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Order on the import, sale and use of highly toxic and toxic substances and mixtures, etc., on the storage and reporting of the theft of certain substances and mixtures and on the prohibition of misleading statements when placing substances and mixtures on the market¹

Pursuant to Section 3(3), Section 6, Section 8(1), Section 10(4), Section 23, Section 24(4) and (5), Section 25(2) and (4), Section 26, Section 27(2), Section 30(1), Section 42a, Section 45(1), Section 47, Section 55(1) and (2), Section 56(1) and Section 59(4) and (5) of the Chemicals Act, cf. Order no. 1200 of 25 September 2025, and after consultation with the Minister for Employment, the following is laid down:

Chapter 1

Scope and Definitions

Section 1. This Order covers substances and mixtures, without prejudice to Section 2.

(2) The Order's rules on import apply to both import for resale and import for use in own business.

Section 2. This Order does not apply to radioactive substances and mixtures as defined in Council Directive 2013/59/Euratom as amended.

(2) The Order does not apply to pesticides, cf. Section 33 of the act, except for Section 17(3), second sentence.

(3) The Order does not apply to mixtures in the form of ammunition and explosive materials imported or sold in order to produce a concrete effect by explosion or by pyrotechnic means.

(4) The Order does not apply to substances and mixtures that are exported. Nor does it apply to Section 17(1) and (4), Section 18(1), (2) and (4), Section 19(1) and (3), Section 20 and Section 21(1) to (3), which apply mutatis mutandis to storage in connection with export.

(5) The Order does not apply to the transport of substances and mixtures.

(6) Sections 9 to 11, cf. Section 16, Section 12, cf. Section 16, Section 14, cf. Section 16, Section 17(2) to (5), Section 18 and Section 19(2) to (4) do not apply to the sale of petrol or diesel oil in bulk from filling stations or similar.

(7) This Order does not affect the provisions under other legislation, including EU legislation, applicable to substances and mixtures concerning notification in connection with the manufacture, use, import or sale, on authorisation or requisition in connection with sales or on storage requirements. The Order applies to these substances and mixtures only to the extent that other legislation, including EU legislation, does not provide for them.

(8) The Order does not affect occupational safety and health legislation on substances and mixtures and on notification to the product register. The same applies to occupational safety and health legislation and EU legislation on safety data sheets.

¹ Insert note here that the Order has been notified as a draft in accordance with Directive 2015/1535/EU of the European Parliament and of the Council laying down a procedure for the provision of information with regard to technical regulations and of rules on information society services (codification) notification once such notification has taken place.

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Section 3. For the purposes of this Order, the following terms are understood to mean:

- 1) The Regulation: Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation No, 1907/2006/EC, as amended.
- 2) Highly toxic and toxic substances and mixtures: Substances and mixtures classified under the regulation as acute toxic Category 1, 2 or 3 (Acute Tox. 1, 2 or 3) or as specific target organ toxic category 1 (STOT SE 1).
- 3) Substances and mixtures with serious long-term effects: Substances and mixtures classified under the regulation as carcinogenic, mutagenic or toxic to reproduction Category 1 A or 1 B (Carc. 1 A or 1 B, Muta. 1 A or 1 B or Repr. 1 A or 1 B).
- 4) Import: Imports from other EU countries as well as imports from non-EU countries.

Chapter 2

Import and sale of highly toxic and toxic substances and mixtures

Notification of manufacture, use and sale and authorisation for sale

Section 4. The notifications referred to in Section 25(1), No 2 and 3 of the act must be submitted digitally at www.virk.dk.

