

**MINISTRY OF ENVIRONMENT AND ENERGY
DANISH ENVIRONMENTAL PROTECTION AGENCY**

Translation LK

April 1996

**CONSOLIDATED ACT FROM
THE MINISTRY OF ENVIRONMENT AND ENERGY
NO. 21 OF JANUARY 16, 1996 ON
CHEMICAL SUBSTANCES AND PRODUCTS¹**

This is to promulgate Act on Chemical Substances and Products, cf. Consolidated Act No. 583 of July 9, 1993, with the amendments provided for in Act no. 1111 of December 22, 1993, Act no. 438 of June 1, 1994, Act no. 1087 of December 20, 1995, and in section 45 of the Pesticide Tax Act no. 416 of June 14, 1995:

PART 1

Objectives and Scope

1.(1) The objective of this Act is to prevent hazards to health and damages to the environment in connection with manufacture, storage, use and disposal of chemical substances and products.

(2) In connection with the administration of the Act the possibilities of promoting cleaner technology and of limiting problems of waste disposal can be stressed.

2.(1) The Act aims at ensuring that the necessary information is provided on chemical substances and products which are sold in Denmark, and that the sale and use of chemical substances and products which present, or on the basis of available investigations or experience are suspected to present, hazards to health or the environment can be regulated.

¹ With provisions implementing Council Directive 79/117/EEC, OJ 1979 L 33 p. 36, Commission Directive 83/131, OJ 1983 L 91 p. 35, Commission Directive 85/298, OJ 1985 L 154 p. 48, Council Directive 86/214, OJ 1986 L 152 p. 45, Council Directive 86/355, OJ L 212 p. 33, Council Directive 87/181, OJ 1987 L 71 p. 33, Commission Directive 87/477, OJ 1987 L 273 p. 40, Council Directive 89/365 OJ 1989 L 159 p. 58, Commission Directive 90/335 OJ 1990 L 162 p. 37, Council Directive 90/533, OJ 1990 L 296 p. 63, Commission Directive 91/118 OJ 1991 L 92 p. 42, Council Directive 91/414, OJ 1991 L 230 p. 1, Directive 88/379, OJ 1988 L 187 p.14, and Directive 92/32, OJ 1992 L 154 p.1.

(2) The scope and nature of measures taken under this Act to prevent damages to the environment shall consider on the one hand the environmental damage which the substance or product may cause, and on the other hand the technical and economic consequences, including the costs, of such measures to the society in general and to the manufacturers, importers and users involved.

3.(1) For the purpose of this Act the term chemical substances means elements and their compounds, as they occur in their natural state or as manufactured by industry.

(2) For the purpose of this Act the term chemical products means solutions as well as solid, liquid or gaseous mixtures of two or more chemical substances.

(3) The Minister for Environment and Energy can lay down detailed rules on the meaning of the terms chemical substances and products.

4.-(1) The provisions of this Act on sale also apply to supply, storage and offer for sale, and to any transfer to others against payment or free of charge.

(2) The provisions of this Act on manufacture also apply to mixing, dilution, impregnation, decanting and packaging.

5.-(1) The Minister for Environment and Energy can lay down rules or decide that substances and products containing or consisting of microorganisms and vira shall be fully or partly covered by the provisions of this Act.

(2) The Minister for Environment and Energy can lay down rules or decide that organisms used as substitutes for chemical substances and products or serving purposes falling within the scope of this Act shall be fully or partly covered by the provisions of this Act.

6.-(1) The Minister for Environment and Energy can decide that specified chemical substances and products may be partially exempt from the provisions of this Act, and the Minister can in special cases permit deviations from this Act.

7.-(1) Provisions applying to chemical substances and products and to goods containing or releasing chemical substances or products in other legislative texts shall not be affected by this Act, which only applies to such chemical substances, products or goods in so far as provisions thereon are not laid down in other legislative texts.

(2) The provisions of Part 3 below shall apply irrespective of rules on notification of chemical substances laid down in other legislative texts.

7a.-(1) The Minister for Environment and Energy can lay down the rules required to implement in Denmark the regulations of the European Communities on chemical substances, products and goods covered by this Act.

8.-(1) Unless otherwise decided by the Minister for Environment and Energy, this Act shall not apply to chemical substances and products which are exported. This also applies to goods containing or releasing chemical substances or products.

(2) This Act shall not apply to chemical substances and products manufactured abroad and transported through this country as transit goods. This also applies to goods containing or releasing chemical substances and products.

9.-(1) Before laying down rules under this Act the Minister for Environment and Energy shall negotiate with the relevant national trade and consumer organizations, including labour and management, the associations of regional and local authorities, and the Minister of Labour and other affected state authorities.

PART 2

General Provisions

10.-(1) Manufacturers or importers of a chemical substance or product shall in addition to the particulars specified in section 38d below procure the information on composition, properties and effects necessary to evaluate measures to be taken to prevent damages to health and the environment entailed by the substance or product. The manufacturer or importer must see to it that dealers and users are sufficiently informed about the properties and effects of the substance or product, and about any precautionary measures.

(2) Dealers and users of a chemical substance or product shall follow any recommendations given for safe handling or use of the substance or product.

(3) A chemical substance or product shall not be sold under circumstances likely to give the users false or misleading information on the use of the substance or product, or on any risks presented by the substance or product.

(4) The Minister for Environment and Energy can lay down detailed rules on the ban on misleading marketing specified in subsection 3 above, stating that specified statements or indications are considered misleading, and that specified information shall be given in connection with marketing of a substance or product. The Minister can also lay down rules requiring that goods covered by this Act shall be covered by the provisions of subsection 3 above.

PART 2 a

Environmental Labelling

10a.-(1) The Minister for Environment and Energy can lay down rules on the title to use environmental labelling in connection with sale of chemical substances and products and of other goods containing or releasing chemical substances or products. The Minister can lay down rules on the conditions for use of the label, label design and affixing.

(2) The Minister can delegate the administration of environmental labels to a special board. The Minister can lay down rules on appointment of board members, including the authorities and organizations recommending board members. The Minister shall lay down the board's rules of procedure.

(3) The Minister can lay down rules on fees for review of applications and for the use of the environmental label.

(4) The fees can be applied to the payment of expenses for:

- 1) the activities of the board
- 2) supervision and control of the environmental labelling scheme, and
- 3) research and investigation projects supporting the administration of environmental labelling.

PART 3

Notification of Chemical Substances

11.-(1) A new chemical substance shall not be sold or imported until the manufacturer or importer has or has had carried out tests to assess its effects on health and the environment, cf. section 12(3) below.

(2) A new chemical substance is a substance which is not listed in the EINECS inventory of chemical substances which is prepared and published by the Commission of the European Communities.

