

DIRECTIVE NO.....2022

**A DIRECTIVE ISSUED TO PHASE-OUT THE USE OF POLYCHLORINATED
BIPHENYLS MATERIALS AND POLYCHLORINATED BIPHENYL
CONTAMINATED MATERIALS**

WHEREAS it has become necessary to prescribe requirements for the phase-out of the use of Polychlorinated Biphenyl materials and Polychlorinated Biphenyl contaminated materials to ensure that impacts or potential impacts on health, wellbeing, safety and the environment are prevented or minimized;

WHEREAS it has become necessary to set timeframes in which Polychlorinated Biphenyl holders must have completely phased-out the use of Polychlorinated Biphenyl materials and Polychlorinated Biphenyl contaminated materials and disposed of all Polychlorinated Biphenyl waste in their possession;

THEREFORE, the Plan and Development Ministry issued this Directive in accordance with Article 19 (4) of Proclamation No. 1263/2021 on Definition of Powers and Duties of the Executive Organs.

1. Short Title

This Directive may be cited as “Directive No....issued to Phase-Out the Use of Polychlorinated Biphenyls materials and Polychlorinated Biphenyl Contaminated materials.

2. Definition

1. **“Authority”** means the Environmental Protection Authority;
2. **“Polychlorinated Biphenyls”** means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance;
3. **“Polychlorinated Article”** means any non-liquid material containing PCBs at concentrations ≥ 50 ppm but < 500 ppm; a liquid material containing PCBs at concentrations ≥ 50 ppm but < 500 ppm;

4. **"Polychlorinated Biphenyls holder"** means a person who uses or stores Polychlorinated Biphenyl materials or Polychlorinated Biphenyl contaminated materials and wastes;
5. **"Polychlorinated Biphenyls Item"** means any Polychlorinated Biphenyl Article, materials or existence that deliberately or unintentionally contains or has as a part of it any Polychlorinated Biphenyl or Polychlorinated Biphenyls above or equal to 50ppm.
6. **"Polychlorinated Biphenyls waste"** means waste as defined in the hazardous waste management and disposal proclamation, Proclamation No 1090/2018
7. **"person"** means a natural person or juridical body;
8. Any expression in the masculine gender shall also include the feminine.

3. Scope of Application

This Directive shall be applicable on any person who manufacture, process, distribute in, use, or dispose of Polychlorinated Biphenyls or Polychlorinated Biphenyls items.

4. Prohibitions

No person shall engage in the production, import and export of Polychlorinated Biphenyl materials or Polychlorinated Biphenyl contaminated materials.

5. Phase-out time frames

- 1) No person shall use any Polychlorinated Biphenyl materials, Polychlorinated Biphenyl contaminated materials or Polychlorinated Biphenyl waste after the year 2025.
- 2) No person shall have any Polychlorinated Biphenyl materials, Polychlorinated Biphenyl contaminated materials or Polychlorinated Biphenyl waste in his possession after the year 2025 with the exception to dispose Polychlorinated Biphenyl waste.

6. Registration

1. Any person that possesses wastes consisting of, containing or contaminated with Polychlorinated Biphenyls shall be registered by the Authority within 90 days from the date of entry into force of this directive.
2. The Authority shall acknowledge receipt and register application within 30 days of receipt.

3. The Authority may, upon receipt of the application for registration request incomplete information to be furnished in writing or amendments to be effected and the amended registration form to be resubmitted within 15 working days.
4. A person who is registered in accordance with Sub-article (1) of this Article shall notify the Authority of any changes in any material detail which has been provided as part of the registration within 30 days of such change taking place.

7. Polychlorinated Biphenyl Phase-out Plans

1. A Polychlorinated Biphenyl holder who is registered in accordance with Article 6 of this directive shall develop a phase-out plan and submit it for approval to the Authority within three months from the date of entry into force of this Directive.
2. The phase-out plan stated in Sub article (1) of this Article shall contain the following information:-
 - 1) name and contact details of the person;
 - 2) registration issued by the Authority in accordance with Article 6 of this Directive;
 - 3) comprehensive inventory of non-Polychlorinated Biphenyl materials, Polychlorinated Biphenyl materials and Polychlorinated Biphenyl contaminated materials in use or stored specifying the following information:-
 - a) the type of equipment;
 - b) serial number;
 - c) specific location (GIS coordinates);
 - d) name of the manufacturer;
 - e) date of manufacture;
 - f) type of dielectric fluid contained;
 - g) fluid weight in (kg) or fluid volume in (L); and
 - h) Polychlorinated Biphenyl concentration in (PPM).
3. The time period within which the person plans to have completely phased-out all wastes consisting of, containing or contaminated with Polychlorinated Biphenyls shall not exceed the time frames set in Article 5 of this Directive.

4. The Authority, after receipt of the phase-out plan shall make a final decision within 20 working days and notify the same to the applicant in writing.
5. The Authority may require the applicant for additional information to be furnished or amendments to be effected within 15 days.
6. A person whose phase-out plan has been approved by the Authority shall implement such a plan and may only deviate from such a plan upon written approval to do so by the Authority.

8. Reporting

1. A Polychlorinated Biphenyl holder shall at own cost; submit to the Authority a biennial audit report prepared by an auditor, on or before the expiry date of approval of the phase-out plan.
2. The audit report stated in Sub-article (1) of this Article shall contain the following information:
 - a. the profile of the auditor;
 - b. name and details of the Polychlorinated Biphenyl holder or person submitting the report and confirmation of correctness of information supplied in the audit report;
 - c. progress report regarding the implementation of the approved Phase-out Plan stated in article 7 of these Directive;
 - d. copies of Polychlorinated Biphenyl waste safe disposal certificates issued by a licensed or permitted waste disposal facility;
 - e. laboratory results of equipment that have been decontaminated .

9. Effective Date

This directive shall enter into force as of the date registered by Ministry of Justice and uploaded on the Ministry's portal.