4th IMPLEMENTATION PLAN FOR THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

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Vlaanderen is milieu

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Each Party to the Stockholm Convention - individual states as well as the European Union as a regional integration organisation - has to establish an Implementation Plan to show the concrete actions and measures related to the POPs listed in the Convention.

This document presents the 4th Belgian National Implementation Plan (NIP) since the entry into force of the Stockholm Convention in 2004 and it addresses the amendments adopted at the 8th and 9th Conference of the Parties (COP) held in 2017 and 2019, respectively.

- At COP-8 the decision was made to amend Annexes A and C of the Convention by listing Decabromodiphenyl ether (commercial mixture, **c-decaBDE**) and short-chain chlorinated paraffins (**SCCPs**) in Annex A with specific exemptions as well as further extending the listing of hexachlorobutadiene (**HCBD**) to both Annex A and C.

- At COP-9 further decisions were made to add dicofol (no exemptions) and perfluorooctanoic acid (**PFOA**), its salts and PFOA related compounds (with specific exemptions) to Annex A of the Convention.

Please note that this document complements the Union Implementation Plan (UIP) submitted by the Commission on behalf of the Union on 07/10/2021 (COM(2021) 408 final)[1] and it addresses the issues that do not belong to the Union competence (e.g enforcements, soil protection, site contaminated, ...).

As regards to implementation of the basic obligations of the Stockholm Convention :

- **Elimination of intentional manufacture and use of POPs (as per Article 3(1))**

Legal measure covering these obligations is adopted at the European Union level :

  - Regulation (EU) 2019/1021 (referred as the "POP" regulation) – article 3.1

The POP regulation (article 3.1) requires that the manufacturing, placing on the market (including the import) and use of substances listed in Annex I, whether on their own, in mixtures or in articles, shall be prohibited. HCBD and SCCP are both listed in Annex I without any exemption. For c-decaBDE and PFOA some exemptions are granted (see annex 1 of the POP regulation).

This measure is directly applicable in all EU-Member States. So there is no need for further legislative measures at Member State level. Please refers to the UIP for further details (section 5.1, pages 114-131).

Border and market surveillance by the Member States is a necessity.

Controls are done at the national level and/or coordinated at the European level through the European Chemicals Agency (ECHA) forum on enforcement information exchange (see the outcome of the REACH-EN-FORCE project on "Integrated chemical control of products" (REF 10) carry out in 2021).

Information on enforcement activities, infringements and penalties are reported to the European Commission and ECHA at least every three years as per article 13.1 of the POP regulation. This information is then compiled and published by ECHA into a Union overview report.

[1] http://www.pops.int/Implementation/NationalImplementationPlans/NIPTransmission/tabid/253/Default.aspx

- **Elimination of import and export of POPs (as per Article 3(2))**

Legal measures covering these obligations are adopted at the European Union level :

  - Regulation (EU) 2019/1021 – article 3.1 for import (see previous section)
  - Regulation (EU) No 649/2012 (referred as the "PIC" regulation) – article 15.2 for export

The PIC regulation (article 15.2) requires that chemicals and articles the use of which is prohibited in the Union for the protection of human health or the environment, as listed in Annex V, shall not be exported. HCBD and SCCP are both listed in Annex V. For c-decaBDE and PFOA, their export is allowed if all the requirements of the PIC regulation are met (including an annual export notification procedure).

These measures are directly applicable in all EU-Member States. So there is no need for further legislative measures at Member State level. Please refers to the UIP for further details (section 5.2, pages 131-132).

Effective border control by Member States is a necessity.

Imports controls are done at the national level and/or coordinated at the European level through the European Chemicals Agency (ECHA)'s Enforcement Forum (see the outcome of the REACH-EN-FORCE project on "Integrated chemical control of products" (REF 10) carry out in 2021).

Information on enforcement activities regarding import or placing on the market, infringements and penalties are reported to the European Commission and ECHA at least every three years as per article 13.1 of the POP regulation. This information is then compiled and published by ECHA into a Union overview report.