(2) The notification referred to in the first paragraph must contain the following information:

- 1) Company name, address, email, telephone number, CVR number (Central Business Register number) and p-number (production unit number).
- 2) Information on the substances or mixtures covered by the notification, including the substance name or trade name and, where applicable, CAS No. Safety data sheets for the substances or mixtures may be attached to the notification.
- 3) Indication as to whether the substances or mixtures are mainly gases, liquids or solids. If the solid form of the substances or mixtures are powders, this must be indicated.
- 4) Indication of the quantity of substances or mixtures produced, used, imported or sold per year.
- 5) Indication as to whether the substances or mixtures are stored in production facilities or systems.
- 6) Indication as to whether the substances or mixtures are:
 - a) Produced;
 - b) Mixed, diluted, impregnated, decanted or wrapped;
 - c) Used in the manufacture of goods or mixtures;
 - d) Used in a business as an aid;
 - e) Imported;
 - f) Sold.
- 7) Reporting date.

(3) A separate p-number must be reported for each storage address if the substances or mixtures covered by the notification are stored at different addresses.

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(4) The email receipt, which is automatically generated and sent when the information referred to in the second paragraph has been communicated, is the company's evidence that the notification has been given in accordance with the act.

(5) The notification referred to in the first paragraph is valid for three years from the date of the email receipt referred to in the fourth paragraph. The legal effect of the notification lapses automatically if the manufacture, use, import or sale of the substance or mixture is restricted by other legislation, including EU legislation.

Section 5. Highly toxic and toxic substances and mixtures may only be imported by the undertakings, institutions and persons referred to in Section 25(1) of the act.

(2) For doctors, dentists and veterinarians, cf. Section 25(1)(g) of the act, imports, cf. the first paragraph, must be intended for commercial use in an own business.

Section 6. Retailers applying to the Environmental Protection Agency for authorisation pursuant to Section 25(3) of the act must indicate in the application the highly toxic and toxic substances and mixtures for which authorisation is sought and to whom they are to be sold.

Section 7. An association or the like may, in exceptional cases in which a concern for control or for the safe handling of highly toxic and toxic substances and mixtures so warrant, obtain authorisation as mentioned in Section 6 if its members use the substances or mixtures in connection with activities under the auspices of the association, even if the association itself does not act as a retailer. In this case, the association must ensure that the Environmental Protection Agency is in possession at all times of an updated list of the retailers who sell the highly toxic and toxic substances and mixtures to the members of the association without an independent permit under the association's authorisation.

(2) Members of an association or similar who are in possession of authorisation from the Environmental Protection Agency, cf. the first paragraph, are exempt from Section 24(1) and (2) of the act as regards the highly toxic and toxic substances and mixtures covered by the association's authorisation. The association must then submit a delivery receipt to the member. The delivery receipt must be dated and signed by the member in person.

(3) The Environmental Protection Agency establishes detailed conditions in the authorisation referred to in the first paragraph, including on time limitation, delivery receipt design and on the association's collection and storage of delivery receipts and other documentation from the retailers covered by the list, cf. the first paragraph, second sentence.

Section 8. Retailers and associations or the like that have been authorised by the Danish Environmental Protection Agency for the sale of highly toxic and toxic substances and mixtures pay a fee of DKK 1 000 every two years to the Environmental Protection Agency.

(2) The fee is due for payment on 1 January. The final payment deadline is 1 February. The fee is due for the first time on 1 January of the year after authorisation has been granted.

(3) In the absence of timely payment of the fee, the authorisation lapses without further notice, unless the Environmental Protection Agency decides otherwise.

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Requisitions

Section 9. The requisition referred to in Section 24 of the act is provided by the police or retrieved digitally at www.politi.dk.

(2) The requisition must include:

- 1) Name, personal identification number, address and telephone number of the applicant.
- 2) Information on the name and quantity of the substance or mixture.
- 3) Details of the purpose for which the substance or mixture in question is intended to be used, cf. Section 24(2), first sentence, of the act.
- 4) A statement that the applicant will only use the substance or mixture for the stated purpose, will store the substance or mixture safely and will not transfer the substance or mixture to anyone else.

(3) The requisition must be dated and signed by the applicant in person.

Section 10. As a condition for signing the requisition, the police may require that the applicant documents:

- 1) Possession of the necessary knowledge to handle the substance or mixture concerned and
- 2) Ability to take the necessary security measures.

