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 certain ozone-depleting substances [1)](https://www.retsinformation.dk/eli/lta/2015/1386" \l "idf56abffe-d509-458f-9c57-7635fbd67b5f)

Pursuant to § 4 a, § 7 a, § 8, para. 1, § 30, § 45, and § 59, para. 4 of the Chemicals Act, cf. Statutory Order no. 849 of 24 June 2014, and after negotiation with the Minister of Taxation, shall be determined by authorization:

*Area of ​​the Executive Order*

**§ 1.** The current EC Regulation on substances that deplete the ozone layer / NREF / SN502 / 2) / lays down the minimum level for the regulation of controlled substances.

**§ 2.** This executive order regulates the controlled substances mentioned in subsection. 2, and goods, including plants containing controlled substances or the function of which is dependent on these substances.

*PCS. 2.* The controlled substance has the following chemical substances and their isomers, both alone and in admixture with other materials if the content is more than 1 weight percent:

1) All CFCs (fully halogenated chlorofluorocarbons).

2) Tetrachloromethane.

3) Trichlorethan.

4) All halons (fully halogenated bromofluorocarbons, bromochlorocarbons and bromochlorofluorocarbons).

5) All HBFCs (hydrobromofluorocarbons).

6) All HCFCs (hydrochlorofluorocarbons).

7) Methyl bromide.

**§ 3. The** executive order does not cover

1) controlled substances used as raw materials for the manufacture of chemical substances not covered by this Order, and

2) dose inhalers and drug pumps containing controlled substances.

*Restrictions on the use of controlled substances*

**§ 4.** Commercial use of controlled substances that have not been recycled is prohibited, cf. 2, 2. pkt.

*PCS. 2.* Commercial use of all halons, new and recycled, is prohibited. However, the use of halons in aircraft is permitted.

**§ 5.** It is prohibited commercially to refill or have refilled substances that have not been recycled refilled on goods, including plants.

*PCS. 2.* Filling with all halons, new and recycled, is prohibited. However, it is permissible to fill recycled halons

1) the systems in aircraft and

2) on handheld fire extinguishers for aircraft.

*PCS. 3.* Companies that fill halon at facilities in aircraft, cf. 2, no. 1, or on hand-held fire extinguishers for aircraft, cf. 2, no. 2, shall, no later than 20 January in the following year, inform the Danish Environmental Protection Agency of the quantities of halon used.

*Restrictions on the sale, export, use and possession of goods, including plants containing controlled substances*

**§ 6.** Commercial export of goods, including plants that are not chemical products and that contain controlled substances, is prohibited. The ban does not cover the export of aircraft and ships.

*PCS. 2.* Commercial sale of goods, including plants that are not chemical products and containing no recycled controlled substances are banned under. However paragraph. 3.

*PCS. 3.* It is, however, permitted to resell goods in Denmark that

1) at first sale met Danish requirements, or

2) for first-time sales in the EU met requirements that ensure an equivalent level of protection with regard to ozone-depleting substances.

**§ 7.** Goods, including plants which contain controlled substances and which have been acquired legally, may continue to be used, cf. 2.

*PCS. 2.* It shall be prohibited to possess mobile and stationary fire extinguishing systems containing halons unless the system is permanently installed in an aircraft or in a foreign registered vehicle or ship.

**§ 8.** Servicing, maintenance or dismantling of

1) cooling, air conditioning and heat pump systems,

2) equipment containing controlled substances as solvents, and

3) fire protection systems and fire extinguishers

must be carried out to ensure that controlled substances are recovered for recycling or regeneration or recycled for destruction.

*PCS. 2.* The person who services, maintains or dismantles cooling, air conditioning or heat pump systems, cf. 1, no. 1, must comply with the Danish Working Environment Authority's current rules on training and qualifications regarding the use of pressure equipment.

*PCS. 3.* The person who services, maintains or dismantles plants or equipment covered by subsection 1, must be aware of the requirements of this Executive Order and of measures that can prevent or limit the release of controlled substances.

*PCS. 4.* Companies that perform work with controlled substances covered by paragraph 1 shall ensure that the work carried out by persons who meet the requirements of paragraphs. 2 and 3.

*PCS. 5.* Whoever leaves work covered by para. 1 shall ensure that the work is performed by persons or companies that meet the requirements of para. 2 and 3.

*Control, dispensation and right of appeal*

**§ 9.** Supervision and control of compliance with the rules in this executive order and with compliance with the ordinance on ozone-depleting substances is exercised by the Danish Environmental Protection Agency, cf. Chapter 10 of the Chemical Substances and Products Act. The state customs and tax authorities assist the Danish Environmental Protection Agency with the control. The Danish Maritime Authority monitors compliance with section 7, subsection 2, and reports violations to the Danish Environmental Protection Agency.

*PCS. (2)* In special cases, the Danish Environmental Protection Agency may allow the rules in the executive order to be deviated from, including permitting

1) that halons are used for critical use, in accordance with the Regulation on Ozone-depleting substances, Article 4, para. 4, point iv,

2) that controlled substances are used for purposes where less environmentally or health-damaging alternatives are not available and where the use is considered to be of significant importance,

The use of HCFCs for laboratory purposes, including research and development; or

4) that controlled substances are used for purposes which mean that the total emission of ozone-depleting substances from the relevant area of ​​application is significantly reduced.

*PCS. 3. The* Danish Environmental Protection Agency's decisions pursuant to subsection 2 can not be appealed to another administrative authority.

*Punishment and entry into force*

**§ 10.** Unless a higher penalty is due under other legislation, the person who violates § 4, § 5, § 6, para. 1-2, § 7, para. 2, § 8 or violates conditions laid down in permits pursuant to § 9, para. 2, with a fine.

*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) caused damage to human life or health or caused danger thereof,

2) damage to the environment or risk of harm, or

3) obtained an intended financial benefit, including savings for the person himself or others.

*PCS. 3.* Companies etc. may be imposed. (legal persons) criminal liability according to the rules in Chapter 5 of the Criminal Code.

**§ 11. The** Executive Order enters into force on 31 December 2015.

*PCS. 2.* Executive Order no. 243 of 19 April 2002 on certain ozone-depleting substances is repealed.

*PCS. 3.* Exemptions granted under the previous rules, remain in effect until terminated in accordance with their contents, or pending a new provision under this ordinance. Violations of the terms of the exemptions are punished according to the current rules.

*Ministry of the Environment and Food, 25 November 2015*

Michel Schilling

/ Peter Østergård Have

Official notes

[1)](https://www.retsinformation.dk/eli/lta/2015/1386" \l "Henvisning_idf56abffe-d509-458f-9c57-7635fbd67b5f) The draft has been notified as a draft in accordance with Council Directive 98/43 / EC (Information Procedures Directive), as amended by Directive 98/48 / EC. The Order incorporates certain provisions of Regulation No 1005/2009 / EU of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer, Official Journal 2009, L 286, page 1. Pursuant to Article 288 TFEU -The Treaty applies to a regulation directly in each Member State. The reproduction of these provisions in the Executive Order is thus based solely on practical considerations and does not affect the immediate validity of the Regulation in Denmark.