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

Order prohibiting the import, sale and manufacture of cadmium-containing goods [1)](https://www.retsinformation.dk/eli/lta/2009/858%22%20%5Cl%20%22Not1)

Pursuant to section 30, section 31, section 45, subsection 1, § 59, para. 4, and section 60 of the Act on Chemical Substances and Products, cf. Executive Order no. 1755 of 22 December 2006, as amended by Act no. 97 of 10 February 2009, stipulates:

Chapter 1

*Area of ​​the Executive Order*

**§ 1.** This Executive Order covers the import, sale and manufacture of cadmium-containing goods.

**§ 2.** By cadmium-containing products is meant products where cadmium is included with more than 75 ppm in the homogeneous individual parts of the product as:

1) color pigment,

2) plastic stabilizer or

3) surface treatment (cadmiation).

**§ 3. The** Executive Order does not affect the provisions that follow from other legislation regarding cadmium-containing goods.

**§ 4. The** Executive Order does not cover cadmium-containing products that are covered by Regulation No. 1907/2006 / EC of the European Parliament and of the Council of 18 December 2006, cf. Annex 1.

Chapter 2

*Prohibition on import, sale and manufacture*

**§ 5.** Import, sale and manufacture of cadmium-containing goods is prohibited.

*PCS. 2.* Notwithstanding the prohibition in para. 1, the import, sale and manufacture of cadmium-containing products are permitted for the product categories mentioned in Annex 2 to this Order, under the conditions and until the dates specified in the Annex.

Chapter 3

*Control, dispensation and right of appeal*

**§ 6.** Supervision and control of compliance with the rules in the Executive Order is exercised by the Danish Environmental Protection Agency, cf. the relevant provisions of the Act.

*PCS. (2) The* Danish Environmental Protection Agency may, in special cases, allow the rules in the executive order to be deviated from. The Danish Environmental Protection Agency may set conditions for the permit.

*PCS. 3. The* Danish Environmental Protection Agency's decisions pursuant to subsection 1 and 2 may not be appealed to another administrative authority.

Chapter 4

*Penalty and entry into force*

**§ 7.** Unless a higher penalty is due under other legislation, the person who:

1) imports, sells or manufactures cadmium-containing products in violation of § 5, para. 1, or

2) overrides conditions attached to a permit pursuant to section 6, subsection 2.

*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 or intended a financial benefit, including through savings, for the person himself or others.

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

**§ 8. The** Executive Order enters into force on 14 September 2009.

*PCS. 2.* Executive Order no. 1199 of 23 December 1992 on a ban on the sale, import and manufacture of cadmium-containing products is repealed.

*Ministry of the Environment, 5 September 2009*

Troels Lund Poulsen

/ Claus Torp

**Annex 1**

**List of goods which, in accordance with § 4, are not covered by this Executive Order****[2)](https://www.retsinformation.dk/eli/lta/2009/858%22%20%5Cl%20%22Not2)**

(the figures given in square brackets refer to codes and chapters of the Customs and Statistical Nomenclature and to the Common Customs Tariff as laid down in Council Regulation (EEC) No 2568/87)