Exports controls are done at the national level and/or coordinated at the European level through the European Chemicals Agency (ECHA)'s Enforcement Forum (see the final report of the pilot project on the control of PIC).

Information on enforcement activities, infringements and penalties are reported to the European Commission every three years as per article 22.1 of the PIC regulation. This information is then compiled and a summary is published by the European Commission (see the first report covering the reporting period 2014-2016 and published in 2018).

- **Prevention of the production and use of new chemicals exhibiting characteristics of POPs (as per Article 3(3))**

Manufacture and placing on the market of POP like substances can in principle be effectively prevented within the existing regulatory frameworks for chemicals :

  - REACH Regulation (EC) No 1907/2006 (for chemicals)
  - Regulation (EC) No 1107/2009 (for plant protection products)
  - Regulation (EU) No 528/2012 (for biocidal products)

These measures are directly applicable in all EU-Member States. So there is no need for further legislative measures at Member State level. See the UIP for further details (section 5.3, pages 132-133).

- **Assessing and controlling chemicals in use (as per Article 3(4))**

Article 3(4) requires Parties to take into consideration within assessment schemes for pesticides and chemicals in use, the criteria in paragraph 1 of Annex D when conducting assessments of pesticides and chemicals.

Legal measure covering this obligation is adopted at the European Union level :

- Regulation (EU) 2019/1021 – article 3.3

This measure is directly applicable in all EU-Member States. So there is no need for further legislative measures at Member State level. Please refers to the UIP for further details (section 5.4, page 133).

- **General exemptions (as per Article 3(5))** applying to chemical used for laboratory-scale research or as a reference standard, or occurring as unintentional trace contaminant in products and articles, or occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation.

Legal measure covering these obligations is adopted at the European Union level :

- Regulation (EU) 2019/1021 – article 4

The POP regulation (article 4) provides exemptions from control measures :

- In the case of :
  - (a) a substance used for laboratory-scale research or as a reference standard ;
  - (b) a substance present as an unintentional trace contaminant, as specified in the relevant entries of Annex I or II, in substances, mixtures or articles.
- For a six-month period if that substance is present in articles produced before or on the date that this Regulation becomes applicable to that substance.
- In the case of a substance present in articles already in use.

These measures are directly applicable in all EU-Member States. So there is no need for further legislative measures at Member State level. See the UIP for further details (section 5.5, pages 134).

Border and market surveillance by the Member States is a necessity.

Controls are done at the national level and/or coordinated at the European level through the European Chemicals Agency (ECHA)'s Enforcement Forum (see the outcome of the REACH-EN-FORCE project on "Integrated chemical control of products" (REF 10) carry out in 2021).

Information on enforcement activities, infringements and penalties are reported to the European Commission and ECHA at least every three years as per article 13.1 of the POP regulation. This information is then compiled and published by ECHA into a Union overview report.

- **Reduction of total releases from unintentional manufacture of the chemicals listed in Annex C (as per Article 6)**

Legal measure covering this obligation is adopted at the European Union level :

- Regulation (EU) 2019/1021– article 6

This measure is directly applicable in all EU-Member States. So there is no need for further legislative measures at Member State level. Please refers to the UIP for further details (section 5.6, pages 134-138).

Information on releases of substances or groups of substances listed in Annex III of the POP regulation into air, water and land is reported to the European Commission and ECHA at least every three years as per article 13.1 of the POP regulation. This information is then compiled and published by ECHA into a Union overview report.

Member State shall also develop an action plan on measures to identify, characterise and minimise the releases of unintentionally produced POPs listed in Annex III of the POP regulation. The action plan shall include measures to promote the development and, where it deems appropriate, shall require

the use of substitute or modified materials, products and processes to prevent the formation and release of the substances listed in Annex III of the POP regulation. Member States shall furthermore, when considering proposals to construct new facilities or significantly to modify existing facilities using processes that release chemicals listed in Annex III of the POP regulation, without prejudice to Directive 2010/75/EU (Industrial Emissions Directive), give priority consideration to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of substances listed in Annex III.

