

Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)

Article 1

The purpose of this Directive is to approximate the laws of the Member States on the controlled disposal of PCBs, the decontamination or disposal of equipment containing PCBs and/or the disposal of used PCBs in order to eliminate them completely on the basis of the provisions of this Directive.

Article 2

For the purposes of this Directive:

- (a) 'PCBs' means:
 - polychlorinated biphenyls,
 - polychlorinated terphenyls,
 - Monomethyl-tetrachlorodiphenyl methane, Mono-methyl-dichloro-diphenyl methane, Monomethyl-dibromo-diphenyl methane,
 - any mixture containing any of the abovementioned substances in a total of more than 0,005 % by weight;
- (b) 'equipment containing PCBs' means any equipment containing PCBs or having contained PCBs (e.g. transformers, capacitors, receptacles containing residual stocks) which has not been decontaminated. Equipment of a type which may contain PCBs shall be treated as if it contains PCBs unless it is reasonable to assume the contrary;
- (c) 'used PCBs' means any PCBs which are waste within the meaning of Directive 75/442/EEC;
- (d) 'holder' means the natural or legal person who is in possession of PCBs, used PCBs and/or equipment containing PCBs;
- (e) 'decontamination' means all operations which enable equipment, objects, materials or fluids contaminated by PCBs to be reused, recycled or disposed of under safe conditions, and which may include replacement, meaning all operations in which PCBs are replaced by suitable fluids not containing PCBs;
- (f) 'disposal' means operations D 8, D 9, D 10, D 12 (only in safe, deep, underground storage in dry rock formations and only for equipment containing PCBs and used PCBs which cannot be decontaminated) and D 15 provided for in Annex II A of Directive 75/442/EEC.

Article 3

Without prejudice to their international obligations, Member States shall take the necessary measures to ensure that used PCBs are disposed of and PCBs and equipment containing PCBs are decontaminated or disposed of as soon as possible. For the equipment and the PCBs contained therein, which are subject to inventory in accordance with Article 4 (1), decontamination and/or disposal shall be effected at the latest by the end of 2010.

Article 4

1 In order to comply with Article 3, Member States shall ensure that inventories are compiled of equipment with PCB volumes of more than 5 dm³, and shall send summaries of such inventories to the Commission at the latest three years after the adoption of this Directive. In the case of power capacitors, the threshold of 5 dm³ shall be understood as including all the separate elements of a combined set.

2 Equipment in respect of which it is reasonable to assume that the fluids contain between 0,05 % and 0,005 % by weight of PCBs may be inventoried without the data required in the third and fourth indents of paragraph 3, and may be labelled as 'PCBs contaminated < 0,05 %'. They shall be decontaminated or disposed of in accordance with Article 9 (2).

3 The inventories shall comprise the following:

- the names and addresses of the holders,
- the location and description of the equipment,
- the quantity of PCBs contained in the equipment,
- the dates and types of treatment or replacement carried out or envisaged,
- the dates of declaration.

If a Member State has already compiled a similar inventory, a new one shall not be required. Inventories shall be regularly updated.

4 In order to comply with paragraph 1, Member States shall take the necessary measures to ensure that the holders of such equipment notify the competent authorities of the quantities which they hold and of any changes in this respect.

5 Member States shall take the necessary measures to ensure that any equipment which is subject to inventory under paragraph 1 is labelled. A similar label must also be affixed to the doors of premises where such equipment is located.

6 PCB-disposal undertakings shall keep registers of the quantity, origin, nature and PCB content of used PCBs delivered to them. They shall communicate this information to the competent authorities. The registers may be consulted by the local authorities and by the public. The undertakings also issue to holders who deliver used PCBs receipts specifying the nature and the quantity thereof.

7 Member States shall ensure that the competent authorities monitor the quantities of which they are notified.

Article 5

1 By way of derogation from Article 3 of Directive 75/442/EEC Member States shall prohibit the separation of PCBs from other substances for the purpose of reusing the PCBs.

2 Member States shall prohibit the topping up of transformers with PCBs.

3 Until such time as they are decontaminated, taken out of service and/or disposed of in accordance with this Directive, the maintenance of transformers containing PCBs may continue only if the objective is to ensure that the PCBs they contain comply with technical standards or specifications regarding dielectric quality and provided that the transformers are in good working order and do not leak.

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Article 6

1 Member States shall take the necessary measures to ensure that used PCBs and equipment containing PCBs which is subject to inventory in accordance with Article 4 (1) are transferred as soon as possible to undertakings licensed pursuant to Article 8.

2 Before PCBs, used PCBs and/or equipment containing PCBs are taken by a licensed undertaking, all precautions necessary to avoid any risk of fire shall be taken. To this end they shall be kept away from any flammable products.

