

CONSOLIDATED ENVIRONMENTAL PROTECTION ACT

NO. 698 OF SEPTEMBER 22, 1998

This is to promulgate Environmental Protection Act no. 625 of July 15, 1997, as amended by Act no. 408 of June 26, 1998, Act no. 409 of June 26, 1998, Act no. 478 of July 1, 1998, and Act no. 479 of July 1, 1998.

PART I

Scope etc.

1.-(1) The purpose of this Act is to contribute to safeguarding nature and environment, thus enabling a sustainable social development in respect for human conditions of life and for the conservation of flora and fauna.

(2) The objectives of this Act are in particular:

- 1) to prevent and combat pollution of air, water, soil and subsoil, and nuisances caused by vibration and noise,**
- 2) to provide for regulations based on hygienic considerations which are significant to Man and the environment,**
- 3) to reduce the use and wastage of raw materials and other resources,**
- 4) to promote the use of cleaner technology, and**
- 5) to promote recycling and reduce problems in connection with waste disposal.**

2.-(1) This Act applies to:

- 1) all activities which by emission of solid, liquid or gaseous substances, by release of microorganisms likely to harm health and the environment or by generation of waste may cause pollution of air, water, soil and subsoil,**
- 2) vibrations and noise,**
- 3) products or goods likely to cause pollution in connection with manufacture, storage, use, transport or disposal,**
- 4) means of transport and other mobile facilities likely to cause pollution, and**

5) animal husbandry, pests and other matters likely to cause problems of hygiene or significant nuisances to the surroundings.

(2) This Act also applies to activities involving hazardous processes, and to storage of substances with dangerous properties, in such a way that interruption of operation or accidents may result in imminent risks of pollution as specified in subsection (1) above.

3.-(1) In the administration of this Act weight shall be given to the results achievable by using the least polluting technology, including least polluting raw materials, processes and plants and the best practicable pollution control measures. In this evaluation special consideration shall be given to preventive measures in the form of cleaner technology.

(2) When determining the extent and nature of measures to prevent pollution consideration shall be given to:

- 1) the nature of the physical surroundings and the likely impact of pollution thereon, and**
- 2) the whole cycle of substances and materials, with a view to minimizing wastage of resources.**

4.-(1) Any party proposing to commence activities likely to cause pollution shall choose such site for the activities that the risk of pollution is minimized.

(2) When choosing such site consideration shall be given to the nature of the area, including present and planned future uses, and to the possibilities for appropriate disposal of wastewater and waste.

(3) Any party commencing or carrying out activities likely to cause pollution shall take measures to prevent and combat pollution and design and operate the activities so as to cause the least degree of pollution, cf. section 3 above. In the design and operation of the plant, including choice of production processes, raw materials and auxiliary substances, measures shall be taken to minimize the use of resources, pollution and generation of waste.

(4) Any person giving rise to or causing risks of pollution of air, water, soil or subsoil, shall take the measures required to effectively prevent or combat the impact of pollution. In addition, he shall seek to restore the original state of the environment.

5.-(1) Any person manufacturing or importing goods or products must to the extent possible ensure that the goods or products do not cause pollution or wastage of materials or energy resources.

(2) In doing so it is important that the composition and design of the goods or products are of such a nature that:

- 1) the lifetime of the goods or products is as long as possible,**
- 2) the goods or products can be recycled to the greatest possible extent, and**
- 3) in connection with their final disposal, the goods or products do not cause pollution or other environmental impacts.**

(3) Any person using or consuming goods or products must in connection with acquisition and disposal of the goods or products contribute to promoting recycling and limiting waste disposal problems.

6.-(1) Public authorities must in the establishment and operation of public plants, and in connection with procurement and consumption, endeavour to promote the objectives of this Act.

PART II

General Provisions

7.-(1) The Minister for Environment and Energy can lay down rules:

- 1) on pollution from enterprises, plants, engines, tools, furnaces and means of transport,**
- 2) on design, operation and maintenance of the activities etc. specified in no. 1,**
- 3) on pollution from sewage plants, wastewater treatment plants, incineration plants and waste landfills, and on the design, operation and maintenance of such plants,**
- 4) on the purity of and addition of substances to fuels for heating or operation of means of transport and engines,**
- 5) providing for the use of approved types of specified plants, engines, tools and means of transport,**
- 6) providing for the use of approved types of plants, activities or appliances, including measurement equipment, for anti-pollution purposes,**
- 7) on hazardous processes and storage and transport of hazardous substances as specified in section 2(2) above,**
- 8) on notification to the supervision authority of use in the enterprise or plant of raw materials, auxiliary substances and other materials, and of emissions to water, soil and air in connection with the operation, including waste generation, of the enterprise or plant,**
- 9) on notification of temporary location and use of plants, means of transport, mobile plants, engines and tools likely to cause pollution, including conditions for such location and use,**
- 10) on biotechnological use of microorganisms, including all forms of releases to the environment, and**
- 11) on application of animal manure and other organic manure for agricultural purposes with a view to protecting watercourses, lakes, the sea, and groundwater, against pollution.**

(2) The Minister can lay down rules on voluntary consultancy services to the enterprises in connection with the implementation of rules under subsection (1) above, including authorization of consultants, and on fees to cover expenses relating to the authorization scheme.

(3) The Minister can lay down rules that operators of specified polluting plants must hold a certificate in proof of attendance in training courses on environmentally and technically sound operation of the plants, specifying the subjects taught and the requirements to be fulfilled to obtain the certificate.

(4) The Minister can lay down rules that other authorities or private organizations shall have specified powers relating to type approval and manufacturing control of the plants, engines and activities etc. specified in subsection (1), nos 5 and 6.

7a.-(1) The Minister can lay down rules on the duty of the responsible party at his own account to carry out internal control of enterprises, plants and activities etc. or at his own account to have such control carried out by experts, including authorized, accredited or similar experts and equivalent laboratories.

(2) The Minister can lay down rules on authorization schemes relating to internal control, i.a. on the tasks to be performed by the authorized persons, and on administration of authorization schemes. The Minister can also lay down rules on award and withdrawal of authorizations, i.a. on the title to bring cases of withdrawal before the court, and on control of the supervision discharged by the authorized persons. Authorization can be refused if the person involved is indebted to the public with amounts due of DKK 50,000 or above, and authorization can be withdrawn if the authorized person is indebted to the public with amounts due of DKK 100,000 or above, or is guilty of gross or frequently repeated negligence. In decisions to refuse or withdraw an authorization information shall be given on the title to have the decision brought before the courts and on applicable timelimits.

(3) The Minister can lay down rules on fees for administration of the authorization scheme, including fees for training courses, for complaint procedures, and for submission of opinions, cf. subsection (5) hereof. The fees can be used for whole or partial payment of expenses relating to the administration of authorization schemes. Fees are levied in accordance with section 88.

(4) The Minister can lay down rules that other authorities or private organizations discharge specified powers relating to:

- 1) the authorization schemes referred to in subsections (1) and (2), and**
- 2) the fees referred to in subsection (3).**

(5) The Minister can lay down rules on the title to complain against the decisions taken by the authorities and private organizations specified in subsection (4), and on the duty of these authorities and private organizations to submit opinions on the activities of the authorized persons.

(6) The Minister can make advance payment of expenses for provisional financing of costs relating to the administration of the authorization schemes, with a view to starting up such schemes.

8.-(1) The Minister can lay down rules on the title to use an environment label in connection with sale of materials, products or goods which contain recycled or recyclable materials or which should otherwise for environmental reasons be preferred to other materials, products or goods intended for the same application. In doing so the Minister can lay down rules on terms applying to the use of the label, on the design of the label, and on how to affix it to the material, product or goods.

(2) The Minister can lay down rules on delegation of powers relating to the administration of the environmental label to a board, including powers relating to review of applications, control and supervision, levying of fees etc. The Minister can lay down rules on

appointment of board members, and which authorities and organizations recommend members to the board. The Minister can also delegate the powers specified in the first clause to private organizations or the like.

(3) The Minister can lay down rules on fees to cover the review of applications and the use of the label. Fees are levied in accordance with section 88.

(4) The fees can be used to cover expenses of:

- 1) the activities of the board and the private organization,**
- 2) supervision and control of the label scheme,**
- 3) research and investigation projects in support of the administration of the label scheme, including development of criteria, and**
- 4) information.**

(5) Materials, products or goods must not be sold in circumstances likely to mislead the consumer as regards the environment and health properties and effects of the material, products or goods or the risks involved.

(6) The Minister can lay down rules on the ban on misleading marketing specified in subsection (5) above.

8a.-(1) The Minister can defray expenses relating to the administration etc. of the label scheme, and grant support to organizations in charge of administration etc. of the label scheme, i.a. to the establishment of the scheme, administration, supervision and control, development of criteria, research and investigation projects in support of administration, and information etc. Support may be granted in quarterly instalments paid in advance.

(2) The Minister can lay down rules on payment of support under subsection (1), including repayment of support, preparation of budgets and accounts, control and supervision, and audit etc.

8b.-(1) The Minister can lay down rules on the right to complaint against decisions made by the authorities and private organizations specified in section 8(2), i.a. that the decisions of the board cannot be appealed to higher administrative authorities.

9.-(1) The Minister can lay down rules on deposit and rebate schemes for specified products causing heavy loads on the environment in connection with their disposal, and for specified types of packagings.

(2) For the implementation of the deposit schemes specified in subsection (1) above the Minister can lay down rules on:

- 1) the deposit or rebate amount,**
- 2) labelling of the products, goods or packagings covered by the scheme, and**
- 3) the obligation of the dealers in products, goods or packagings covered by the deposit schemes, to join the schemes, and to receive and store such products etc..**

(3) The Minister can delegate the administration of the schemes specified in subsections (1) and (2) above to dealers in or manufacturers of the products, goods or packagings involved, or to their organizations, whenever such private schemes will secure environmentally sound efficiency of collection, recycling or disposal.

(4) Where under subsection (3) above a deposit agreement has been made with dealers or manufacturers covering a significant share of the market for the products, goods or packagings involved, the Minister can lay down rules that other dealers or manufacturers shall join the scheme.

9a.-(1) With a view to promoting recycling and cleaner technology and to reduce problems in connection with waste disposal, the Minister can lay down rules that specified materials, products or goods, including packaging, shall after use be taken back as arranged by the manufacturer or importer responsible for marketing, and that the manufacturer or importer responsible for marketing shall be obliged on his own account to make arrangements that the product etc. taken back is recycled or managed in specified manners.

(2) The Minister can also lay down rules that any person marketing materials, products or goods, including packaging, cf. subsection (1) above, shall arrange for similar products, also products the marketing of which he is not responsible for, cf. subsection (1) above, to be taken back and recycled or managed in specified manners.

(3) In the case of schemes as specified in subsection (1) above, the Minister can lay down rules that citizens, landowners and enterprises shall after use deliver specified materials, products or goods, including packaging, to the manufacturer, the importer and/or the dealer, cf. subsections (1) and (4).