12.-(1) Manufacturers or importers planning to sell or import a new chemical substance, cf. section 11 above, shall before sale or import notify such activities in accordance with rules laid down by the Minister for Environment and Energy.

(2) The Minister can lay down rules that substances shall not be imported or marketed before the expiry of a specified time after receipt of the notification.

(3) The Minister can lay down detailed rules on the contents and wording of the notification. The Minister can lay down detailed rules on the extent to which the notification shall contain particulars presented earlier by other notifiers, or which are otherwise in the Minister's possession, and rules that notifiers shall share information with subsequent notifiers, and on the conditions thereof.

(4) The Minister can lay down rules on the design of the notification, and on the use of special forms or specified electronic media.

(5) The Minister can lay down rules that notification of an imported substance can be filed by other parties than the importer, and on the conditions thereof, including the resulting duties resting with the importer.

(6) The Minister can lay down rules that a notifier of a new chemical substance shall pay a fee in whole or partial payment of expenses pertaining to the review of the application and to supervision and control of rules on notification of new chemical substances.

13.-(1) Notifiers of new chemical substances shall notify to the Minister for Environment and Energy significant changes of or additions to the particulars submitted previously.

(2) The Minister can lay down rules on the conditions under which notifiers of new chemical substances must carry out or have carried out specified additional investigations and provide specified information in addition to those required under section 12 above.

(3) The Minister can lay down rules that notifiers of new chemical substances shall pay a fee in whole or partial payment of expenses pertaining to the review of the investigations and information specified in subsection (2) above.

14.-(1) The Minister for Environment and Energy can lay down rules on exemptions from the duty to notify under section 12 above.

15.-(1) The Minister for Environment and Energy can lay down rules to implement obligations under Community law relating to sale or import of substances intended as constituents in products to be approved under Part 7.

16-18. (Repealed)

PART 4

Classification, Packaging, Labelling and Storage of Substances and Products etc.

19.-(1) Manufacturers or importers of a chemical substance or product shall, prior to sale or import of such substance or product, procure such information on its properties and effects which is sufficient to enable him to classify, pack and label it as prescribed in this Act or in rules laid down under this Act.

20.-(1) The Minister for Environment and Energy shall lay down rules relating to the basis on which a chemical substance or product shall be classified as dangerous.

(2) The Minister can lay down rules on classification of dangerous substances and products in hazard categories.

21.-(1) The Minister for Environment and Energy can prepare a list of substances classified as dangerous, indicating the hazard category and requirements regarding packaging, labelling and use assigned to each of the substances listed and to products in which they occur.

22.-(1) A chemical substance or product classified as dangerous shall not be sold unless the packaging is solid, whole and adequately fastened, and equipped with a special label in Danish, cf., however, subsection (3) below.

(2) The Minister for Environment and Energy can lay down detailed rules on packaging of the substances and products referred to in subsection (1), and on exemptions from the requirements laid down in subsection (1) above, on the design and construction of the packaging, on obligatory packaging material and types, and on a ban on the use of such packagings for other goods. The Minister can also lay down rules on packaging of substances and products other than those referred to in subsection (1), if justified by the properties of such substances and products.

(3) The Minister can lay down detailed rules on labelling of the substances and products referred to in subsection (1), and on exemptions from the duty to label and on labelling of chemical substances and products other than those referred to in subsection (1) above. In doing so he can lay down rules on the design and content of the label, and on other languages which may be used on the label in special cases. The Minister can also decide that packages shall be fitted with tactile warning labels, and on the design of such labels.

(4) The Minister can lay down rules on labelling of goods other than those specified in subsections (1) and (3) above, if justified by the properties of chemical substances or products contained in or released from the goods.

22a.-(1) The Minister for Environment and Energy can lay down rules that chemical substances and products shall by sale be accompanied by information sheets with declarations of content, risk indications, precautionary measures and the like.

22b.-(1) The Minister for Environment and Energy can lay down rules that a manufacturer or importer of a chemical substance or product shall at request provide specified information on the substance or product to others intending to use the substance or product and to whom such information is required to fulfil requirements under this Act, rules laid down under this Act, or under regulations of the European Communities on the chemical substances, products or goods covered by this Act.

23.-(1) The Minister for Environment and Energy can lay down rules on storage of substances and products to be classified as dangerous and of substances and products to be approved under section 33 below.

PART 5

Sale of Toxic Substances and Products etc.

24.-(1) Very toxic and toxic substances and products shall only be sold against presentation of a requisition. This shall, however, not apply to sale to the enterprises, institutions and persons specified in section 25(1) below.

(2) The requisition shall state the purpose for which the substance or product is intended. The requisition shall be endorsed by the police to the effect that the police permit delivery for the purpose stated.

(3) Very toxic and toxic substances and products shall not be sold to persons below the age of 18, or otherwise be handed over to persons assumed to use them to cause damage to themselves or others.

(4) The Minister for Environment and Energy can lay down rules that the substances and products specified in subsection (1) above can only be imported by the enterprises, institutions and persons specified in section 25(1) below. In doing so the Minister can lay down conditions applying to such import.

(5) The Minister can lay down rules on the form and content of the requisition and issue guidelines on police endorsement of requisitions. The Minister can lay down rules that the endorsement is in certain cases not required.

25.-(1) Very toxic and toxic substances and products can without requisition be sold to:

- 1)
 - a) hospitals,
 - b) scientific and technical laboratories and institutions operated by the central, regional or local authorities,
 - c) technological service institutions approved by the Minister of Business and Industry,
 - d) accredited laboratories and institutions, cf. rules thereon issued by the Ministry of Business and Industry,

- e) undertakings which under the Act on Pharmaceuticals have been authorized by the National Health Service to manufacture and market pharmaceuticals, including pharmacies and dispensaries,
 - f) higher institutes of learning, engineering colleges, upper secondary schools and courses, teacher training colleges, technical schools, business colleges, social and health education institutes,
 - g) doctors, dentists and veterinaries
- 2) enterprises manufacturing very toxic and toxic substances and products and other enterprises using such substances or products as raw material or auxiliary matter which have notified the Danish Working Environment Service of such processes,
 - 3) enterprises selling very toxic and toxic substances or products for further distribution, or the enterprises, institutions and persons listed in points 1 and 2 above, who have notified the Minister for Environment and Energy thereof, and
 - 4) dealers other than those referred to in point 3 above, as regards the substances and products to which the approval granted under subsection (3) below applies.

(2) The Minister can lay down detailed rules on the notification to the Minister for Environment and Energy referred to in subsection (1), point 3 above, and, after negotiations with the Minister of Labour, on the notification to the Working Environment Service referred to in subsection (1), point 2 above, including renewed notification, and on the contents and form of the notification.

