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GlobalDenmark Translations, December 2007

Statutory Order regulating air pollution from wood burners and boilers and certain other fixed energy-producing installations¹

The following shall be laid down in pursuance of sections 7(1), nos. 1 and 5, 7a (1) and (2), 16(1) and (2), 18, 67, 92 and 110(3) and (4) of the Environmental Protection Act, cf. Consolidated Act no. 1757 of 22 December 2006:

Part 1 *Scope and definitions*

1. This Statutory Order

- 1) shall lay down rules on pre-sale testing, transfer or connection of firing installations, cf. section 2(1), having a total input effect of less than 300 kW, and
- 2) specifies the competences of the municipal councils in cases on pollution from fixed energy-producing installations.

2. For the purposes of this Statutory Order, the following definitions shall apply:

- 1) Firing installation: a wood burning stove, central heating boiler, fireplace inserts, wood pellet stove, mass stove or similar installation for the production of energy through the use of solid fuel in the form of wood, lean coal, coal or plant seeds and other residual products covered by the Statutory Order on Biomass Waste, including burners for such installations.
- 2) Space heater: a firing installation, with or without a boiler for heating water for central heating designed to emit heat to the space in which it is installed.
- 3) Central heating boiler: a firing installation with a boiler for heating water for central heating or household use and designed not to emit heat to the space in which it is installed.
- 4) Installation type: a series of firing installations with identical combustion properties or series-manufactured prefabricated sections designed for the construction of firing installations.
- 5) Unit: an individual example of an installation type.
- 6) Historical firing installations: Firing installations, including units but not installation types, manufactured or built before 1940.

3. Sections 4 to 10 shall not apply to

- 1) Firing installations that
 - a) have been removed for the purpose of restoration or repair and are then re-installed in the same building, or
 - b) are installed in buildings that have been listed pursuant to the Preservation of Buildings Act, or installed in installations covered by Annex 1 to the Museums Act,
- 2) firing installations built without the use of series-manufactured prefabricated sections on-site in the relevant building or made to measure for a specific location,
- 3) historical firing installations, and
- 4) individually produced copies of historical firing installations.

Part 2 *Requirements pertaining to firing installations*

4.-(1) Firing installations may not be sold or transferred if the firing installation does not comply with the emission requirements in Annex 1 and if documentary proof hereof is not enclosed. However, this requirement does not apply to the sale or transfer of property with appurtenant installed firing installations.

(2) Firing installations may not be connected if the firing installation does not comply with the emission requirements in Annex 1 and if documentary proof hereof has not been presented.

¹ This Statutory Order has been notified as a draft in accordance with Directive 98/23/EC of the European Parliament and the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations as amended by Directive 98/48/EC.

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(3) The documentation shall be procured by testing, cf. section 5.

(4) The documentation must be presented in the form of a testing certificate, cf. section 7, or a copy hereof.

(5) Straw-fired central heating boilers connected in land zone are not required to meet the emission requirements for particles in Annex 1. Anyone who sells or transfers such boilers shall, prior hereto, inform the recipient that the firing installation may only be connected to a land zone.

5.-(1) The firing installation shall be tested by a laboratory, cf. subsection (2), in order to provide documentation of compliance with the emission requirements in Annex 1, cf. however section 6.

(2) The laboratory must be accredited by the Danish Accreditation Metrology Fund (DANAK), or a corresponding accreditation body which is signatory to the European cooperation for Accreditation (EA) multinational recognition agreement, to carry out the tests specified in this Statutory Order.

(3) On the basis of type testing, cf. section 7, the laboratory shall issue a testing certificate in order to document that the emission requirements in Annex 1 have been complied with.

6.-(1) In relation to firing installations that comprise units in an installation type, the testing pursuant to section 5(1) shall be considered as carried out for all units in the installation type by testing a single unit if documentation for production control under subsection (2) is presented.

