Draft By-Law on Persistent Organic Pollutants

FIRST SECTION
Aim, Scope and Basis

Aim (Article 1 of Regulation)
ARTICLE 1 - (1) The purpose of this bylaw is to protect human health and the environment from persistent organic pollutants by prohibiting, phasing out assoon as possible, or restricting the production, placing on the market and use of substances defined in the legislation and by minimising, with a view to eliminating where feasible as soon as possible, releases of such substances, and by establishing provisions regarding waste consisting of, containing or contaminated by any of these substances.

Scope (Article 1 of Regulation)
ARTICLE 2 - (1) This By-law shall apply to persistent organic substances which may affect human health and environment.
(2) Articles 5 and 6 shall not apply to waste consisting of containing or contaminated by any substance listed in Annexes I or II.

Legal Basis
ARTICLE 3 - (1) This By-law is prepared:
a) Based on the grounds of 09/08/1983 dated 2872 numbered Environmental Law and 04/07/2011 dated 644 numbered Decree Law on Establishment and Duties of Ministry of Environment and Urbanization, 11/10/2011 dated 663 numbered Decree Law on Establishment and Duties of Ministry of Health and Related Authorities, 24/04/1930 dated 1593 numbered General Hygiene Law, 03/06/2011 dated 639 numbered Decree Law on Establishment and Duties of Ministry of Food, Agriculture and Livestock, 11/06/2010 dated 5996 numbered Law on Veterinary Services, Plant Health, Food and Feeding Stuff, and Stockholm Convention on Persistent Organic Pollutants, ratified by Law No.5871 on Ratification of Stockholm Convention on Persistent Organic Pollutants dated April 14, 2009 hereinafter 'the Convention' and Basel Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants which was ratified by Turkish Grand National Assembly by means of Law 3957 dated 28 December 1993 on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants, hereinafter 'the Protocol'
b) In accordance with the provisions of Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC.

SECOND SECTION
Definitions and General Provision

Definitions (Article 2 of Regulation)
ARTICLE 4 - (1) For the purposes of this By-law:
a) 'article' means an object composed of one or more substancesand/or preparations which during production is given a specificshape, surface or design determining its end use function to agreater extent than its chemical composition does;
b) 'disposal' means any of the operations provided for in Annex II A of By-law on General Principles of Waste Management published in the Official Journal dated 05/07/2008

numbered 26927; (waste is as defined in Article 4(1)(a) of By-law on General Principles of Waste Management)
c) 'Ministry' means the Ministry of Environment and Urbanization.
ç) 'placing on the market' means supplying or making available to third persons against payment or free of charge. Imports into the customs territory of the Türkiye shall also be deemed to be placed on the market;
d) 'preparation' means mixtures or solutions composed of two or more substances; (preparation is as defined in Article 4(1)(i) of By-law on the Classification, Packaging and Labelling of Dangerous Substances and Preparations published in the Official Journal dated 26/12/2008 numbered 27092)
e) 'recovery' means any of the operations provided for in Annex II B of By-law on General Principles of Waste Management; (waste is as defined in Article 4(1)(a) of By-law on General Principles of Waste Management)
f) 'relevant institution' means Ministry of Health and Ministry of Food, Agriculture and Livestock.
g) 'substance' means chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the products and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition; (substance is as defined in Article 4(1)(j) of By-law on the Classification, Packaging and Labelling of Dangerous Substances and Preparations)
ğ) 'waste' means any substance or object in the categories set outin Annex I of By-law on General Principles of Waste Management which the holder discards or intends or is required todiscard; (waste is as defined in Article 4(1)(a) of By-law on General Principles of Waste Management)