(3) Only dispensaries and the dealers authorized by the Minister on specified terms may sell very toxic and toxic substances and products to enterprises, institutions and persons other than those specified in subsection (1) above.

(4) The Minister for Environment and Energy can lay down rules that the authorization under subsection (3) above shall only be granted if the dealer pays a fee towards the costs of supervising enforcement of the authorization terms.

26.-(1) The Minister for Environment and Energy can lay down detailed rules on the extent to which enterprises, institutions and persons selling very toxic and toxic substances and products shall keep, retain and present a list of those receiving these substances and products, and on the extent to which the requisition specified in section 24 above shall be retained.

27.-(1) As regards the sale of toxic substances and products to be approved under section 33 below, the Minister for Environment and Energy can lay down rules other than those provided for in sections 24-26 above.

(2) The Minister can lay down rules that:

- 1) specified substances and products covered by section 24(1) are exempt from the provisions of sections 24-26, and that
- 2) substances and products other than those covered by section 24(1) are covered by the provisions of sections 24-26 above.

28-29. (Repealed).

PART 6

Restrictions on the Presence and Use of Chemical Substances. Composition of Chemical Products

30.-(1) When considered necessary to ensure that chemical substances or products do not present hazards to health or damage to the environment, the Minister for Environment and Energy can decide or lay down rules to restrict or ban the sale, import and use of specified chemical substances or products. On the same conditions the Minister can decide or lay down rules to restrict or ban the sale, import or use of chemical substances or products with specified properties. In doing so the Minister can lay down requirements for the purity of the substances and for the concentration of substances contained in a chemical product.

(2) When considered necessary to ensure that goods other than those specified in subsection (1) above do not present hazards to health or damage to the environment the Minister can decide or lay down rules on the content of or release from the goods of specified chemical substances or products. Similarly the Minister can decide or lay down rules on the content of or release from the goods of chemical substances or products with special properties.

(3) On the conditions specified in subsection (2) above the Minister can decide or lay down rules that goods containing or releasing chemical substances or products shall not be sold or used for specified purposes.

30a.-(1) The Minister for Environment and Energy can decide or lay down rules that chemical substances, products or goods covered by the provisions of section 30 above shall when sold be accompanied with directions for use. In doing so requirements can be laid down for the design and content of the directions for use, and for their approval by the Minister.

(2) In the directions for use referred to in subsection (1) above binding rules can be laid down on the use, storage and disposal of the substance, product or goods.

30b.-(1) In connection with restrictions on sale or use under section 30 above, the Minister for Environment and Energy can when justified particularly by considerations for health or the environment decide or lay down rules that specified chemical substances or products shall only be sold against presentation of a requisition for specified professional purposes or for a limited number of professional users.

(2) The Minister can lay down detailed rules on endorsement of the requisition referred to in subsection (1) above to be made by the supervisory authorities, on the content and form of the requisition, and on the extent to which the requisition shall be retained by the seller and on request be handed over to the supervisory authority.

30c.-(1) For reasons of environmental protection in general, the Minister for Environment and Energy can even if the provisions of section 30 are not fulfilled decide or lay down rules on restrictions or ban on sale or use of the substances, products or goods specified in section 30 above.

(2) Restrictions on sale or use under subsection (1) above can be laid down if the substances, products or goods involved can be replaced by other substances, products, goods or methods with the same field of application, which result in significantly less pollution in connection with production, use or disposal of the substances, products or goods involved or which otherwise significantly increase the possible applications of cleaner technology.

(3) Restrictions on sale or use under subsection (1) above can only be laid down if replacement of substances, products or goods referred to in subsection (2) above can take place without significant overall additional costs to the enterprises and the consumers.

30d.-(1) Support can be granted for research and investigation projects to examine the impact on health and the environment from chemical substances and products or goods containing or releasing chemical substances or products.

(2) To promote the considerations stated in section 30c above support can be granted for research, investigation and development projects relating to alternative substances, products, goods and methods.

(3) The Minister for Environment and Energy can lay down detailed rules on support granted under subsections (1) and (2) above.

31.-(1) To ensure that a chemical product does not present hazards to health or damage to the environment, the Minister for Environment and Energy can decide or lay down rules on the composition of the product. In doing so the Minister can lay down requirements for the extent to which and the manner in which specified chemical substances and products with specified properties may occur in the product. On the same conditions the Minister can lay down restrictions on the content of impurities in the product.

(2) The Minister can decide or lay down rules on the micro-biological purity of the product.

32.-(1) The Minister for Environment and Energy can lay down rules to limit the use of chemical substances for specific purposes or specified products to such as are approved for such purposes or in such products. Requirements can be made as to the purity and concentration of the approved substances.

(2) The Minister can prepare lists of the approved substances and their use.

32a.-(1) The Minister for Environment and Energy can in connection with a ban on sale or use under sections 30 above or 38 below order a manufacturer or importer at their own expense to withdraw the substance, product or goods from dealers or users, where deemed necessary to ensure that the substance, product or goods do not entail serious hazards to health or damage to the environment.

(2) Dealers and users of chemical substances, products or goods withdrawn under subsection (1) above are obliged to deliver the substance, product or goods to the manufacturer or the importer as directed by them.

32b.-(1) The Minister for Environment and Energy can lay down rules on a fee towards costs pertaining to administration, supervision and control in connection with rules laid down under this Part.

PART 7

Approval of Chemical Substances and Products for Specific Purposes

33.-(1) A chemical substance or product used for the purposes listed in Annex 1 to this Act shall be approved by the Minister for Environment and Energy prior to sale, import or use of the substance or product.

(2) For the purpose of this Part of the Act, plant protection product means a pesticide described as a plant protection product in Annex 1 to the Act. The Minister can lay down rules that groups of chemical substances and products shall be covered by the rules applying to plant protection products.

(3) The Minister shall lay down rules that manufacturers and importers shall within a specified delay apply for approval of substances and products classified by the Toxicological Board in accordance with Act No. 118 of May 3, 1961, on Preparations for Control of Plant Diseases, Weeds and Certain Pests and on Preparations for Plant Growth Regulation.

(4) Approvals are granted for periods of eight years. For chemical substances and products classified as "very toxic" and "toxic" approvals are valid for a period of four years. Plant protection products are, however, approved for a maximum period of 10 years and five years respectively, cf., however, subsection (5). The Minister may in special cases fix shorter approval periods.

(5) Approvals granted before September 1, 1987, expire on September 1, 1995. For chemical substances and products classified as "very toxic" and "toxic", however, approvals expire on September 1, 1991. An approval of a plant protection product expires after a specified period, when the active substance or one of the active substances of the product is entered on the EC list, cf. section 35a(1).

