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

Order restricting the sale and use of creosote [1)](https://www.retsinformation.dk/eli/lta/2015/1368%22%20%5Cl%20%22idf742b869-7999-4b52-9dd3-90d2c4df5845)

Pursuant to section 30, subsection 1 and 3, § 45, para. 1, and § 59, para. 4 of the Chemicals Act, cf. Executive Order no. 849 of 24 June 2014, shall be determined by authorization:

**§ 1.** For the purposes of this Executive Order, creosote means:

1) Creosot, EINECS No. 232-287-5, CAS No. 8001-58-9.

2) Creosote oil, EINECS No. 263-047-8, CAS No. 61789-28-4.

3) Distillates (coal tar), naphthalene oils, EINECS No. 283-484-8, CAS No. 84650-04-4.

4) Creosote oil, acenaphthene fraction, EINECS No. 292-605-3, CAS No. 90640-84-9.

5) Distillates (coal tar), Upper EINECS No. 266-026-1, CAS No. 65996-91-0.

6) Anthracene Oil, EINECS No. 292-602-7, CAS No. 90640-80-5.

7) Tar acids, coal, crude EINECS No. 266-019-3, CAS No. 65996-85-2.

8) Creosote, wood, EINECS No. 232-419-1, CAS No. 8021-39-4.

9) Low temperature tar oil, alkali extracted, EINECS No. 310-191-5, CAS No. 122384-78-5.

**§ 2. The** import, sale and use of chemical substances and mixtures containing the substances mentioned in § 1 are prohibited.

*PCS. 2.* The rule in para. Paragraph 1 shall not apply to chemical substances and mixtures containing creosote for wood protection covered by Annex XVII to Regulation No 1907/2006 / EC of the European Parliament and of the Council of 18 December 2006.

**§ 3.** Import, sale and use of goods treated with chemical substances and mixtures as mentioned in § 1, is prohibited.

*PCS. 2.* The rule in para. Paragraph 1 shall not apply to wood treated with creosote covered by Annex XVII to Regulation No 1907/2006 / EC of the European Parliament and of the Council of 18 December 2006.

**§ 4.** Supervision and control of compliance with the rules in the executive order is exercised by the Danish Environmental Protection Agency, cf. the rules of the Act in this regard.

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

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

**§ 5.** Unless a higher penalty is due under other legislation, the person who violates the rules in § 2 and § 3 of the Executive Order shall be fined.

*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 or domestic 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.

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

*PCS. 2.* Order no. 665 of 4 July 1996 restricting the sale and use of creosote repealed.

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

Michel Schilling

/ Peter Østergård Have

Official notes

[1) The](https://www.retsinformation.dk/eli/lta/2015/1368%22%20%5Cl%20%22Henvisning_idf742b869-7999-4b52-9dd3-90d2c4df5845) Executive Order has been notified as a draft in accordance with Council Directive 98/34 / EC (Information Procedures Directive) as amended by Directive 98/48 / EC.