Commission Delegated Regulation (EU) 2020/1203 of 9 June 2020 amending Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council as regards the entry for perfluorooctane sulfonic acid and its derivatives (PFOS) (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/1203

of 9 June 2020

amending Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council as regards the entry for perfluorooctane sulfonic acid and its derivatives (PFOS)

(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 on Persistent Organic Pollutants to the 1979 Convention on Long-Range Transboundary Air Pollution[(3)] ('the Protocol').

(2) Annex B to the Convention ('Restriction') contains a list of chemicals for which each Party to the Convention is required to restrict their production, use, import and export in light of any applicable acceptable purpose and/or specific exemption listed in that Annex.

(3) The Conference of the Parties to the Convention has, pursuant to Article 8(9) of the Convention, decided in its ninth meeting to amend Annex B to the Convention in relation to the acceptable purposes and specific exemptions for perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF). The Conference of the Parties decided to amend the acceptable purpose for the use of PFOS, its salts and PFOSF for metal plating (hard metal plating) only in closed-loop systems to a specific exemption.

(4) The amendment of the acceptable purpose for the use of PFOS, its salts and PFOSF for metal plating (hard metal plating) only in closed-loop systems to a specific exemption has the effect that Parties are allowed to use that exemption for a maximum period of five years after the entry into force of that amendment. The exemption may be extended for additional five years following a decision by the Conference of the Parties upon request by a Party and based on a justification of the continuing need for that use. Consequently, the entry in Part A of Annex I to Regulation (EU) 2019/1021 for

perfluorooctane sulfonic acid and its derivatives (PFOS) should be amended to reflect the obligations under the Convention.

(5) 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, 9 June 2020.

For the Commission

The President

Ursula VON DER LEYEN