Control of production, placing on the market and use (Article 3 of Regulation)
ARTICLE 5 – (1) The production, placing on the market and use of substances listed in Annex I, whether on their own, in preparations or as constituents of articles, shall be prohibited.
(2) The production, placing on the market and use of substances listed in Annex II, whether on their own, in preparations or as constituents ofarticles, shall be restricted in accordance with the conditions set out in that Annex II.
(3) The Ministry and Relevant Institution shall, within the assessment and authorisation schemes for chemicals and pesticides under their relevant legislation, take into consideration Convention and take appropriate measures to control existing chemicals and pesticides and prevent the production, placing on the market and use of chemicals and pesticides, which exhibit characteristics of persistent organic pollutants.
a) Chemical identity:
1) Names, including trade name or names, commercial name or names and synonyms, Chemical Abstracts Service (CAS) Registry number, International Union of Pure and Applied Chemistry (IUPAC) name; and
2) Structure, including specification of isomers, where applicable, and the structure of the chemical class;
b) Persistence:
1) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; or
2) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention;

c) Bio-accumulation:
1) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic species for the chemical is greater than 5,000 or, in the absence of such data, that the log Kow is greater than 5;
2) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; or
3) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention;
ç) Potential for long-range environmental transport:
1) Measured levels of the chemical in locations distant from the sources of its release that are of potential concern;
2) Monitoring data showing that long-range environmental transport of the chemical, with the potential for transfer to a receiving environment, may have occurred via air, water or migratory species; or
3) Environmental fate properties and/or model results that demonstrate that the chemical has a potential for long-range environmental transport through air, water or migratory species, with the potential for transfer to a receiving environment in locations distant from the sources of its release. For a chemical that migrates significantly through the air, its half-life in air should be greater than two days; and
d) Adverse effects:
1) Evidence of adverse effects to human health or to the environment that justifies consideration of the chemical within the scope of this Convention; or
2) Toxicity or eco toxicity data that indicate the potential for damage to human health or to the environment.

THIRD SECTION
Exemptions, Stockpiles, Release reduction, minimisation and elimination

Exemptions from control measures (Article 4 of Regulation)
ARTICLE 6 –(1) Article 5 shall not apply in the case of:
a) a substance used for laboratory-scale researchor as a reference standard;
b) a substance occurring as an unintentional trace contaminant in substances, preparations or articles.
(2) Article 5 shall not apply in respect of substances occurring as a constituent of articles produced before or on the date of entry into force of this By-law until six months after the date of its entry into force.
Article 5 shall not apply in the case of a substance occurring as a constituent of articles already in use before or on the date of entry into force of this By-law.
However, immediately upon becoming aware of articles referred in the first and second subparagraph, Relevant Institution shall inform the Ministry accordingly.
Whenever the Relevant Institution is so informed or otherwise learns of such articles, it shall, where appropriate, notify the Ministry accordingly without further delay.
(3) Where a substance is listed in Part A of Annex I or in Part A of Annex II, The Ministry and/or the Relevant Institution wishing to permit, until the deadline specified in the relevant Annex, the production and use of that substance as a closed-system site-limited intermediate shall notify accordingly the Secretariat of the Convention.
However, such notification may be mad only if the following conditions are satisfied:
a) an annotation has been entered in the relevant Annex expressly to the effect that such production and use of that substance may be permitted;

