent organic pollutant, the concentration of this toxic substance in products should be as low as possible in order to minimise exposure and thus protect human health and the environment.
- (6) While current recycling of EPS is limited, it is expected that the recycling of demolition EPS insulation will grow extensively in volume in the next decades.
- (7) Innovative technologies, including solvent-based recycling processes, are being developed for viable and environmentally friendly recycling. The solvent-based recycling technology already in use for the recycling of construction and demolition waste into polystyrene pellets, which can be used for new XPS or EPS articles, is relatively new, yet promising, and additional data and information will be generated through its further implementation and upscaling, allowing further improvements to the process and providing a more solid evidence base for decision-making.
- (8) The current limits of quantification of analytical methods used to determine HBCDD concentrations in substances, mixtures or articles do not allow for a reliable measurement for a significantly lower UTC limit value than the one that is currently in place, thus creating challenges for enforcement authorities.

⁽¹⁾ OJ L 169, 25.6.2019, p. 45, ELI: <http://data.europa.eu/eli/reg/2019/1021/oj>.

⁽²⁾ OJ L 209, 31.7.2006, p. 3, ELI: <http://data.europa.eu/eli/convention/2006/507/oj>.

⁽³⁾ OJ L 81, 19.3.2004, p. 37, ELI: <http://data.europa.eu/eli/prot/2004/259/oj>.

(9) Regulation (EU) 2019/1021 should therefore be amended accordingly,

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, 21 March 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In the table of Part A of Annex I to Regulation (EU) 2019/1021, the entry 'Hexabromocyclododecane – "Hexabromocyclododecane" means: hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha-hexabromocyclododecane; beta-hexabromocyclododecane; and gamma-hexabromocyclododecane', in the fourth column ('Specific exemption on intermediate use or other specification'), point 1 is replaced by the following:

1. For the purposes of this entry, Article 4(1), point (b), shall apply to concentrations of hexabromocyclododecane equal to or below 75 mg/kg (0,0075 % by weight) where it is present in substances, mixtures, articles or as constituents of the flame-retarded articles. For the use of recycled polystyrene in the production of EPS and XPS insulation material for use in buildings or civil engineering works, point (b) shall apply to concentrations of hexabromocyclododecane equal to or below 100 mg/kg (0,01 % by weight). The exemptions laid down in this point 1 shall be reviewed and assessed by the Commission by 1 January 2026.'