(6) The Minister shall lay down detailed rules on renewal of approvals and on termination of the right to sell or import substances or products which cannot be approved.

(7) The Minister can amend Annex 1 to this Act.

34.-(1) Application for approval under section 33 above shall contain such information on the purposes for which the substance or product is intended, its composition and possible effects on health or the environment which is necessary to lay down the approval terms.

(2) The Minister for Environment and Energy can lay down rules on the extent to which tests shall be made to ascertain the efficiency of pesticides.

(3) The Minister can lay down detailed rules on the information to be given in the application. It may be required that the application shall be filed on a special form.

35.-(1) Approval cannot be granted to substances or products which in connection with use or related handling and storage present, or on the basis of available investigations or experience are assumed to present particular hazards to health or damage to the environment, cf., however, subsection (3) below.

(2) Approval cannot be granted to a specific substance or product if substances, products or methods exist in the same field of application which present, or on the basis of available

investigations or experience are assumed to present, significantly less hazards to health or damage to the environment, cf., however, subsection (3) below.

(3) Plant protection products are, however, approved on the basis of principles set up by the Council of Ministers of the European Communities.

(4) The Minister for Environment and Energy can lay down detailed rules on the principles for approval of pesticides under subsections (1-3) above.

(5) The approval may be granted on the basis of detailed conditions relating to the contents of the substance or product, its quantity, sale, import, packaging, advertising and labelling prescribing its use and storage etc.. Moreover, approvals may in special cases be granted on the condition that within a specified time limit further investigations shall be made to clarify such properties in the substance or product which may be relevant to health or the environment.

(6) If a previously marketed substance or product is approved on conditions restricting the previous field of application of the substance or product, the approval may be granted on the condition that the substance or product shall be sold under another name.

(7) The Minister can lay down detailed rules on the approval scheme, i.a. on how to advertise an approved substance or product.

(8) Prescriptions under subsection (5) above relating to the use and storage of the approved substance or product may be notified by reproduction thereof on the packaging as resolved by the Minister.

35a.-(1) Information on one or several new active substances submitted by an applicant in connection with approval of a plant protection product shall not be used in favour of subsequent applicants, unless:

- 1) such procedure has been agreed with the previous applicant, or
- 2) a period of ten years has lapsed from the inclusion of the active substance in an inventory prepared and published by the EC Commission listing active substances approved for use in plant protection products (the EC List) or five years from the day it was decided to enter the substance on the list on the basis of supplementary information. Where the five year period expires before the ten year period, the period of protection of the supplementary information is prolonged to expire at the same time as the ten year period.

(2) A new active substance means a substance which has not by July 26, 1993 been sold or imported as an ingredient of a plant protection product in an EC member state.

(3) Information on an active substance not covered by subsection (2) above can be used in favour of subsequent applicants. Supplementary information submitted after the first inclusion in the EC List, cf. subsection (1) above, can, however, not be used in favour of subsequent applicants for a period of five years from the decision made on the basis of the supplementary information.

(4) Information on plant protection products where the active substance or one of the active substances is included in the EC list, cf. subsection (1) above, submitted by an applicant in connection with approval of a plant protection product, shall not be used in favour of another applicant, unless:

- 1) such procedure has been agreed with the previous applicant, or

- 2) a period of ten years has lapsed from the first approval after such inclusion in an EC member state.

35b.-(1) Holders of approvals and applicants shall take all appropriate measures to make arrangements under section 35a above, in order to avoid duplication of tests on vertebrates. Where the parties cannot agree to share information the Minister for Environment and Energy can decide that the information can be used irrespective of section 35a above, and lay down the conditions for such use.

- (2) The Minister can lay down rules on the procedure for making arrangements under subsection (1) above.

35c.-(1) Pesticides containing the active substances listed in Annex 2, list A or B to this Act, shall not be sold or used in Denmark.

35d.-(1) The Minister for Environment and Energy can enter other active substances on Annex 2 to the Act,

- 1) when products containing the substance are considered unacceptable to health and the environment, cf. section 35(1), or
- 2) in accordance with international agreements or obligations.

(2) The Minister can remove active substances from Annex 2 to the Act,

- 1) in accordance with international agreements or obligations, or
- 2) when new information changing the assessment in accordance with subsection (1), point 1, of substances entered on list A is available.

35e.-(1) Administrative review of cases under section 35d(1), no. 1, shall be based on the rules specified in subsections (2-4). The provisions of sections 11 and 19-21 of the Public Administration Act shall not apply.

(2) The Danish Environmental Protection Agency (Danish EPA) carries out a basic evaluation of the preparation on the basis of test results and other data submitted by the applicant or by the holder of the approval to the Danish EPA or obtained by the Danish EPA. The applicant or the holder of the approval may within six weeks from the date of receipt of the basic evaluation comment thereon. The Danish EPA prepares an appendix to the basic evaluation, taking into account these comments. The Danish EPA shall not include further test results or other data in the review of the case. When justified by specific circumstances the Danish EPA may as a rare exception decide to include such information.

(3) The Danish EPA consults an external expert about the basic evaluation and appendices, if any. The expert shall comment only on the Danish EPA's emphasis on and use of the test results and other data which for the purpose of the basic evaluation are submitted by the applicant or by the holder of the approval to the Danish EPA or were obtained by the Danish EPA. The expert shall comment only on those properties of the preparation which underlie the evaluation by the Danish EPA as particularly harmful to health or dangerous to the environment, cf. section 35(1). The expert shall not comment on other matters, including general exposure models, acceptance levels or safety factors. The applicant, the holder of the approval or the Danish EPA are not entitled to ask questions to the expert. The expert gives his opinion within three months.

(4) The Pesticide Advisory Council shall give its opinion on the matter.

(5) The Minister may lay down rules on the review of cases under subsections (1-4) and section 35e, and fix time limits for involvement of parties in the review of cases.

35f.-(1) The Minister for Environment and Energy may in special cases approve, cf. section 33, that pesticides containing active ingredients listed in Annex 2 may be sold and used in Denmark under specified conditions.²

36.-(1) Holders of approvals under section 33 and holders of registration of a preparation which the Toxicological Board has classified as a pesticide, cf. Act no. 118 of May 3, 1961, shall pay a charge amounting to 500 DKK each calendar year.

(2) The Minister for Environment and Energy can lay down detailed rules on payment of charges and on dutiable firms' duty to disclose information on the sale of approvable pesticides. A fee of 65 DKK shall be paid for letters requesting payment of the charge.

