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On the implementation of the Community Strategy for dioxins, furans and polychlorinated biphenyls (COM(2001) 593) – Second progress report

{SEC(2007) 955}

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Context

Dioxins, furans and polychlorinated biphenyls (PCDD, PCDF and PCBs) are a group of toxic chemicals that persist in the environment, bio-accumulate through the food chain and pose a risk of causing adverse effects to human health and the environment. They can cause impairment of the immune system, the nervous system, the endocrine system and the reproductive functions and are also suspected of causing cancer. Foetuses and newborn children are most sensitive to exposure. There is considerable public, political and scientific concern over the negative effects on human health and on the environment of long-term exposure to even the smallest amounts of dioxins, furans and PCBs.

A general reduction of dioxin, furan and PCB levels in the environment and humans has already been achieved over the past two decades, in particular through control of industrial emission sources, like waste incineration. In view of the persistence of these chemicals, it is however appropriate to continue working for the reduction of the anthropogenic emissions to the environment, with the goal of their continuing minimization and, where feasible, ultimate elimination. In addition, levels in feed and food should be further reduced in order to lower human exposure.

To reduce human intake, it is important to reduce the levels in the food chain since food consumption is the most important route for human exposure. Contamination of the food chain is caused by environmental contamination. Dioxins emitted to air can for example be deposited on plants or in water and taken up and accumulated by animals and fish as they feed, thereby entering the food chain. Measures to reduce the presence of dioxins, furans and PCBs therefore need to be taken both for the environment and for feed and food.

On 24 October 2001 the Commission adopted a Communication to the Council, the European Parliament and the Economic and Social Committee setting out a Community Strategy for dioxins, furans and PCBs[1] (Dioxin Strategy). The Dioxin Strategy consists of two parts: one part containing actions for reducing the presence of dioxins, furans and PCBs in the *environment* and one part containing actions for reducing their presence in *feed and food*.

On 12 December 2001 the Environment Council adopted Conclusions on the Commission Communication, supporting the Commission Dioxin Strategy and requesting the Commission to report back on the implementation at the end of 2003 and thereafter every three years. A first progress report covering the period 2002-2003 was adopted on 13 April 2004[2].

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1 COM(2001) 593 final.

2 COM(2004) 240 final.

This Communication is the second progress report summarising the activities undertaken by the Commission over the period 2004-2006 in the areas of environment and feed and food. It is supplemented with an Annex containing more detailed and technical descriptions of the developments in the different areas SEC(2007)955.

Activities undertaken in the environmental field

Dioxins, furans and PCBs are addressed under several different environmental policy areas. An area of particular importance for the period under review is the implementation of two international conventions on persistent organic pollutants (POPs).

Like other POPs, dioxins, furans and PCBs are transported across international boundaries and pose a threat to the environment and to human health all over the world. This global concern is reflected by the UNEP Stockholm Convention on persistent organic pollutants, to which the Community became party in February 2005, as well as the 1998 Protocol on POPs under the UN-ECE Convention on Long-Range Trans-boundary Air Pollution.

For the EU to fully implement the obligations of the two international instruments, Regulation (EC) No 850/2004 on persistent organic pollutants[3] was adopted in 2004. The adoption constitutes a major achievement for the reduction of dioxins, furans and PCBs. The Regulation requires the Member States to develop national inventories of dioxin, furan and PCB releases and identify measures to address them. National Implementation Plans have been developed or will be developed in the near future. The POP Regulation thereby ensures that better information on national releases of dioxins, furans and PCBs will become available and that national measures to address them are being defined.

The Commission has also developed a Community Implementation Plan[4], setting out actions to be taken at EU level. For the purpose of this plan, an assessment of priorities was made in order to define actions to address unintentionally released POPs, including dioxins, furans and PCBs. In particular, the Implementation Plan states that industrial sources should continue to be addressed under the existing legislative framework, including the IPPC Directive[5] and the Waste Incineration Directive[6].Domestic sources, such as residential heating with wood and coal, are becoming increasingly important and the Commission will contribute to addressing them by promoting exchange of experience and information between stakeholders and Member States.

In addition to this general development, progress with the Dioxin Strategy actions for the environment during the period 2004-2006 has been made in a number of specific areas:

In the area of *industrial emissions* the work on identifying Best Available Techniques (BAT) for pollution prevention and control has continued and at the end of 2006 the last six of a series of 32 BREFs (BAT Reference Documents) were finalised. For some earlier adopted

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3 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, OJ L158, 30.4.2004.

4 SEC(2007)341.

5 Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, OJ L257, 10.10.1996, p. 26.

6 Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste, OJ L332, 28.12.2000, p. 91.

BREFs a review to take into account new developments has already started, including for the cement and lime, pulp and paper and iron and steel sectors.