(2) Production control shall be carried out pursuant to Annex 7 of the Statutory Order on Building Regulations for Industrial Buildings and Tower Blocks. The production control shall ensure a common basis for quality assurance and enable confirmation of whether the indicated emission requirements can be met by the individual unit, and whether the quality assurance is carried out as intended.

7.-(1) The testing certificate of a firing installation shall include the following information:

- 1) The name and address of the person who ordered the testing.
- 2) Description of the firing installation or the installation type.
- 3) The name and address of the testing institute and information on the testing institute's accreditation for completion of the measurements in Annex 1.
- 4) Measuring principle and testing method applied, cf. Annex 1.
- 5) Measured emission level for the firing installation or installation type.
- 6) Place of issuance and date of the declaration, and name and position of the signatory.

(2) Anyone who imports to Denmark, or anyone who in Denmark acquire testing of a firing installation, shall send a copy of the testing certificate to the Danish Environmental Protection Agency.

(3) The person mentioned in subsection (2) shall keep the testing certificate and if relevant the documentation for production control for ten years calculated from the date on which the firing installation or the last unit of the installation type was last sold or transferred.

8. Anyone in Denmark who has acquired the test of a firing installation shall upon request from the Danish Environmental Protection Agency make available all information prepared for the purpose of documenting compliance with the emission requirements in Annex 1.

9-(1) Anyone who has a firing installation connection shall, at their own expense, have the chimney sweep endorse the test certificate, or a copy hereof, with the date and signature.

(2) Anyone who is responsible for a connected firing installation shall keep the testing certificate as long as the firing installation is connected.

10. Notwithstanding the provisions of sections 4 to 9, firing installations not in compliance with this Statutory Order may be displayed at fairs and exhibitions and for demonstration purposes, etc. Where firing installations or units are

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displayed in this way, clear signs shall make it evident that the appliance in question is not in compliance with this Statutory Order and that the firing installations or units may not be placed on the market, transferred or connected until documentation exists that the requirements laid down in this Statutory Order have been met.

Part 3

Competences of the authorisation and supervisory authorities

11.-(1) Notwithstanding that a firing installation meets the requirements of this Statutory Order or other legislation that regulates installation and use of firing installations, the municipal authority may, pursuant to section 42 of the Act, issue orders or bans, including requirements that:

- 1) The chimney be raised so that neither the building where the chimney is placed, the neighbouring buildings nor the terrain conditions prevent free diluting of the smoke.
- 2) The use of the firing installation be restricted or that the installation be used in a certain manner, including the specification of certain types of fuels or certain time of use or certain weather conditions.
- 3) That the fuel be of sufficient quality and dryness and that it be stored in a manner in which the quality of the fuel does not deteriorate.

(2) This Statutory Order shall not prevent the supervisory authorities from making a demand regarding the operation of firing installations installed at enterprises obligated to obtain authorization in a decision under section 33 or section 41 of the Act.

Municipal regulations

12.-(1) The municipal council may within clearly specified areas of the municipality lay down regulations on measures to restrict pollution from fixed energy-producing installations for solid fuel.

(2) Adopted regulations shall be advertised in public media so that the provision is available to citizens and enterprises in the area concerned.

(3) An adopted regulation under subsection (1) shall not prevent the municipal council from making a demand pursuant to sections 33, 41 or 42 of the Act for further measures to restrict pollution than those indicated in the regulations.

(4) The municipal council shall send the adopted regulations to the Danish Environmental Protection Agency for information and registration.

Part 4

Administrative measures

13. The Danish Environmental Protection Agency shall supervise compliance with the provisions laid down in sections 4 to 10.

14. The decisions of the municipal council pursuant to section 42 of the Act and the decisions of the municipal council pursuant to local regulations may be appealed to the Environmental Board of Appeal if the decisions concern the municipality's own firing installations, cf. sections 20 and 21 of Statutory Order no. 1517 of 14 December 2006 concerning environmental regulation of certain activities.