(2) The requisition must not be endorsed if the police deem that the stated purpose can be achieved in a reasonable way with less dangerous means. Endorsement will be denied to persons who are under 18 years of age or who are likely to cause harm to themselves or their surroundings, cf. Section 24(3).

Section 11. At the time of the sale, the applicant provides the police-approved requisition to the retailer, cf. Section 12(1), second sentence, and Section 12(2), second sentence.

(2) A requisition is only valid for a single sale. This applies regardless of whether the sales in question cover only part of the quantity indicated in the requisition.

Section 12. Ready-to-use colours for artistic use that contain highly toxic and toxic substances or mixtures may be sold without police endorsement of the requisition. The applicant must provide the completed and signed requisition to the retailer without endorsement.

(2) For shipping companies that do not submit notification to the Working Environment Authority, cf. Section 25(1) No 2 of the act, ready-to-use mixtures containing highly toxic and toxic substances or mixtures may be sold on the shipping company's requisition without police endorsement for use by the chief engineer or master of the ship when testing, processing or maintaining technical installations, etc. on a specified ship in the shipping company's fleet. The applicant must provide the completed and signed requisition to the retailer without endorsement.

Storage of requisitions and other documentation

Section 13. Pharmacists and retailers, cf. Section 25(3), must provide the processed requisitions, cf. Section 11(1), Section 12(1), second sentence, and Section 12(2), second sentence, with serial number, date of sale and the name of the sales person and must keep the requisitions in numerical order for five years from the date of sale.

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(2) Should a pharmacist or a retailer, cf. the first paragraph, sell his or her business, the pharmacist or the retailer shall provide the stored requisitions to the police, without prejudice to the third and fourth paragraphs.

(3) The second paragraph does not apply when:

- 1) the new owner of a pharmacy continues its previous activity; or
- 2) a retailer's new owner obtains the Environmental Protection Agency's authorisation for the sale of highly toxic and toxic substances and mixtures, cf. Section 6.

(4) In the cases referred to in the third paragraph, the company's new owner must continue to keep the requisitions in the company.

Section 14. The companies, institutions and persons referred to in Section 25(1) No 1 to 4 of the act must, in the case of the sale of highly toxic and toxic substances or mixtures, keep a record or register of recipients, without prejudice to the third paragraph. A specified printout from the company's bookkeeping is sufficient if the printout can be approved by the Environmental Protection Agency. In the case of sales against requisition, the storage of the processed requisitions, cf. Section 13(1), is sufficient.

(2) The record, register or specified printout referred to in the first paragraph must include:

- 1) The recipient's name, address, email, telephone number, CVR number and p-number.
- 2) Name or trade name of the substance or mixture.
- 3) The quantity sold.
- 4) The use of the substance or mixture.
- 5) The date of sale.

(3) The companies, institutions and persons referred to in Section 25(1) No 1 of the act do not need to keep records or registers when selling highly toxic and toxic substances and mixtures among themselves.

(4) Records, registers or specified printouts referred to in the first paragraph must be kept for five years from the date of sale. Record, registers or specified printouts shall be presented to the Environmental Protection Agency at its request.

Restriction of use

Section 15. Highly toxic and poisonous substances and mixtures, cf. Section 3 No 2, may only be used professionally in their own businesses by doctors, dentists and veterinarians, cf. Section 25(1) (g) of the act.

Chapter 3

Import, sale and use of substances and mixtures with serious long-term effects

Section 16. Sections 24 to 26 and Chapter 2 of the act apply mutatis mutandis to the import and sale of substances and mixtures with serious long-term effects, cf. Section 3 No 3.

Chapter 4

Storage of certain substances and mixtures

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Section 17. Highly toxic and toxic substances and mixtures, as well as substances and mixtures with serious long-term effects, cf. Section 3 No 2 and 3, must be stored safely, locked away, out of the reach of children and not with or near foodstuffs, animal feed, medicinal products or the like.

