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

Executive Order on the prohibition of the importation, sale and manufacture of products containing cadmium[1)](https://www.retsinformation.dk/Forms/R0710.aspx?id=126136#Not1#Not1)

Pursuant to Section 30, Section 31, Section 45, subsection 1, Section 59, subsection 4, and Section 60 of the Act on Chemical Substances and Products, cf. Consolidated Act No. 1755 of 22 December 2006, amended by Act No. 97 of 10 February 2009, the following is laid down:

Chapter 1

Scope

**Section 1** This Executive Order covers the importation, sale and manufacture of products containing cadmium

Section 2. For the purpose of this order cadmium-containing products means products in which cadmium is used either as colour pigment, plastic stabiliser, or surface treatment agent (cadmium plating) with more than 75 ppm in the homogenous components of the products

**Section 3.** The Executive Order does not affect the provisions in other legislation on the use of cadmium-containing products.

Section 4. This Executive Order does not cover cadmium-containing products covered by the European Parliament and the Council regulation No. 1907/2006/EC of 18 December 2006, cf. Annex 1.

Chapter 2

Ban on the importation, sale, use and manufacture

**Section 5** The importation, sale and manufacture of cadmium-containing products is prohibited.

*Subsection 2*. Notwithstanding the prohibition in subsection 1, the importation, sale and manufacture of cadmium-containing products shall continue to be permitted for the product categories referred to in Annex 2 to this Executive Order under those conditions and until those dates specified in the Annex.

Chapter 3

Control, dispensation and access to appeal

**Section 6.** Supervision and control of compliance with the rules of this Executive Order will be carried out by the Danish Environmental Protection Agency (EPA) according to the rules of the Act.

*Subsection 2.*Under special circumstances, the Danish EPA can authorise deviations from the rules of this Order. The Danish EPA can lay down conditions for this authorisation.

*Subsection 3.* Appeals to decisions made by the Agency pursuant to subsections 1 and 2 cannot be made to other administrative authorities.

Chapter 4

Penalties and commencement

**Section 7.** Unless a greater penalty is applicable according to other legislation, a fine will be imposed on those who

1) import or sell cadmium-containing products in contravention of Section 5, subsection 1, or

2) ignore terms related to permission according to Section 6, subsection 2.

Subsection 2. The penalty can be increased to imprisonment for up to 2 years if the breach was deliberate or due to gross negligence, and if the breach has

1) caused damage or danger to lives or health of humans, or caused a risk to the same or

2) caused damage or risk to the environment, or

3) resulted in, or was intended to result in financial gain for the person in question or for others, including through cost savings.

*Subsection 3.* Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Chapter 5 of the Danish Criminal Code.

**Section 8.** The Executive Order shall enter into force on 14 September 2009.

*Subsection 2*. Order No 1199 of 23 December 1992 on prohibition of the importation, sale and manufacture of cadmium-containing products is repealed.

Danish Ministry of the Environment, 5 September 2009

Troels Lund Poulsen

/ Claus Torp

Annex 1

List of products not covered by this Executive Order according to Section 4[2)](https://www.retsinformation.dk/Forms/R0710.aspx?id=126142#Not2#Not2)

(the figures stated in square brackets refer to codes and chapters in the customs and statistics nomenclature and the Common Customers Tariff as laid down by Council Regulation (EEC) nr. 2568/87)