(4) The Minister can lay down rules on the dealer's duty to receive and store materials, products or goods, including packaging, covered by schemes set up under subsection (1) above.

(5) For the purpose of implementing the take-back schemes specified in subsection (1) above, the Minister can decide that the take-back duty shall be observed by means of deposit or rebate schemes, cf. section 9 subsections (2-4).

(6) Before launching a scheme under subsections (1-5) above it shall be negotiated with the authorities and organizations specified in section 11.

10.-(1) With a view to reducing overall pollution, including generation of waste, the Minister can lay down binding targets for limiting the use, discharge or disposal of specified products, substances or materials.

(2) To achieve the aims set under subsection (1) above, the Minister can make agreements, also on quotas, on the objectives for environmental improvements, and on the instruments to be used to implement the agreement. Such agreements can be made with enterprises or associations thereof. The Minister can lay down rules on the basis on which agreements are made, and on general agreement terms, including:

- 1) designation of the person(s) responsible for the implementation of the agreement, and on his/their powers with respect to the enterprises covered by the agreement,**
- 2) rules to secure enforcement of the agreement, including the obligation of the enterprises involved to supply information to the person responsible for the agreement, or to the Minister,**

3) payment of a penalty for delaying or otherwise violating the agreement, including security in respect of payment; further, the Minister can lay down rules on settlement of disputes on the contents of the agreement by arbitration, and on the composition of the arbitration tribunal.

(3) Before implementing an agreement under subsection (2) above, it shall be negotiated with the authorities and organizations specified in section 11 below.

(4) Where under subsection (2) above an agreement has been made with enterprises or associations of enterprises using, discharging or disposing of a significant share of the products, substances or materials involved, the Minister can lay down similar requirements to limit the use, discharge or disposal of such products, substances or materials for enterprises not covered by the agreement.

(5) In connection with the implementation of agreements under subsection (2) or under rules laid down under subsection (4) above, the Minister can decide that decisions made under this Act or rules issued under this Act shall be changed in accordance with the requirements stipulated in the agreement or the rules. In agreements under subsection (2) or rules under subsection (4) above, information shall be given on the terms of and the extent to which the requirements can be supplemented or strengthened by the supervision authority to make allowance for aspects relating to recipients or other local aspects.

11.-(1) Before laying down rules under this Act, the Minister shall negotiate with the most relevant national business and environment organizations, organizations of local authorities, and with other state authorities involved, including the Minister of Labour.

12.-(1) The Minister can after negotiations with the Minister of Agriculture lay down rules on cultivation of soil which has been exposed to pollution, with a view to ensuring that such use of land does not cause harm to health or danger for the environment.

13.-(1) The Minister can in special cases lay down rules that decisions made under this Act or rules laid down under this Act can be changed where required to reduce pollution of air, water and soil.

(2) The Minister can lay down rules on the extent to which enterprises must supply information for use in the authorities' review of cases in accordance with rules laid down under subsection (1) above.

14.-(1) To guide the authorities, the Minister can specify quality requirements for air, water and soil, and permissible noise levels.

(2) In fulfilment of international commitments the Minister can lay down binding rules on quality requirements for air, water and soil, and for permissible noise levels.

(3) The rules laid down under subsection (2) above shall be used as a basis for review of cases under this Act or rules laid down under this Act.

(4) Decisions made under this Act or rules issued under this Act can be changed where required to implement rules under subsection (2) above.

15.-(1) The Minister can after negotiations with the Minister of Transport lay down rules that major road projects and railroad projects shall be submitted to the Minister prior to being initiated.

(2) The Minister can after negotiations with the Minister of Transport and organizations of local authorities lay down rules on noise limits applying to noise-sensitive buildings projected along major roads and railroads.

16.-(1) The Minister can lay down rules on waste, animal husbandry, pests and other matters, when necessary to prevent and combat pollution and unhygienic conditions. In doing so the Minister can lay down rules on bathing water and beaches, swimming pools and hot water baths, camping sites, restaurants and other places where large numbers of people assemble.

(2) In rules under subsection (1) above provisions shall be laid down on the power of the local council to issue notices for remedying measures or prohibition notices against activities covered by subsection (1) above.

17.-(1) The local council is responsible for efficient control of rats.

(2) Property owners are obliged to take such measures as regards protection and cleaning of their property that the risk of the rats surviving on the property are minimized.

(3) The Minister lays down rules on rat control, and on the duties of the local council under subsection (1) and of the land owners under subsection (2) above. The Minister can also lay down rules providing for authorization of persons or enterprises engaged in rat control, and that authorization can be refused or withdrawn if the party holding the authorization is indebted to the public with significant amounts overdue, or is guilty of gross or frequently repeated negligence. In connection with refusing authorization, indebted to the public with significant amounts overdue means amounts of 50,000 DKK and above. In connection with withdrawal of authorization, indebted to the public with significant amounts overdue means amounts of 100,000 DKK and above. In decisions to withdraw an authorization information shall be given on the title to have the withdrawal brought before the courts and on applicable timelimits.

(4) Breeding of wild rats can only take place with the permission of the Minister.

(5) The local council can arrange that measures referred to in subsection (2) or in rules under subsection (3) above shall be carried out at the account of the responsible party, cf. section 69(1), no. 3, and section 70. The expenses born are to be paid by the estate in question and enjoy the same privileges as local real estate taxes.

18.-(1) In rules laid down under sections 16 and 17 above provisions can be laid down on the title of the local council to charge fees and to issue rules on such matters.

PART III

Protection of Soil and Groundwater

19-(1). Substances, products and materials likely to pollute groundwater, soil and subsoil shall not without a licence be

- 1) dug into the ground,**
- 2) discharged to or placed on the ground, or**
- 3) disposed of in the subsoil.**

(2) Containers with the substances, products and materials specified in subsection (1) above shall not without a licence be dug into the ground.

(3) Tight containers used solely for liquid manure, slurry, silage effluent, dairy effluent and manure effluent may, however, be dug into the ground without a licence under subsection (2) above.

(4) Licences under subsections (1) and (2) above are issued by the regional council unless otherwise decided by the Minister.

(5) The Minister can lay down rules to prevent pollution or risks or pollution of soil and groundwater with the substances, products and materials specified in subsection (1) above. In doing so the Minister can lay down rules stipulating in which cases and on which conditions a licence under subsections (1) and (2) above can be issued, and rules stipulating that licences under subsections (1) and (2) above are in some cases not required, and rules that certain decisions under subsections (1) and (2) above cannot be appealed to other administrative authorities. Moreover, the Minister can lay down rules on control, and on design and emptying of containers and pipe systems for the substances, materials and products in question, and rules on fees. The Minister can lay down rules on the containers referred to in subsection (3) above.

(6) The Minister can, for areas which in the regional plan are designated as priority areas for efforts against nitrate, lay down rules on schemes for approval of the establishment or extension of livestock farming which may increase the risk of pollution of groundwater or surface water.

(7) The Minister can lay down rules restricting or prohibiting the application of animal manure and waste products for agricultural purposes in areas which in the regional plan are designated as priority areas for efforts against nitrate.

20.-(1) A licence under section 19 above may be modified or revoked at any time and without compensation, when advisable because of:

- 1) risks of pollution of water supply plants,**
- 2) implementation of another method of sewage discharge in accordance with a plan under section 32 below, or**
- 3) other considerations for the environment.**

(2) Under the conditions specified in subsection (1) above matters which with or without a licence were legal at the entry into force of this Act may be changed or revoked.

(3) The decision shall be made by the authority issuing the licence, cf., however, subsection (4) below.

(4) Where revocation under subsection (1) above takes place as part of the implementation of a sewage discharge plan under section 32 below, the decision is made by the local council. In such cases the revocation shall be regarded as effected at the time of connection to the new plant. The decision of the local council cannot be appealed to other administrative authorities.

20a.-(1) Supply of earth to raw material excavations and abandoned raw material excavations is prohibited.

(2) The regional council may allow derogations from this prohibition, where

1) the developer or landowner documents that binding agreements were made before January 1, 1998 for the supply of earth to the property, cf., however, section 20b(1),

2) the developer or the landowner suffers a significant loss as a result of being debarred from exploitation of the property which under rules previously in force he had special reason to anticipate, or

3) there is no risk of pollution of water abstraction plants or of groundwater expected to be part of future drinking water supply, and other similar environmental interests do not speak against such activities.

(3) In derogations under subsection (2) terms may be stipulated i.a. on handling of earth and on documentation that the earth is not contaminated.

(4) Application for derogation, cf. subsection (2), nos 1 and 2, has suspensive effect, if the application, with documentation of contractual obligations or with documentation of anticipated future exploitation of the property and anticipated economic loss, is forwarded to the regional council before October 1, 1997. To maintain the suspensive effect the regional council may stipulate terms i.a. on handling of the earth and on documentation that the earth is not contaminated.

20b.-(1) In relation to public authorities claims cannot be based on agreements, running for more than six months, regarding supply of earth to raw material excavations or abandoned raw material excavations, or on agreements implying supply of earth to such property, unless the regional council approves the agreement, or the deposit is permitted under sections 19 or 33.

(2) The Minister can lay down detailed rules on control of deposits of earth in raw material excavations and abandoned raw material excavations, including rules that the party receiving the earth shall at his own expense carry out sampling, analyses and monitoring of the earth.

21.-(1) Owners and users of land shall notify immediately to the supervision authority any incidents of pollution of the soil or subsoil owned or used.

22.-(1) Where the regional council issues a licence for a plant to abstract groundwater pursuant to section 20 of the Water Supply Act, it may fix a protection area within which installations for discharge of sewage to the subsoil or other of the matters specified in section 19 above shall be prohibited after the expiration of a fixed period of time.

(2) The regional council may later alter the protection area and approve certain matters prohibited under subsection (1) above.

23.-(1) Where the regional council issues a licence under section 20 of the Water Supply Act to a public water supply plant for the abstraction of surface water, it may fix a protection area within which activities shall not be carried on and substances, products and materials likely to pollute the water shall not be stored.

(2) The regional council registers the inclusion in the protection area on the properties involved, with priority over all other interests in the said land.

(3) The regional council can alter the protection area and approve certain matters prohibited under subsection (1) above.

24.-(1) The regional council can issue enforcement or prohibition notices to prevent risks of pollution of existing or future plants for the development of groundwater.

(2) The regional council can issue enforcement or prohibition notices to prevent risks of pollution of surface water developed on the basis of a licence under section 20 of the Water Supply Act. In doing so it may prohibit sailing and fishing, or stipulate terms for such activities.

25.-(1) In cases where under the Water Supply Act the Minister decides in water abstraction matters, the Minister has the same powers as those conferred on the regional council under sections 22-24 above.

(2) The Minister can lay down rules on the extent to which powers conferred on the regional council under sections 22-24 above may be discharged by the local council.

26.-(1) The Minister lays down rules on review of cases under sections 22-23 above, i.a. calling in of landowners whose interests may be affected, to a meeting prior to fixing the protection area under sections 22-23 above.