(2) Companies and institutions that store highly toxic and toxic substances or mixtures, cf. Section 3 No 2, in a total quantity exceeding 125 ml and to which more than five persons have access, must designate one or more persons who, on behalf of the establishment or institution, ensure that the storage of the substances and mixtures concerned takes place in accordance with the first paragraph, including that unauthorised persons do not have access to those substances and mixtures.

(3) Retailers, cf. Section 6, and associations, cf. Section 7(1), which have received authorisation pursuant to Section 25(3) of the act, must store substances and mixtures covered by the first paragraph in separate and locked cabinets or rooms that are clearly marked with a warning sign as specified in Annex 1. Only substances and mixtures covered by the first paragraph can be placed in such a cabinet or room, as well as highly toxic and toxic pesticides and pesticides with serious long-term effects, see the Order on Pesticides.

(4) At the premises of the companies, institutions and persons referred to in Section 25(1) No 1 to 3, all doors to cabinets, rooms or similar, in which substances and mixtures covered by the first paragraph, are stored must be provided with a warning sign as specified in Annex 1.

(5) The second to fourth paragraphs do not apply to ready-to-use colours for artistic use, cf. Section 12.

Section 18. Highly toxic and toxic substances and mixtures as well as substances and mixtures with serious long-term effects, cf. Section 3 No 2 and 3, may not be stored in such packages that may give rise to confusion of the content.

(2) At the premises of the companies, institutions and persons referred to in Section 25(1) No 1 to 4 of the act, substances and mixtures covered by the first paragraph must be stored in the original packaging or in another equivalent packaging bearing the product identifiers of the substance or mixture, additional information, hazard pictograms, signal words and hazard and precautionary statements in accordance with Articles 17(1), 18(2) and (3), 19 to 22 and 25 of the regulation, without prejudice to the third paragraph.

(3) The companies referred to in Section 25(1) No 2, may, notwithstanding the second paragraph, store the substances and mixtures covered by the first paragraph in production facilities or systems, after notification has been given to the Working Environment Authority, see Section 4. Production facilities or systems must be marked in accordance with the Ministry of Employment's rules on safety signs and signalling.

(4) Other than at the premises of the companies, institutions and persons referred to in Section 25(1) No 1 to 4 of the act, the substances and mixtures covered by the first paragraph must be stored in the original packaging.

Section 19. Substances and mixtures classified under the regulation as:

- 1) acute toxic Category 4 (Acute Tox. 4),
- 2) skin corrosive Category 1, 1A, 1B or 1C (Skin Corr. 1, 1A, 1B or 1C);
- 3) skin irritants Category 2 (Skin Irrit. 2),

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- 4) irreversible impact on the eye in Category 1 (Eye Dam. 1),
- 5) eye irritants in Category 2 (Eye Irrit. 2),
- 6) respiratory sensitiser of Category 1, 1A or 1B (Resp. Sens. 1, 1A or 1B),
- 7) skin contact sensitiser Category 1, 1A or 1B (Skin Sens. 1, 1A or 1B),
- 8) carcinogenic, mutagenic or toxic to reproduction Category 2 (Carc. 2, Muta. 2 or Repr. 2),
- 9) specific target organ toxic (STOT RE 1 and STOT RE 2, STOT SE 2 or STOT SE 3); or
- 10) aspiration toxic Category 1 (Asp. Tox. 1),

must be kept safely, out of the reach of children and not with or near foodstuffs, animal feed, medicinal products or the like.

(2) Substances and mixtures covered by the first paragraph in which the packaging is not fitted with child-resistant fastenings, must be kept at least 1.5 m above floor height at the premises of retailers where customers have direct access to those substances and mixtures.

(3) Without prejudice to the fourth paragraph, substances and mixtures covered by the first paragraph must be stored in the original packaging or in another equivalent packaging that is labelled with the product identifiers of the substance or mixture, additional information, hazard pictograms, signal words and hazard and precautionary statements in accordance with Article 17(1), Article 18(2) and (3), Articles 19 to 22 and Article 25 of the regulation.

