In case of any discrepancy between the original Danish text and the English translation of this Act, the Danish text shall prevail.

Executive Order on PCBs, PCTs and their substitutes [1)](https://www.retsinformation.dk/eli/lta/2016/47%22%20%5Cl%20%22idb6d2bdae-34a2-492d-9ccb-a17d1d74b6d7)

Pursuant to section 7, subsection 1, nos. 1, 2 and 7, § 7 a, para. 1, § 44, para. 1, § 45, para. 2, § 80, para. 2, and § 110, para. 3, of the Environmental Protection Act, cf. Executive Order no. 1317 of 19 November 2015, and section 22, subsection 4, § 23, § 30, para. 1 and 3, § 43, § 45, para. 1, § 47 and § 59, para. 4 and 5, of the Chemicals Act, cf. Executive Order no. 849 of 24 June 2014, stipulates:

Chapter 1

*Definitions and area of ​​the Executive Order*

**§ 1.** For the purposes of this Executive Order:

1) PCB:

a) Polychlorbiphenyler.

b) Polychlorterphenyler.

c) Monomethyltetrachlorodiphenylmethane, monomethyldichlorodiphenylmethane and monomethyldibromodiphenylmethane.

d) Mixtures with a total content exceeding 0,005% by weight of the abovementioned substances.

2) Apparatus containing PCBs: Apparatus or equipment which contains or has contained PCBs and which is not decontaminated. Devices of a type that may contain PCBs are considered to contain PCBs, unless it is proven by means of an analysis that the apparatus does not contain PCBs, cf. section 18.

3) Used PCB: PCB that is considered waste after the Executive Order on Waste.

4) Holder: The natural or legal person in possession of PCBs, used PCBs or appliances containing PCBs.

5) Decontamination: All operations whereby devices, objects, materials or liquids that are contaminated with PCBs can be reused, recycled or disposed of safely, including any replacement, ie. all operations whereby the PCB is replaced with a suitable liquid that does not contain the PCB.

6) Disposal: Disposal in accordance with the rules of the Regulation of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117 / EEC.

**§ 2. The** Executive Order covers the following regarding PCBs and devices containing PCBs, cf. § 1:

1) Sales, import, use, maintenance, storage and labeling.

2) Submission of information.

3) Disposal and decontamination.

4) Self-monitoring and analyzes.

**§ 3.** The rules of the Executive Order do not apply to PCBs and devices containing PCBs which have been manufactured abroad and which are only carried through the country as transit goods and which are not the subject of treatment or processing. However, this does not apply if the transport is covered by the Ministry of the Environment and Food's legislation regarding import and export of waste.

**§ 4.** Unless otherwise follows from this executive order, the other legislation on waste management applies, including the executive order on waste.

Chapter 2

*Sales, import, use, maintenance, storage and labeling*

**§ 5. The** sale and import of PCBs and appliances containing PCBs are prohibited.

**§ 6.** The use of transformers or capacitors that contain PCBs and that have a total weight of 1 kg and upwards or an effect of more than or equal to 2 kVAr is prohibited.

*PCS. The* use of monomethyltetrachlorodiphenylmethane (CAS No 76253-60-6), monomethyldichlorodiphenylmethane (CAS No. Unknown) or monomethyldibromodiphenylmethane (CAS No 99688-47-8) or the use of mixtures containing these substances is prohibited.

*PCS. 3.* Equipment containing monomethyltetrachlordiphenylmethan (CAS no. 76253-60-6) that were in service on 18 June 1994 may be used and maintained until the end of their life.

*PCS. 4.* transformers and capacitors containing PCBs but not covered by paragraph. 1, may be used until the end of their service life.

**§ 7.** Apparatus containing PCBs covered by § 6, para. 3 and 4 may continue to be maintained until they are decontaminated or disposed of in accordance with this Order. However, this presupposes that the PCB contained complies with the technical rules and specifications for dielectric quality, and that the devices are in good condition and completely tight.

**§ 8.** Notwithstanding the provision in § 5 and § 6, para. 1, sold, imported and used for research at laboratory level or as a reference standard.