3 Where reasonably practicable, equipment containing PCBs which is not subject to inventory in accordance with Article 4 (1) and which is part of another piece of equipment shall be removed and collected separately when the latter equipment is taken out of use, recycled or disposed of.

Article 7

Member States shall take the necessary measures to prohibit any incineration of PCBs and/or used PCBs on ships.

Article 8

1 Member States shall take the necessary measures to ensure that all undertakings engaged in the decontamination and/or the disposal of PCBs, used PCBs and/or equipment containing PCBs obtain permits in accordance with Article 9 of Directive 75/442/EEC.

2 Where incineration is used for disposal, Council Directive 94/67/EC of 16 December 1994 on the incineration of dangerous waste⁽¹⁾ shall apply. Other methods of disposing of PCBs, used PCBs and/or equipment containing PCBs may be accepted provided they achieve equivalent environmental safety standards — compared with incineration — and fulfil the technical requirements referred to as best available techniques.

3 Member States shall individually or jointly take the necessary measures to develop, if appropriate and taking account of Article 4 (3) (a) (ii) of Regulation (EEC) No 259/93/EEC⁽²⁾ and Article 5 (1) of Directive 75/442/EEC, installations for the disposal, decontamination and safe storage of PCBs, used PCBs and/or equipment containing PCBs.

Article 9

1 Member States shall take the necessary measures to ensure that transformers containing more than 0,05 % by weight of PCBs are decontaminated under the following conditions:

- a the objective of the decontamination must be to reduce the level of PCBs to less than 0,05 % by weight and, if possible, to no more than 0,005 % by weight;
- b the replacement fluid not containing PCBs must entail markedly lesser risks;
- c the replacement of the fluid must not compromise the subsequent disposal of the PCBs;
- d the labelling of the transformer after its decontamination must be replaced by the labelling specified in the Annex hereto.

2 By way of derogation from Article 3, Member States shall ensure that transformers the fluids in which contain between 0,05 % and 0,005 % by weight of PCBs are either decontaminated under the conditions laid down in paragraph 1 (b) to (d) or disposed of at the end of their useful lives.

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[^{F1}Article 10

1 The Commission shall make available, in accordance with the regulatory procedure referred to in Article 10a(2), a list of the production names of capacitors, resistors and inductance coils containing PCBs.

2 The Commission shall:

- a fix the reference methods of measurement to determine the PCB content of contaminated materials. Measurements effected before the determination of the reference methods shall remain valid;
- b if necessary determine, solely for the purpose of Article 9(1)(b) and (c), other less hazardous substitutes for PCBs.

The Commission may fix technical standards for the other methods of disposing of PCBs referred to in the second sentence of Article 8(2).

The measures referred to in the first and second subparagraphs, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10a(3).]

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Four.](#)

[^{F2}Article 10a

1 The Commission shall be assisted by the Committee set up by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council⁽³⁾.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.]

Textual Amendments

- F2** Inserted by [Regulation \(EC\) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Four.](#)

Article 11

- 1 Member States shall, within three years of the adoption of this Directive, draw up:
 - plans for the decontamination and/or disposal of inventoried equipment and the PCBs contained therein;
 - outlines for the collection and subsequent disposal of equipment which is not subject to inventory in accordance with Article 4 (1), as referred to in Article 6 (3).

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2 Member States shall communicate these plans and outlines to the Commission without delay.

Article 12

1 Member States shall take the necessary measures to comply with this Directive not later than 18 months after its adoption. They shall forthwith inform the Commission thereof.

2 When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

3 Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

Article 13

1 This Directive shall enter into force on the date of its adoption and Directive 76/403/EEC shall be repealed with effect from that date.

- 2 With effect from the date referred to in paragraph 1:
- a the reference in Article 10 (1) of Directive 87/101/EEC⁽⁴⁾ to 'PCBs and PCTs within the meaning of Directive 76/403/EEC' shall be construed as a reference to PCBs within the meaning of this Directive;
 - b the reference in Article 10 (2) of Directive 87/101 /EEC to Directive 76/403/EEC shall be construed as a reference to this Directive;
 - c the reference in Article 2 (j) of Regulation (EEC) No 259/93 to Article 6 of Directive 76/403/EEC shall be construed as a reference to Article 8 of this Directive.

Article 14

This Directive is addressed to the Member States.

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- (1) OJ No L 365, 31.12.1994, p. 34.
- (2) OJ No L 30, 6.2.1993, p. 1. Regulation as amended by Commission Decision 94/721/EC (OJ No L 288, 9.11.1994, p. 36).
- (3) [^{F2}OJ L 114, 27.4.2006, p. 9.]
- (4) OJ No L 42, 12.2.1987, p. 43.

Textual Amendments

- F2** Inserted by Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Four.