A Thematic Strategy on *soil* protection was adopted in September 2006. It includes a proposal for a framework Directive requiring Member States to prevent soil contamination, to make an inventory of contaminated sites and to remediate the sites identified. For *waste*, the POP Regulation provides that POP contamination should be destroyed or irreversibly transformed into other substances. There are some derogations to this general rule, and in 2006 and 2007 two Regulations[7] were adopted defining limit values for dioxins, furans and PCBs for the application of such derogations.

In the framework of *public access to data* on industrial emissions, a new publicly available European pollutant register (E-PRTR) was adopted in January 2006[8]. Compared to the present register (EPER), it has lower reporting thresholds for dioxins and furans and includes reporting of PCBs.

During the period 2002-2005, two major studies were carried out to provide comprehensive information on dioxins, furans and PCBs in EU-10. The results were discussed at a workshop organised in Brussels in February 2005 during which implementation of existing legislation and increased attention to small domestic sources were identified as priorities for future work[9].

Activities undertaken in the area of feed and food

The Dioxin Strategy describes an integrated approach to legislation on feed and food to reduce the presence of dioxins, furans and PCBs throughout the food chain. This integrated approach consists of three pillars:

(1) The establishment of strict but feasible maximum levels in feed and food taking into account the results obtained in lowering the presence of dioxins in the environment.

(2) The establishment of action levels to trigger action when levels in feed or food are found clearly above background level. These action levels have an early warning function.

(3) The establishment of target levels to be achieved over time so as to bring the exposure of the majority of the European population within the limits recommended by the Scientific Committee on Food.

During the period under review, the legislation on *maximum levels* in feed and food has been updated to also include dioxin-like PCBs by the establishment of maximum levels for the sum

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7 Council Regulation (EC) No 1195/2006 of 18 July 2006 amending Annex IV to Regulation (EC) No 850/2004 on persistent organic pollutants, OJ L217, 8.8.2006, p. 1, and Council Regulation (EC) No 172/2007 of 16 February 2007 amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants, OJ L55, 23.2.2007, p. 1.

8 Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register, OJ L33, 4.2.2006, p.1.

9 Study reports and workshop documents can be found at: http://ec.europa.eu/environment/dioxin/index.htm#enlarged_eu

of dioxins, furans and dioxin-like PCBs[10]. In order to ensure a smooth transition, existing maximum levels for dioxins and furans, in addition to new proposed maximum levels for the sum of dioxins, furans and dioxin-like PCBs, are maintained for a temporary period.

Given that the sources of dioxins and dioxin-like PCBs are different, *the action levels* set for dioxins and furans in 2002 have been maintained and separate action levels have been established for dioxin-like PCBs in 2006 simultaneously with the setting of maximum levels for the sum of dioxins, furans and dioxin-like PCBs[11].

The legislation on analytical methodology and monitoring for feed and food has been reviewed and updated in view of the inclusion of dioxin-like PCBs in the established levels and to take account of the experiences gained[12].

On non-dioxin-like PCBs, the European Food Safety Authority has performed an assessment on the risks for public and animal health of the presence of non dioxin-like PCBs in feed and food[13]. Taking into account the conclusions of this risk assessment, discussions are ongoing on the possible setting of regulatory levels for non-dioxin-like PCBs in feed and food.

Research activities

To fill some of the existing knowledge gaps dioxins, furans and PCBs have, together with other substances, been addressed in a number of research projects funded under the Sixth Research Framework Programme focussing on health effects, contamination of the food chain and environmental aspects. Research on these substances has also been undertaken by the Joint Research Centre in the areas of soil, water, ambient air and emissions.

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10 Commission Directive 2006/13/EC of 3 February 2006 amending Annexes I and II to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed as regards dioxins and dioxin-like PCBs (OJ L32, 4.2.2006, p. 44) for feed; and Commission Regulation (EC) 199/2006 of 3 February 2006 amending Regulation (EC) No 466/2001 setting maximum levels for certain contaminants in foodstuffs as regards dioxins and dioxin-like PCBs (OJ L32, 4.2.2006, p. 34) for food. The latter has been replaced Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in food. (OJ L364, 20.12.2006, p. 5)

11 Commission Recommendation 2006/88/EC of 6 February 2006 on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs (OJ L42, 14.2.2006, p. 26).

12 OJ L364, 20.12.2006, p.32. Regulation replacing Directive 2002/69/EC of 26 July 2002 laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs (OJ L209, 6.8.2002, p.5).

13 www.efsa.europa.eu/etc/medialib/efsa/science/contam/contam_opinions/1229.Par.0003.File.dat/contam_op_ej284_ndl-pcb_en1.pdf