**§ 9.** PCBs must be kept separate from flammable substances.

*PCS. 2.* Transformers and capacitors covered by section 6, subsection 1, must be stored detached or in a non-combustible building that does not contain oil-containing electrical equipment alone. However, the placement can be done in a separate fire section, which is designed to withstand fire for 60 minutes, and which also alone does not contain oily electrical equipment.

**§ 10.** Devices, including transformers and capacitors with a PCB content of more than 5 dm 3 , must be marked.

*PCS. The* labeling must be clear and must indicate that the appliance contains PCBs and that vapors harmful to health are generated in the event of a fire.

*PCS. 3.* The After the decontamination of the appliance, the marking referred to in subsection 1 shall be replaced by the marking specified in Annex 1, cf. section 15, subsection 2, No. 4.

**§ 11.** Buildings and premises where appliances as mentioned in § 8 are located, as well as all entrances to such buildings and premises must be marked.

*PCS. The* marking must be clear and must consist of visible signs indicating that there are appliances with PCBs in the building or premises and that fire is harmful to health.

**§ 12.** The holder of PCBs and devices containing PCBs is responsible for compliance with the rules in §§ 5-11 of this chapter.

Chapter 3

*Submission of information*

**§ 13.** The holder of a PCB and the holder of devices containing a PCB shall notify the 2 mentioned information to the Danish Environmental Protection Agency on request.

*PCS. 2.* The following information must be communicated, cf. 1:

1) Name and address of the holder.

2) Description of the amount of PCB, how it is stored, what it is used for and where it is located.

3) Description of the appliance and indication of its location.

4) The amount of PCB in the device.

5) Date of treatment or replacement performed or scheduled.

6) Indication of treatment method or replacement performed or planned.

7) The date of receipt of the documentation mentioned in § 17 (documentation for disposal).

*PCS. 3.* The holder of the 1 mentioned devices, the Danish Environmental Protection Agency notifies any changes in the information already announced.

Chapter 4

*Disposal and decontamination*

**§ 14.** The holder of transformers and capacitors containing PCBs, which is covered by the prohibition on use in § 6, para. 1, shall ensure that these PCBs are disposed of as soon as possible and no later than 1 January 2000.

*PCS. 2.* The holder of the in § 6, para. The substitutes referred to in paragraph 2 shall ensure that these substitutes are disposed of as soon as possible and no later than 1 January 2000.

*PCS. 3.* Holders of equipment including transformers and capacitors with PCB volumes of more than 5 dm 3 , must ensure that those disposed of as soon as possible and no later than 1 January 2000.

*PCS. 4.* Holders of equipment with PCB, covered by § 6, paragraph. 3 and 4, shall ensure that these are disposed of at the end of their service life.

*PCS. 5.* Holders of PCBs in general and objects containing PCBs must ensure that this disposed of as soon as possible after use.

**§ 15.** Holders of transformers that contain more than 0.05% by weight of PCBs must ensure that these are decontaminated as soon as possible.

*PCS. 2.* The person carrying out the decontamination must ensure that the following conditions are met:

1) The purpose of the decontamination must be to reduce the PCB to less than 0.05%.

2) The non-PCB-containing replacement must entail clearly fewer risks.

3) The replacement must not endanger the subsequent disposal of the PCB.

4) After the decontamination, the marking of the transformer must be replaced with the marking specified in Annex 1 to this Executive Order.

**§ 16.** Holders of transformers containing between 0.05 and 0.005% by weight of PCBs must ensure that these are decontaminated as soon as possible or must ensure that these are disposed of at the end of their service life.

*PCS. 2.* The person performing the decontamination must ensure that the conditions listed in section 15, subsection 2, nos. 2, 3 and 4, are met.

**§ 17. The** municipal council or the approved company that receives used PCBs for disposal must provide documentation of the nature and quantity of the submitted PCBs to the holder.

Chapter 5

*Self-monitoring and analyzes*

**§ 18.** The holder of PCBs, including used PCBs and devices containing PCBs, which are covered by Chapter 2 of this Executive Order, must be in possession of documentation that these PCBs meet the requirements of the Executive Order. The documentation for this must be handed over to the supervisory authority upon request.