26a.-(1) When a plan of special efforts in an areas has been adopted under sections 13 or 13a of the Water Supply Act, the regional council may, where a reasonable agreement cannot be obtained, finally or temporarily and against full compensation order the owner of a property situated in the area to observe the restrictions on use or other measures required to protect present or future drinking water interests against pollution with nitrate or pesticides. Where a plan of special efforts in the area has been adopted under section 13a of the Water Supply Act, orders under the first clause hereof can also be given by the local council.

(2) The Minister lays down detailed rules defining in which cases and upon which documentation orders can be given under subsection (1) hereof.

(3) The rules of sections 45 and 47-49 of the Public Roads Act shall apply similarly in connection with orders under subsection (1) hereof; however, the regional or the local council shall perform the tasks which under the Public Roads Act are ascribed to the road committee.

(4) Where the regional or local councils order restrictions of use or other measures under subsection (1) hereof, the order shall be respected by holders of any right over the property, unless otherwise decided in each individual case.

(5) The regional or the local council may at the owner's account lodge an order for registration on the property. Where the order is terminated, the regional or the local council shall cancel the registration of the order.

PART IV

Protection of Surface Water

27.-(1) Substances likely to pollute water shall not be discharged into watercourses, lakes or the sea, and shall not be stored so that the water may be polluted. However, under section 28 below a licence may be issued to discharge wastewater into watercourses, lakes or the sea.

(2) Substances, cf. subsection (1) above, deposited in watercourses, lakes or the sea, shall not without a licence from the regional council be affected so that they may cause pollution of the water.

(3) The Minister can lay down rules on or decide that substances specified in subsection (1) above may in special cases be discharged into watercourses, lakes or the sea.

28.-(1) Licences to discharge wastewater into watercourses, lakes or the sea are issued by the regional council, cf., however, subsection (2) below.

(2) The local council issues the licence under subsection (1) above to discharge sewage from plants capable of servicing 30 person equivalents or less.

(3) The local council issues the licence to connect sewage to public sewage plants and discharge pipes, always observing the terms of licences issued by the regional council under subsection (1) above.

(4) For properties, connection to public sewage system is obligatory when the required service pipe installations are available at the property boundary. The local council shall fix the timelimit for establishing the physical connection facilities. The decisions of the local council cannot be brought before other administrative authorities.

(5) Decisions taken by the local council under subsections (2) and (3) above cannot be appealed to other administrative authorities, if the decision affects discharge from plants capable of servicing 30 person equivalents or less.

29.-(1) The Minister can lay down rules on the regional and local councils' review of cases under section 28 above. The Minister can also lay down rules on requirements to be stipulated for sewage treatment and sewerage projects, and on the terms and conditions stipulated in licences under section 28 above. Further, the Minister can lay down rules on whole or partial termination of the right and duty to connect to public sewage plants.

30.-(1) Where the operation of a sewage plant is not environmentally sound, and violates the requirements stipulated under sections 28 and 29 above and conditions laid down under section 32(4) below, the regional council may require that the necessary improvement or renewal of the plant be carried out. The regional council can also change the licence terms under section 28 above, if the original terms are considered insufficient or inappropriate.

(2) Where pollution cannot be remedied the regional council may prohibit the continued operation of the plant.

(3) Where pollution gives rise to imminent and serious health risks, a prohibition notice may be issued immediately.

(4) Where the plant is covered by section 28(2) above, or connected to public sewage plant under section 28(3) above, the decision under subsections (1-3) shall be taken by the local council. The decision taken by the local council cannot be appealed to other administrative authorities when it affects plants capable of servicing 30 person equivalents or less.

(5) The local council can decide that decisions under subsection (4) shall be complied with by establishment of percolation, where this is possible in the area. However, percolation shall not be established where other sewage treatment operations are established, which do not cause discharge, provided a permit can be granted, and the operation is established within a timelimit fixed by the local council. The decision of the local council cannot be appealed to other administrative authorities.

(6) The Minister can lay down binding timelimits for notification of decisions under subsection (4).

(7) Public sewage plants means sewage plants where one or several local councils are responsible for the operation and/or maintenance of the plant.

31.-(1) In case of disagreement between the local authorities involved, the regional council decides on the establishment of, and distribution of expenses relating to, common local sewage plants.

(2) Decisions taken by the regional council under subsection (1) above cannot be appealed to other administrative authorities.

32.-(1) The local council works out a plan for disposal of sewage. The plan shall contain information on:

- 1) existing and planned sewerage areas and treatment measures,**
- 2) areas where the local council intends to terminate wholly or partly the right and duty of connection,**
- 3) the existing state of sewage installations, and planned renewal thereof,**
- 4) existing areas outside the sewerage areas where percolation takes place, and planned areas outside sewerage areas in which sewage is discharged to percolation plant,**
- 5) existing areas outside sewerage areas in which treatment is carried out to a certain level of purity, and planned areas outside sewerage areas where treatment will be carried out to a certain level of purity,**
- 6) plants established at local initiative, and plants established at private initiative, and**

7) the anticipated timetable for preparation of projects and establishment of the plants.

(2) The sewage plan shall not conflict with regional planning and conditions stipulated under subsection (4) below.

(3) Adoption by the local council of a sewage plan cannot be appealed to other administrative authorities.

(4) The Minister can lay down rules on planning under subsection (1) above, on public participation, time limits and procedures. The Minister can also decide and lay down rules that planning and administration of the Act shall be based on specified preconditions.

PART V

Polluting Activities

33.-(1) Enterprises, plants or activities included in the list referred to in section 35 below (listed activities) shall not be established or commenced without prior approval. Listed activities shall not without prior approval be extended or modified as regards buildings or operation, including waste production, in such a way as to result in increased pollution.

(2) However, the authority granting the approval may permit commencement of building and construction works for listed activities other than waste deposit facilities before the approval is granted, provided the activities are in accordance with an approved local plan or town planning bylaw. Building and construction works take place on the responsibility of the builder.

(3) As part of an experiment, local plans for specific industrial zones designated under the national plan directives in section 3 of the Planning Act may lay down rules that the local plan replaces approvals under this Part which are required to implement the local plan, cf. section 15(7) of the Planning Act. The Minister lays down detailed provisions to this effect.

34.-(1) In approvals granted under this Part of this Act terms shall be stipulated for the establishment and operation of listed activities, including control to be carried out by the party responsible for the activities.

(2) The approval authority may refuse to approve or stipulate special terms in the approval, including terms on provision of security under the rules of section 39a, where the applicant, members of the management or board of the applicant, or others with controlling interests in the operation of the enterprise, are covered by section 40a.

(3) Questions relating to licences to discharge sewage directly into watercourses, lakes or the sea from a listed activity shall be considered in connection with review of the approval application under this Part and be included in the approval. Terms applying to the sewage discharge shall be considered in accordance with the rules laid down in this Part of this Act.

(4) Complaints against rejection of approval applications cannot be made to other administrative authorities, if the application is refused because localization of the activities

at the intended site conflicts with rules laid down in regional plans, municipal structure plans or local plans.

35.-(1) The Minister draws up a list of heavily polluting enterprises, plants and activities covered by the approval obligation specified in section 33 above.

(2) The Minister shall lay down rules on the approval scheme and on notifications.

35a.-(1) The Minister can lay down rules on the duty of listed activities periodically to prepare green accounts. The statement of accounts shall indicate the significant consumption of energy, water and raw material and the type and quantity of pollutants etc., cf. section 2 below, forming part of the production process, which are discharged from the enterprise to air, water and soil, or form part of products and waste.

(2) A statement of accounts shall cover one year and be submitted to the supervision authority and to the Danish Commerce and Companies Agency. For enterprises covered by the Danish Companies Accounts Act, the statement of accounts shall be submitted to the Danish Commerce and Companies Agency together with the financial statement.

(3) The Minister lays down detailed rules on the preparation of green accounts, including involvement of staff members, submission to the authorities within specified timelimits, and publication of green accounts.

(4) The Minister lays down detailed rules that enterprises or associations of enterprises committing themselves to introducing environmental management systems may be allowed to defer submission of the first statement of green accounts for a specified period, however not later than three years from January 1, 1996. The Minister also lays down detailed requirements for the environmental management system and annual submission of material to the Danish Commerce and Companies Agency and the supervision authority documenting that the system has been implemented in the enterprise.

(5) After negotiations with the Minister of Labour the Minister may further lay down rules on inclusion of data on the occupational environment in the green accounts.

(6) The Minister can lay down rules on full or partial exemption from the duty to prepare green accounts.

(7) The Minister can lay down rules that the enterprise shall on its own account submit the green accounts to auditing by a special expert.

(8) Where the board of directors, the management or similar executive body fail to submit green accounts in due time, the Danish Commerce and Companies Agency may towards the responsible party/parties use the remedy of compulsory weekly or monthly fines, upon which distress may be levied.

36.-(1) Where plans are made to extend or modify a listed activity within the framework of the approval, a notification shall be submitted to the approval authority. From the notification must appear that the extension or modification relates to activities included in an overall approval and falling within its scope, and that the extended or modified activity can take place within the pollution limits specified in the overall approval.

(2) The approval authority shall within four weeks from receipt of the notification inform the enterprise in writing whether the extension or modification exceeds the scope of the approval and therefore requires an approval. The enterprise can carry out the extension or modification when the approval authority has informed the enterprise that prior approval is not required.

37.-(1) Decisions taken by the approval authority, under which enterprises, plants or activities, or extension or modification thereof, require prior approval, cannot be appealed to other administrative authorities.

38.-(1) Existing listed activities may apply for approval in accordance with the rules laid down in this Part of this Act.

(2) The Minister may restrict the possibility to apply for approval under subsection (1) above to specified enterprises of the categories included in the list.

39.-(1) Existing listed activities not holding an overall approval shall lodge an application to this effect with the approval authority.

(2) On the basis of the application and an evaluation of aspects of operation and pollution from the listed activity the approval authority decides whether the activity can be approved, or whether a notice shall be issued directing it to take measures to reduce pollution from the activity or whether a prohibition notice shall be issued against continued operation or specified processes.

(3) The Minister lays down rules on review of applications for approval of existing enterprises, and on time limits for lodging of applications with the approval authority.

39a.-(1) Listed activities engaged in:

- 1) extraction of metals from cables,**
- 2) rinsing or other cleansing of drums for storage of chemicals or chemical waste,**
- 3) operation of shredding plants, including car breaking,**
- 4) recovery of hard mechanical objects or the like of i.a. apparatus, machines, engines etc., for the purpose of resale, or**
- 5) mechanical fragmentation of metal waste,**

shall provide security for the approval authority, covering the costs incurred by the supervision authority for further transport and destruction or landfilling of the waste in connection with self-regulatory measures, cf. sections 69 and 70 below.

(2) The approval authority may also require provision of security for listed activities, where the activity or the owner is covered by section 40a.

(3) The provisions of subsection (1) do not apply to listed enterprises engaged in treatment of building and construction waste, and listed enterprises engaged in recovery of coolants from discarded refrigerators from private households.