b) the manufacturing process will transform the substance in to one or more other substances that do not exhibit the characteristics of a persistent organic pollutant;
c) it is not expected that either human so the environment will be exposed to any significant quantities of the substance during its production and use, as shown through assessment of that closed system as defined below;
(4) Criteria for the assessment of closed systems during the handling of chemical agents
a) Use; An assessment index is used in the assessment of the plant.
1)The assessment index classifies the handling of the substance and the resultant process-related exposure potential. The notifier shall examine the plant or plant unit is in order to determine the assessment index. Each individual functional element must be assessed.
2) Systems are regarded as closed if the assessment of all of the available functional elements corresponds to the assessment index 0,5 and if only functional elements are involved which are of closed type with assured leakproofness and/or equipped with integrated exhaust ventilation. In addition, direct skin contact must be excluded.
3) In the collection of examples relevant functional elements are indicated by 0,5 in bold type. Functional elements of partially open type with highly effective exhaust ventilation (also indicated by the assessment index 0,5, but in normal type) are not regarded as closed according to the meaning of this rule.
4) In the case of functional elements assigned the assessment index 1, the safe adherence to the limit value on a permanent basis is not always assured. Such functional elements are:
1 closed type, leakproofness not assured 1 partially open type with effective exhaust ventilation.
5) In the case of functional elements assigned the assessment indices 2 and 4 the adherence to the limit values is not always assured. Such functional elements are:
2 of a partially open type, opening as intended with simple exhaust ventilation
2 open with simple exhaust ventilation
4 open type or partially open type
4 natural ventilation.
6) The catalogue of examples in By-law on Classification, Packaging and Labelling of Dangerous Substances and Preparations published in the Official Journal dated 26/12/2008 numbered 27092 Annex 1 Table 1, facilitates the classification of the functional elements. Functional elements which are not included in the collection of examples can be classified by means of conclusions drawn by analogy. The plant or plant unit is then classified using the index value of the functional element which has received the highest assessment index.
b) Checking: Use of this criterion requires adherence to the process parameters which have been laid down as well as the performance of the checks cited in the collection of examples (e.g. inspection and maintenance).
1) The notification shall be communicated also to the other Relevant institutions and to the Ministry and shall give details of actual or estimated total production and use of the substance concerned and the nature of thec losed-system site-limited process, specifying the amount of any nontransformed and unintentional trace contamination by any persistent organic pollutants tarting material in the final product.
2) The deadlines referred to in this article may be amended in cases where, following a repeat notification from the Ministry concerned to the Secretariat of the Convention, Express or tacit consent is issued under the Convention for the continued production and use of the substance for another period.

Stockpiles (Article 5 of Regulation)

ARTICLE 7 – (1) The holder of a stockpile, which consists of or contains any substance listed in Annex I or Annex II, for which no use is permitted, shall manage that stockpile as waste and in accordance with Article 9.
(2) The holder of a stockpile greater than 50 kg, consisting of orcontaining any substance listed in Annex I or Annex II, and the useof which is permitted shall provide the Ministry in which the stockpile is established with informationconcerning the nature and size of that stockpile. Such informationshall be provided within 12 months of the entry into force of thisBy-law and of amendments to Annexes I or II and annually thereafter until the deadline specified in Annex I or II for restricted use.
The holder shall manage the stockpile in a safe, efficient and environmentally sound manner.
(3) Ministry shall monitor the use and management of notifiedstockpiles.

Release reduction, minimisation and elimination (Article 6 of Regulation)
ARTICLE 8 – (1) Within two years of the date of entry into force of this By-law, the Ministry and Relevant Institutions shall draw up and maintain release inventories for the substances listed in Annex III into air, water and land in accordancewith their obligations under the Convention and the Protocol.
(2) Ministry shall communicate its action plan on measures to identify, characterise and minimise with a view to eliminating wherefeasible as soon as possible the total releases developed in accordance with its obligations under the Convention, to both the Ministry and the other Relevant Institution as part of its national implementation plan, pursuant to Article 10. The action plan shall include measures to promote the development and,where it deems appropriate, shall require the use of substitute ormodified materials, products and processes to prevent the formationand release of the substances listed in Annex III.
(3) Ministry shall, when considering proposals to construct newfacilities or significantly to modify existing facilities using processes that release chemicals listed in Annex III, without prejudice to Draft IPPC By-law, give priority consideration to alternativeprocesses, techniques or practices that have similar usefulness butwhich avoid the formation and release of substances listed in Annex III.

FOURTH SECTION
Waste Management

Waste management (Article 7 of Regulation)
ARTICLE 9 – (1) Producers and holders of waste shall undertake all reasonableefforts to avoid, where feasible, contamination of this waste withsubstances listed in Annex IV.
(2) Notwithstanding By-law on control of polychlorinated biphenyls and polychlorinated terphenyls published in the Official Journal dated 27/12/2007 numbered 26739, waste consisting of, containing or contaminated by any substance listed in Annex IV shall be disposed of or recovered, without undue delay and in accordance with Annex V, part 1 in such a way as to ensure that the persistentorganic pollutant content is destroyed or irreversibly transformed so thatthe remaining waste and releases do not exhibit the characteristics of persistent organic pollutants.
In carrying out such a disposal or recovery, any substance listed inAnnex IV may be isolated from the waste, provided that thissubstance is subsequently disposed of in accordance with the first subparagraph.
(3) Disposal or recovery operations that may lead to recovery, recycling, reclamation or re-use of the substances listed in Annex IV shall be prohibited.
(4) By way of derogation from paragraph 2:
a) waste containing or contaminated by any substance listed in Annex IV may be otherwise disposed of or recovered in accordance with the legislation, provided that the content of the