(3) Charges paid under this section are used in partial payment of expenses relating to:

- 1) the activities of the approval authority
- 2) supervision and control of the substances and products and of their application
- 3) research into the impacts of the substances on health or the environment
- 4) training of users of the substances and products and information on their use and impact on health and the environment, including the possibility of reducing their load on health and the environment
- 5) research and development to reduce the overall impact on health and the environment resulting from application of the substances and products.

36a.-(1) The Minister for Environment and Energy can lay down rules on the payment of fees in full or partial payment of expenses pertaining to the review of cases under this Part.

37.-(1) Manufacturers or importers of a chemical substance or product approved under section 33 above shall notify to the Minister for Environment and Energy any significant modifications or additions to information previously submitted.

38.-(1) An approval may be repealed if the approval terms are violated. If new information has the result that an approved preparation is considered particularly harmful to health or dangerous to the environment, cf. section 35(1), the case is reviewed under sections 35d and 35e without prior revocation of the existing approval. If the preparation is listed in Annex 2, List A, the approval is repealed.

(2) An approval shall be repealed immediately if it is found that the chemical substance or product involved presents serious hazards to health or the environment.

(3) The provisions of subsections (1) and (2) above apply similarly to classifications announced by the Toxicological Board.

(4) The Minister for Environment and Energy may issue a temporary ban on import, sale and use of plant protection products already approved in an EC member state, the active substance of

² Section 35f is identical with section 35e of Act no. 438 of June 1, 1994. Due to an error in Act no. 1087 of December 20, 1995, section 35e of Act no. 438 of June 1, 1994 was not repealed. This will be corrected in the next amendment of the Act.

which is included in the EC List, cf. section 35a(1). Such temporary ban can only be issued if there is reason to believe that human or animal health or the environment is at risk³.

38a.-(1) To reduce the overall consumption of approvable substances and products the Minister for Environment and Energy can lay down rules restricting or banning the use of such substances and products in specific areas of land.

38b.-(1) The Minister for Environment and Energy can lay down rules that professional application of pesticides is allowed only by persons holding a certificate of training in environmentally conscious and sound uses of such products.

(2) In doing so the Minister can lay down detailed rules on the subjects of such training and on requirements to be met in order to acquire the certificate referred to in subsection (1) above.

(3) Payment may be charged towards training courses, cf. subsection (1) above, to the extent such expenses are not covered by specific education support schemes.

38c.-(1) The Minister for Environment and Energy can lay down rules that the person(s) responsible for the property on which pesticides are used professionally shall keep a record of the use of such pesticides⁴.

(2) In doing so the Minister can lay down detailed rules on information to be entered in the record book referred to in subsection (1) above.

PART 8

Internal Control, Information and Test Obligations

38d.-(1) Manufacturers or importers of a chemical substance or product or other goods shall hold documentation that the substance, product or goods satisfy the requirements laid down in this Act, in rules under this Act, and in EC regulations on chemical substances, products and goods covered by this Act. The Minister for Environment and Energy can lay down detailed rules on the documentation requirements.

(2) Manufacturers selling a chemical substance or product and importers of a chemical substance or product shall hold the following information on the substance or product:

- 1) trade name(s)
- 2) chemical name
- 3) quantities imported or sold
- 4) for products: chemical name of ingredients and percentage by weight of ingredients classified as dangerous or otherwise regulated.

(3) Where the importer is unable to procure the information specified in subsection (2) above, it is sufficient if the data have been submitted to the Ministry of Labour and the Ministry of Environment and Energy common Register of Chemical Substances and Products and the importer has received a confirmation thereof from the Register, cf., however, subsection (1), section 10(1) and section 19 above.

³ Takes effect upon decision by the Minister for Environment and Energy, cf. second clause of section 2(2) of Act No. 1067 of December 23, 1992.

⁴ By Royal Resolution of August 28, 1992 this power, with respect to agricultural properties, is transferred to the Minister of Agriculture and Fisheries.

(4) The data specified in subsections (1-3) above shall at request be submitted to the Minister or the supervision authorities.

(5) Where manufacturers or importers do not satisfy the information requirements under subsections (1-3) above, the Minister or the supervision authorities may prohibit import, sale or use of the substance, product or goods, or order the manufacturer or the importer within the specified time to carry out or have carried out the tests required to document that the substance, product or goods comply with the requirements laid down.

39.-(1) Beside the information etc. specified in section 38d above manufacturers, importers, dealers or professional users of a chemical substance or product shall at the request of the Minister for Environment and Energy or the supervision authorities, cf. section 47 below, provide such information on the substance, product or goods, including information on economy and accounts, as are relevant to the authorities' administration or control of the Act, of rules laid down under the Act and of EC regulations on the chemical substances and products covered by the Act. This shall also apply to manufacturers, importers, dealers and professional users of goods covered by the Act or by regulations specified in clause 1 above.

39a.-(1) Section 38d(4-5) and section 39 above shall also apply where authorities abroad ask the Minister for Environment and Energy or the supervision authorities for information specified in sections 38d or 39 above for the administration and control of legislation in that country.

40.-(1) When there are grounds to believe that a chemical substance or product causes hazards to health or damage to the environment, or where knowledge to assess such hazards is not sufficient, manufacturers or importers of the substance or product shall at the request of the Minister for Environment and Energy carry out or have carried out the tests required to clarify the hazardous effects.

(2) Where the manufacturer or the importer does not within the specified time limit carry out the tests required under subsection (1) above the Minister can carry out or have carried out the tests at the expense of the manufacturer or the importer.

41.-(1) Manufacturers or importers of a chemical substance notified in this country under section 12(1) above, or of a chemical substance or product for which an application for approval has been filed under section 33 above, shall at the request of the Minister for Environment and Energy carry out or have carried out tests in addition to those required under sections 12 or 34 above.

42.-(1) The Minister for Environment and Energy can lay down rules ordering manufacturers or importers of chemical substances or products to provide particulars on the nature, quantity and intended application of the substances or products they sell or import, and on the composition of the products.

(2) The Minister can lay down rules that the particulars specified in subsection (1) above shall be given on a special form.

(3) The Minister can decide that authorities shall upon request state the manufacturers and importers who sell or import specified substances and products and the quantities involved.

43.-(1) The Minister for Environment and Energy can decide or lay down rules that analyses and tests shall be carried out in accordance with certain methods. In this connection requirements can be stipulated for the organization of executing laboratories and for documentation of the test

quality, and further for inspection and control of laboratories. The Minister can lay down requirements that analyses and tests shall be carried out by accredited or otherwise authorized laboratories.

(2) The Minister can decide or lay down rules that analyses and tests carried out abroad shall be on an equal footing with corresponding tests made in this country, provided the tests carried out abroad are considered to meet the requirements laid down in pursuance of subsection (1) above.

