

## STATUTORY ORDER NO. XXX OF XXX ON PROHIBITION OF IMPORT AND MARKETING OF PRODUCTS CONTAINING LEAD<sup>1</sup>

Pursuant to sections 30, 31, 45, 59, and 60 of Act on Chemical Substances and Products, cf. Consolidated Act No. 21 of 16 January 1996 as amended by Act No. 424 of 10 June 1997, Act No. 431 of 10 June 1997 and Act No. 231 of 21 April 1999, the following provisions are laid down:

### Part 1

#### *Scope*

**1.-(1)** This Order comprises import and marketing of products containing lead.

**2.-(1)** For the purpose of this Order lead shall mean the element lead, both in metallic form and in chemical compounds.

(2) For the purpose of this Order products containing lead shall mean products in which lead represents more than 100 ppm (mg/kg) of their homogeneous components.

(3) The limit in subsection (2) above does not, however, apply to lead carbonates and lead sulphates in paint.

**3.-(1)** The rules of this Order do not affect import, marketing and use of products that, at the time of the entry into force of this Order, are regulated under other legislation implementing EU Council Directives,<sup>2</sup> and other legislation, including, Statutory Order No. 807 of 2 December 1986 on limitation of motor fuel's content of lead compounds and benzene, Statutory Order No. 966 of 13 December 1993 on certain batteries and accumulators containing dangerous substances, Statutory Order No. 41 of 21 January 1994, as amended, on firearms and ammunition permitted for hunting, etc., Statutory Order No. 568 of 6 December 1983 on use of slag and fly ashes, Statutory Order No. 823 of 16 September 1996, as subsequently amended, on Application of Waste Products for Agricultural Purposes.

**4.-(1)** This Order does not apply to import and marketing of products exclusively for export.

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<sup>1</sup> This Order is notified in accordance with Council Directive 98/34/EC and contains provisions implementing Council Directive 89/677/EEC

<sup>2</sup> Including Council Directive 93/42/EEC concerning medical devices, which was implemented through various statutory orders including: Statutory Order No. 734 of 10 August 1994, Statutory Order No. 41 of 17 January 1995 and Statutory Order No. 139 of 1 March 1995. Council Directive 84/500/EEC on ceramic articles intended to come into contact with foodstuffs, which was implemented i.a. through Statutory Order No. 1064 of 4 December 1996. Council Directive 94/62/EEC on packaging and packaging waste, which was implemented i.a. through Consolidated Act No. 698 of 22 September 1998 as subsequently amended, Consolidated Act No. 21 of 16 January 1996 as subsequently amended, Statutory Order No. 350 of 9 May 1994, Act No. 376 of 18 May 1994, Consolidated Act No. 637 of 21 August 1998, Statutory Order No. 731 of 9 October 1998, Statutory Order No. 124 of 27 February 1989, Statutory Order No. 600 of 18 September 1987, Statutory Order No. 299 of 30 April 1997, Statutory Order No. 298 of 30 April 1997, Statutory Order No. 583 of 24 June 1996, Statutory Order No. 1199 of 23 December 1992, Statutory Order No. 692 of 22 September 1998, and Statutory Order No. 300 of 30 April 1997.

**5.-(1)** This Order does not apply to:

1) raw materials and semi-finished goods

2) second-hand products that complied with Danish requirements when first sold.

## Part 2

### *Restrictions of use*

#### *Chemical compounds of lead*

**6.-(1)** Import and marketing of products containing chemical compounds of lead shall be prohibited as of 1 March 2001.

(2) Notwithstanding the prohibition in subsection (1) above, import and marketing of products containing chemical compounds of lead shall be permitted for the product categories specified in Annex 1 to this Order, until the dates stated in the Annex.

#### *Metallic lead*

**7.-(1)** Import and marketing of products containing metallic lead shall be prohibited for the product categories stated in Annex 2 to this Order as of the dates stated in the Annex.

(2) The prohibition in subsection (1) above shall not comprise products for repairing existing products, including repairs, rebuilding of and extensions to houses.

## Part 3

### *Supervision, derogations and complaints*

**8.-(1)** The Danish Environmental Protection Agency may in very special cases permit derogations from the rules of this Order. The Danish Environmental Protection Agency may stipulate terms for the permit.