listed substances in the waste is belowthe concentration limits to be specified in Annex IV. Those measures, designed to amend non-essential elements of this By-law, shall be adopted in accordance with the regulatoryprocedure with scrutiny referred to in Article 18. Until suchtime as concentration limits are established in accordance with such procedure, the Ministry may adopt or apply concentration limits or specific technical requirements in respect of the disposal or recovery of wasteunder this point.

b) Ministry, in exceptional cases, allow wastes listed in Annex V, part 2 containing or contaminated by any substancelisted in Annex IV up to concentration limits to be specified inAnnex V, part 2, to be otherwise dealt with in accordance with amethod listed in Annex V, part 2 provided that:

1) the holder concerned has demonstrated to the satisfaction of the Ministry concerned that decontamination of the waste in relation to substances listed in Annex IV was not feasible, and that destruction or irreversibletransformation of the persistent organic pollutant content,performed in accordance with best environmental practice or best available techniques, does not represent the environmentallypreferable option and the competent authority has subsequently authorised the alternative operation;

2) this operation is in accordance with the legislation of the Ministry and Relevant Institutions and the conditions laid down in relevant additional measures referred to in paragraph 6; and

3) The Ministry and the Relevant Institution concerned has informed the other ministries and the Ministry of its authorisation and the justification for it.

(5) Concentration limits in Annex V, part 2 shall be established by the Ministry for the purposes of paragraph 4(b) of this Article. Those measures, designed to amend non-essential elements of this By-law, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18.

Until such time as these concentration limits are established:

a) the Ministry and Relevant Institutions may adopt or apply concentration limits orspecific technical requirements in respect of waste being dealt withunder paragraph 4(b);

b) where waste is being dealt with under paragraph 4(b), the holders concerned shall provide information on the persistent organic pollutant content of the waste to the competent authority.

(6) The Ministry may, where appropriate, and taking into considerationtechnical developments and relevant international guidelinesand decisions and any authorizations granted by a Ministry and Relevant Institutions in accordance with paragraph 4 and Annex V, adopt additional measures relating tothe implementation of this Article. The Ministry shall define a format for the submission of the information by Relevant Institutions in accordance with paragraph 4(b)(iii). Such measures shall be decided in accordance with the procedure laid down in Article 18.

FIFTH SECTION
Implementation, Monitoring, Information Exchange

Implementation plans (Article 8 of Regulation)

ARTICLE 10 – (1) When preparing their national implementation plans, Relevant Institution shall, in accordance with their national procedures, give the public early and effective opportunities to participate in this process.

(2) As soon as a Relevant Institution has adopted its national implementationplan in accordance with its obligations under the Convention, it shall communicate it both to the Ministry and to the other relevant institutions.

(3) When preparing their implementation plans, the Ministry and the Relevant Institution shall exchange information on the content, as appropriate.

(4) The Ministry shall, within two years of the entry into force of this By-law, draw up a plan for the implementation of Community obligations under the Convention.
As soon as the Ministry has adopted the National Implementation Plan, it shall communicate it to the Relevant Institutions.
The Ministry shall review and update the National implementation plan, as appropriate.

Monitoring (Article 9 of Regulation)
ARTICLE 11 – (1) The Ministry and the Relevant Institution shall establish, in close cooperation, appropriate programmes and mechanisms, consistent with thestate of the art, for the regular provision of comparable monitoring data on the presence of dioxins, furans and PCBs as identified in Annex III in the environment. When establishing such programmes and mechanisms, due account shall be taken of developments under the Protocol and the Convention.