- Status for Flanders :
  https://prtr.omgeving.vlaanderen.be/prtr/website/rapport/rapport-samenstellen-flow?execution=e2s3
  For HCBD In water the estimated emission by sewage purification installations is 5,24 g/y.
  Bayer Agriculture notified in 2019 an HCBD emission of 1,11 kg.

- Status for Brussels :
  /

- Status for Wallonia :
  /

- **Identification and environmentally sound management of stockpiles and wastes (as per Article 5)**

Legal measures covering these obligations are adopted at the European Union level :

- Regulation (EU) 2019/1021– article 5 on stockpiles and 7 on waste management
- Directive 2008/98/EC (waste framework directive)

These measures are directly applicable in all EU-Member States. So there is no need for further legislative measures at Member State level. Please refers to the UIP for further details (section 5.7, pages 137-145).

The POP regulation (article 5) requires stockpiles the use of which is not permitted to be managed as waste. The holder of stockpiles greater than 50 kg, consisting of or containing any POP and the use of which is permitted shall provide the competent authority with information concerning the nature and size thereof. The stockpile shall be managed in a safe, efficient and environmentally sound manner. Member States must monitor the use and management of notified stockpiles.

The POP regulation (article 7) sets that producers and holders of waste are obliged to undertake all reasonable efforts to avoid contamination of waste with POP substances. Waste consisting of, containing or contaminated by POPs shall be disposed of without undue delay. Waste with POPs content higher than the lower POP limits set in the Regulation must generally be disposed or recovered in such a way that the POP content is destroyed or irreversibly transformed. Also those wastes, which are managed in an environmentally preferable way instead of being destroyed or irreversibly transformed have to meet the upper POP concentration limits set by the Regulation.

In addition, the POP regulation sets obligations on Member States to take the necessary measures to ensure control and traceability of POPs in accordance with Article 17 of Directive 2008/98/EC (on the control of hazardous waste within the waste framework directive), including records for quantities of waste, its nature and origin and the final destination of the waste.

Controls are done at the national level and/or coordinated at the European level through the European Chemicals Agency (ECHA)'s Enforcement Forum.

Information on enforcement activities, infringements and penalties are reported to the European Commission and ECHA at least every three years as per article 13.1 of the POP regulation. This information is then compiled and published by ECHA into a Union overview report.

Regarding handling and destruction of POPs addressed in this document and appropriate destruction technologies, we can share the following information:

- Experience/lessons learned by Flanders : In Flanders, no stocks of PFOA and decaBDE have been destroyed so far. These substances can be thermally treated in Indaver's rotary kilns in Antwerp.

- Experience/lessons learned by Brussels : No such facilities in Brussels.

- Experience/lessons learned by Wallonia : In Wallonia, no stocks of PFOA or decaBDE have been destroyed so far. The environmental permit granted to the cement factories enable them to accept of such substances, provided that they are introduced via the hot zone of the cement kiln in order to be sure that all PFAS will be correctly destroyed.

- **Identification of contaminated sites and remediation in an environmentally sound manner (as per Article 6.1)**

As regards the identification and remediation of sites contaminated by POPs, the European Commission has adopted in September 2006 a Thematic Strategy on soil protection. Since its implementation, numerous soil awareness raising tools and networks have been established. This includes the European Network for Soil Awareness (ENSA) and setup of the European Soil Data Centre (ESDAC), with soil issues increasingly becoming the focus of research projects across Europe. Legal measures are also adopted at the national level. Please refers to the UIP for further details (section 5.8, pages 146-147).

- Status for Flanders :
  In the Flemish Soil Decree of 2006, there is a duty for local authorities to develop an inventory of risksites, based on a list of risk-activities. A risksite is a parcel of land where an activity has or had taken place with an elevated risk for soil contamination. There is an obligation of investigation of risksites at the moment of property transfer, on a periodical base or by closure of certain installations who can cause soil contamination. The authorities may also gather information as a result of its investigations into soil quality. The exploratory investigations include a limited investigation into the past history of the soil, as well as restricted sampling operations. The identification and investigation of these risk sites is generic for all forms of soil contamination. All suspected substances need to be investigated, including those linked to decaBDE, SCCP and PFOA when relevant.
  Recent developments in the Flemish Region demonstrated a PFAS pollution problem of major concern. This was first the case for the 3M site in Zwijndrecht and the area in the vicinity of it. But also elsewhere in Flanders, PFAS- polluted locations were identified and continue to emerge, as shown by the inventory campaign of the OVAM. Targeted action is necessary on these locations: not only in terms of additional measurements, but also in terms of communication with local administrations and