(4) The approval authority lays down detailed rules on the provision of security in connection with its approval of the listed activity, cf. section 33 above.

(5) The approval authority may regulate the amount of security, if the basis of calculation is significantly changed.

(6) The Minister approves proposals for collective provision of security for enterprises or groups of enterprises, as specified in subsection (1). The Minister shall also decide on withdrawal of security terms laid down by the approval authority.

(7) The decisions of the Minister under subsection (6) cannot be appealed to other administrative authorities.

40.-(1) Decisions on approval under this Part shall be made by the local council or by the regional council. The Minister may lay down rules on this subject after negotiations with the organizations of local authorities.

(2) The regional council decides in matters of approval of activities operated by local councils. The local council decides in matters of approval of activities operated by the regional councils.

40a.-(1) Sections 34(2) and 41a are applied to the following:

- 1) persons disqualified from the right to operate polluting activities under section 110b of this Act or under section 79 of the Penal Code,**
- 2) persons convicted under section 196 of the Penal Code,**
- 3) persons and enterprises etc. convicted under section 110(2) of this Act or similar provisions in statutory orders issued under the Act, provided a prison sentence was pronounced or a fine of DKK 10,000 or above was imposed, and provided a maximum of ten years have passed since the criminal offence was committed,**
- 4) persons or enterprises etc. owing DKK 100,000 or more to the public for self-regulatory measures taken by the supervision authority under sections 69 and 70 of this Act, provided the debt is accepted or established in court. Moreover, the debt shall be due for payment and not be covered by unbreached respite arrangement or agreement on payment by instalments, and two reminders shall have been presented to the debtor.**

40b.-(1) The Minister draws up a register of persons and enterprises etc. covered by section 40a. The register can be computerized as provided for by the Minister.

(2) In cases concluded by judgement and in cases decided finally by the prosecutor by acceptance of a fine, reporting to the register is made by the prosecutor. In cases of debt to the public for self-regulatory measures reporting to the register is made by the supervision authority involved.

(3) Before registration, notice is given to the person or the enterprise etc. concerned.

41.-(1) Where listed activities result in significant pollution the supervision authority may order pollution to be reduced. Similar notices can be issued if listed activities result in significantly more pollution, including waste generation, than would result from the least polluting technology or best possible cleaning measures. Enforcement notices can also be given to plants and activities considered to present an imminent risk of significant pollution.

(2) Where anti-pollution measures cannot be taken, the supervision authority may prohibit the continued operation of the activity and, where required, demand that it be removed.

(3) Prohibition notices can be issued immediately where pollution presents an imminent and serious danger to health.

(4) In an eight year period after an approval was granted under this Part, an enforcement or prohibition notice can be issued, if:

- 1) new information is presented on the harmful effects of the pollution in question,**
- 2) the pollution causes environmental damages which could not be foreseen when the approval was granted, or**
- 3) the pollution otherwise considerably exceeds the conditions upon which the approval was granted.**

(5) After a period of not less than eight years after the approval was granted, the supervision authority may change the approval conditions for reasons of environmental protection or if cleaner technology is developed, including less polluting raw materials, less polluting production methods or better cleaning methods.

(6) The Minister can lay down rules that the time limit specified in subsections (4) and (5) above may be reduced for certain industrial branches, however not to less than four years.

41a.-(1) The approval authority may revoke an approval or stipulate special terms in an existing approval, cf. section 39a, if:

- 1) the owner, members of the management or board of the owner, or others with controlling interests in the operation of the enterprise, fall under section 40a,**
- 2) persons or enterprises etc. covered by section 40a, become owners or co-owners of the enterprise, or**
- 3) persons covered by section 40a enter the board or management of an enterprise etc. operating approved activities.**

Pollution from other enterprises

42.-(1) Where industrial enterprises, including private or public building and construction works, or stationary energy production plants not covered by rules laid down under section 35 above, cause unhygienic conditions or significant pollution, including waste generation, the supervision authority may order such pollution to be reduced.

(2) Similar order can be given by the supervision authority, where the activities or plants referred to give rise to significantly more pollution, including waste generation, than would result from the least polluting technology or best possible cleaning measures. Orders can also be given to activities considered to present an imminent risk of significant pollution or unhygienic conditions.

(3) The supervision authority may issue a notice requiring remedial measures to be taken at sports centres, recreation centres or similar recreational activities causing significant noise nuisances to the surroundings.

(4) Where the nuisances cannot be reduced the local council may prohibit the activity in question.

(5) Where in connection with establishment, extension or modification of the activities referred to in subsection (1) above, the supervision authority becomes aware of matters expected to result in more stringent requirements for reduction of pollution from or prohibition of the operation of the activity, the supervision authority may inform the activity beforehand of such matters.

PART VI

Waste

43.-(1) Anyone producing, storing, treating or disposing of waste is responsible that such activities do not cause unhygienic conditions or pollution of air, water or soil.

44.-(1) The Minister can lay down rules on disposal of waste, including notification, separation, storage, collection, transport, treatment and processing of waste. The rules may also apply to specified waste types, waste materials and waste products.

45.-(1) The local council is in charge of the disposal of waste.

(2) The Minister lays down rules on municipal waste schemes, in particular on:

- 1) the obligation of the local council to assign waste disposal facilities,**
- 2) the obligation of the local council to undertake collection and disposal of waste, including recycling of materials and products,**
- 3) the obligation of citizens, landowners and enterprises to use the assigned disposal facilities or waste schemes, and**
- 4) the obligation of citizens, landowners and enterprises to notify and submit data on waste, and carry out investigations relating to waste.**

(3) The local council lays down regulations on the scope and operation etc. of waste schemes.

(4) Where collection schemes have been set up, collection of the waste or of recyclable materials, if any, covered by the scheme shall only take place by order of or on the authority of the local council.

(5) In rules on collection of materials and products for recycling, other than oil and chemical waste, the following shall apply:

- 1) the local council shall exempt an enterprise from the duty to use a local collection scheme upon documentation from the enterprise that at least by the time the local collection scheme is put into operation the enterprise has made an arrangement that waste types covered by the collection scheme are delivered to third parties for the purpose of recycling, and**
- 2) enterprises established after a local collection scheme has been put into operation are in connection with their establishment entitled not to use the local collection scheme upon documentation that an arrangement has been made for the waste types covered by the collection scheme to be delivered to third parties for the purpose of recycling.**

45a.-(1) The Minister can lay down rules on the form in which notification of and information on waste, including materials and products for recycling, to public authorities under this Part shall be made.

46.-(1) The local council may issue orders or prohibitions to prevent, and to ensure sound storage, treatment and disposal of waste.

47.-(1) The local council collects and records information on existing waste quantities broken down on types and materials, and on treatment and disposal of waste. Moreover, the local council collects and records information on existing and planned waste facilities, including treatment and landfills. Such information shall be passed to the Danish Environmental Protection Agency.

(2) The local council prepares a plan for disposal of waste in the local area.

(3) The Minister lays down rules on the content of local waste plans, timetables and establishment procedures, and on revision of plans. The Minister also lays down rules on information to be passed by the local council to the Danish Environmental Protection Agency.

(4) The Minister may decide that the plan referred to in subsection (2) above shall be based on specified conditions, and lay down rules or decide that the plan referred to in subsection (2) above shall be replaced by an intermunicipal plan.

48.-(1) The local council can fix fees to cover costs in respect of:

- 1) planning, establishment, operation and administration of waste schemes, including assignment schemes, and of separation, collection of waste etc., and of establishment and operation of waste processing and disposal facilities,**
- 2) collection and registration of information, cf. section 47 above, and**
- 3) advance payment of planned investments in the waste field.**

(2) Bulk fees can be collected for the schemes etc. initiated by the local council.

(3) Decisions made by the local council under subsections (1) and (2) above cannot be appealed to other administrative authorities.

(4) The Minister can work out standard payment regulations.

(5) Fees under subsections (1) and (2) above shall be paid by the party having a registered right on the property, and the amounts enjoy the same privileges in the property as public direct and indirect taxes. Distress may be levied for non-payment.

Intermunicipal facilities

49.-(1) The Minister can make decisions on the duty of the local authorities to set up, increase the number of participants of, or join intermunicipal facilities for waste disposal, including recycling facilities.

(2) The Minister can also decide that intermunicipal waste disposal facilities shall receive waste from local areas not participating in the facility and that the local authorities shall make sites available for intermunicipal waste disposal facilities.

Landfill facilities

50.-(1) New plants for landfilling of waste may be owned only by public authorities.

(2) However, the Minister can lay down rules that enterprises shall set up plants for landfilling of specified waste types.

(3) The regional council may exempt an enterprise from the provision in subsection (1) above, allowing it to set up plants for landfilling of specified waste types from the enterprise.

(4) The Minister can lay down rules on collection of fees from privately owned landfill facilities and on security required to cover subsequent costs in respect of monitoring pollution from the landfill facilities and possible remedial action at such facilities.

PART VII

Recycling and Cleaner Technology

51.-(1) To promote recycling and cleaner technology and minimize waste disposal problems, the Minister can lay down rules or decide that:

- 1) specified raw materials, additives or auxiliary substances shall not or shall only in specified quantities be present in materials and products sold or used in Denmark,**
- 2) specified materials and products thereof shall contain specified proportions of recycled or recyclable materials or products,**
- 3) the use of specified materials or types of materials in products or goods for specified purposes, including packaging, shall be prohibited or reduced,**
- 4) specified materials or types of materials shall be used in products or goods for specified purposes, including packaging,**
- 5) products or goods for specified purposes, including packaging, shall be approved by the Minister or be designed in specified manners, and**
- 6) specified materials and products, including packaging, shall be labelled in specified manners, and other labelling shall be restricted or banned, and**
- 7) public authorities and publicly owned or controlled enterprises shall to the extent possible use goods or products containing recycled or recyclable materials, or otherwise for environmental reasons to be preferred to other goods or products for the same applications.**

(2) The Minister can lay down rules on control of products, including packaging, covered by rules laid down under subsection (1). In doing so the Minister can decide that the party marketing the product, including the packaging, must document towards the supervisory authority that the product is manufactured and made up in accordance with rules under the Act. The Minister may in special cases prohibit marketing of a product or packaging, until such documentation has been provided.

(3) As part of work to control and to promote recycling and cleaner technology and reduce the problems related to waste disposal, the Minister can lay down rules that persons offering for sale, dealing in or distributing a certain product must provide specified information on the product or contribute to the provision of such information.

52.-(1) The provisions of this Part of this Act shall not apply to exported materials or products, unless otherwise determined by the Minister.

(2) The provisions of this Part shall not apply to materials and products manufactured abroad and transported through Denmark as transit goods or stored as transit goods.

(3) The provisions of this Part shall not apply to materials and products transported in Denmark as supplies for Danish vessels and aircraft, unless otherwise determined by the Minister.