Information exchange (Article 10 of Regulation)
ARTICLE 12 – (1) The Ministry and the Relevant Institution shall facilitate and undertake the exchange within the Community and with third countries of information relevant to the reduction, minimisation or elimination, where feasible, of the production, use and release of persistent organic pollutants and to alternatives to those substances, specifying the risks and the economic and social costs related to such alternatives.
(2) The Ministry and Relevant Institution, as appropriate, shall promote and facilitate with regard to persistent organic pollutants:
a) awareness programmes, including relating to their health and environmental effects and their alternatives and on the reduction or elimination of their production, use and release, especially for:
1) policy and decision makers,
2) particularly vulnerable groups;
b) the provision of public information;
c) training, including workers, scientists, educators and technical andmanagerial personnel.
(3) Without prejudice to Right to Information Law published in the Official Journal dated 09/10/2003 and numbered 4982 on public access to information, information on health and safety of humans and the environment shall not be regarded as confidential. The Ministry and Relevant Institution that exchange other information with other institutions shall protect any confidential information as mutually agreed.

SIXTH SECTION
Technical Assistance, Reporting, Chemicals and Waste Advisory Committee

Technical assistance (Article 11 of Regulation)
ARTICLE 13 – (1) In accordance with Articles 12 and 13 of the Convention, the Ministry and the Relevant Institution shall cooperate in providing appropriate and timely technical and financial assistance to developing countries and countries with economies in transition to assist them, upon request and within available resources and taking into account their particular needs, to develop and strengthen their capacity to fully implement their obligations under the Convention. Such support may also be channeled through non-governmental organisations.

Reporting (Article 12 of Regulation)

ARTICLE 14 – (1) Relevant Institution shall every three years forward to the Ministry information on the application of this By-law, including information on infringements and penalties.

(2) Relevant Institution shall provide the Ministry every year with statistical data on the actual or estimated total production and placingon the market of any substance listed in Annex I or II.

(3) Within three years of the date of entry into force of this By-law and every three years thereafter, Relevant Institution shall provide the Ministry with:

a) summary information compiled from the notifications, concerning stockpiles, received pursuant to Article 7(2);

b) summary information compiled from the release inventories drawn up pursuant to Article 8(1);

c) summary information on the presence of dioxins, furans and PCBs as identified in Annex III in the environment, as compiled pursuant to Article 11.

(4) As regards the data and information to be provided by Relevant Institution pursuant to paragraphs 1, 2 and 3, the Ministry shall develop in advance a common format in accordance with the procedure referred to in Article 18.

(5) Regarding the substances listed in the Convention, the Ministry shall, at intervals to be determined by the Conference of the Parties of the Convention, compile a report on the basis of theinformation provided by the Relevant Institutions in accordance with paragraph 2 and communicate it to the Secretariat of the Convention.

(6) The Ministry shall every three years compile a report on the application of this By-law and shall integrate it with the information already available in the context of the EPER, and with the information provided by the Relevant Institutions under paragraphs 1, 2 and 3 to form a synthesis report. This report shall include information on the use of derogations as referred to in Article 9(4). It shall forward a summary of the synthesis report to the European Parliament and to the Council and make it available to the public without delay.

Penalties (Article 13 of Regulation)

ARTICLE 15 – (1) Relevant Institutions shall lay down the rules on penalties applicable to infringements of the provisions of this By-law and shall take all measures necessary to ensure that they are implemented. The penaltiesprovided for must be effective, proportionate and dissuasive. The Relevant Institutions shall notify those provisions to the Ministry one year after entry into force of this By-law at the latest and shallnotify it without delay of any subsequent amendment affecting them.

Amendment of Annexes (Article 14 of Regulation)

ARTICLE 16 – (1) Whenever a substance is listed in the Convention or the Protocol, the Ministry shall, where appropriate, amend Annexes I, II and III accordingly in line with the legislation.

Those measures, designed to amend non-essential elements of this By-law, shall be adopted in accordance with the regulatoryprocedure with scrutiny referred to in Article 18.

(2) Whenever a substance is listed in the Convention or the Protocol, the Ministry shall, where appropriate, amend Annex IV accordingly.

Those measures, designed to amend non-essential elements of this By-law, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18).

(3) The Ministry shall adopt modifications to the existing entriesin Annexes I, II and III, including their adaptation to scientific andtechnical progress.