*PCS. 2.* Analyzes of PCBs shall follow the method of analysis in Annex 2.

*PCS. 3. The* supervisory authority may decide that analyzes must be carried out in laboratories accredited under the Danish Accreditation and Metrology Fund (DANAK) or a similar accreditation body which is a co-signatory of EA's multilateral agreement on mutual recognition.

Chapter 6

*Supervision and enforcement*

**§ 19.** For supervision and enforcement, the rules in the Environmental Protection Act apply.

*PCS. 2. However,* supervision and enforcement regarding compliance with the rules in Chapter 2 on sale, import, use, maintenance, storage and labeling and supervision of compliance with the rules in Chapter 3 on submission of information is exercised by the Danish Environmental Protection Agency, cf. the Chemicals Act.

Chapter 7

*Administrative provisions*

**§ 20.** Decisions pursuant to this Executive Order may not be appealed to another administrative authority, including the Minister for the Environment and Food.

Chapter 8

*Penalty and entry into force, etc.*

**§ 21.** Unless a higher penalty is due under the other legislation, a fine shall be imposed on the person who

1) violates the prohibition on sale and import in § 5,

2) violates the prohibition against use in § 6,

3) violates the rules on maintenance in § 7,

4) violates the rules on storage in § 9,

5) violates the rules on labeling in § 10 and § 11,

6) fails to provide information pursuant to section 13,

7) fails to notify changes in or corrections to information pursuant to section 13, subsection 3,

8) violates the rules on disposal in § 14 and § 16,

9) violates the rules on decontamination in § 15 and § 16 or

10) violates the rules on self-monitoring and analyzes in § 18.

*PCS. 2.* The penalty may increase to imprisonment for up to 2 years if the offense is committed intentionally or by gross negligence, and if the offense is

1) damage to the environment or risk of harm or

2) obtained or intended a financial benefit for the person himself or others, including through savings.

*PCS. 3.* Companies etc. (legal persons) may be held criminally liable in accordance with the rules in Chapter 5 of the Criminal Code.

**§ 22. The** Executive Order enters into force on 16 January 2016.

*PCS. 2.* Executive Order no. 925 of 13 December 1998 on PCBs, PCTs and substitutes for them is repealed.

*Ministry of the Environment and Food, 12 January 2016*

PMV
Paolo Perotti
Office Manager

/ Claus Torp

**Annex 1**

**Decontaminated apparatus containing PCBs, cf. section 15, subsection 2, No. 4**

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| --- |
| The PCB-containing liquid was replaced |
| with . . . . . . . . . . . . . . . . . . . . . . . . . . . . (designation of the replacement fluid) |
| the . . . . . . . . . . . . . . . . . . . . . . . . . . . . . (date) |
| of . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . (Corporation) |
| PCB concentration |
| in the old liquid:. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . weight percent |
| in the new liquid:. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . weight percent |

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**Appendix 2**

**Method of analysis, cf. section 18, subsection 2**

European standard EN 12766-1 and prEN 12766-2 and subsequent revised versions thereof are used as reference methods for determining PCBs in oil products and waste oils.

As a reference method for determining PCBs in transformer oil and the like. European standard IEC 61619 and subsequent revised versions thereof are used.

Official notes

[1) The](https://www.retsinformation.dk/eli/lta/2016/47%22%20%5Cl%20%22Henvisning_idb6d2bdae-34a2-492d-9ccb-a17d1d74b6d7) Order contains provisions implementing Council Directive 96/59 / EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB / PCT), Official Journal 1996, No L 243, page 31, Commission Decision 2001/68 / EC of 16 January 2001 laying down reference methods for measuring PCBs pursuant to Article 10 (a) of Council Directive 96/59 / EC on the disposal of polychlorinated biphenyls and polychlorinated phenyls (PCBs / PCTs), Official Journal 2001, No L 23, page 31 and parts of Directive 2006/123 / EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, Official Journal 2006, L 376, page 36. The Order is drafted have been notified in accordance with Council Directive 98/34 / EC (Information Procedures Directive), as amended by Directive 98/48 / EC.