(4) Notwithstanding the third paragraph, production companies may store the substances and mixtures covered by the first paragraph in production facilities or systems. Production facilities or systems must be marked in accordance with the Ministry of Employment's rules on safety signs and signalling.

Section 20. Hazardous substances and mixtures classified under the regulation as acute toxic Category 1 (Aquatic Acute 1) or as chronic toxic Category 1, 2, 3 or 4 (Aquatic Chronic 1, 2, 3 or 4) must be stored safely.

(2) Substances and mixtures covered by the first paragraph must be stored in the original packaging or in another equivalent packaging that is labelled with the product identifiers of the substance or mixture, additional information, hazard pictograms, signal words and hazard and precautionary statements in accordance with Articles 17(1), 18(2) and (3), 19 to 22 and 25 of the regulation.

Chapter 5

Reporting of the theft of certain acute toxic substances and mixtures

Section 21. Companies and institutions must report to the police in the event of reasonable suspicion of theft of substances or mixtures classified under the regulation as acute toxic in one or more of the following categories:

- 1) Category 1 (Acute Tox. 1) with hazard statements H300, H310 or H330.
- 2) Category 2 (Acute Tox. 2) with hazard statements H300, H310 or H330.
- 3) Category 3 (Acute Tox. 3) with hazard statements H301, H311 or H331.

(2) At the time of notification, the company or institution must draw attention to the fact that there are acute toxic substances or mixtures covered by this Order.

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(3) At the time of notification, the company or institution must provide the following information:

- 1) Name or trade name of the substance or mixture.
- 2) Hazard statements for the substance or mixture.
- 3) For substances: CAS number of the substance.
- 4) For mixtures: CAS number of the substance(s) that gave rise to the classification of the mixture (cf. first paragraph).
- 5) Any other characteristics, such as serial numbers or production numbers.
- 6) The stolen quantity.

(4) The first to third paragraphs apply mutatis mutandis to members of an association or similar, cf. Section 7, and to applicants, cf. Sections 9 to 12.

Chapter 6

Prohibition of misleading statements when placing substances and mixtures on the market

Section 22. When placing a substance or mixture on the market, cf. Section 3(1) and (2) of the act, statements likely to give users the impression that the substance or mixture does not pose a risk to humans or the environment may not be used. This applies, among other things, to statements such as non-hazardous, non-toxic, non-harmful, no label requirement, tested, including tested for (e.g. allergy), approved, ecological, natural or compositions thereof.

Chapter 7

Administrative provisions and appeals

Section 23. The Environmental Protection Agency monitors and controls compliance with the rules laid down in the Order and with decisions taken pursuant thereto, cf. the relevant rules of the act.

(2) In special circumstances, the Environmental Protection Agency may authorise derogation from the rules of the Order. The Environmental Protection Agency may impose conditions on authorisation.

Section 24. Decisions taken by the police under Section 10 may be appealed to the Environmental Protection Agency.

(2) The decisions referred to in the first paragraph include information on:

- 1) The date of expiry of the time limit for appeal referred to in the third paragraph.
- 2) With whom the appeal is lodged, cf. the fourth paragraph.
- 3) The complaint must be received no later than the expiry of the time limit for lodging an appeal.

(3) For the decisions referred to in the first paragraph, the time limit for appeal is four weeks from the date of the decision.

(4) Complaints must be submitted to the police, who will send the complaint to the Environmental Protection Agency as soon as possible, accompanied by the material entered in the case assessment and the police's comments on the complaint.

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Section 25. The Environmental Protection Agency's decisions under Sections 6 and 7, Section 23(2) and Section 24 of this Order may not be appealed to any other administrative authority.

