

SC-4/18: Listing of tetrabromodiphenyl ether and pentabromodiphenyl ether

The Conference of the Parties,

Having considered the risk profile and risk management evaluation for commercial pentabromodiphenyl ether transmitted by the Persistent Organic Pollutants Review Committee,¹

Taking note of the recommendation by the Persistent Organic Pollutants Review Committee to list tetrabromodiphenyl ether and pentabromodiphenyl ether in Annex A of the Convention,²

1. *Decides* to amend part I of Annex A of the Convention to list therein tetrabromodiphenyl ether and pentabromodiphenyl ether, as defined in paragraph 2 of the present decision, with a specific exemption for articles containing tetrabromodiphenyl ether and pentabromodiphenyl ether in accordance with the provisions of part IV of the Annex, by inserting the following row:

Chemical	Activity	Specific exemption
Tetrabromodiphenyl ether* and pentabromodiphenyl ether*	Production	None
	Use	Articles in accordance with the provisions of Part IV of this Annex

2. *Also decides* to insert a definition for tetrabromodiphenyl ether and pentabromodiphenyl ether in a new part III of Annex A called “Definitions” as follows:

For the purpose of this Annex:

“Tetrabromodiphenyl ether and pentabromodiphenyl ether” means 2,2',4,4'-tetrabromodiphenyl ether (BDE-47, CAS No: 40088-47-9) and 2,2',4,4',5-pentabromodiphenyl ether (BDE-99, CAS No: 32534-81-9) and other tetra- and pentabromodiphenyl ethers present in commercial pentabromodiphenyl ether.

3. *Decides* to insert a new part IV to Annex A as follows:

Part IV

Tetrabromodiphenyl ether and pentabromodiphenyl ether

1. A Party may allow recycling of articles that contain or may contain tetrabromodiphenyl ether and pentabromodiphenyl ether, and the use and final disposal of articles manufactured from recycled materials that contain or may contain tetrabromodiphenyl ether and pentabromodiphenyl ether, provided that:

(a) The recycling and final disposal is carried out in an environmentally sound manner and does not lead to recovery of tetrabromodiphenyl ether and pentabromodiphenyl ether for the purpose of their reuse;

(b) The Party does not allow this exemption to lead to the export of articles containing levels/concentrations of tetrabromodiphenyl ether and pentabromodiphenyl ether that exceed those permitted to be sold within the territory of the Party; and

1 UNEP/POPS/POPRC.2/17/Add.1 and UNEP/POPS/POPRC.3/20/Add.1.

2 UNEP/POPS/COP.4/17.

(c) The Party has notified the Secretariat of its intention to make use of this exemption.

2. At its sixth ordinary meeting and at every second ordinary meeting thereafter the Conference of the Parties shall evaluate the progress Parties made towards achieving their ultimate objective of elimination of tetrabromodiphenyl ether and pentabromodiphenyl ether contained in articles and review the continued need for this specific exemption. This specific exemption shall in any case expire at the latest in 2030.

4. *Decides* to amend part I of Annex A of the Convention by inserting in note (iv), after the words “polychlorinated biphenyls in articles in use in accordance with the provisions of Part II”, a comma and the words “and the use of tetrabromodiphenyl ether and pentabromodiphenyl ether in accordance with the provisions of Part IV of this Annex”.