53.-(1) The Minister can lay down rules that importers or manufacturers of specified materials, products or goods, including packaging, shall pay a waste disposal fee to the State, to the local authority or to local authorities jointly, in full or partial payment of expenses in connection with disposal of the material, product or goods.

(2) The administration and collection of the fee referred to in subsection (1) above can be delegated to the central customs and tax authorities. The administration can also be delegated to private organizations and the like.

(3) If the administration and collection, cf. subsection (2) above, is delegated to the central customs and tax authorities, these authorities may, where the amount of the fee chargeable to an enterprise cannot be calculated on the basis of its accounts, make an estimate of fees payable. The Minister can lay down detailed rules requiring the enterprises involved to provide or forward accounting records and other material, and correspondence etc., to a state authority.

(4) State authorities may levy distress for fees payable under subsection (1) above.

(5) The Minister can lay down detailed rules on collection and use of fees, including rules providing for the considerable time lag between collection of fees and payment of the corresponding costs.

53a.-(1) The Minister can, to secure efficient disposal of waste from material, products or goods, including packaging, use the fees specified in section 53(1) to support the collection and disposal of waste from material, products or goods, including packaging, and to cover the costs of administration of the fees and of the support, including control, information, evaluation etc.

(2) The Minister can delegate the administration of support under subsection (1) hereof to private organizations, associations and the like. The Minister may effect quarterly prepayment to cover the costs of support, administration, control, information, evaluation etc.

53b.-(1) Anyone generating or disposing of, including collecting, processing or incinerating, materials, products or goods, including packaging, shall upon request supply to the

Ministry of Environment and Energy all information of significant importance to the administration of section 53a.

54.-(1) Support can be granted to research and development projects and to knowledge transfer and information activities. Support can be granted to projects aiming at reducing the impact on the environment in connection with development, production, selling or use of products or in connection with management of the waste generated in the product's entire life cycle. The impact on the environment shall be reduced by promoting cleaner technology or recycling. Support can be granted to investigations on and development of methods, tools, processes, production equipment and products, including transport and service. Only products presenting a novelty value are eligible for support.

(2) Support can be granted, amounting to up to 25%, to the project costs of development activities to concretize the results of industrial research in a plan, a project or a design plan relating to new products, production methods or services which have been changed or improved, no matter whether they are intended for sale or use, including generation of a first prototype which cannot be used commercially (precompetitive stage).

(3) Support can be granted covering up to 50% of the costs of projects for industrial research.

(4) Where support is granted to small and medium-sized enterprises, the amount granted under subsections (2) and (3) can be increased by 10%.

(5) Support can be granted, amounting to up to 100%, to costs of projects giving benefit to a wider number of undertakings, the public sector or society as a whole. Support shall not take the form of aids granted by States falling within article 92(1) of the EC Treaty.

(6) Support can be granted to undertakings, companies, associations, organizations and public authorities.

54a.-(1) Support granted to projects specified in sections 54b, 54c and 54d shall not exceed the aid limits fixed in Commission communications on aid schemes exempt from notification to the Commission on the grounds that the amount is not considered to have any perceptible impact on trade and competition among EU member States (de minimis aid schemes). Support under sections 54b, 54c and 54d cannot be given to projects within transport, agriculture and fisheries, and within steel, shipbuilding and the coal industry. Support cannot be granted to projects promoting export.

(2) Support granted to associations, organizations and public authorities is not covered by the limits specified in the communications referred to in subsection (1) hereof, unless granted to undertakings operated by them.

54b.-(1) Support can be granted to projects aiming at product development based on life cycle analysis, environmentally conscious purchasing policy, or environmental management. Support can i.a. be granted to knowledge building, technical advice from external consultants, process and product development activities with environmental aspects, staff training and organizational development, knowledge transfer and documentation.

(2) Support can only be granted if the beneficiary employs one or several new employees for a period corresponding to a minimum of six man/months to secure the implementation of the project, or that the employees of the beneficiary complete training to secure the implementation of the project. Moreover, the beneficiary must operate or set up adequate environmental management systems.

(3) Support can be granted covering up to 50% of the project costs.

(4) Support can be granted to undertakings, companies, associations and public authorities.

54c.-(1) Support can be granted towards additional costs pertaining to the award of the European or the Nordic eco-label.

(2) Support can be granted covering up to 50% of the additional costs per eco-label awarded. Additional costs can i.a. be expenses for providing the necessary documentation, salary costs or consultancy services. The Minister can, however, fix a maximum limit for amounts of support.

(3) Support can be granted to small and medium-sized enterprises to which the eco-labels referred to in subsection (1) hereof are awarded for the first time in a product group. The Minister defines the product groups eligible for support under subsection (1), and fixes the number of beneficiaries and deadlines for application for support.

54d.-(1) Support can be granted to waste projects aiming at reducing the problems of waste disposal. Support can be granted to investigation and development projects, and to knowledge transfer and information projects.

(2) Support can be granted to the development of processes, methods, production equipment and products in the field of waste. Support can be granted to non-profit projects and to the undertakings' own projects. Only projects presenting a novelty value are eligible for support.

(3) Support can be granted covering up to 75% to projects specified in subsection (1) hereof, provided the results belong to the applying undertaking(s) only. Support can be granted amounting to up to 100% of the costs of non-profit projects giving benefit to a wider number of undertakings, the public sector or society as a whole.

(4) Support can be granted to undertakings, companies, associations and public authorities.

55.-(1) Support covering up to 25% can be granted to investments in plants for recycling.

(2) Support covering up to 30% can be granted to investments in equipment for collection of all types of waste.

(3) Support granted under subsections (1) and (2) can be increased by up to 10% if granted to small and medium-sized enterprises.

(4) Eligible for support in accordance with subsections (1) and (2) hereof are only applicants demonstrating that the investment will create permanently increased recycling of products, materials or residuals, thereby significantly reducing the impact on the environment, or resulting in appropriate utilization of products, materials or residuals. Support in accordance with subsections (1) and (2) cannot be granted to plants which will significantly affect the competitive environment, by reducing the competitive power of existing enterprises.

(5) Support can be granted to undertakings, companies, associations and public authorities.

55a.-(1) To ensure the efficiency of the collection system, the Minister may grant support for disposal of oil waste collected in Denmark, provided the fee on oil waste is paid in accordance with the Act on Excise Duty on Mineral Oil Products etc. and the Act on Carbon Dioxide Duties on Certain Energy Products, and the oil waste is disposed of as fuel in plants producing and selling district heating. Support can only be granted if disposal, including collection, processing and combustion of oil waste takes place in accordance with this Act and rules laid down under the Act.

(2) The party owning, leasing or otherwise operating the enterprise for his own account is liable for amounts to be repaid under section 56(3). Distress can be levied for non-payment.

55b.-(1) Anyone producing or disposing of, also by collection, processing and combustion, oil waste, must upon request provide the Minister with any information of significance to the administration of section 55a above.

56.-(1) The Minister appoints one or several councils to decide the priority of activities for support under sections 54 and 55 above, and to give advice to the Minister about the environmental efforts for products and the technical development in the field of waste. The Minister can lay down rules deciding which authorities and organizations shall recommend members to the council(s) and the activities of the council(s).

(2) The Minister decides in matters relating to support under sections 54-55. The Minister can delegate this power wholly or partially to the council(s) referred to in subsection (1) hereof, and may decide that the decisions of the council(s) cannot be appealed to other administrative authorities.

(3) The Minister can lay down detailed rules on granting of support under sections 53a-55a, and on the review of applications, the form and contents of applications, deadlines, conditions for granting support, payment of support amounts, lapse of preconfirmation of support, repayment of support amounts and interest accrued, patent rights, accounts, audit, and supervision and control etc. In doing so, rules can be laid down that applicants under sections 53a and 55a shall on own account take samples, and perform analyses and measurements of substances and waste substances.

56a.-(1) Anyone receiving support under sections 54-55 shall notify possible violation of the conditions of support, and shall at request supply to the Ministry of Environment and Energy any information likely to affect the payment of support.

57.-(1) The annual support amounts appropriated are stipulated in the Budget.

(2) Preconfirmation of support under sections 54-55 may extend beyond the financial year.

(3) For support under this Part of the Act it may be required that support shall be paid via bank account.

(4) Up to 20% of the support granted under this Part can be withheld and used to offset possible debt of the enterprise to public authorities.

PART VIII

Expropriation etc.

58.-(1) The local council may where required make decisions for compulsory acquisition for the benefit of sewage treatment plants and publicly owned waste treatment plants and landfills, provided an approval has been granted to such facilities.

(2) In connection with expropriation:

1) the title can be acquired to sites, buildings and activities firmly bound to sites or buildings, and related fixtures,

2) the owner's title to dispose of the property can be permanently or temporarily restricted, or a special right can be acquired to dispose of the property, and

3) permanent or temporary acquisition or abolishment of or restrictions on the right of uses, easements and other rights over real property may take place.

(3) However, for the purpose of a private sewage treatment plant, only the actions specified in nos 2 and 3 of subsection (2) above can take place in connection with compulsory acquisition.

(4) For the purpose of public waste treatment and landfills, only the actions specified in no. 1 of subsection (2) above can take place.

59.-(1) By expropriation for acquisition of property, all rights over the acquired property lapse, unless otherwise decided in individual cases.

(2) In the cases referred to in no. 2 of section 58(2) above the rights over real property acquired in connection with expropriation shall rank above any rights over the property, unless otherwise decided in individual cases.

60.-(1) By compulsory acquisition of land, sections 45 and 47-49 of the Public Roads Act shall apply similarly.

61.-(1) Where an amicable agreement cannot be reached, compensation under this Act shall be fixed by the appraisalment authorities specified in sections 57 and 58 of the Public Roads Act.

(2) As regards the review of cases by the appraisalment authorities and fixing and payment of compensation, sections 51-56 and 59-67 of the Public Roads Act shall apply similarly.

62.-(1) Where inclusion in a protection area under section 23 above implies that the landowner must change or discontinue an existing legal activity, compensation shall be paid. The compensation amount can be reduced or cancelled, if the activity in question was illegal, inappropriate or unsound.

63.-(1) Whether compensation shall be paid in connection with prohibitions or enforcement orders served under section 24 above is decided by the appraisal authorities, cf. section 61 above, at the request of the party to whom the prohibition or enforcement notice was addressed. By prohibition or enforcement relating to legal activities, including legal use and storage of manure in agriculture, horticulture and forestry, compensation shall always be paid in full, unless otherwise stipulated in other rules of law.

64.-(1) Compensation under sections 62 and 63 above is paid by the users of water benefiting from the prohibition or order. Where the local authority involved is not already for this reason obliged to pay compensation, the appraisal authorities may, where the measure is deemed to be important to a major part of the resident in the local area, decide that the local authority shall pay the compensation amount wholly or partly.

(2) Claims for compensation under sections 62 and 63 above shall be addressed to the authority making the decision. The claim shall be presented within four weeks from the date the decision was notified to the party concerned. Where an amicable agreement cannot be reached the authorities shall bring the matter before the appraisal authorities, cf. section 61 above.

