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**DANISH MINISTRY
OF THE ENVIRONMENT**

Environmental
Protection Agency

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Interpretation of article 7 in regulation No 850/2004 on POP's

The Danish Environmental Protection Agency hereby asks the Commission to clarify an apparent inconsistency in article 7, para. 4 (a) and 4 (b), regarding PCB, as the PCB-concentration limit in both annex IV and V is 50 mg/kg.

In that regard we would like the Commission to clarify whether waste containing PCB up to 50 mg/kg shall be disposed of or recovered according to para. 4(a) or 4(b).

Furthermore, we would like the Commission to clarify the relation between directive No. 1999/31 on the landfill of waste and article 7 in regulation No. 850/2004.

The reason being that the directive in article 6 (b) states that only hazardous waste is to be assigned to a hazardous landfill, whereas annex V in the regulation no 850/2004 states that waste containing less than 50 mg PCB/kg must be assigned to a hazardous landfill.

However, only waste containing more than 50 mg/kg is to be considered hazardous waste, which in our view indicates an inconsistency between the two sets of rules.

Danish EPA would appreciate a clarification of these questions as soon as possible.

Thank you in advance.

Yours sincerely, *on behalf of*
Head of Division Dorte Hermansen

Hene Gravesen