Açıklama [E1]: Since we have our legislation on modification of legislation we cannot write the rest. So purple parts should be deleted.

Those measures, designed to amend non-essential elements of this By-law, shall be adopted in accordance with the regulatoryprocedure with scrutiny referred to in Article 18.
(4) The Ministry shall adopt modifications to the existing entriesin Annex IV and modifications to Annex V, including their adaptationto scientific and technical progress.
Those measures, designed to amend non-essential elements of this By-law, shall be adopted in accordance with the regulatoryprocedure with scrutiny referred to in Article 18.

Relevant Institutions' Point of Contact (Article 15 of Regulation)
ARTICLE 17 – (1) Each Relevant Institution shall designate a point of contact from their institution who is responsible for the administrative tasks required by this By-law.
(2) It shall inform the Ministry of such designation at the latest threemonths after the entry into force of this By-law.

Chemicals and Waste Advisory Committee (Article 16 and 17 of Regulation)
ARTICLE 18 – (1) The Ministry shall be assisted by the Chemicals and Waste Advisory Committee established by Article 8 of By-law on Classification, Packaging and Labelling of Dangerous Substances and Preparations published in the Official Journal dated 26/12/2008 numbered 27092.
(2) The Chemicals and Waste Advisory Committee shall be composed of authorised representatives of the following Relevant Institutions and private sector institutions:
Ministry of Environment and Urbanization, 3 representatives,
Ministry of Health, 2 representatives,
Ministry of Food, Agriculture and Livestock, 2 representatives,
Other participants invited specific to subject.
(3) This Committee shall support the Ministry for all matters under this By-law including for those relating to waste.

SEVENTH SECTION
Final Provisions

Inspection
ARTICLE 19 – (1) Inspections related with provisions of this By-law are administered by Relevant Institutions according to their legislation.

Entry into force (Article 19 of Regulation)
ARTICLE 20 – (1) This By-law shall enter into force after 1 year later on the date of its publication.

Execution
ARTICLE 21 – (1)The provisions of this By-law are administered by the Minister of Environment and Urbanization, Minister of Health and Minister of Food, Agriculture and Livestock.

ANNEX I

LIST OF SUBSTANCES SUBJECT TO PROHIBITIONS

Part A – Substances listed in the Convention and the Protocol

SUBSTANCE	CAS No-	EC No	SPECIFIC EXEMPTION ON INTERMEDIATE USE OR OTHER SPECIFICATION
Aldrin	309-00-2	206-215-8	-
Chlordane	57-74-9 200	349-0	-
Dieldrin	60-57-1	200-484-5	-
Endrin	72-20-8	200-775-7	-
Heptachlor	76-44-8	200-962-3	-
Hexachlorobenzene	118-74-1	200-273-9	-
Mirex	2385-85-5	219-196-6	-
Toxaphene	8001-35-2	232-283-3	-
Polychlorinated Biphenyls (PCB)	1336-36-3 and others	215-648-1 and others	Without prejudice to By-law on control of polychlorinated biphenyls and polychlorinated terphenyls published in the Official Journal dated 27/12/2007 numbered 26739, articles already in use at the time of entry into force of this By-law are allowed to be used.
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl) ethane)	50-29-3	200-024-3	Relevant Institutions may allow the existing production and use of DDT as a closed-system site-limited intermediate for the production of dicofol until 1 January 2014, in accordance with Article 4(3) of this By-law. Ministry shall review this exemption by 31.12.2008 in the light of the outcome

			of the evaluation in the framework of By-law on the Certification of Pesticides published in the Official Journal dated 25/03/2011 numbered 27885.

Part B – Substances listed only in the Protocol

SUBSTANCE	CAS No-	EC No	SPECIFIC EXEMPTION ON INTERMEDIATE USE OR OTHER SPECIFICATION
Chlordecone	143-50-0	205-601-3	-
Hexabromobiphenyl	36355-01-8	252-994-2	-
HCH, including lindane	608-73-1, 58-89-9	210-168-9, 200-401-2	By way of derogation, Relevant Institutions may allow the following uses (a) until 1.9.2006: – Professional remedial and industrial treatment of lumber, timber and logs; – Indoor industrial and residential applications; (b) until 31.12.2007: – Technical HCH for use as an intermediate in chemical manufacturing; – Products in which at least 99%of the HCH isomer is in the gamma form (lindane) are restricted for use as publichealth and veterinary topical insecticide.