64a.-(1) Compensation under section 26a shall be paid by the authority making the decision or, where the local council consented, wholly or partially by the water supply plant(s) benefiting from the decision. Where agreement cannot be reached about the distribution of the compensation amount, the dispute, including the amount of compensation, shall be settled by the appraisal authorities, cf. section 61.

PART IX

Supervision

65.-(1) The local council monitors overall compliance with the observance of this Act and the rules laid down under the Act.

(2) The local also monitors compliance with:

- 1) enforcement or prohibitory notices,**
- 2) terms of approvals and permits, and**
- 3) environmental requirements laid down in agreements under section 10(2) above.**

(3) The local council is supervision authority, cf. sections 68-70 below, in connection with pollution or risk of pollution caused by discontinued activities, cf., however, section 66(3) below.

(4) The local council shall transmit cases of violation of regional council decisions, cf. subsection (2), to the regional council. The regional council shall then decide the matter in accordance with the other rules of the Act.

(5) Irrespective of section 66 below the local council supervises enterprises operated by the regional council.

66.-(1) The regional council supervises the state of the environment in the surroundings.

(2) As specified in section 65 subsections (1) and (2) the regional council supervises existing listed activities, and their direct wastewater discharges to watercourses, lakes or the sea, in cases where the power to approve in accordance with rules on approval of listed activities, cf. section 35 above, is delegated to the regional council. The regional council also supervises deposition in raw material excavations and abandoned raw material excavations.

(3) The regional council shall, cf. sections 68-70, also supervise matters covered by section 65(4) and pollution incidents or risks of pollution resulting from discontinued operation of enterprises supervised by the regional council.

(4) The regional council supervises enterprises operated by the local council.

67.-(1) The Minister may decide that supervision shall in some cases be carried out by other authorities.

68.-(1) The supervision authority shall see to it that illegal activities are corrected, unless the matter is quite insignificant.

69.-(1) In the cases referred to in section 68 above the supervision authority shall notify the party responsible for the activity that the illegal activity shall be terminated. In this connection the supervision authority may:

- 1) prohibit continued operation and, where required, order the removal of the activity,**
- 2) order the responsible party to restore the original situation,**
- 3) have ordered measures taken at the expense of the responsible party, after expiry of the specified time limit.**

(2) Where the supervision authority finds that an enterprise violates the environmental requirements agreed upon or ordered under an agreement under section 10 above, the supervision authority shall notify such violation to the Minister and forward a copy of the notification to the party or the parties responsible for the implementation of the agreement.

(3) Decisions of the supervision authority under subsection (1) above cannot be appealed to other administrative authorities.

70.-(1) In case of imminent and serious danger to health and where immediate action is required to avoid considerable pollution or spreading of pollution, the supervision authority shall take the measures required without prior notice and at the account of the responsible party.

(2) To prevent a situation as described in subsection (1) hereof, the supervision authority may take the measures required without servicing a notice of enforcement and at the account of the responsible party. This shall, however, not apply where the responsible activity on the property is operating, or where the required measures can be taken under other legislation.

(3) Distress can be levied for expenses incurred by the authorities and recoverable under subsections (1) and (2) and no. 3 of section 69(1).

(4) Decisions taken by the supervision authority under subsections (1) and (2) hereof cannot be appealed to other administrative authority.

71.-(1) Anyone responsible for activities likely to cause pollution shall immediately notify the supervision authority when interruption of operation or accidents result in substantial pollution or risks of pollution.

(2) Notification under subsection (1) above shall not restrict the obligation of the responsible party to effectively prevent interruption of operation or accidents, and does not exempt him from the obligation to restore the original situation.

72.-(1) Anyone responsible for activities likely to cause pollution shall at the request of the local council, the regional council or the Minister produce all information, including data on economy and account, relevant to the evaluation of the pollution and to the choice of possible remedial or preventive measures. The local council, the regional council or the Minister may order that the responsible party shall on his own expense:

- 1) carry out sampling, analyses and measurements of substances released to the surroundings, and of noise and vibrations,**
- 2) carry out sampling and analyses of materials and products used or processed, and of waste products, if any,**
- 3) clarify the causes or effects of pollution incidents, and**
- 4) determine how to remedy or prevent the impact of pollution.**

(2) The supervision authority may revise the terms underlying the approval or licence of an activity in order to improve internal control of pollution (own control) or to make supervision more effective. Provisions laid down in enforcement notices can be similarly revised.

72a.-(1) Prior to export of used production plants or parts thereof from particularly polluting enterprises the disposer shall notify the supervision authority. Export shall not be initiated within two months from receipt by the supervision authority of the notification, unless the Minister so permits.

(2) The supervision authority transmits the notification to the Minister with its comments. The Minister transmits the notification to the competent authority in the country in which the plant is to be installed and operated.

(3) The Minister lays down rules on the content and form of the notification. The Minister establishes requirements for the content of comments from the supervision authority, and for the deadline for transmission by the supervision authority of the notification to the Minister.

(4) The Minister lays down rules on the production plants to be covered by the notification duty.

(5) The supervision authority decides whether plants or parts thereof are covered by the notification duty. The decision of the supervision authority to this effect cannot be appealed to other administrative authority.

73.-(1) The Minister lays down rules on the discharge of supervision functions by the supervision authorities.

(2) The Minister can for a regional council or a local council fix the scope of the supervision obligations of these authorities for a specified period of time.

(3) The Minister can lay down rules requiring the local councils and the regional councils to submit the reports on mapping and supervision functions and on the results of measurements and investigations, and lay down rules on the form of such reports.

PART X

Administrative Provisions

74.-(1) Decisions under this Act shall be communicated in writing to the party concerned. Decisions against which complaints can be made shall also be communicated to persons, organizations and authorities entitled to complain, cf. sections 98-100 below, and to the authorities having otherwise been involved in the review of the case.

(2) Notification to the persons specified in no. 2 of section 98(1) below may, however, take place by public announcement. Public announcement is always required in connection with approval under Part 5 above.

(3) Prohibition or enforcement notices can be served orally in case of danger to health or where immediate intervention is required to prevent significant environmental damage. Oral decisions shall be notified also in writing as soon as possible.

75.-(1) Prior to an order or prohibition the party to whom the decision is directed shall be notified in writing about the case and be informed about his right to acquaint himself with the documents of the case and to give statements according to the Act on Public Access to Documents in Administrative Files. In this connection the party to whom the decision is directed should be asked to contribute information on costs, advantages and disadvantages of the decision.

(2) Notification under subsection (1) above may be omitted in cases where immediate decision is required or where notification is deemed clearly unnecessary.

76.-(1) Local associations the main object of whom is to protect the environment may inform the local council and the regional council of the types of decisions under Parts 3, 4 and 5 above of which they wish to be notified, cf. section 100(1) below. The association must in this connection submit its rules, documenting that it is organized locally and working primarily to protect the environment.

(2) Local offices of the organizations specified in section 99 below are not covered by subsection (1) above.

77.-(1) Decisions against which complaints can be made shall specify the date of expiry of the complaint and state that:

- 1) the decision may be appealed in writing to the Minister,**
- 2) complaints shall be lodged with the authority making the decision, and**
- 3) the complaint shall be lodged before expiry of the time limit.**

78.-(1) Orders or prohibitions shall stipulate a time limit for compliance with the decision. In special circumstances it may be decided that the order or prohibition shall be complied with immediately.

(2) In special circumstances it may be decided that complaints against orders or prohibitions shall not have suspensive effect.

79.-(1) The Minister can lay down rules that the approval authority shall arrange public hearings of projects significantly influencing the safety conditions of the plant, before an approval under Part 5 above is given to activities covered by the notification obligation under rules laid down by the Minister, dealing with assessment of the safety of hazardous activities.

80.-(1) The Minister can authorize an agency under the Ministry or a similar institution to discharge the powers conferred upon the Minister under this Act.

(2) The Minister can lay down rules on the title to complain against decisions taken by authorization, cf. subsection (1) above, and decide that the decisions cannot be brought before the Minister.

(3) The Minister can set up expert councils to advise the authorities on environmental protection issues.

82.-(1) The Minister can decide to take over the powers conferred upon the regional council or the local council in matters affecting statutory tasks of other authorities or matters of major importance.

83.-(1) The Minister can order regional councils and local councils to submit information required for assessment of matters regulated under this Act within that particular local or regional area. It may be decided that such information shall be submitted in a specified form.

(2) The local council shall at request submit to the regional councils all information required to assess matters regulated under this Act within the local area.

84.-(1) The Minister may order the regional councils or the local councils to take up matters, including concrete cases, under this Act for consideration and decision.

84a.-(1) By major pollution of property owned by third parties the environmental authorities may with the consent of the landowner and when justified by significant considerations for the claimants restore the original state of the contaminated property. The environmental authorities take over the claimants' claim for damages against the responsible polluter.

85.-(1) The supervision authority may abstain from dealing with matters considered to be of minor importance to environmental protection.

(2) Decisions taken by the supervision authority under subsection (1) above cannot be appealed to other administrative authorities.

86.-(1) The local council may authorize an environment or food unit to discharge the functions assigned to the local council under this Act.

87.-(1) The supervision authorities or persons authorized by them to this effect, shall, where deemed necessary, at any time and against proper proof of identity without court order have access to public and private properties, localities and means of transport to carry out investigations or supervision tasks under this Act, under rules issued in pursuance of the Act or under regulations within to the scope of the Act.

(2) The police may where deemed necessary at any time against proper proof of identity without court order stop and examine means of transport to control the observance by waste transports of current legislation safeguarding environmental protection interests. The police also assist the supervision authorities in their discharge of functions under subsection (1) above. The Minister of Justice may after negotiations with the Minister lay down detailed rules on the discharge by the police of such functions.

(3) During examination and inspection of properties, localities and means of transport, the owner and the staff shall guide and assist the authorities as required.

88.-(1) The Minister can lay down rules on fees in whole or partial payment of expenses in connection with administration and supervision under the Act. Distress can be levied on fees payable.

(2) The Minister can lay down detailed rules on payment of interests by missing or delayed payment of fees charged under this Act. Interests are calculated from the date the fee was due. Interests are calculated at a monthly rate of 1.3% from the first day of the month in which the fee is due, however not lower than DKK 50.

89.-(1) The Government can agree with foreign states on common measures to achieve the aims of this Act.

(2) The Minister lays down rules to implement international agreements made under subsection (1) above.

89a.-(1) The Minister can lay down the rules required for implementation in Denmark of regulations adopted by the European Communities and dealing with matters covered by this Act in pursuance of section 2. In doing so the Minister can lay down rules to decide which authorities shall administer the regulations.

(2) The Minister can lay down rules on payment of fees, including payment of interest and title to levy distress.

(3) Supervision of the observance of regulations is discharged by the local council and the regional council under sections 65 and 66, unless the Minister decides that supervision shall

be discharged by other authorities. In their discharge of supervisory functions the authorities hold the duties and powers provided for in Part 9 and sections 85-87.