residents. Remediation operations will be necessary or have already been started, in this respect the exchange of knowledge on soil and groundwater remediation remains very important.
Additional research is therefore still necessary and shall give us more clarity about exposure routes, impact on health or innovative remediation techniques. For possible solutions concerning PFAS-polluted sites, see: https://www.vlaanderen.be/pfas-vervuiling/sanering
For limiting exposure also (draft) soil remediation standards are essential. The combined evaluation of soil and groundwater pollution is decisive in developing the approach for polluted areas.

- Status for Brussels :
  Since 2005 we have had legislation on polluted soils. This legislation organizes the times at which soil pollution studies, and if necessary treatment, must be carried out (start-up, transfer or cessation of activities, accidents, accidental discovery of pollution, sale of land, etc.). This legislation provides for standards for the usual substances such as heavy metals or hydrocarbons but not for emerging pollutants such as PFAS. Pending the establishment of standards for emerging pollutants, the experts propose to use the standards in force in the Flemish region.

- Status for Wallonia :
  No specific strategies, policies or legislation regarding identification of contaminated sites by POPs compounds as such has been put in place at the regional or sub-regional level.
  Indeed, the existing framework regarding contaminated sites management in Wallonia does not target one single pollutant, but rather include all kinds of pollutants that can be found in soil and groundwater, including therefore some of the POPs compounds.

  This framework is legally based on the Soil Decree of 1st of March 2018 (http://environnement.wallonie.be/legis/solsoussol/sol006.htm), which includes an inventory of (potentially) contaminated sites (the Soil Status Database – « Banque de Données de l'Etat des Sols (BDES) »). This inventory is continuously updated based on various sources of reference, including also permits delivered for activities or installation that are considered at risk for soil and groundwater pollution, and historical information on such type of activities. The BDES is publicly available with no restricted access and consist of a web service based on a geodatabase, such that any location can be looked for to see if information regarding (potential) soil pollution is available or not (http://bdes.wallonie.be).
  The overall list of activities/installations considered at risk for soil and groundwater pollution (http://environnement.wallonie.be/legis/pe/pe006bisannexe1.htm) is part of the legislation on classified activities/installation (http://environnement.wallonie.be/legis/pe/pe006.htm).

  A specific approach to distinguish sites contaminated by POPs compounds from other contaminated sites is not available yet. Indeed, our current inventory does not allow yet to extract the exact number of sites contaminated with POPs as electronic reporting of individual pollutants is not yet required for soil investigations.

The Soil Decree in place in Wallonia chiefly targets locations currently or formerly hosting activities that pose the risk of soil contamination and organizes soil investigations based on soil screening values (see annex 1 of the Soil Decree - http://environnement.wallonie.be/legis/solsoussol/sol006.htm). 50 compounds were given soil screening values (metals, BTEX, PAH (Polycyclic Aromatic Hydrocarbons), mineral oil, chlorinated solvents and cyanides).

In case of pollutants not specified in Annex 1 of the Soil Decree, such as the majority of POPs, indications are given for soil experts on the website of the Environmental Administration (https://dps.environnement.wallonie.be/home/liens--documents/le-coin-des-specialistes-experts-laboratoires/polluants-non-normes-pnn.html). Five soil uses with increasing sensitivity are considered for each soil thresholds: natural (I), agricultural (II), residential (III), recreative or commercial (IV), industrial (V). Such land use category are linked to more detailed types of legal land use in Annex 2 or effective land use in Annex 3 of the Soil Decree. While soil screening values for POP are established for the protection of two kinds of receptors - human health (called VLH) and aquifers (called VLN), the final threshold corresponds to the minimum of the two threshold values. Another threshold value (called VLnappe) is also established for the groundwater.

