COUNCIL DIRECTIVE

of 6 April 1976

on the disposal of polychlorinated biphenyls and polychlorinated terphenyls

(76/403/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas any disparity between the provisions on the disposal of polychlorinated biphenyls (PCB) already applicable or in preparation in the various Member States may create unequal conditions of competition and thus directly affect the functioning of the common market; whereas it is therefore necessary to approximate laws in this field, as provided for in Article 100 of the Treaty;

Whereas it seems necessary for this approximation of laws to be accompanied by Community action so that one of the aims of the Community in the fields of improvement of living conditions, harmonious development of economic activities throughout the Community and continuous and balanced expansion can be achieved by more extensive rules on the disposal of PCBs; whereas certain specific provisions to this effect should therefore be laid down; whereas Article 235 of the Treaty should be invoked as the powers required for this purpose have not been provided for by the Treaty;

Whereas PCBs present hazards which are widely recognized as being harmful to human health and the environment; whereas these substances must therefore be controlled at each stage of their use;

Whereas the programme of action of the European Communities on the environment (3), recognizes the need for Community action with respect to waste the treatment of which, because of its toxicity and non-degradability, requires solutions extending beyond the national framework;

Whereas Directive 75/442/EEC (4) relates to the disposal of waste in general; whereas it is necessary to lay down special arrangements for particularly dangerous waste to ensure that human health and the environment will be safeguarded against harmful effects from such waste or from uncontrolled abandonment or dumping; whereas such arrangements should be adopted for PCB;

Whereas, in order to avoid as far as possible the risks of dispersion into the environment, Member States should take the necessary measures to make mandatory the disposal of waste PCB or of PCB in objects or equipment no longer capable of being used;

Whereas provision should also be made for the setting up or designation by the Member States of installations, establishments or undertakings to be responsible for the disposal of PCB; whereas anyone in possession of PCB which he wishes to dispose of must make it available to such installations, establishments or undertakings,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purpose of applying this Directive:

(a) PCB means: polychlorinated biphenyls,

polychlorinated terphenyls,

mixtures containing one or both of such substances;

(1) OJ No C 157, 14. 7. 1975, p. 87.
(2) OJ No C 263, 17. 11. 1975, p. 34.
(3) OJ No L 112, 20. 12. 1973, p. 3.
(4) OJ No L 194, 25. 7. 1975, p. 39.