(4) By decisions pursuant to regulations or rules issued under subsection (1) above, the provisions of Part 11 shall apply in so far as the title to complain and legal actions are concerned.

90.-(1) In the Copenhagen and Frederiksberg municipalities the local council discharges the functions and powers conferred upon the regional council.

PART XI

Complaint and Legal Proceedings

91.-(1) Unless otherwise provided for in this Act, cf. also section 92 below, complaints against the decisions of the local council and the legal council under this Act or rules laid down under this Act can be made to the Minister.

(2) The provisions of section 78(1) above shall apply similarly to decisions in matters of complaints.

92.-(1) The Minister can lay down rules that decisions which, taken separately, are of minor importance to environmental protection, shall not be appealed to other administrative authorities.

93.-(1) The time limit for lodging a complaint is four weeks from the day the decision was notified. Where notification was made by public announcement the time limit shall be calculated from the day the decision was announced.

(2) If the time limit expires on a Saturday or a holiday, the limit shall expire on the following workday.

94.-(1) Complaints shall be lodged in writing before the authority making the decision. Upon expiry of the time limit for complaint the authority submits the complaint to the Minister, accompanied with the decision involved and with material on which review of the case was based.

95.-(1) A complaint has suspensive effect upon an order or prohibition, unless the appeal authority decides otherwise, cf., however, section 78 above.

(2) Where under section 78 above it is decided that orders or prohibitions shall be complied with at once, the order or prohibition shall be complied with unless otherwise decided by the appeal authority.

96.-(1) Complaints against permits, approvals or exemptions shall not have suspensive effect, unless otherwise decided by the Minister. The Minister can lay down rules that certain approvals and permits shall not be used before expiry of the time limit for complaint, and that complaints shall have suspensive effect.

(2) The provision of subsection (1) above does not restrict the power of the appeal authority to change or revoke an appealed permit, approval or exemption.

97.-(1) Complaints against decisions for compulsory acquisition of property have suspensive effect, unless otherwise decided by the Minister.

98.-(1) Complaints against the decisions of local councils and regional councils can be made by:

- 1) the party to whom the decision is addressed,**
- 2) any party having an individual, significant interest in the outcome of the case.**

(2) Complaints against the decisions of the regional council can be made by the local council, and complaints against the decisions of the local council can be made by the regional council.

(3) The Public Health Officer may complain against decisions under Parts 3, 4, and 5 above. The title to complain may also be given to the Public Health Officer under rules issued under section 16 above.

(4) The Minister can lay down rules or decide that complaints against decisions under this Act may be lodged by specified authorities in other countries.

99.-(1) The Danish Society of Nature Conservation can appeal decisions taken by the regional council under Parts 4 and 5 above.

(2) The Danish Angling Society and the Danish Fisheries Association can appeal decisions made by the regional council under Parts 3 and 4 above as regards pollution of watercourses, lakes or the sea.

(3) Greenpeace and the Danish Sea Fisheries Association can appeal decisions made by the regional council under Parts 4 and 5 above as regards marine pollution. The Danish Inland Fisheries Association can appeal decisions taken by the regional council under Parts 4 and 5 above as regards pollution of watercourses and lakes.

(4) The Economic Council of the Danish Labour Movement can appeal decisions made by the local council and the regional council in cases of major importance to the employment situation.

(5) The Danish Consumer Advisory Council can appeal decisions made by the local and the regional council to the extent that they are of considerable and principle importance.

100.-(1) Local associations working primarily to protect the environment can appeal decisions of which they wished to be informed, cf. section 76 above.

(2) Local offices of the organizations specified in section 99 above are not covered by the provisions of subsection (1) above.

101.-(1) Legal proceedings to re-examine decisions under this Act or rules laid down under this Act shall be instituted within six months from the day the decision was notified. Where

the decision was notified by public announcement the time limit for instituting legal proceedings shall be calculated from the day the decision was announced.

(2) Issues which can be brought before the appraisal authorities, cf. Part 8 above, cannot be taken to the courts before the decision of the appellate appraisal commission is available.

(3) Legal proceedings concerning compulsory acquisition under this Act shall be instituted before the division of the Danish High Court under the jurisdiction of which the property is situated.

PART XII

Environmental Appeal Board

102.-(1) The Environmental Appeal Board is the authority of appeal of administrative decisions as defined in the law.

(2) The Board is independent of any instructions relating to the review of and decisions in individual cases.

103.-(1) Complaints can be made to the Environmental Appeal Board against:

- 1) decisions made by the Minister or by Agencies empowered under sections 25 or 82 above, and**
- 2) decisions in matters of major or principle importance, made by the Minister or by an Agency empowered under Part 5 above and relating to listed enterprises, or under sections 28 and 30 above and relating to the wastewater plant of an industrial enterprise or a local authority.**

(2) The Environmental Appeal Board decides itself in matters relating to the Board's competence.

104.-(1) The Environmental Appeal Board consists of a Chairman, one or more Deputy Chairmen and a number of appointed expert members.

(2) The administration of the Board is carried out by a secretariat which also assists in the review of cases brought before the Board.

(3) The Minister can lay down rules on the activities of the Board.

105.-(1) The Chairman of the Environmental Appeal Board shall have the qualifications of a High Court Judge. The Deputy Chairmen shall have the qualifications of a judge.

(2) The number of appointed members shall be fixed by the Minister. The members are appointed by the Minister for terms of up to four years on the recommendation of:

- 1) the Federation of Danish Industries, the Economic Council of the Danish Labour Movement, the Federation of Smaller Industries, the Agricultural Council, the Federation of Danish Agricultural Societies, the Federation of Danish Smallholders' Societies jointly, and**
- 2) the Danish Environmental Protection Agency.**

106.-(1) Decisions in each individual case shall be made by the Chairman or a Deputy Chairman and two or four appointed members. The appointed members shall be designated by the Chairman with equal representation of the two groups specified in section 105(2) above.

(2) The decisions of the Environmental Appeal Board are made by majority vote.

(3) In special cases the Chairman or the Deputy Chairman may decide on behalf of the Board.

107.-(1) Complaints can be brought before the Environmental Appeal Board by parties entitled to complain against first instance decisions under the rules of section 98 subsections (1), (2) and (4), and sections 99 and 100 above, and by the authority making the decision in the first instance.

(2) The Minister can lay down rules on or decide that decisions under this Act can be appealed to the Environmental Appeal Board by specified authorities in other countries.

108.-(1) As regards the time limit for lodging complaints the rules in section 93 above shall apply.

(2) A complaint against a prohibition or an order which is set down for review in the Board has suspensive effect, unless otherwise decided by the Board, cf., however, section 78(2) above.

109.-(1) The Environmental Appeal Board may procure information and carry out inspections under the provisions of sections 72 and 87 above.

PART XIII

Penalty

110.-(1) Unless heavier penalty is due under other legislation, the offenders of the following provisions are liable to a fine:

- 1) violation of section 19(1) or (2), sections 20, 20a(1) 22, 23, section 27(1) or (2), section 28(4), section 43, section 45(4), section 50(1), and section 72a above,**
- 2) failure to comply with orders or prohibitions under this Act, including orders to rectify illegal conditions or orders under section 26a,**
- 3) failure to comply with requirements laid down under sections 9a and 10(4) above,**
- 4) disregard of terms of a permit, a derogation or an approval issued under this Act,**
- 5) establishment, commencement or operation of activities without approval under section 33 or notification under section 36 above,**
- 6) failure to provide information or submit samples under section 72 or to give notification as specified in sections 21, 71 and 72a above,**
- 7) failure to submit notification stipulated in rules laid down under section 7(1) above, and disregard of terms under such notification or failure to submit an application, cf. section 39 above,**
- 8) preventing access by the authorities to properties, localities or means of transport in violation of section 87 above**

- 9) deliberate removal, garbling or damaging of marks set up in connection with activities and investigations under this Act,
- 10) violation of provisions laid down in regulations adopted by the European Communities on matters covered by this Act, cf. section 2 above,
- 11) submission of false or misleading information or failure to submit information under sections 53b, 55b or 56a above, or
- 12) failure to comply with the decision of the approval or the appeal authority concerning provision of security under section 39a above.

(2) The penalty may be detention or imprisonment for a maximum term of two years if the offender acted deliberately or by gross negligence or if the infringement resulted in:

- 1) damage to the environment or risk of damage, or
- 2) achieved or intended economic advantages, including savings, for the offender or for others.

(3) Rules and regulations issued under sections 7-10, 12-16, section 17(3), section 18, section 19(5-7), section 20b(2), section 27(3), sections 35, 35a and 44, section 45(2 and 3), section 47(3), sections 48, 51, 53, 56(3), section 72a(3), section 89(2), and section 89a, may specify the penalty of fine. The penalty may be detention or imprisonment for a maximum term of two years under the same conditions as those specified in subsection (2) above.

(4) Enterprises etc. (legal persons) may incur criminal liability under the rules of Part 5 of the Penal Code.

(5) Where violations gave rise to profits, they are confiscated in accordance with Part 9 of the Penal Code, even if the violation did not result in damage to the environment or risk of damage. Where profits cannot be confiscated, this shall be considered when metering out a fine, including possible additional fines.

(6) In case of violation of section 10(4), cf. no. 3 of section 110(1) above, the fine, including additional fines, shall be meted out with regard to the penalty fixed under section 10(2) above.

(7) The period of limitation of criminal liability is five years for violations etc. specified in nos 1, 2, 3, 4, and 5 of subsection (1) above, and for violation of rules laid down under section 19(5) above.

110a.-(1) Where violation of rules or regulations laid down under section 53 above are estimated to result in a maximum penalty of fine, the Minister, or where the administration and collection is delegated to the central customs and tax authorities, the Minister of Taxation or anyone authorized by him, may notify to the party concerned that the matter can be decided without legal action, if that party pleads guilty of the offence and declares ready within a specified timelimit, renewable at request, to pay a fine stipulated in such notification.

(2) As regards the notification referred to in subsection (1) above, the provisions on how to bring charges laid down in section 930, cf. section 926, of the Administration of Justice Act are equally applicable.

(3) Where the fine is paid in due time, or where the fine is collected or a sentence is served in lieu of the fine, further action will not be brought.

110b.-(1) The right to carry out activities under Part 5 of this Act can be revoked in case of conviction for criminal offence, where the defendant:

- 1) is convicted under section 196 of the Penal Code, or**
- 2) has repeatedly or in otherwise aggravated circumstances:**
 - a) violated the provisions of this Act or of regulations issued under this Act, or**
 - b) failed to comply with order or prohibition notices served under this Act or under rules issued under this Act, or**
 - c) disregarded the terms of permits, derogations or approvals granted under this Act or under rules issued in pursuance of this Act.**

(2) Under the same rules the right to be founder, manager or member of the board of a limited liability company, a company or association requiring public approval, or a corporate fund covered by Part 5 of the Act, can be revoked.

(3) The rules of section 79 subsections (3) and (4) of the Penal Code shall apply otherwise.

