

DRAFT

Order concerning restrictions on the use of wood-based materials, that release formaldehyde, in the making of furniture, etc. and restrictions on the sale of furniture, etc., made of wood-based materials that release formaldehyde¹

The following is laid down pursuant to § 8, § 30, § 43(1), § 45(1), § 47, § 58a and § 59(4) of the Chemicals Act (see Consolidation Act No 115 of 1 February 2017):

Scope of the Order

§ 1. This Order covers the use of wood-based materials, that release formaldehyde, in the making of furniture and parts thereof. The Order also covers the sale of furniture, and parts thereof, made of wood-based materials that release formaldehyde, whether the wood-based material is untreated, surface-coated, or treated with a coating.

Paragraph 2. The Order does not cover furniture padding and upholstery.

Paragraph 3. The Order does not cover construction products that are subject to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC.

Paragraph 4. The Order does not cover used furniture or parts thereof which complied with Danish requirements concerning the release of formaldehyde when first sold.

Paragraph 5. The Order does not cover furniture or parts thereof that are made for export to countries outside the European Union.

Definitions

§ 2. For the purposes of this Order, the terms below shall have the following meanings:

- 1) Wood-based materials: Wood-based panels as defined in DS/EN 13986:2004+A1:2015² and similar panels made with formaldehyde-releasing adhesives and moulded wood items made with formaldehyde-releasing adhesives.
- 2) Furniture: Fixed and movable objects, including furnishings and kitchen units, contained in the interior of a space.

Restrictions on use

§ 3. Wood-based materials that release formaldehyde at a concentration greater than 0.124 mg/m³ of air measured according to testing standard DS/EN 717-1:2004³ may not be used in the making of furniture or parts thereof.

Restrictions on sales

§ 4. Furniture and parts thereof (see § 1(1)(2)) made of wood-based materials that release formaldehyde at a concentration greater than 0.134 mg/m³ of air measured according to testing standard DS/ISO 16000-9:2006⁴ under the same material load and rate of air changes specified in DS/EN 717-1:2004 may not be sold.

Supervision, monitoring, and dispensation

§ 5. Supervision and monitoring of compliance with this Order shall be conducted by the Environmental Protection Agency (see the associated provisions of the Act).

Paragraph 2. In special circumstances, the Environmental Protection Agency may permit derogation from the rules in §§ 3 and 4 of the Order. The Environmental Protection Agency may impose conditions on such derogation.

Paragraph 3. Appeals against the Environmental Protection Agency's decisions under paragraphs 1 and 2 may not be lodged with another administrative authority.

¹ [This draft order has been notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council (the Information Procedure Directive).]

Penal provisions and entry into force

§ 6. Unless higher penalties are stipulated under other legislation, fines will be imposed on those who:

- 1) use wood-based materials to make furniture or parts thereof in contravention of § 3;
- 2) sell furniture or parts thereof made of wood-based materials in contravention of § 4;
- 3) disregard conditions tied to a derogation permitted under § 5(2).

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

- 1) caused harm to or endangered human or domestic animal life or health,
- 2) caused damage to or endangered the environment, or
- 3) achieved, or intended to achieve, economic advantages, including savings, for the offender or others.

Paragraph 3. Companies, etc. (legal persons) may be rendered criminally liable in accordance with the rules of Chapter 5 of the Penal Code.

§ 7. This Order shall enter into force on [].

Paragraph 2. Order No 289 of 22 June 1983 on the restriction of formaldehyde in particle board, plywood, and similar panels used in furnishings, furniture and the like is repealed.

Paragraph 3. Wood-based materials that comply with Order No 289 of 22 June 1983 may be used in the making of furniture and parts thereof until [6 months after entry into force].

Paragraph 4. Furniture and parts thereof (see § 1(1)(2)) made prior to the entry into force date of the Order and which do not comply with the concentration limit for the release of formaldehyde in § 4 may be sold until [one year after entry into force].

Ministry of Environment and Food, [DATE]

² Danish Standards DS/EN 13986:2004+A1:2015 Wood-based panels for use in construction – Characteristics, evaluation of conformity and marking (only available in English) is available for purchase from Danish Standards and may be browsed at the Environmental Protection Agency.

³ Danish Standards DS/EN 717-1:2004 Wood-based panels – Determination of formaldehyde release – Part 1: Formaldehyde emission by the chamber method (only available in English) is available for purchase from Danish Standards and may be browsed at the Environmental Protection Agency.

⁴ Danish Standards DS/ISO 16000-9:2006 Indoor air – Part 9: Determination of the emission of volatile organic compounds from building products and furnishing – Emission test chamber method (only available in English) is available for purchase from Danish Standards and may be browsed at the Environmental Protection Agency.