



Statement regarding the Proposal for a Regulation on Persistent Organic Pollutants (recast)

In light of the European Commission's proposal for a Regulation on persistent organic pollutants (POP), a recast of exiting POP Regulation (EC) 850/2004, GEODE – the voice of local distribution system operators (DSOs) across Europe – would like to draw your attention to what we believe is in contradiction to the stated aim.

The main objective of the proposed recast is to update the Regulation Annexes in order to comply with the revised Annexes of the Stockholm Convention on Persistent Organic Pollutants.

GEODE supports this intent, with the understanding the aim is to ensure that the EU continues to comply with the obligations of the Convention, and to ensure the proper functioning of the POPs Regulation.

However, GEODE firmly believes the proposal as currently drafted goes beyond that stated aim. In particular the text associated with the entry for Polychlorinated Biphenyls (PCB) in Annex I, Part A of the Regulation has been changed to now include, alongside the existing text:

"Member States shall 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 dm³, as soon as possible but no later than 31 December 2025."

This proposal would enforce a more prescriptive, onerous and time-critical obligation on our members than the relevant Stockholm Convention text (Part II (a) (iii) of Annex A), which includes the requirements to *"endeavour to identify and remove"*. GEODE's understanding of the latter wording and current POP Regulation is that the use of PCBs could continue to remain applicable until 2025 or until the end of the useful life of the respective equipment should removal not be possible before that deadline.

The implementation of the proposed requirement – which had not been flagged or consulted upon and without any cost-benefit analysis – both represents a significant change in policy and puts the POP Regulation out of line with the Stockholm Convention.

Moreover, in some EU Member States, such as Ireland, the UK, Sweden and Spain, this represents an unachievable logistical challenge and a disproportionate and unjustified cost to their energy customers relative to the environmental risks posed by equipment containing very small amounts of PCBs remaining in service until safe disposal or the removal at the end of its useful life. In Ireland, less than 1 pole mounted transformer out of every 100,000 may contain PCBs, but every 100,000 will need to be checked, at disproportionate cost.

GEODE members have been and will continue to endeavour to identify and remove PCBs from equipment on their networks in alignment with the Stockholm Convention. Accordingly, we firmly believe the proposed text should be amended to bring it back in line with the current text of the entry for PCBs in Annex I, part A of the Regulation.

In light of the above, GEODE strongly supports the Rapporteur Julie Girling's proposed amendment (Amendment 50).