|  |  |
| --- | --- |
|   |   |
| 1) | Products manufactured on the basis of the following chemical substances in which cadmium is used as colour pigment: |
|   | a) | Polyvinyl chloride (PVC) [3904 10] [3904 21] [3904 22] |
|   | b) | Polyurethanes (PUR) [3909 50] |
|   | c) | Low density polyethylene (LDPE) apart from those used for manufacturing colour master batch [3901 10] |
|   | d) | Cellulose acetate (CA) [3912 11] [3912 12] |
|   | e) | Cellulose acetobutyrate (CAB) [3912 11] [3912 12] |
|   | f) | Epoxy resins [3907 30] |
|   | g) | Melamine formaldehyde resins (MF) [3909 20] |
|   | h) | Carbamide plastic (UF) [3909 10] |
|   | i) | Unsaturated polyesters (UP) [3907 91] |
|   | j) | Polyethylene terephthalate (PET) [3907 60] |
|   | k) | Polybutylene terephthalate (PBT) |
|   | l) | Ordinary/transparent polystyrene [3903 11] [3903 19] |
|   | m) | Acrylonitrile-methyl methacrylate (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 colour pigment |
|   |   |   |
| 3) | The following products manufactured of vinyl chloride polymers and copolymers, in which cadmium is used as plastic stabiliser: |
|   | a) | Packaging (sacks and bags, containers, bottles, lids) [3923 29 10] |
|   | b) | Office and school articles [3926 10] |
|   | c) | Fittings and accessories for furniture, coachworks and the like [3926 30] |
|   | d) | Clothing articles (including gloves) and accessories [3926 20] |
|   | e) | Flooring and wall cladding [3918 10] |
|   | f) | Impregnated, covered, plated or laminated substances [5903 10] |
|   | g) | Artificial leather [4202] |
|   | h) | Gramophone records |
|   | i) | Pipes and fittings [3917 23] |
|   | j) | Swing doors |
|   | k) | Road vehicles (interior, exterior, chassis) |
|   | l) | Cladding for sheet steel used in construction or industry |
|   | m) | Insulation of electrical cables |
|   |   |   |
| 4) | Equipment and machinery surface treated with cadmium for: |
|   | a) | Food and beverage 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) | Cooling 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 plant [7322] [8403] [8404] [8415] |
|   | e) | Paper and cardboard [8419 32] [8439] [8441] |
|   | f) | Textiles and clothing [8444] [8445] [8447] [8448] [8449] [8451] [8452] |
|   | g) | Industrial materials handling [8425] [8426] [8427] [8428] [8429] [8430] [8431] |
|   | h) | Road and farming vehicles [chapter 87] |
|   | i) | Railway rolling stock [chapter 86] |
|   | j) | Ships [chapter 89] |

Annex 2

List of cadmium-containing products which can be imported, sold or manufactured on certain terms regardless of the ban in Section 5, subsection 1

|  |  |  |
| --- | --- | --- |
| Product categories | Terms for importation, sale, use and manufacture | Period of validity |
| Goods vehicles and buses | Use as pigment in plastic | Until further notice |
| Engines and machinery primarily for commercial use | Use as cadmium platingNotification to be provided to the Environment Agency before importation or manufacture | Until further notice |
| Burners and ovens | Notification to be provided to the Environment Agency before importation or manufacture | Until further notice |
| Parts of products in which the presence of cadmium is | Notification to be provided to the Environment Agency before importation or manufacture | Until further notice |
| Ceramic products, glassware, tooth cement, artists' colours, works of art etc. | Use as colour pigment | Until further notice |
| Music instruments | Use as cadmium plating | Until further notice |
| Precision instruments (optical, hearing aids etc.) | Use as cadmium plating | Until further notice |
| Spare parts etc. for repair and maintenance of cadmium-containing products covered by this Executive Order manufactured, sold or imported before January 1, 1989. | Notification to be provided to the Environment Agency before importation or manufacture | Until further notice |
|  |  |  |

**Official notes**

[1)](https://www.retsinformation.dk/Forms/R0710.aspx?id=126142" \l "Henvisning_Not1#Henvisning_Not1) Certain provisions in this Executive Order are included from the European Parliament and Council regulation (EC) No. 1907/2006 of 18 December 2006 (EU Official Journal 2006, L 396, p. 1). According to Article 249 of the EC Treaty, a regulation applies to each Member State. Thus, the rendering of these provisions of the Executive Order is solely based on practical reasons and does not affect the validity of the regulation in Denmark.

[2)](https://www.retsinformation.dk/Forms/R0710.aspx?id=126142" \l "Henvisning_Not1#Henvisning_Not1) The products in this Annex are covered by annex XVII of European Parliament and Council regulation (EC) No. 1907/2006 of 18 December 2006 (EU Official Journal 2006, L 396, p. 1).