ANNEX II
LIST OF SUBSTANCES SUBJECT TO RESTRICTIONS

Part A – Substances listed in the Convention and in the Protocol

SUBSTANCE	CAS No	EC No	CONDITIONS OF RESTRICTION
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Part B – Substances listed only in the Protocol

SUBSTANCE	CAS No	EC No	CONDITIONS OF RESTRICTION

ANNEX III

LIST OF SUBSTANCES SUBJECT TO RELEASE REDUCTION PROVISIONS

SUBSTANCE (CAS No)
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)
Hexachlorobenzene (HCB) (CAS No: 118-74-1)
Polychlorinated biphenyls (PCB)
Polycyclic aromatic hydrocarbons (PAHs) [1] [1] For the purpose of emission inventories, the following four compound indicators shall be used: benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene.

ANNEX IV

LIST OF SUBSTANCES SUBJECT TO WASTE MANAGEMENT PROVISIONS SET OUT IN ARTICLE 9

SUBSTANCE	CAS No	EC No	CONCENTRATION LIMIT REFERRED TO IN ARTICLE 9(4)(a), ppm (parts per million)
Aldrin	309-00-2	206-215-8	
Chlordane	57-74-9	200-349-0	
Dieldrin	60-57-1	200-484-5	
Endrin	72-20-8	200-775-7	
Heptachlor	76-44-8	200-962-3	
Hexachlorobenzene	118-74-1	200-273-9	
Mirex	2385-85-5	219-196-6	
Toxaphene	8001-35-2	232-283-3	
Polychlorinated Biphenyls (PCB)	1336-36-3 and others	215-648-1	
DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)	50-29-3	200-024-3	
Chlordecone	143-50-0	205-601-3	
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)			
HCH, including lindane	608-73-1, 58-89-9	210-168-9, 200-401-2	
Hexabromobiphenyl	36355-01-8	252-994-2	

ANNEX V

WASTE MANAGEMENT

Part 1 Disposal and recovery under Article 9(2)

The following disposal and recovery operations, as provided for in Annex IIA and IIB of By-law on General Principles of Waste Management, are permitted for the purposes of Article 9(2) when applied in such a way as to ensure that the persistent organic pollutant content is destroyed or irreversibly transformed

D9 Physico-chemical treatment,
D10 Incineration on land, and
R1 Use principally as a fuel or other means to generate energy, excluding waste containing PCBs.

Pre-treatment operation prior to destruction or irreversible transformation pursuant to this Part of this Annex may be performed, provided that a substance listed in Annex IV that is isolated from the waste during the pre-treatment is subsequently disposed of in accordance with this Part of this Annex. In addition, repackaging and temporary storage operations may be performed prior to such pre-treatment or prior to destruction or irreversible transformation pursuant to this part of this Annex.

Part 2 Wastes and operations to which Article 9(4)(b) applies

The following operations are permitted for the purposes of Article 9(4)(b) in respect of the wastes specified, defined by the six-digit code as classified in By-law on General Principles of Waste Management.

Wastes as classified in By-law on General Principles of Waste Management		Maximum concentration limits of substances listed in Annex IV	Operation
10	WASTES FROM THERMAL PROCESSES		
10 01	Wastes from power stations and other combustion plants (except 19)		
10 01 14 *	Bottom ash, slag and boiler dust from co-incineration containing dangerous substances		
10 01 16 *	Fly ash from co-incinerationcontaining dangerous substances		
10 02	Wastes from the iron and steel industry		Permanent storage only in: – safe, deep, underground, hard rock formations, – salt mines or – a landfill site for hazardous waste(provided that the waste is solidified or stabilised where technically feasible as required for classification of the waste in line with By-law on General Principles of Waste Management) whereby the provisions of By-law on Landfill of Wastes published in the Official Journal dated 26/03/2010 numbered 27533 have to be adhered to and whereby it has been demonstrated that the selected operation is environmentally preferable.

