

Administrative Order on regulation of certain industrial greenhouse gases¹

In pursuance of , 30, § 45, subpar. 1, § 59, subpar. 4 and § 60, in the Act on Chemical Substances and Products, see Administrative Order no. 21 of 16 January 1996, amended by Act no. 424 of 10 June 1997 and Act no. 256 of 12 April 2000 is laid down:

Chapter 1

The scope of the Administrative Order

§ 1. The Administrative Order covers hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆).

Chapter 2

Restrictions on use et cetera

§ 2. The import, sale and use of new products containing the covered greenhouse gases are prohibited as of 1 January 2006.

Subpar. 2. The import, sale and use of new products listed in Annex 1, and containing the mentioned greenhouse gases, are prohibited according to the dates laid down in the Annex, regardless of the date given in subpar. 1.

§ 3. Import, sale and use of the mentioned greenhouse gases – new and recycled – are prohibited as of 1 January 2006.

Subpar. 2. The import, sale and use meant for the practical application of the substances listed in Annex 2, are prohibited according to the dates laid down in the Annex, regardless of the date given in par. 1.

Subpar. 3. The industrial use of the above mentioned greenhouse gases is not included in the regulation, with the exception of the industrial use mentioned in Annex 2. Industrial use is understood as the use of greenhouse gases for the production of a good in which the greenhouse gas does not exist in the final product.

Chapter 3

Administrative decisions

§ 4. Inspection and control of the observation of the rules in the Administrative Order are exercised by the Danish Environmental Protection Agency, see chapter 10 of the Act.

Subpar. 2. The Danish Environmental Protection Agency can, in very special cases, allow for an exemption from the rules in the Administrative Order.

¹ The Administrative Order has, as a draft, been notified in accordance with the European Parliament and the Council Directive 98/34/EC (the information procedure directive) amended by Directive 98/44/EC.

Subpar. 3. Complaints on the Danish Environmental Protection Agency's decisions according to subpar. 2., cannot be lodged in front of other administrative authorities.

Chapter 4

Penalty and entry into force

§ 5. Unless a higher penalty is owed to another jurisdiction, parties who violate §§ 2 and 3 of the Administrative Order are sanctioned with a fine.

Subpar. 2. The penalty can be raised to imprisonment of up to 2 years, if the violation is committed intentionally or with gross negligence, and if, via the violation, an economic advantage, including savings, has been gained or intended for the person in question or others.

Subpar. 2. Companies et cetera (legal persons) can be enjoined criminal liability following the rules in the penal code's chapter 5.

§ 7. The Administrative Order enters into force 1 July 2002 and is automatically lifted on 1 January 2011, unless another decision is taken before this date, cf. the letter of the Ministry of Justice of 28 February 2002 with regards to a trial arrangement on the use of automatic cessation clauses in certain environmental and working environment regulations.

Annex 1

For the mentioned new products containing the mentioned substances the listed dates apply regardless of the prohibition in § 2

Product – Substance – Date of prohibition

District heating pipes – all – 1 September 2002

Foam for joints – all – 1 September 2002

Aerosol sprays – all – 1 September 2002

Car tyres – SF6 – 1 September 2002

All products – PFC's – 1 September 2002

Glass panes – SF6 – 1 January 2003

Shoes (marketing allowed until 1 July 2004) – SF6 – 1 January 2003

Refrigerating systems, heating pumps, air-conditioning systems and dehumidifying systems containing over 10 kg – HFC's – 1 January 2007

High voltage plants – SF6 – exempted

Refrigerating systems, heating pumps, air-conditioning systems and dehumidifying systems containing between 0.15 and 10 kg - HFC's - exempted

Air-conditioning systems, in which the industrial greenhouse gases are used in a hermetic closed system containing under 50 kg - HFC's - exempted

Vaccine coolers – HFC's - exempted

Mobile refrigerating systems – HFC's - exempted

Air-conditioning in cars – HFC's - exempted

Medical aerosol sprays – HFC's - exempted

Laboratory equipment – all - exempted

Automatics (thermostats, valves et cetera) – all – exempted

Military products – all – exempted
Products to be used onboard ships – all - exempted

Annex 2

For the mentioned practical applications of the mentioned substances the listed dates apply regardless of the prohibition in § 3

Use – substance – date of prohibition

Tracing gas – SF6 – 1 September 2002

Protective gas in light-alloy metal foundries – SF6 – 1 September 2002

Cooling mixtures where PFC make up for more than 10% of the cooling mixture – PFC's – 1 September 2002

Production of flexible foam – HFC's 1 January 2006

Servicing of refrigerating systems, air-conditioning systems, heating pumps and dehumidifying systems– HFC's – exempted

Servicing of air condition systems in cars – HFC's - exempted

Servicing of high voltage equipment – SF6 - exempted

Servicing of laboratory equipment – all - exempted

Military installations – all – exempted

Products to be used onboard ships – all - exempted