Provisions under Article 23 to 28 of the Soil Decree automatically mandates, unless derogation can be justified, a soil study a) in case of an urbanism permit demand for a parcel identified as (potentially) polluted in the Soil Status Database (if soil surface/subsoil has to be modified or if there is a change of land use towards a more sensitive one), b) in case of an activity at-risk for soil is ending, c) in case of an environmental damage, d) following the decision of the Walloon administration that a credible risk for soil contamination exists. Land transfer does not trigger soil investigation, but rather an obligation to have a certified extract of the Soil Status Database for the parcel transfered to make sure both parties have the same level of information on the status of the parcel in the database.

Soil studies are processed by accredited soil experts through different steps of investigation (orientation study, characterisation study, remediation project and works, final assessment), according to guidelines provided within the Soil Decree for soil investigations (Walloon Code of Good Practices « CWBP » - https://sol.environnement.wallonie.be/home/sols/sols-pollues/code-wallon-de-bonnes-pratiques--cwbp-.html) and for soil sampling and analyses (Walloon Compendium for sampling and analyses methodologies « CWEA » - https://sol.environnement.wallonie.be/home/sols/sols-pollues/compendium-wallon-des-methodes-dechantillonnage-et-danalyse--cwea-.html). Each step which is finalised (such that no further step in the process is needed) leads to the delivery of a soil control certificate (« Certificat de Contrôle du Sol ») which is then available in the Soil Status Database.

The POP regulation (article 9) sets that Member States shall exchange information with the Commission on measures taken at national level to identify and assess sites contaminated by POPs. Belgium provides this info through the report that has to be updated and transmitted to the European

Commission and ECHA at least every three years as article 13.1 of the POP regulation. This information is then compiled and published by ECHA into a Union overview report.

Belgium is also committed to develop with the Commission a strategy for identifying sites contaminated by POPs and for their environmentally sound remediation.

- **Information exchange relevant to the reduction or elimination of the manufacture, use and release of POPs and alternatives to POPs including information relating to their risks as well as their economic and social costs (as per Article 9)**

Belgium has designated a national focal point for the exchange of information as specified under Article 9 and this info is accessible on the Stockholm Convention's website[2]. Whenever relevant, information on manufacture, use and release of POPs is shared by the Commission and the European Chemicals Agency. Please refers to the UIP for further details (section 6.1, pages 147 -148).

- **Public information, awareness and education (as per Article 10)**

Access to environmental information and consultation with stakeholders are an integral part of the Union environment policy. Please refers to the UIP for further details (section 6.2, pages 148 -150).

The Belgian NIP has been subjected to a public consultation from 21 November 2022 to 20 January 2023 and is publicly available as required by article 9 of the POP regulation.

Belgium provides the public with information on POPs through the following websites :

- https://www.health.belgium.be/en
- Flanders : https://www.vlaanderen.be/pfas-vervuiling , https://www.vlaanderen.be/pfas-vervuiling/pfas-verkenner-voor-professionele-gebruikers and https://www.milieu-en-gezondheid.be/nl/wat-meten-we-factsheets
- Brussels : https://environnement.brussels/
- Wallonia : https://awac.be/inventaires-demission/emissions-de-pop/

However, the feedback from the public consultation on the UIP in the autumn of 2019 highlighted a concern from both the general public and experts regarding communication on POPs. The respondents highlighted a lack of visibility of what activities were ongoing at Member State level, and further a lack of communication on POPs and what the key concerns are. In particular the general public stakeholder group highlighted concerns over obsolete pesticide stockpiles and risks related to POPs in food.

Belgium recognized the need for further review of the methodology of communication and what actions may be needed as coordinated information campaigns at pan-European level.

- **Research, development and monitoring of POPs (as per Article 11)**

Research and development are essential for the support of policies such as inter alia consumer protection or the protection of the environment. Research and development on POPs can be funded until 2027 by Europe through the Horizon Europe funding programme. Mandatory open access to publications and open science principles are applied throughout the programme. The programme is open to researchers and innovators from around the globe who are encouraged to team up with EU partners in preparing proposals. Please refers to the UIP for further details (section 6.3, pages 150 - 152).