10 02 07 *	Solid wastes from gas treatment containing dangerous substances		
10 03	Wastes from aluminium thermal metallurgy		
10 03 04 *	Primary production slags		
10 03 08 *	Salt slags from secondary production		
10 03 09 *	Black drosses from secondary production		
10 03 19 *	Flue-gas dust containing dangerous substances		
10 03 21 *	Other particulates and dust (includingball-mill dust) containing dangerous substances		
10 03 29 *	Wastes from treatment of salt slags and black drosses containing dangerous substances		
10 04	Wastes from lead thermal metallurgy		
10 04 01 *	Slags from primary and secondary production		
10 04 02 *	Dross and skimmings from primary and secondary production		
10 04 04 *	Flue-gas dust		
10 04 05 *	Other particulates and dust		
10 04 06 *	Solid wastes from gas treatment		

10 05	Wastes from zinc thermal metallurgy		
10 05 03 *	Flue-gas dust		
10 05 05 *	Solid waste from gas treatment		
10 06	Wastes from copper thermal metallurgy		
10 06 03 *	Flue-gas dust		
10 06 06 *	Solid wastes from gas treatment		
10 08	Wastes from other non-ferrous thermal metallurgy		
10 08 08 *	Salt slag from primary and secondary production		
10 08 15 *	Flue-gas dust containing dangerous substances		
10 09	Wastes from casting of ferrous pieces		
10 09 09 *	Flue-gas dust containing dangerous substances		
16	WASTES NOT OTHERWISE SPECIFIED IN THE LIST		
16 11	Waste linings and refractories		
16 11 01 *	Carbon-based linings and refractories from metallurgical processes containing dangerous substances		
16 11 03 *	Other linings and refractories from metallurgical processes containing dangerous substances		

17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)		Permanent storage only in: – safe, deep, underground, hard rock formations, – salt mines or – a landfill site for hazardous waste [1] (provided that the waste is solidified or stabilised where technically feasible as required for classification of the waste in By-law on General Principles of Waste Management) whereby the provisions of By-law on Landfill of Wastes published in the Official Journal dated 26/03/2010 numbered 27533 have to be adhered to and whereby it has been demonstrated that the selected operation is environmentally preferable.
17 01	concrete, bricks, tiles and ceramics		
17 01 06 *	Mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing dangerous substances.		
17 05	Soil including excavated soil from contaminated sites, stones and dredging spoil		
17 05 03 *	Inorganic fraction of soil and Stones containing dangerous substances		
17 09	Other construction and demolition wastes		
17 09 02 *	Construction and demolition wastes containing PCB, excluding PCB containing equipment.		
17 09 03 *	Other construction and demolition wastes containing dangerous substances		

[1] Except in the case of waste containing or contaminated by PCBs above the concentration of 50 ppm.

19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFFSITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FROM INDUSTRIAL USE		Permanent storage only in: – safe, deep, underground, hard rock formations, – salt mines or – a landfill site for hazardous waste (provided that the waste is solidified or stabilised where technically feasible as required for classification of the waste in By-law on General Principles of Waste Management) whereby the provisions of By-law on Landfill of Wastes published in the Official Journal dated 26/03/2010 numbered 27533 have to be adhered to and whereby it has been demonstrated that the selected operation is environmentally preferable.
19 01	Wastes from incineration or pyrolysis of waste		
19 01 07 *	Solid wastes from gas treatment		
19 01 11 *	Bottom ash and slag containing dangerous substances		
19 01 13 *	Fly ash containing dangerous substances		
19 01 15 *	Boiler dust containing dangerous substances		
19 04	Vitrified waste and waste from vitrification		
19 04 02*	Fly ash and other flue-gas treatment wastes		
19 04 03 *	Non-vitrified solid phase		

* Any waste marked with an asterisk (*) is considered as hazardous waste pursuant to By-law on Control of Dangerous Wastes published in the Official Journal dated 14/03/2005 numbered 25755 on hazardous waste, and is subject to the provisions of that By-law.