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Proposal for a

COUNCIL DECISION

**on the submission, on behalf of the European Union, of a proposal for the listing of
TBPH in Annex A or Annex B to the Stockholm Convention on Persistent Organic
Pollutants**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The decision concerns a proposal on behalf of the European Union to list the substance bis(2-ethylhexyl) tetrabromophthalate (TBPH) in Annex A or B to the Stockholm Convention on Persistent Organic Pollutants (the Convention). The proposal is the first step in a process that will take at least three years before it is possible for the Parties to the Convention to take a binding decision.

The proposal is based on a scientific assessment showing that the substance meets the objective criteria established by the Convention for identification of persistent organic pollutants (POPs). Due to EU's advanced chemicals legislation and rich data sources, the EU has very extensive knowledge about chemicals, including their use and safety. With this solid knowledge about potential POP substances, which are already or in the process of being regulated in the EU, the EU aims to take action to control the risks posed by this substance globally as well as to provide for global level playing field for the EU industry.

The Convention, which was approved by Council Decision 2006/507/EC¹, entered into force on 17 May 2004. The aim of the Convention is to protect human health and the environment from POPs. The Convention provides a framework, based on the precautionary principle, for elimination of production, use, import and export of POPs, their safe handling and disposal and elimination or reduction of releases of certain unintentional POPs.

Regulation (EU) 2019/1021 of the European Parliament and of the Council² implements in Union law the commitments set out in the Convention and in the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants (the Protocol), approved by Council Decision 259/2004/EC³.

Article 8(1) of the Convention stipulates that any Party may submit a proposal to the Secretariat for listing a chemical in Annexes A, B and/or C to the Convention, which will then be reviewed by the Persistent Organic Pollutants Review Committee (POPRC) following Article 8(3) and (4). The proposal shall contain the information specified in Annex D on 'Information requirements and screening criteria'. The POPRC examines the proposal and applies the screening criteria specified in Annex D. If the POPRC is satisfied that the screening criteria have been fulfilled, it invites Parties and observers to submit information specified in [Annex E](#) and develops a risk profile. Based on the risk profile, the POPRC makes decision on whether the chemical is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and/or environmental effects such that global action is warranted. If the POPRC decides that the proposal shall proceed, it invites Parties and observers to submit information related to the socio-economic considerations specified in [Annex F](#) and develops a risk management evaluation. On the basis of the risk

¹ Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1).

² Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45).

³ Council Decision (2004/259/EC) of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (OJ L 81, 19.3.2004, p. 35).

profile and risk management evaluation, the POPRC recommends whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C. Based on the recommendation of the POPRC, the Conference of the Parties decides whether to list a substance in Annex A (elimination), Annex B (restriction) and/or Annex C (unintentional production). The procedure for the adoption of amendments to Annexes is governed by Article 22 of the Convention.

TBPH is a brominated flame retardant, identified in the EU as a Substance of Very High Concern in accordance with article 57(e) of Regulation (EU) 1907/2006, because of its properties as very persistent and very bioaccumulative. According to the available scientific data, TBPH is also toxic and subject to long range transport, as it has been found in remote regions. Therefore, TBPH meets the criteria of Annex D to the Convention and should be considered as a POP candidate. The details of the assessment are available in the scientific dossier that will accompany the proposal for listing TBPH in Annex A or B to the Stockholm Convention.

With a view to starting the review of the dossier at the next POPRC meeting in October 2026, the deadline for submitting a proposal is in April 2026. Given the EU competencies in this domain, it is appropriate that the Commission submits on behalf of the Union a proposal for the listing of TBPH in Annex A or B to the Secretariat of the Stockholm Convention. The scientific dossier included in the proposal will be reviewed in accordance with the criteria and procedures under the Convention before a decision on the listing may be taken by the Conference of the Parties. The scientific assessment under the Convention takes at least three years, and therefore a decision on the listing of TBPH in the Convention will only be possible at the ordinary COP in 2029 at the earliest.

- **Consistency with existing policy provisions in the policy area**

The proposal is coherent with and complements the implementation of Regulation (EU) 2019/1021, which implements the Stockholm Convention in the Union. It is fully in line with the objective to protect human health and the environment from persistent organic pollutants.

- **Consistency with other Union policies**

The European Chemical Agency conducted a scientific assessment of the hazard and uses of a group of brominated flame retardants⁴, including TBPH, and, on the basis of the results of this work, the Commission is in the process of giving a mandate to ECHA to prepare an Annex XV dossier for a restriction under REACH. Nominating TBPH in 2026 would allow to progress the two restrictions (EU and international) in parallel, with the Stockholm process using the information generated during the REACH restriction process (including costs, benefits and availability of alternatives). This would avoid having a period of several years when the substance would be restricted in the EU but not globally.

This initiative will reduce one of the categories of the persistent pollution of EU waters identified under the Water Framework Directive in the European Environment Agency state-of-water report⁵ and thereby contribute to the EU's Water Resilience⁶ and Zero Pollution agenda⁷. In addition to the global benefits from the listing of TBPH under the Stockholm

⁴ [Regulatory strategy for flame retardants - Publications Office of the EU](#) and [fe02b4cb-4603-8189-dab6-9975f16b509e](#)

⁵ Europe's state of water 2024: the need for improved water resilience | Publications | European Environment Agency (EEA)

⁶ Water resilience strategy - European Commission

⁷ [Zero Pollution Action Plan - Environment - European Commission](#)

Convention, the proposal would allow to align the future EU restriction that may result from the REACH process with the global restriction under the Stockholm Convention and would ensure global level playing field for EU companies.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The procedural legal basis for the proposed Council Decision is Article 218(9) TFEU, which is the appropriate basis for an act defining the position of the European Union in relation to an international agreement, in this case the Stockholm Convention.