[2] http://www.pops.int/Countries/CountryContacts/tabid/304/Default.aspx

In the Flemish region, a number of POPs including decaBDE and PFAS have been included in the human biomonitoring campaigns of the FLEHS I-IV studies (2002-2020). See: https://www.milieu-en-gezondheid.be/

The FLEHS IV samples were also included in the HBM4EU project (2017-2022): https://www.hbm4eu.eu/

Additional to the FLEHS campaign specific research projects were funded concerning:

- development of HBM based indicators for endocrine disruptors including PFAS.

-importance of pre- versus postnatal exposure to POPs including PFAS.

- the relative importance of different human exposure routes to PFAS.

- **Technical assistance (as per Article 12)**

The POP Regulation gives ECHA a central role in the development of technical information. This includes technical assistance upon request of the Commission and others. EFSA also provides technical assistance through its role in the risk assessment of POPs in food. Please refers to the UIP for further details (section 7.1, pages 152 -152).

- **Financial assistance (as per Article 13)**

Article 13 requires Parties to provide financial support and incentives in respect of those national activities that are intended to achieve the objective of the Stockholm Convention in accordance with their national plans, priorities and programmes. Developed country Parties are required to provide new and additional financial resources through the financial mechanism to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfil their obligations under the Stockholm Convention.

Belgium funds its domestic implementation. With regard to financial assistance provided to developing countries to enable them meeting their obligations under the Stockholm Convention, Belgium provides funding through the GEF (the financial mechanism) and the UNEP Special Programme.

The Union provides also funding through numerous programmes and instruments. Please refers to the UIP for further details (section 7.2, pages 153 -155).

- **Reporting (as per Article 15)**

Article 15 requires Parties to report to the COP on the measures taken to implement the provisions of the Convention and on the effectiveness of such measures in meeting the objectives of the Convention. Reporting shall include data on the total quantity of manufacture, import and export of the chemicals listed in Annexes A and B and a list of countries from which it has imported and exported substances.

Legal measures covering this obligation are adopted at the European Union level :

- Regulation (EU) 2019/1021– article 13.1.f
- Regulation (EU) No 649/2012 – article 10

The POP regulation (article 13.1.f) requires Member States to provides annual monitoring and statistical data on the actual or estimated total manufacturing and placing on the market of any substance listed in Annex I or II.

Information on manufacturing and placing on the market (including import) is reported to the European Commission and ECHA at least every three years as per article 13.1.f of the POP regulation. This information is then compiled and published by ECHA into a Union overview report.

The PIC regulation (article 10) requires exporters to inform their designated national authority regarding the quantity of the chemical, as a substance and as contained in mixtures or in articles, shipped to each Party or other country during the preceding year. Equivalent information for the quantities imported into the Union has to be provided by each importer. Member State shall then provide ECHA with aggregated information. That information is summarized at Union level and non-confidential information are made publicly available by ECHA each year.

These measures are directly applicable in all EU-Member States. So there is no need for further legislative measures at Member State level. Please refers to the UIP for further details (section 7.3, pages 155-156).

- **Effectiveness evaluation (as per Article 16)**

Article 16 requires Parties to periodically evaluate the effectiveness of the Convention on the basis of available scientific, environmental, technical and economic information.

An information platform for chemical monitoring data has been established (IPCheM), to improve accessibility of the data and coherence in collection, management and assessment. The platform will improve effectiveness evaluation of the implementation of the POPs Regulation and of the Stockholm Convention in the Union by facilitating access to the monitoring data and by improving comparability of the data.

At present, only the Flemish competent authorities provide monitoring data as follows :

- Flanders : human biomonitoring data from FLEHS I to FLEHS IV are available (as aggregated data) in IPCHeM (e.g. PFAS) and on the HBM4EU dashboard (https://www.hbm4eu.eu/what-we-do/european-hbm-platform/eu-hbm-dashboard/).