

NB: Unofficial translation; legally binding texts are those in Finnish and Swedish

Ministry of the Environment, Finland

**No. 711
GOVERNMENT DECISION
ON THE WITHDRAWAL FROM USE OF PCBs AND EQUIPMENT CONTAINING PCBs
AND THE DISPOSAL OF PCB WASTE**

September 24, 1998

Section 1

Aim

The aim of this Decision is, in addition to what is prescribed elsewhere in the law, to regulate the withdrawal from use of PCBs and equipment containing PCBs and the disposal of PCB waste so that they do not cause any harm to health or the environment.

Section 2

Definitions

For the purposes of this Decision:

- 1) *PCBs* refers to
 - polychlorinated biphenyls;
 - polychlorinated terphenyls;
 - monomethyl-tetrachlorodiphenyl methane, monomethyl-dichloro-diphenyl methane and monomethyl-dibromo-diphenyl methane; and
 - any mixture containing any of the above-mentioned substances to a total of more than 0.005 per cent by weight;
- 2) *equipment containing PCBs* refers to transformers, capacitors, receptacles or other equipment or pieces of equipment which contain or have contained PCBs and which have not been decontaminated; equipment which may conceivably contain or may have conceivably contained PCBs should be treated as equipment containing PCBs unless another conclusion can be drawn in view of other factors related to the equipment or its use, or arising from the circumstances. However, receptacles used in operations approved under section 6, paragraph 3, or other equipment essential to the operations concerned are not treated as equipment containing PCBs, as long as the approved disposal of PCB waste continues;
- 3) *PCB waste* refers to PCBs, equipment containing PCBs, or other objects or substances containing PCBs, which are considered waste under section 3, paragraph 1, subparagraph 1, of the Waste Act (1072/1993); and
- 4) *disposal* refers to the following disposal operations referred to in Annex 6 of the Waste Decree (1390/1993): D 8, D 9, D 10 and D 15; operation D 9 also refers to decontamination that enables equipment, objects or substances contaminated by PCBs to be reused, recovered or disposed of under safe conditions.

Section 3

Withdrawal from use of PCBs and equipment containing PCBs

Equipment with PCB volumes of more than 5 dm³ not covered by the withdrawal provisions of the Government Decision on Restricting the Use of PCB and PCT (1071/1989), or which has not been banned under the Government Decision on Restricting the Placing on the Market and Use of Pentachlorophenol, Monomethyl-Tetrachloro-Diphenyl Methane, Monomethyl Dichloro-Diphenyl Methane and Monomethyl-Dibromo-Diphenyl Methane (846/1993), must be withdrawn by December 31, 1999.

Equipment containing PCBs other than that referred to in paragraph 1, as well as other objects or substances containing PCBs, or PCBs the withdrawal of which is not yet required or the use of which has not yet been banned under earlier provisions, except for PCBs used for research purposes, shall be withdrawn without delay. When reasonably practicable, equipment containing PCBs which forms part of other equipment shall be removed and collected separately.

Section 4

Declaration of equipment containing PCBs

Holders of equipment with PCB volumes of more than 5 dm³ must notify a regional environment centre of this equipment by March 1, 1999. Any changes in the possession of the equipment shall be reported without delay.

The declaration shall comprise the following:

- the name and address of the holder
- the location and description of the equipment
- the quantity of PCBs contained in the equipment
- the date and type of disposal envisaged or carried out; and
- the date of declaration.

Section 5

Inventory of equipment containing PCBs

Regional environment centres shall keep an inventory of the equipment and information referred to in section 4. A copy of the inventory shall be sent to the Finnish Environment Institute by May 1, 1999.

The Finnish Environment Institute shall draw up a summary of the inventories and send it to the Commission of the European Communities by September 16, 1999 at the latest.

Section 6

Disposal of PCB waste

Holders of PCB waste shall without delay dispose of the waste or deliver it for disposal in accordance with section 15, paragraph 1, or section 78, paragraph 5, of the Waste Act.

PCB waste can only be disposed of in accordance with the provisions in section 2, subparagraph 4. Incineration shall be in accordance with the Government Decision Concerning the Incineration of Hazardous Waste (842/1997). Other acceptable disposal methods may only be used if they meet the environmental safety requirements concerning the incineration of hazardous waste and the requirements laid down in section 6, subparagraph 5, of the Waste Act. The separation of PCBs from PCB waste for reuse is prohibited.

Environmental permit applications for PCB waste handling and the application procedure are prescribed in the Environmental Protection Act (86/2000) and the Environmental Protection Decree (169/2000). (8.2.2001/113)

Section 7

Establishing the amount and content of equipment containing PCBs and PCB waste

If there is reason to assume that the equipment containing PCBs comes under section 4, paragraph 1, or in the case of PCB waste the holder of the equipment or waste shall, if necessary, establish the amount and content of PCBs in the equipment or waste so that the provisions of this Decision can be implemented.

Section 7a (8.2.2001/113)

Reference methods for determination of PCBs

European standards EN 12766-1 and prEN12766-2 and later versions thereof shall be used as reference methods for the determination of PCB content in oil products and oil wastes. To determine PCB content in insulating liquids, European standard IEC 61619 and later versions thereof shall be used.

Section 8

Storing PCBs

To prevent fires, PCBs, equipment containing PCBs and PCB waste shall be kept or stored away from highly flammable materials.

Section 9

Action programme concerning equipment containing PCBs

The Finnish Environment Institute shall prepare and submit to the Ministry of the Environment by August 1, 1999, a draft action programme on the collection and disposal of equipment containing PCBs for communication to the Commission of the European Communities.

Section 10

Entry into force

This Decision comes into force on October 15, 1998.

The Government Decision amending Government Decision 711/1998 (113/2001) came into force on February 24, 2001.

Council Directive 96/59/EC