(3) The Minister can lay down rules on fees towards costs pertaining to the inspection and control of the laboratories under subsection (1) above.

PART 9

Expert Advisory Councils

44.-(1) The Minister for Environment and Energy sets up councils of experts to act as advisers to the authorities in matters involving chemical substances and products. Rules may be laid down on the extent to which such councils shall give their opinion before certain matters are decided.

PART 10

Authorities

45.-(1) The Minister for Environment and Energy can delegate his duties under this Act to the Danish Environmental Protection Agency or to other state authorities and institutions. The Minister can lay down rules on the right to complain against the decisions of these authorities, and decide that they shall make the final administrative decisions in such matters.

(2) In carrying out his duties under this Act the Minister is assisted by the Danish EPA and the National Food Agency. After negotiations with the Ministers involved the Minister for Environment and Energy can lay down rules on the extent to which the Danish Working Environment Service, the National Health Service, the medical officers, the customs authorities and the police assist in the discharge of duties under this Act.

46.-(1) The local council supervises observance of the rules laid down under sections 38a-c above.

(2) The Minister for Environment and Energy can authorize the local council or the authorities otherwise carrying out inspection and control if the firms in question in accordance with the provisions of Part 9 of the Environmental Protection Act to carry out the tasks in connection with supervision of observance of this Act and rules laid down under the Act.

(3) The Minister can lay down rules on the title to complain against the decisions of the supervision authorities under subsections (1-2) above, and in doing so decide that the decisions of the supervision authorities shall not be brought before other administrative authorities.

47.-(1) The Minister for Environment and Energy can lay down rules on the supervision and control tasks to be carried out by the authorities referred to in sections 45 and 46 above, and on cooperation in general between the authorities.

48.-(1) The supervision authorities can issue enforcement notices in case of violation of the provisions of this Act and of rules laid down under this Act.

49.-(1) The supervision authorities and persons authorized to this effect by these authorities shall without court order and on proof of identity have access to public and private property, premises and means of transport in order to obtain information relevant to the decisions under this Act and to rules laid down under this Act.

(2) The police assist in carrying out these tasks according to rules laid down after negotiations between the Minister for Environment and Energy and the Minister of Justice.

50.-(1) The supervision authorities can free of charge open up packagings and take out samples, including samples of goods, for further investigation. A receipt shall be prepared upon request. The manufacturer or importer of the substance from which the sample was taken shall repay the retailer the sample invoice price against presentation of the receipt.

51.-(1) The supervision authorities shall give the Minister for Environment and Energy or the authority designated by the Minister all information relating to the supervision and control duties.

51a.-(1) An amount of DKK 500 is charged on the issue of export certificates for substances or products covered by this Act or by rules under this Act. Where such certificate has been issued previously by the authority involved, the charge amounts to DKK 100. Where export certificates are required within two working days or less the charge is doubled. The charge is paid when the request for the certificate is made.

51b.-(1) The provisions of this Part also apply to the administration and control of EC regulations on the chemical substances, products and goods covered by this Act. The provisions also apply where authorities abroad request the Minister for Environment and Energy or the supervision authorities to submit information required for administration and control of legislation in that country.

PART 11

Decisions

52.-(1) Decisions made under this Act shall be communicated in writing to the persons, organizations and authorities entitled to complain against the decisions, cf. sections 55-56 below, and to the authorities otherwise involved in the review of the case.

(2) Enforcement notices can be communicated orally if imminent health hazards are involved or immediate action is required to prevent serious damage to the environment. Decisions communicated orally shall also and without delay be communicated in writing.

53.-(1) In enforcement notices a time limit shall be stipulated for compliance with the decision. In special situations it may, however, be decided that the enforcement notice shall be complied with immediately.

(2) When justified by special considerations it may be decided that complaints against enforcement notices shall not have suspensive effect.

54.-(1) In decisions which can be appealed a date shall be stated for expiry of the term of appeal; moreover, the following information shall be given:

- 1) the decisions can be appealed in writing to the Environmental Appeal Board, and

- 2) the complaint shall be lodged with the Environmental Appeal Board before expiry of the term of appeal.

(2) In enforcement notices information shall be given that complaints have suspensive effect, cf., however, section 53(2) above.

55.-(1) The Environmental Appeal Board set up in pursuance of the Environmental Protection Act shall act as appeal authority in respect of decisions made under Parts 6 and 7 above by the authority empowered by the Minister for Environment and Energy and acting as first instance. However, decisions on plant protection products, cf. section 33(2) above, the active substance(s) of which is (are) entered on, or is (are) reviewed for the purpose of inclusion in the inventory prepared and published by the EC Commission of active substances approved for use in plant protection products, cannot be appealed to the Environmental Appeal Board.

(2) Complaints can be lodged with the Environmental Appeal Board by:

- 1) the party to whom the decision is directed, and
- 2) anyone likely to have in individual, significant interest in the outcome of the decision.

(3) In its activities the Environmental Appeal Board is independent of any instructions relating to the consideration of and decisions in individual cases.

(4) Complaints are considered with the assistance of expert members of the Board appointed by the Minister for Environment and Energy for terms of four years on the recommendation of:

- 1) the Confederation of Danish Industries; and the Federation of Danish Agricultural Societies, the Danish Family Farmers' Association, and the Danish Market Gardeners' Association jointly, and
- 2) the Danish EPA and the Danish Working Environment Service jointly.

(5) The Board can call in further experts to give guiding opinions.

(6) The Minister can lay down detailed rules on the composition of the Environmental Appeal Board and on its review of cases under this Act.

56.-(1) The Minister for Environment and Energy can lay down rules on or decide which other persons, organizations and authorities may file complaints against decisions under Parts 6 and 7 or decisions under rules laid down in pursuance of Parts 6 and 7 above.

57.-(1) The term of appeal is four weeks from the date of the decision.

(2) If the term of appeal expires on a Saturday or a holiday the term of appeal expires on the following weekday.

PART 12

Secrecy and Confidentiality

58.-(1) Anyone exercising or having exercised tasks under this Act are subject to the provisions of professional secrecy of sections 152-152c of the Civil Penal Code.

(2) The Minister for Environment and Energy can lay down rules on professional secrecy and on review of cases and access to public files, defining which information is to be considered confidential.

(3) Confidential information can only be communicated to authorities abroad if:

- 1) such communication forms part of international agreements or commitments, or
- 2) the information is of significant importance to the foreign authority's control and administration, and the authority is subject to professional secrecy rules at least as stringent as those applying to Danish authorities.

PART 13

Penalty and Entry Into Force etc.