111.-(1) Search of cases of violation of the provisions of this Act can take place in accordance with the rules of the Administration of Justice Act relating to search of cases for which a prison sentence can be incurred under the law.

PART XIV

Entry into Force and Transitory Provisions

112.-(1) This Act enters into force on January 1, 1992. Section 53, however, enters into force the day after notification in the Law Gazette.

113.-(1) At the date of entry into force of this Act the following provisions are repealed:

- 1) Environmental Protection Act, cf. Consolidation Act no. 68 of January 24, 1989,**
- 2) Act on Recycling and Reduction of Waste, cf. Consolidation Act no. 532 of October 16, 1984,**
- 3) Act no. 215 of April 5, 1989, on Reduction of Emissions of Sulphur Dioxide and Nitrogen Oxides from Power Plants,**
- 4) Act no. 267 of June 8, 1977, on the Content of Lead etc. in Petrol,**
- 5) Act no. 135 of April 26, 1972, on Reduction of the Content of Sulphur in Fuel,**
- 6) Act no. 178 of May 24, 1972, on the Disposal etc. of Oil and Chemical Waste, and**
- 7) section 24a, no. 4 of section 26(1), and section 28 of the Local Government Act (relations experiments), cf. Consolidation Act no. 571 of August 8, 1990.**

114.-(1) Rules laid down under legislation specified in section 113 above remain in force until they are replaced by rules issued under this Act, unless otherwise specified under this Act. Violations of the rules are punished pursuant to the rules applying before this Act comes into force.

(2) Decisions and amicable settlements made under the rules specified in subsection (1) above remain valid until other decisions are made pursuant to this Act or rules laid down

under this Act. Violation of such decisions are punished pursuant to the rules applying before this Act comes into force.

(3) Experiments with local government relations approved under the rules specified in no. 7 of section 113(1) above shall remain valid.

(4) In the following acts the meaning of the term "Environmental Appeal Board" shall change according to the provisions of this Act:

- 1) Act no. 130 of April 9, 1980, on the Protection of the Marine Environment, as amended by Act no. 181 of May 8, 1985, and section 22 of Act no. 192 of March 29, 1989,**
- 2) Water Supply Act, cf. Consolidation Act no. 337 of July 4, 1985, as latest amended by section 20 of Act no. 192 of March 29, 1989,**
- 3) Act no. 288 of June 4, 1986, on Environment and Genetic Engineering, as last amended by Act no. 338 of May 24, 1989, and**
- 4) Chemical Substances and Products Act, cf. Consolidation Act no. 566 of August 15, 1989.**

115.-(1) Rules on payment of costs in respect of public and common private wastewater plants laid down in the Environmental Protection Act, cf. Consolidation Act no. 68 of January 24, 1989, shall not be repealed until the local council has adopted payment regulations under Act no. 863 of December 23, 1987, on Payment of Expenses Relating to Wastewater Plants.

116.-(1) The Minister is empowered to repeal Act no. 25 of January 30, 1923, on Border Watercourses, and section 17 of Act no. 306 of June 4, 1986, as amended by Act no. 366 of June 7, 1989, on Salt Water Fishery.

117.-(1) The Minister can lay down transitory rules.

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

Act no. 936 of December 27, 1991 amending various provisions on professional activities on the basis of authorization etc., relating to section 17(3), lays down the following provisions on entry into force:

20.-(1) This Act enters into force upon notification in the Law Gazette.

Act no. 484 of June 24, 1992 amending the Environmental Protection Act, relating to section 33(3) lays down the following provisions in entry into force and transitional provisions:

2.-(1) The date of entry into force shall be fixed by the Minister.

(2) The Act applies to local plans adopted before January 1, 1995.

Act no. 477 of June 30, 1993 amending the Environmental Protection Act, relating to section 9a, section 17(5), section 45(5), section 51, no. 5, section 51, no. 6, section 53, section

54(1), section 88, section 107(1), section 110(1), nos 3, 8, 9, and 10, and section 110a, lays down the following provisions on entry into force:

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

Act no. 1112 of December 22, 1993 amending the Environmental Protection Act, relating to section 55a, section 55b, section 110(1), nos 9-11, and section 110(3), lays down the following provisions on entry into force and transitional provisions:

2.-(1) The Act enters into force the day after notification in the Law Gazette, and applies to waste oil for which charges have been paid after May 1, 1993.

Act no. 172 of March 16, 1994 amending the Environmental Protection Act, relating to section 84a, lays down the following provisions on entry into force:

2.-(1) This Act enters into force the day after notification in the Law Gazette.

Act no. 284 of April 27, 1994 amending various legal provisions on collection of state debts, relating to section 55c, lays down the following provisions on entry into force and transitional provisions:

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

(2) The rules on set-off in pursuance of sections 2, 3, 4, 12, no. 1, 13, 14, no. 1, 15, 16, and 17 apply to support amounts etc. in connection with preconfirmation of support notified after the Act comes into force.

(3) The rules on withholding of wages in pursuance of sections 1, 5-11, 12, no. 2, section 14, no. 2, sections 18, and 19 shall also apply to debts due before the Act comes into force.

Act no. 373 of May 18, 1994 amending the Environmental Protection Act, relating to section 19(4), section 28(3), second clause, section 28(4), section 39a, section 45a, section 53(2), second clause, section 53(3), second clause, section 65(1-4), section 66(2-3), section 88(2-3), section 110(1), no. 1, and section 110(3) lays down the following provisions on entry into force and transitional provisions:

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

(2) Existing rules on the power to grant licences under section 19 shall, however, remain valid until new rules are laid down.

(3) The approval authority shall fix the terms of provision of security as specified in section 39a(1), relating to existing enterprises, and applicable timelimits.

Act no. 436 of June 1, 1994 amending the Agricultural Holdings Act and the Environmental Protection Act, relating to section 12(1), lays down the following provisions on entry into force and transitional provisions:

3.-(1) The date of entry into force of the Act or part of the Act is laid down by the Minister of Agriculture .

(2) The date of entry into force of section 1, no. 2, is laid down by the Minister of Agriculture. Section 7(5) of the Agricultural Holdings Act, as amended by section 1, no. 5, of this Act, enters into force the day after notification of the Act in the Law Gazette.

(3) The Act is effective for contracts concluded after the Act comes into force.

(4) Section 8(4) and section 13 of the Agricultural Holdings Act, as amended by section 1, nos 7 and 11-18 of this Act, is effective for applications submitted to the Agricultural Commissions or the National Survey and Cadastre after the Act comes into force. Applications submitted within three months following the entry into force of the Act shall, however, be considered in accordance with the rules applying before the Act comes into force, provided documentation is given that the application is based on agreements made before the Act comes into force, or the Agricultural Commission finds special reasons to consider the application in accordance with the rules applying before the Act comes into force.

(5) Permits granted in accordance with rules in force before the Act comes into force shall remain valid. This also applies to terms of permits, unless otherwise decided by the Minister of Agriculture.

(6) Joint operation and tenancies established legally before the Act comes into force may be continued by the owner or by the tenant or his relatives respectively in accordance with section 17a(1). In the case of tenancies, joint operation may, however, be continued only in the agreed tenancy period.

Act no. 403 of June 14, 1995, relating to sections 35a and 110(3) lays down the following provisions on entry into force:

2.-(1) This Act enters into force on July 1, 1995.

Act no. 302 of April 24, 1996, relating to sections 87, 89, 89a, 110(1) no. 8, and 110(3), lays down the following provisions on entry into force:

2.-(1) this Act enters into force the day after notification in the Law Gazette.

Act no. 395 of May 22, 1996, relating to sections 1 (1), 7a, 17(3), 20(1), 51, 72a, 88, 110(1) nos 1, 6 and 12, 110(3), and 111, lays down the following provisions on entry into force:

2.-(1) This Act enters into force on June 30, 1996.

Act no. 325 of May 14, 1997, relating to sections 29, 30(5-6) and 32(1) lays down the following provisions on entry into force:

3.-(1) This Act enters into force on July 1, 1997.

Act no. 425 of June 10, 1997, relating to sections 34, 39a, 40a, 40b, 41a, 42, 73, 110(3-5), and 110b lays down the following provisions on entry into force:

2.-(1) This Act enters into force on July 1, 1997.

(2) Section 40a, nos 1-3, in the wording of section 1, no. 3 of this Act, applies to persons and companies etc. which have committed the criminal offence(s) after July 1, 1997. Section 40a, no. 4, in the wording of section 1, no. 3 of this Act, applies to persons and companies etc. which have caused pollution which is subsequently removed in self-regulatory measures taken by the authority, provided pollution was caused after July 1, 1997.

Act no. 426 of June 10, 1997, relating to sections 20a, 20b, 66(2-3) 110(1) and (3), lays down the following provisions on entry into force and transitional provisions:

3.-(1) This Act enters into force on July 1, 1997, cf., however, subsection (2).

(2) Section 20a(1) of the Environmental Protection Act, in the wording of section 1, no. 1, of this Act, enters into force on January 1, 1998.

(3) Section 20b(1), in the wording of section 1, no. 1, of this Act, applies to contracts concluded after December 18, 1996.

Act no. 431 of June 10, 1997, relating to sections 8, 8a and 8b, lays down the following provisions on entry into force:

3.-(1) This Act enters into force the day after notification in the Law Gazette.

Act no. 433 of June 10, 1997, relating to sections 7(4) and 7a(2-6), lays down the following provisions on entry into force:

2.-(1) This Act enters into force on July 1, 1997.

Act no. 408 of June 26, 1998, relating to sections 53a-57, 110(1) nos. 11 and 12, and 110(3) lays down the following provisions on entry into force:

2.-(1) The date of entry into force of this Act or part of this Act shall be laid down by the Minister for Environment and Energy .

(2) Rules laid down under sections 53, 55a and 56(2) of the Environmental Protection Act, cf. Consolidated Act no. 625 of July 15, 1997, shall remain in force until they are repealed or replaced by rules under this Act.

Act no. 409 of June 26, 1998, relating to sections 70 and 110b(1), lays down the following provisions on entry into force:

(2) This Act enters in force on the day after notification in the Law Gazette .

Act no. 478 of July 1, 1998, relating to section 7(1) nos 9-11, lays down the following provisions on entry into force:

5.-(1) This Act enters into force on July 15, 1998.

Act no. 479 of July 1, 1998, relating to sections 19, 26a, 64a, 110(1) no. 2, and 110(3) lays down the following provisions on entry into force:

4.-(1) This Act enters into force on August 1, 1998.

(2) Rules pursuant to section 19(7) of the Environmental Protection Act, in the wording of section 2(1) of this Act, shall be laid down with due respect of contractual obligations relating to agreements on acquisition of animal manure and waste products for agricultural purposes, which were made before the entry into force of the rules. However, claims towards public authorities cannot be based on such agreements for more than five years and six months after the entry into force of the rules.

Ministry of Environment and Energy

September 22, 1998

**Svend Auken
/Erik Lindegaard**