**9.-(1)** Supervision and control of compliance with the rules of this Order shall be carried out by the Danish Environmental Protection Agency, cf. Part 10 of Act on Chemical Substances and Products.

(2) Complaints against decisions made by the Danish Environmental Protection Agency under section 8 may not be made to any other administrative authority.

## Part 4

### *Penalty and entry into force*

**10.-(1)** Unless more severe penalty is due pursuant to other legislation, the penalty for the following infringements shall be a fine:

- 1) violation of sections 6 and 7 above,
- 2) disregard of terms attached to a permit according to section 8 above.

(2) The penalty may increase to detention or imprisonment for a maximum term of two years if the offender acted deliberately or by gross negligence, and if the infringement resulted in:

- 1) harm to the life or welfare of humans or domestic animals or risk of harm, or
- 2) damage to the environment or risk of damage, or
- 3) achieved or intended economic advantages, including savings, for the offender or for others.

(3) Criminal liability may be imposed on companies (legal persons) according to the rules of Part 5 of the Danish Criminal Code.

**11.-(1)** This Order enters into force on December 1, 2000.

(2) The rules concerning lead in sections 2 and 13 of Statutory Order No. 1042 of December 17, 1997 are repealed on March 1 2001.

## Annex 1

### List of product categories containing chemical compounds of lead where - notwithstanding the prohibition in section 6(1) – import and marketing shall be allowed until the dates stated in this Annex

<u>Product categories</u>	<u>Allowed until</u>
1. Siccatives in paint, varnish and lacquer, although not siccatives containing lead carbonate and lead sulphate	1. December 2001
2. Glazes on ceramic products, except glazes for art, handicrafts, tile, vitrified brick and brick, spark plugs and products that must be assumed to be used in connection with foodstuffs	1. December 2002
3. Enamels and pigments on ceramic products, except enamels and pigments for art and handicrafts, and products that must be assumed to be used in connection with foodstuffs	1. December 2002
4. Pigments in products used for signal/warning purposes	1. December 2002
5. Special purposes in elastomers – accelerators – heat stabilisers	1. December 2002 until further notice
6. Stabilisers in plastic products: – door and window profiles – other products – roof gutters and down-pipes – roofing sheet – pipes, tubes, ducts – electrical cables incorporated into products	1. December 2001 1. December 2001 1. December 2002 1. December 2003 1. December 2003 until further notice
7. Lubricants, including in bearing metal	1. December 2003
8. Brake linings	1. December 2004
9. Products for cathodic paint	1. December 2004

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| 10. Discharge lamps   | until further notice |
| 11 .Paint for special uses:   | until further notice |
| – corrosion prevention paint containing less than 250 ppm of lead, although not in the form of lead carbonate and lead sulphate |                      |
| – antifouling paint containing less than 1250 ppm of lead, although not in the form of lead carbonate and lead sulphate         |                      |
| 12. Glass for special uses:   | until further notice |
| – picture tubes   |                      |
| – light sources   |                      |
| – optics  |                      |
| – radiation protection  |                      |
| – car windows   |                      |
| – plates in photocopy machines  |                      |
| – coating of plane glass  |                      |
| – crystal   |                      |
| – silicate glass for sand blowing   |                      |
| 13. Glaze, enamels and pigments on art and handicrafts that must be assumed not to be used in connection with foodstuffs        | until further notice |
| 14. Glaze on tile, vitrified brick, brick and spark plugs   | until further notice |
| 15. Electronic components   | until further notice |
| 16. Products for repairing existing products  | until further notice |
| 17. Products for research, development and laboratory use   | until further notice |

## Annex 2

**List of product categories containing metallic lead where - pursuant to section 7 – import and marketing shall be prohibited as from the dates stated in this Annex**

<b>Product categories</b>	<b>Banned as of</b>
1. Products for hobby use	1. March 2001
2. Chafing dish candles and other candles	1. March 2001
3. Curtain, drapery weights	1. March 2001
4. Products for decorative use	1. March 2001
5. Security/safety seals	1. March 2001
6. Products for roofing buildings	1. March 2001
7. Flashings and weatherings on buildings	1. December 2002
8. Fishing equipment for commercial fishing	1. December 2002
9. Fishing equipment for sports fishing	1. December 2002
10. Soldering alloys for plumbing and sanitation uses, except for soldering zinc sheets	1. December 2002
11. Mantles for electrical underground cables under 24 kV	1. December 2002