

Decree concerning the prohibition of the import and sale of products containing lead.¹

Pursuant to §§ 30, 31, 45, 59 and 60 of the law concerning chemical substances and products, cf. law decree no. 21 of 16. January 1996 as amended by law no. 424 of 10. June 1997, law no. 431 of 10. June 1997 and law no. 231 of 21. April 1999, the following is established:

Chapter 1

Scope of the Decree

§ 1. This Decree concerns the import and sale of products containing lead.

§ 2. By lead is meant the element lead, both in metallic form and in chemical compounds.

Cl. 2. By products containing lead is meant products of which lead forms more than 100 ppm (mg/kg) of the homogeneous individual parts of the product.

Cl. 3. The limit in cl. 2 is, however, not applicable to carbonates and sulphates of lead in paint.

§ 3. The rules of this Decree shall not prevent the import, sale and use of products which, at the time of coming into effect of this decree, are regulated pursuant to other legislation which implements EU directives², as well as other legislation in general, including inter alia decree no. 807 of 2. December concerning limiting the content of lead compounds and benzene in petrol, decree no. 966 of 13. December concerning certain batteries and accumulators containing hazardous substances, decree no. 41 of 21. January 1994 with subsequent amendments concerning firearms and ammunition which may be used for hunting etc., decree no. 568 of 6. December 1983 concerning the use of slag and fly ash, decree no. 823 of 16. September 1996 with subsequent amendments concerning the use of waste products for agricultural purposes.

§ 4. This Decree does not cover the import and sale of products exclusively for export.

§ 5. This Decree does not cover

- 1) raw materials and semi-manufactured products,
- 2) used products which met Danish requirements when first sold.

¹ This Decree is notified in accordance with directive 98/34/EU and implements parts of directive 89/677/EEC

² including Council directive 93/42/EEC concerning medical devices, implemented inter alia by decree no. 734 of 10. August 1994, decree no. 41 of 17. January 1995 and decree no. 139 of 1. March 1995. Council directive 84/500/EEC concerning ceramic items designed to come in contact with foodstuffs, inter alia implemented by decree no. 1064 of 4. December 1996. Council directive 94/62/EEC concerning packaging and packaging refuse, implemented inter alia by law decree no. 698 of 22. September 1998 with subsequent amendments, law decree no. 21 of 16. January 1996 with subsequent amendments, decree no. 350 of 9. May 1994, law no. 376 of 18. May 1994, law decree no. 637 of 21. August 1998, decree no. 731 of 9. October 1998, decree no. 124 of 27. February 1989, decree no. 600 of 18. September 1987, decree no. 299 of 30. April 1997, decree no. 298 of 30. April 1997, decree no. 583 of 24. June 1996, decree no. 1199 of 23. December 1992, decree no. 692 of 22. September 1998 and decree no. 300 of 30. April 1997.

Chapter 2

Limits of applicability

Chemical compounds of lead

§ 6. Import and sale of products containing chemical compounds of lead are prohibited from 1. March 2001.

Cl.2. Regardless of the prohibition in cl. 1, the import and sale of products containing chemical compounds of lead, shall continue to be permitted for the categories of products named in appendix I to this decree up to the dates stated in the appendix.

Metallic lead

§ 7. The import and sale of products containing metallic lead are prohibited for those categories of products listed in appendix 2 to this decree from the time stated in the appendix.

Cl.2. The prohibition in cl. 1 does not cover products for repair of existing products, including repairs, re-building and extensions to houses.

Chapter 3

Checks, dispensations and appeals

§ 8. The Danish Environmental Protection Agency may under special circumstances permit relaxation of the rules of this decree. The Danish Environmental Protection Agency may impose terms for such permissions.

§ 9. Supervision and checks on compliance with the rules of this decree shall be carried out by the Danish Environmental Protection Agency, cf. chapter 10 of the law concerning chemical substances and products.