The substantive legal basis is Article 192 of the TFEU, paragraph 1, given that the measures agreed under the Stockholm Convention predominantly pursue an environmental objective (i.e. control of persistent organic pollutants).

- **Subsidiarity (for non-exclusive competence)**

Persistent organic pollutants are of global concern and the Stockholm Convention is implemented in the Union by Regulation (EU) 2019/1021. Since the Union is a Party to the Convention, it is appropriate that the nomination of a new chemical is done by the Union.

- **Proportionality**

Persistent organic pollutants are of global concern and the Stockholm Convention aims at eliminating the production and use of those chemicals. Therefore, it is proportionate to propose those chemicals to the Convention to ensure that appropriate action is taken at global level.

- **Choice of the instrument**

The Stockholm Convention is the only instrument available to restrict globally persistent organic pollutants.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

The proposal was discussed with the Member States and other stakeholders in the meetings of the Competent Authorities for Regulation (EU) 2019/1021. It was subject to a public consultation from 18 June to 13 August 2025 and the comments received were addressed.

The comments received did not change the overall conclusion for TBPH. The persistence and bioaccumulation sections was extended by including more detailed and updated information from scientific studies. The adverse effect section was extensively updated, including more detailed information on the studies already assessed by the European Chemical Agency in the draft dossier and new information from recent studies. Based on the existing data, the screening criteria in Annex D of the Stockholm Convention for persistence, bioaccumulation, long-range transport and adverse effects are considered to be met for TBPH. Some comments indicated that the substance is not used in the EU. However, as it is likely used outside the EU, it can be present in some imported products.

- **Impact assessment**

The decision to nominate TBPH will have no impacts on the EU, as the act alone only gives authority for the Union to propose TBPH for listing as POP substances under the Stockholm Convention on the basis of its hazard properties. The possible scope of any future restriction or ban and the assessment of impacts will be done during the Stockholm Convention process and by ECHA in the parallel REACH restriction process.

Any possible listing in Annex A or B to the Stockholm Convention can only be decided by the Conference of the Parties (COP), expected to take place in 2029 at the earliest. The Union is a Party to the Convention and the EU's position to be adopted at the COP will be established by a Council Decision. This Council Decision will be based on a proposal by the Commission prior to the COP in 2029 and will consider the exact proposal for a restriction proposed by the Convention bodies and the EU REACH restriction process. Without prejudice to the procedures in place, the EU would normally adopt a position to negotiate a listing that is in conformity with EU policies and legislation. This will include the EU relevant information generated during the REACH restriction process, including the need for specific exemptions. It will be possible to propose exemptions for the uses of TBPH for which substitution would be very difficult or too expensive. In addition, the EU could still retract the proposal during the scientific discussion in the Stockholm Convention, not support the listing at the Conference of the Parties or opt-out from the listing, should the impacts be too high.

- **Regulatory fitness and simplification**

The decision to propose TBPH for listing as POP under the Stockholm Convention has no regulatory fitness and simplification effects.

- **Fundamental rights**

The proposal has no consequences for the protection of fundamental rights.

4. BUDGETARY IMPLICATIONS

The proposal has no budgetary implications.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

An implementation plan, monitoring, evaluation and reporting are not deemed necessary.

- **Detailed explanation of the specific provisions of the proposal**

The proposal gives the Commission the mandate to propose the listing of TBPH in the Stockholm Convention on behalf of the European Union.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Stockholm Convention on Persistent Organic Pollutants ('the Convention') was concluded by the European Community by Council Decision 2006/507/EC¹, which entered into force on 17 May 2004.
- (2) In accordance with Article 8(1) of the Convention, as a Party to the Convention, the Union may submit proposals for amendment of the Annexes thereto. Annex A to the Convention lists persistent organic pollutants to be eliminated and Annex B lists persistent organic pollutants to be restricted.
- (3) Bis(2-ethylhexyl) tetrabromophthalate ('TBPH') is a brominated flame retardant, identified in the Union as a substance of very high concern in accordance with Article 57, point (e) of Regulation (EU) 1907/2006 of the European Parliament and of the Council², because of its properties as very persistent and very bioaccumulative. According to the available scientific data, TBPH is also toxic and subject to long range transport, as it has been found in remote regions. Therefore, TBPH meets the criteria of Annex D to the Convention and should be considered as a persistent organic pollutant.
- (4) It is therefore necessary that the Union should submit a proposal to the Secretariat of the Convention for the listing TBPH in Annex A or Annex B to the Convention to reduce the global emissions of this substance,

¹ Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1, ELI: <http://data.europa.eu/eli/dec/2006/507/oj>).

² Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1907/oj>).

HAS ADOPTED THIS DECISION:

Article 1

The Union shall submit a proposal for the listing of bis(2-ethylhexyl) tetrabromophthalate (TBPH) in Annex A or Annex B to the Stockholm Convention on Persistent Organic Pollutants ('the Convention').

The Commission shall communicate the proposal on behalf of the Union to the Secretariat of the Convention with all the information required under Annex D to the Convention.

Article 2

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*