(2) Adoption by the municipal council of a regulation pursuant to section 12(1) cannot be appealed to another administrative authority.

Part 5

Penalties

15. Unless a higher penalty is warranted under other legislation, a fine shall be imposed on anyone who:

- 1) places on the market, transfers or connects a firing installation in contravention of sections 4 to 7;
- 2) connects a firing installation in contravention of sections 4 to 7;

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- 3) fails to keep the documentation pursuant to section 7(3) or section 9(2);
- 4) fails to submit documentation to the Danish Environmental Protection Agency under section 7(2);
- 5) fails to deliver information under section 8, or
- 6) displays firing installations without appropriate signs pursuant to section 10.

(2) The penalty may be increased to imprisonment for up to two years if the infringement is committed intentionally or through gross negligence, and if the violation has

- 1) caused harm to the environment or resulted in the risk thereof, or
- 2) resulted in, or was intended to result in, financial gain for the perpetrator personally or for others, including as a result of savings.

(3) The municipal council may set a penalty for violation of regulations issued pursuant to section 12(1).

(4) Criminal liability may be incurred by companies etc. (legal entities) in accordance with the rules of Part 5 of the Penal Code.

Part 6

Entry into force and transitional provisions

16.-(1) This Statutory Order shall enter into force on 1 January 2008 and shall be rescinded automatically on 1 January 2013, unless otherwise determined before this date, cf. letter from the Ministry of Justice dated 28 February 2002 concerning an experimental scheme for the use of automatic rescission clauses in certain Statutory Orders in the areas of the environment and of the working environment.

(2) The requirements laid down in Part 2 of this Statutory Order shall be fulfilled by used firing installations sold, transferred or connected after 1 June 2008.

11 December 2007

The Ministry of the Environment
TROELS LUND POULSEN

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Annex 1

Emission limit values

Space heaters

Space heaters with and without boilers shall, as a minimum, comply with the following emission requirements for particles:

Emission requirements (upper limit)	Measuring principle	Testing method
10 g/kg, and maximum emission of 20 g/kg in the individual testing intervals	Dilution tunnel	NS 3058-1 and NS 3058-2 (calculated according to NS 3059, class 1 or 2, depending on the size of the firing installation) or a similar standard for measuring particle emissions recognised in the EU, EFTA countries or Turkey.
75 mg/normal m ³ at 13 per cent of O ₂	Directly in the flue gas pipe	Measuring method in accordance with DIN+, Zertifizierungsprogramm, Kaminöfen für feste Brennstoffe mit schadstoffarmer Verbrennung nach DIN EN 13240 or similar standard for measuring particle emissions recognised in the EU, EFTA countries or Turkey.

Central heating boilers

Central heating systems shall comply with the following emission requirements corresponding to EN 303-5, class 3:

Firing principle	Fuel	Nominal heat yield (kW)	Emission limit values (mg/m ³ at 10 per cent O ₂ , dry flue gas, 0 °C and 1013 mbar)			Measuring method
			CO	Carbon	Particles	
Manual	Biomass ¹	< 50	5000	150	150	EN 303-5
		> 50 to 150	2500	100	150	
		> 150 to 300	1200	100	150	
	Fossil ²	< 50	5000	150	125	
		> 50 to 150	2500	100	125	
		> 150 to 300	1200	100	125	
Automatically	Biomass ¹	< 50	3000	100	150	
		> 50 to 150	2500	80	150	
		> 150 to 300	1200	80	150	
	Fossil ²	< 50	3000	100	125	
		> 50 to 150	2500	80	125	
		> 150 to 300	1200	80	125	

1) Wood, plant seed and other residual products covered by the Statutory Order on Biomass Waste.

2) Fixed carbon or coal.

Burners for separate subsequent installation in central heating boilers must comply with the same emission requirements. Testing shall take place e.g. according to the testing method described in EN 15270.