59.-(1) Unless heavier penalty is due pursuant to other legislation, the penalty for the following infringements shall be fine, detention or imprisonment for up to two years:

- 1) violation of section 10(3), section 11(1), section 13(1), section 19, section 22(1), section 24(1) and (3), section 35c, or section 37 above, or of EC regulations on the chemical substances, products and goods covered by this Act,
- 2) failure to apply for authorization pursuant to section 25(2), or approval pursuant to section 33(1) above,
- 3) failure to comply with decisions about termination of the right to sell or import a substance or a product in pursuance of the rules laid down under section 33(6) above,
- 4) disregard of terms of an authorization according to section 25(3), or an approval according to section 35(5) above,
- 5) failure to comply with enforcement notices or requests pursuant to sections 30, 30a, 30b, 30c, 31, 32a, 38d(5), or 48 above,
- 6) (repealed)
- 7) failure to submit information according to sections 13(1), 38d(4), cf. subsections (1-3), or section 39 above, Fejl! Ukendt argument for parameter.
- 8) failure to carry out tests as specified in sections 40 or 41, or to submit samples pursuant to section 50 above,
- 9) failure to classify and label a substance in accordance with the requirements stipulated in the list prepared under section 21 above,
- 10) violation of prescriptions notified on the packaging of an approved substance or product, cf. section 35(8) above,
- 11) impediment to access to a property in contravention of section 49 above, or
- 12) by negligence in connection with dangerous substances or products, endangering the life or health of man or domestic animals or causing not insignificant damage to the environment.

60.-(1) As regards violation of section 22(1), section 24(1) and (3), section 25(3), section 33(1), and section 35(5) above, a manufacturer, an importer or the owner or user of an enterprise may be held liable to pay a fine, although the violation cannot be imputed on him as being intentional or negligent. No alternative sentence is pronounced to the penalty of fine.

61.-(1) Regulations issued pursuant to section 7a, section 10(4), section 12(1), (2) and (5), section 13(2), section 15, section 22(2-4), section 22a, section 22b, section 23, section 24(4), section 26, section 27, section 30, section 30a, section 30b, section 30c, section 31, section 32, section 32a, section 35(7), section 36(7), section 36a, section 38a, section 38b, section 38c, section 39, section

41, section 42, and section 43 above, may specify the penalty of fine, fine or detention, or fine, detention or imprisonment for up to two years, for violation of the rules. Regulations issued pursuant to section 22(2-4), section 23, section 26, and section 27, may specify that a manufacturer, importer or the owner or user of an enterprise may be held liable to pay a fine, although the violation cannot be imputed on him as being intentional or negligent. No alternative sentence is pronounced to the penalty of fine.

61a.-(1) The period of limitation of criminal liability shall be five years in respect of violations etc. specified in nos 1, 2, 4, 5, 9, 10, and 12 of section 59 above, and of violations of rules issued pursuant to section 7a, section 10(4), section 12(1), (2) and (5), section 22(2-4), section 22a, section 23, section 24(4), section 26, section 27, section 30, section 30a, section 30b, section 30c, section 31, section 32, and section 32a above.

62.-(1) As regards violations committed by limited liability companies, cooperative societies, private limited companies or the like, the company or society as such may be held liable to pay a fine. Where violations are committed by the State, a local authority or authorities jointly, cf. section 60 of the Local Administration Act, the State, the local authority or authorities jointly may be held liable to pay a fine.

63.-(1) Violations are subject to police prosecution. The remedies contained in Part 73 of the Administration of Justice Act shall apply as in actions brought by the public prosecutor.

64.-(1) The State may levy distraint for recovery of fees and charges payable under section 10a(3), section 12(6), section 25(4), section 32b, section 36, section 36a, section 40(2), and section 43(1) above, and of expenses pertaining to tests under section 40(2) above.

65.-(1) This Act enters into force on October 1, 1980.

66.-(1) The following legislative provisions are repealed, cf., however, sections 67 and 68 below:

- 1) Act No. 118 of May 3, 1961 on Substances for the Control of Plant Diseases, Weeds and Certain Pests, and on Substances for Regulating Plant Growth (Pesticides Act),
- 2) Act No. 119 of May 3, 1961, on Toxic and Harmful Substances. As regards sections 8 and 11, the date of repeal is fixed by the Minister for Environment and Energy,
- 3) section 7 of Act No. 372 of June 13, 1973 on Environmental Protection,
- 4) section 8 of Act No. 120 of May 3, 1961 on Rat Control.

67.-(1) Regulations issued in pursuance of the provisions referred to in section 66 above remain in force until they are replaced by regulations issued in pursuance of this Act. Violations of the regulations are punished in accordance with the regulations in force before the entry into force of this Act.

68.-(1) Decisions made in accordance with the regulations referred to in sections 66 and 67 above remain valid until new decisions are made in accordance with this Act or regulations issued under this Act. Violations of such decisions are punished in accordance with the regulations in force before the entry into force of this Act.

69.-(1) Cases which at the time of entry into force of this Act are being reviewed by the Toxicological Board shall be considered in accordance with the provisions of this Act.

70.-(1) This Act shall not apply to the Faroe Islands and Greenland.

Act No. 341 of May 24, 1989, amending Act on Chemical Substances and Products, relating to sections 1, 7, 7a, 8, 9, 10, 10a, 11, 12, 13-18, 20, 22, 22a, 24-29, 30, 30a, 30b, 30c, 30d, 31, 32a, 32b, 33, 36, 38d, 39, 40, 41, 42, 43, 45, 46, 52-57, 58, 59, 60, 61, 61a, and 64, lays down the following provisions on entry into force and transitional provisions:

"2.-(1) This Act enters into force on July 1, 1989.

(2) Rules issued in pursuance of provisions hitherto in force, cf. Promulgation Order No. 574 of August 26, 1987, remain in force until they are replaced by rules issued in pursuance of this Act. Violation of the rules is punished in accordance with the rules in force before the entry into force of this Act.

(3) Cases which at the time of entry into force of this Act are being reviewed by the Environmental Appeal Board shall be completed in accordance with the rules in force before the entry into force of this Act."

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Act No. 1067 of December 23, 1992 amending Act on Chemical Substances and Products, relating to sections 3, 5, 7, 10, 11, 12, 13, 14, 20, 21, 22, 22b, 23, 25, 33, 35, 35a, 35b, 36, 36a, 38, 38b, 38d, 39, 39a, 40, 42, 43, 46, 50, 51a, 51b, 55, 58, 59, 60, 61, 61a, 62, 64, 70, and the Annex to the Act, provides for the following transitional rules and rules on entry into force:

"2.-(1) This Act enters into force on January 1, 1993.