Cl.2. The decisions of the Danish Environmental Protection Agency may not be appealed to any other administrative authority.

Chapter 4

Penalties and coming into force

§ 10. Unless higher penalties are imposed under other legislation, fines shall be imposed on anyone who

- 1) transgresses §§ 6 and 7 of the decree,
- 2) breaches terms of any permission under § 8.

Cl.2. This penalty can be increased to detention or imprisonment for up to 2 years if the transgression is continuous or due to gross negligence, and if the transgression involves

- 1) injury to the life or health of persons or domestic animals or a risk thereof or
- 2) damage to the environment or risk thereof or
- 3) achieved or been aimed at obtaining finance advantage, including savings, to the person concerned or others.

Cl.3. Companies etc. (legal entities) may be penalised according to the rules of chapter 5 of the criminal law.

§ 11. This Decree comes into force on 1 December 2000.

Cl.2. Rules re lead in §§ 2 and 13 of decree no. 1042 of 17. December 1997 are repealed as from 1. March 2001.

Appendix 1

List of categories of products containing chemical compounds of lead, where import and sale - regardless of the prohibition in § 6, cl. 1 - are permitted until the times stated

Categories of products	Permitted until
1. Siccatives, but not those containing lead carbonate and lead sulphate, in paints and varnishes	1. December 2001
2. Glazes on ceramic products, except glazes on art, craft items, tiles, quarry tiles, bricks, spark plugs and products which may be used in connection with foodstuffs	1. December 2002
3. Enamels and pigments on ceramic products, except enamels and pigments on art, craft items and products which may be used in connection with foodstuffs	1. December 2002
4. Pigments in products for signalling and warning purposes	1. December 2002
5. Special purposes in elastomers: – accelerators – heat stabilisers	1. December 2002 until further notice
6. Stabilisers in plastic products: – profiles for doors and windows – other products – gutters and downpipes – roof sheeting – pipes – electrical cables in products	1. December 2001 1. December 2001 1. December 2002 1. December 2003 1. December 2003 until further notice
7. Lubricants, incl. in bearing metals	1. December 2003
8. Brake linings	1. December 2004
9. Products for cathodic lacquering	1. December 2004

- | | |
|---|----------------------|
| 10. Discharge lamps | until further notice |
| 11 . Paints for special purposes: <ul style="list-style-type: none">– corrosion protection paints with less than 250 ppm lead, but not as lead carbonate and lead sulphate– anti-fouling paints with less than 1250 ppm lead, but not as lead carbonate and lead sulphate | until further notice |
| 12. Glass for special purposes: <ul style="list-style-type: none">– TV tubes– light sources– optics– radiation protection– car windscreens– photocopier plates– coating of plane glass– crystal glass– silicate glass for sand blasting | until further notice |
| 13. Glazes, enamels and pigments on art and craft items which may be used in connection with foodstuffs | until further notice |
| 14. Glazes on tiles, quarry tiles, bricks and spark plugs | until further notice |
| 15. Electronic components | until further notice |
| 16. Products for repairs to existing products | until further notice |
| 17. Products for research, development and laboratory use | until further notice |

Appendix 2

List of categories of products containing metallic lead, where import and sale - in accordance with § 7 - are prohibited from the times stated

<u>Categories of products</u>	<u>Prohibited from</u>
1. Products for hobby purposes	1. March 2001
2. Hotplate candles and other candles	1. March 2001
3. Curtain weights	1. March 2001
4. Products for decorative purposes	1. March 2001
5. Security seals	1. March 2001
6. Products for roofing of buildings	1. March 2001
7. Products for flashing of buildings	1. December 2002
8. Fishing equipment for commercial fishing	1. December 2002
9. Fishing equipment for leisure fishing	1. December 2002
10. Solder alloys for plumbing and tinsmithing purposes, except soldering of zinc sheet	1. December 2002
11. Sheaths for buried electrical cables below 24 kV	1. December 2002