Chapter 8

Penalties and entry into force

Section 26. Unless higher penalties are stipulated under other legislation, fines will be imposed on a person who:

- 1) fails to report the information required in a notification in violation of Section 4(2);
- 2) fails to report separate p-numbers for each storage address in violation of Section 4(3);
- 3) imports a substance or a mixture in violation of Section 5(1);
- 4) disregards conditions in violation of § 5(2);
- 5) disregards conditions associated with authorisation under Section 7, cf. Section 25(3) or Section 23(2) of the act;
- 6) fails to provide requisitions with the prescribed information or to keep these as prescribed in contravention of Section 13(1) or (4);
- 7) fails to provide stored requisitions to the police upon sale of the company in violation of Section 13(2) and (3);
- 8) fails to keep records in violation of Section 14(1);
- 9) fails to record the prescribed information in the records or specified printouts in violation of Section 14(2);
- 10) fails to keep records or specified printouts as prescribed or fails to present records or specified printouts on the Environmental Protection Agency's request in violation of Section 14(4);
- 11) uses highly toxic and toxic substances and mixtures in violation of Section 15;
- 12) violates Section 24(1) and (3) of the act by the sale of substances or mixtures with serious long-term effects, cf. Section 16 of this Order;
- 13) fails to give notice pursuant to Section 25(2) of the act in the manufacture, use or sale of substances or mixtures with serious long-term effects, cf. Section 16 of this Order;
- 14) disregards conditions associated with authorisation in accordance with Section 25(3) for the sale of substances or mixtures with serious long-term effects, cf. Section 16 of this Order;
- 15) stores a substance or a mixture in contravention of Section 17(1), Section 19(1) or Section 20(1);
- 16) fails to appoint one or more persons in violation of Section 17(2);
- 17) fails to store substances and mixtures in a separate and locked cabinet or room clearly marked with a warning sign or stores other substances or mixtures in a closet or room in violation of Section 17(3);
- 18) fails to mark cabinets, premises or similar with a warning sign in violation of Section 17(4);
- 19) stores substances or mixtures in such packaging as may give rise to confusion of the content in violation of Section 18(1);
- 20) fails to store substances or mixtures in the original packaging or other equivalent packaging in contravention of Section 18(2), Section 18(4), Section 19(3) or Section 20(2);

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21) fails to store substances or mixtures at least 1.5 m above floor height in violation of Section 19(2);

22) fails to file a report regarding theft or to provide information in violation of Section 21(1) to (4);
or

23) uses statements in violation of Section 22.

(2) The penalty may increase to two years' imprisonment if the infringement was committed wilfully or through gross negligence, and if said infringement:

- 1) caused harm to or endangered the health or life of humans or domestic animals;
- 2) caused damage to or endangered the environment; or
- 3) resulted in or was intended to result in financial gain, including economic savings, for the person concerned or for others.

(3) Liability for a fine may be imposed for infringement of Section 13(1) and (2), Section 14(1), (2) and (4), Section 17(1) to (4), Section 18(1), (2) and (4), Section 19(1) to (3), and Section 20 by a manufacturer, an importer, a business owner or a user, notwithstanding the fact that the infringement cannot be imputed to the aforementioned as intentional or negligent. No alternative penalty is imposed for such liability.

(4) For infringement of Section 13(1) and (2), cf. Section 16, and Section 14(1), (2) and (4), cf. Section 16, liability for a fine can be imposed on a manufacturer, an importer, a business owner or a user, notwithstanding the fact that the infringement cannot be imputed to the aforementioned as intentional or negligent. No alternative penalty is imposed for such liability.

(5) Companies etc. (legal persons) may be rendered criminally liable in accordance with the provisions in Chapter 5 of the Danish Penal Code.

Section 27. This Order enters into force on [...].

(2) Order no. 1565 of 21 December 2022 on the import and sale of highly toxic and toxic substances and mixtures, etc., on the storage and reporting of the theft of certain substances and mixtures and on the prohibition of misleading statements when placing substances and mixtures on the market is repealed.

Ministry for the Environment,

Warning signs

Warning signs for cabinets, rooms or similar, in which highly toxic and toxic substances, mixtures or pesticides or substances, mixtures or pesticides with serious long-term effects are stored, cf. Section 17(3) and (4).



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Toxic substances

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The warning sign must be printed with a black border against a yellow background. The yellow background must cover at least 50% of the sign's surface. Each of the sign's sides must be at least 16 cm.