

**MINISTRY OF THE ENVIRONMENT
DANISH ENVIRONMENTAL PROTECTION AGENCY**

Translation LK
August 2002

Statutory Order no. 552 of 2 July 2002 Regulating Certain Industrial Greenhouse Gases¹

In pursuance of sections 30, 45(1), 59(4), and 60 of Act on Chemical Substances and Products, cf. Consolidated Act no. 21 of January 16, 1996, as last amended by Act no. 424 of June 10, 1997, and Act no. 256 of April 12, 2000, the following provisions are laid down:

PART 1

Scope

1,-(1) This Order applies to hydrofluorocarbons (HFC's), perfluorocarbons (PFC's) and sulphurhexafluoride (SF₆).

PART 2

Restrictions on Use etc.

2,-(1) Import, sale and use of new products containing the specified greenhouse gases are prohibited after January 1, 2006.

(2) Irrespective of the date specified in subsection (1), import, sale and use of new products listed in Annex 1 and containing the greenhouse gases specified above, are prohibited after the dates set out in the Annex.

3,-(1) Import, sale and use of the specified greenhouse gases – new and recovered – are prohibited after January 1, 2006.

(2) Irrespective of the date specified in subsection (1), import, sale and use of the applications set out in Annex 2, are banned after the dates specified in the Annex.

(3) Industrial use of the specified greenhouse gases is not covered by this Order except the industrial uses specified in Annex 2. Industrial use is defined as use of the specified gas in the production of a product in which the greenhouse gas is not present in the final product.

PART 3

Administrative provisions

¹ This draft Order has been notified in accordance with the European Parliament and Council Directive 98/34/EC (Information Procedure Directive) as amended by Directive 98/44/EC.

5,-(1) Supervision and control of compliance with the rules of this Order are in the hands of the Danish EPA, cf. Part 10 of Act on Chemical Substances and Products.

(2) The Danish EPA may in special cases allow derogations from the rules of this Order.

(3) Decisions made by the Danish EPA under subsection (2) cannot be appealed to other administrative authorities.

PART 4

Penalty and entry into force

6.-(1) Unless more severe penalty is due under other legislation, anyone violating sections 2 and 3 of this Order is liable to a penalty of fine.

(2) Where the violation was committed deliberately or by gross negligence, and where the violation resulted in achieved or intended economic profits, including savings, for the offender or for others, penalty may increase to detention or imprisonment for up to two years.

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

7.-(1) This Order enters into force on July 15, 2002 and will automatically be revoked on January 1 2011 unless otherwise decided before this date, cf. letter from the Ministry of Justice of February 28, 2002, on a trial scheme covering the use of automatic expiry clauses in certain Statutory Orders regulating the environment and the working environment.

ANNEX 1

Irrespective of the ban in section 2, the dates below shall apply to the listed new products containing the specified substances:

Product	Substance	Date of ban
District heating pipes	All	September 1, 2002
Jointing foam	All	September 1, 2002
Spray cans	All	September 1, 2002
Car tyres	SF ₆	September 1, 2002
All products	PFC's	September 1, 2002
Panes of glass	SF ₆	January 1, 2003
Shoes (sale allowed until January 1, 2004)	SF ₆	July 1, 2003
Cooling plants, heat pumps, air conditioning plants (comfort cooling) and dehumidifiers with charges with or above 10 kg	HFC's	January 1, 2007
High voltage plants (voltage > 1 kV)	SF ₆	Exempted
Cooling plants, heat pumps, air conditioning systems (comfort cooling) and dehumidifiers with charges between 0,15 kg and 10 kg	HFC's	Exempted
Cooling systems for heat recovery, primarily connected by welding or brazing in a factory assembled compact cabinet and with a charge of or less than 50 kg	HFC's	Exempted
Vaccine coolers	HFC's	Exempted
Mobile cooling plants	HFC's	Exempted
Air conditioning in vehicles and planes	HFC's	Exempted
Low temperature freezers (Temperature below – 50 °C)	HFC's	Exempted
Medical spray cans	HFC's	Exempted
Laboratory equipment	All	Exempted
Facilities for testing of cooling equipment	HFC's	Exempted
Thermostats, valves etc.	All	Exempted
Products for military use	All	Exempted
Products for use on ships	All	Exempted

Irrespective of the ban in section 3, the following dates shall apply to the following applications of the substances below:

Application	Substance	Date of ban
Tracer gas	SF ₆	September 1, 2002
Shielding gas in light metal foundries	SF ₆	September 1, 2002
Refrigerant mixtures in which PFC's constitute less than 10 % of the mixture	PFC's	January 1, 2006
Production of flexible polyurethane foam	HFC's	January 1, 2006
Servicing of cooling plants, air conditioning systems, heat pumps, dehumidifiers	HFC's	Exempted
Servicing of air conditioning in vehicles and planes	HFC's	Exempted
Servicing of high voltage plants (voltage > 1 kV)	SF ₆	Exempted
Servicing of laboratory equipment	All	Exempted
Military use	All	Exempted
Use on ships	All	Exempted