
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate, in respect of Scotland, to Council Directive 96/59/EEC (“the Directive”) on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (“PCBs”). They are made for the purpose of implementing the provisions of the Directive which require decontamination or disposal of PCBs and equipment containing them and the associated provisions for inventories, labelling and monitoring. They are additional to the existing relevant requirements of the waste management licensing regime under the Environmental Protection Act 1990.

Subject to exceptions in particular for businesses concerned with the decontamination and disposal of PCBs, regulation 3 prohibits the holding in Scotland of certain equipment contaminated by PCBs (“contaminated equipment”) by anyone other than a person registered with the Scottish Environment Protection Agency (“SEPA”) under these Regulations. This prohibition applies after 31st July 2000.

Subject to similar exceptions and to exceptions for transformers and for certain other equipment being replaced under major replacement programmes, regulation 4(1) prohibits the holding of PCBs and equipment containing them (whether or not within the definition of “contaminated equipment” in regulation 2). This provision applies even though a person is registered with SEPA, but applies only after 31st December 2000.

Contaminated equipment is to be labelled as such (regulation 5) and, when decontaminated, within specified limits, is to be re-labelled in the form set out in Schedule 2 to the Regulations (regulation 4(4)(d)).

Regulation 6 provides for the procedure for registration. Applicants for registration are required to specify, amongst other things, the date by which they expect to have decontaminated or disposed of the equipment concerned. Regulation 7 provides for cancellation of the registration and regulation 8 for appeals against the non-determination of an application for registration or the cancellation of a registration.

Registered holders are required to provide information to SEPA on a regular basis (regulation 10).

Regulations 9, 10(3) and 11 set out the duties of SEPA to monitor the information supplied, to prepare an inventory for submission to the Scottish Ministers, to review the inventory at regular intervals, to provide an annual statement of the number of registered holders and items of equipment of which particulars are registered and in relation to a public register. The preparation of inventories by SEPA and the provision of summaries to the Scottish Ministers will facilitate the discharge of the obligation imposed by Article 4.1 of the Directive to send to the Commission a summary of the inventories of equipment with PCB volumes of more than 5dm³. SEPA also obtains other relevant information through the system of consignment notes under the Special Waste Regulations 1996. SEPA is required by regulation 11(8) of these Regulations to provide an annual statement to the Scottish Ministers setting out the number of registered holders of such notes and the amount of equipment held.

Regulation 12 provides for payment of charges; regulation 13 creates certain criminal offences; and regulation 14 provides for revocations.

Schedule 1 to the Regulations records the disposal operations D8 to D10, D12 and D15 set out in Annex IIA of Directive 75/442/EEC on waste, as replaced by Council Decision 96/350 and Schedule 2 sets out the Directive’s requirements for the labelling of decontaminated equipment.

A regulatory impact assessment which indicates the cost of compliance to business in respect of these Regulations may be obtained from the Scottish Executive, Environment Protection Unit at

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