|  |  |
| --- | --- |
|   |   |
| 1) | Goods made from the following chemical substances and products in which cadmium is used as a color pigment: |
|   | a) | Polyvinyl chloride (PVC) [3904 10] [3904 21] [3904 22] |
|   | b) | Polyurethane (PUR) [3909 50] |
|   | c) | Low density polyethylene (LDPE) other than low density polyethylene used for the manufacture of colored masterbatch [3901 10] |
|   | d) | Celluloseacetate (CA) [3912 11] [3912 12] |
|   | is) | Celluloseacetobutyrat (CAB) [3912 11] [3912 12] |
|   | f) | Epoxy resins [3907 30] |
|   | g) | Melamine formaldehyde resins (MF) [3909 20] |
|   | h) | Carbamidplast (UF) [3909 10] |
|   | in) | Unsaturated polyesters (UP) [3907 91] |
|   | j) | Polyethylene Terephthalate (PET) [3907 60] |
|   | to) | Polybutylenterephthalat (PBT) |
|   | l) | Plain / transparent polystyrene [3903 11] [3903 19] |
|   | m) | Acrylonitrilmethylmethacrylat (AMMA) |
|   | n) | Cross-linked polyethylene (VPE) |
|   | O) | Impact-resistant polystyrene |
|   | p) | Polypropylene (PP) [3902 10] |
|   |   |   |
| 2) | Paints and varnishes [3208] [3209] in which cadmium is used as a color pigment |
|   |   |   |
| 3) | The following articles are made from vinyl chloride polymers and copolymers using cadmium as plastic stabilizer: |
|   | a) | Packaging items (sacks and bags, containers, bottles, lids) [3923 29 10] |
|   | b) | Office and school supplies [3926 10] |
|   | c) | Fittings and accessories for furniture, trucking and the like [3926 30] |
|   | d) | Clothing (including gloves) and accessories therefor [3926 20] |
|   | is) | Flooring & wall coverings [3918 10] |
|   | f) | Impregnated, coated, coated or laminated fabrics [5903 10] |
|   | g) | Leatherette [4202] |
|   | h) | Gramophone records |
|   | in) | Pipes and fittings [3917 23] |
|   | j) | Swing doors ('saloon' doors) |
|   | to) | Road transport vehicles (interior, exterior, undercarriage) |
|   | l) | Cladding of steel plates for use in construction or in industry |
|   | m) | Insulation of electrical cables |
|   |   |   |
| 4) | Equipment and machinery surface treated with cadmium for: |
|   | a) | Food production [8210] [8417 20] [8419 81] [8421 11] [8421 22] [8422] [8435] [8437] [8438] [8476 11] |
|   | b) | Agriculture [8419 31] [8424 81] [8432] [8433] [8434] [8436] |
|   | c) | Refrigeration and freezing [8418] |
|   | d) | Printing and bookbinding [8440] [8442] [8443] |
|   |   |   |
| 5) | Equipment and machinery surface treated with cadmium for the production of: |
|   | a) | Household appliances [7321] [8421 12] [8450] [8509] [8516] |
|   | b) | Furniture [8465] [8466] [9401] [9402] [9403] [9404] |
|   | c) | Sanitary installations [7324] |
|   | d) | Central heating and air conditioning systems [7322] [8403] [8404] [8415] |
|   | is) | Paper & Cardboard [8419 32] [8439] [8441] |
|   | f) | Textiles & Clothing [8444] [8445] [8447] [8448] [8449] [8451] [8452] |
|   | g) | Industrial handling equipment [8425] [8426] [8427] [8428] [8429] [8430] [8431] |
|   | h) | Road and agricultural vehicles [Chapter 87] |
|   | in) | Rolling railway equipment [Chapter 86] |
|   | j) | Ships [Chapter 89] |

**Appendix 2**

**List of cadmium-containing products which, notwithstanding the prohibition in section 5, subsection 1, under certain conditions may be imported, sold or manufactured**

|  |  |  |
| --- | --- | --- |
| **Product categories** | **Terms of permission for import, sale and manufacture** | **Validity period** |
| Trucks and buses | Use as a pigment in plastic | So far |
| Engines and machines, essentially intended for professional use | Use as cadmiation.Notification is submitted to the Danish Environmental Protection Agency before import or manufacture | So far |
| Burners and ovens | Notification is submitted to the Danish Environmental Protection Agency before import or manufacture | So far |
| Parts of goods in which the presence of cadmium is of crucial importance from a warning / safety point of view (traffic signs, traffic signals, fire-fighting equipment, etc.) | Notification is submitted to the Danish Environmental Protection Agency before import or manufacture | So far |
| Ceramic goods, glassware, dental cement, art paints, works of art etc. | Use as a color pigment | So far |
| Musical instruments | Use as cadmiation | So far |
| Precision instruments (optics, hearing aids, etc.) | Use as cadmiation | So far |
| Spare parts, etc. for the repair or maintenance of cadmium-containing goods covered by this Order, which were imported, sold or manufactured before 1 January 1989. | Notification is submitted to the Danish Environmental Protection Agency before import or manufacture | So far |

Official notes

[1)](https://www.retsinformation.dk/eli/lta/2009/858%22%20%5Cl%20%22Henvisning_Not1) The Executive Order incorporates certain provisions of Regulation No 1907/2006 / EC of the European Parliament and of the Council of 18 December 2006 (Official Journal 2006, No L 396, page 1). According to Article 249 of the EC Treaty, a regulation applies 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.

[2.](https://www.retsinformation.dk/eli/lta/2009/858%22%20%5Cl%20%22Henvisning_Not2) The goods in this Annex are covered by Annex XVII to Regulation No 1907/2006 / EC of the European Parliament and of the Council of 18 December 2006 (Official Journal 2006 No L 396, page 1).