(2) Section 1 No. 2, sections 18-22, 36, 42, 48, and 55, and sections 59 No. 4, and 61, in the form specified in section 1 of this Act, Nos 43 and 50 respectively, relating to section 35(5) enter into force on July 26, 1993. Section 1, No. 25 enters into force as decided by the Minister for Environment and Energy.

(3) Rules laid down in pursuance of rules under the Act and hitherto in force, cf. Consolidated Act No. 566 of August 15, 1989, remain in force until they are replaced by rules laid down under this Act. Violation of the rules is punished in accordance with rules hitherto in force.

(4) In regulations issued under section 5 of the Act, in the form specified in section 1, No. 2 of this Act, the Minister can fix a timelimit for submission of applications for approval of substances and products marketed at the entry into force of the rules."

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Act no. 1111 of December 22, 1993 amending Act on Chemical Substances and Products, relating to sections 15, 25, 33, 35, 35a, 60, 61, and 61a, lays down the following provisions on entry into force:

"2. This Act enters into force on January 1, 1994."

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Act no. 438 of June 1, 1994 amending Act on Chemical Substances and Products, relating to sections 33, 35c, 35d, 35e, 59, and Annex 1, lays down the following provisions on entry into force:

"2.-(1) This Act enters into force on July 1, 1994.

(2) Import and sale of pesticides containing active substances entered on Annex 2, list A, to this Act may take place until December 1, 1994. Use of such pesticides may take place until July 1, 1995.

(3) Statutory Order from the Ministry of the Environment no. 208 of March 26, 1992, on Prohibition of Certain Active Substances, is repealed."

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Act no. 416 of June 14, 1995, Pesticide Tax, in which section 45 amends the Act on Chemical Substances and Products, sections 36 and 59, lays down the following provisions on entry into force and transitional provisions:

"42.-(1) The Minister for Taxation lays down the date of entry into force of the Act. The Minister can decide that the provisions of sections 3(1) and 9(1) shall enter into force before the other provisions of the Act.⁵"

and

"45.-(2) Tax relating to 1995 is collected in accordance with the rules hitherto in force."

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Act no. 1067 of December 20, 1995, amending Act on Chemical Substances and Products (Prohibition Procedure), relating to sections 35d-f and 38, lays down the following provisions on entry into force and transitional provisions:

"2.-(1) This Act enters into force on the day following notification in the Official Gazette.

(2) Statutory Order from the Ministry of Environment and Energy no. 115 of February 20, 1995, amending Statutory Order no. 768 of August 23, 1994 on Pesticides, is repealed.

(3) Cases in which a request for expert opinion under section 44b of Statutory Order from the Ministry of Environment and Energy no. 768 of August 23, 1994 on Pesticides, as amended by Statutory Order no. 115 of February 20, 1995, has been submitted, shall be reviewed in accordance with the rules hitherto in force."

Ministry of Environment and Energy

January 16, 1996

Svend Auken

/Niels Juul Jensen

⁵ Under Statutory Order no. 914 of November 30, 1995, on Entry into Force of the Pesticide Tax Act, the Minister for Taxation has decided that the Act enters into force on January 1, 1996.

LIST OF SUBSTANCES AND PRODUCTS COVERED BY PART 7⁶ OF THE ACT

1. Pesticides

A. Chemical substances and products intended for control of:

- a. plant diseases
- b. fungus attacking wood
- c. undesired plants
- d. algae
- e. mucus secreting organisms in pulp
- f. the following lower animals:
 - 1) animals which must be considered harmful to utility and cultivated plants
 - 2) vermin on domestic animals, including cage birds
 - 3) pests in grain, grain products, feedingstuffs and feed
 - 4) pests in textiles
 - 5) pests in timber and woodwork
 - 6) insects, snails, mites etc, and
 - 7) earthworms, and
- g. the following mammals: rabbits, water voles, moles, mice and rats.

B. Chemical repellents

Chemical substances and products intended to prevent damage caused by the pests referred to in A.f and g, and by wild mammals and birds, or to repel these animals from places where they are undesirable.

C. Chemical plant growth regulators

Chemical substances and products which are not plant nutrients or soil conditioners proper, but which are intended to regulate the growth or development of plants or the ripening of seeds, including:

- a. defoliants
- b. respiration and germination inhibitors
- c. growth retarders
- d. root formers
- e. flower and fruit formers
- f. sprout hasteners
- g. flowering retarders
- h. thinning substances
- i. abscission retardants
- j. grafting agents

⁶ The list is reproduced as stipulated in Statutory Order No. 768 of August 23, 1994, on Pesticides.

D. Microbiological plant protection products

Plant protection products, the active substance of which consists of living microorganisms, including vira, the action of which is a result of the microorganisms or of one or several substances they produce.

2. Plant protection products

Plant protection products specified in Part 7 means chemical or microbiological substances and products intended for one or several of the following purposes:

- protection of plants or plant products against harmful organisms or prevention of their action
- influencing the life processes of plants other than as a nutrient (e.g. growth regulators)
- preserving plant products deriving from plant products in an unprocessed state or having undergone only simple preparation such as milling, drying or pressing, in so far as they are not subject to special EC provisions on preservatives
- destruction of undesirable plants or of parts of plants, or checking and preventing undesired growth of plants.

List A

Active substances which shall not be used in Denmark in pesticides or groups hereof:

Plant protection products

Cyanazine
Hexazinone
Propachlor
Paraquat
Thiabendazole (for outdoor use)
Lindane
Atrazine

List B

Active substances which shall not be marketed or used in pesticides or groups hereof in accordance with international obligation or agreement:

Plant protection products:

I. Mercury compounds

1. Mercuric oxide
2. Mercurous chloride (calomel)
3. Other inorganic mercury compounds
4. Alkyl-mercury compounds
5. Alkoxyalkyl and aryl mercury compounds

II. Resistant organic compounds

1. Aldrin
2. Chlordane
3. Dieldrin
4. DDT
5. Endrin
6. HCH with less than 99.0 % gamma isomer
7. Heptachlor
8. Hexachlorobenzene
9. Caphechlor (Toxaphene)

III. Other compounds

1. Ethylene oxide
2. Nitrofen
3. 1,2-dibromethane
4. 1,2-dichloroethane

5. Dinoseb and its acetates and salts
6. Binapacryl
7. Captafol
8. Dicofof containing less than 78% p,p'-dicofof or more than 1 g/kg DDT and related compounds
9.
 - a) Maleic hydrazide and its salts except choline, potassium and sodium salts
 - b) Cholin, potassium and sodium salts from maleic hydrazide containing more than 1 mg/kg free hydrazine expressed in acid equivalents
10. Quintozene, containing more than 1 g/kg hexachlorobenzene or more than 10 g/kg pentachlorobenzene.