

*This is a translation of the Danish Act on the Safety of Electrical Plants, Electrical Installations and Electrical Equipment (the Electrical Safety Act).*

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Act No. 525

## Act on the Safety of Electrical Plants, Electrical Installations and Electrical Equipment (the Electrical Safety Act)

BE IT KNOWN THAT the Folketing (the Danish Parliament) has enacted and We, Margrethe the Second, by the grace of God, Queen of Denmark, have given Our Royal Assent to the following Act:

### Part 1

#### *Scope and definitions*

1. This Act applies to electrical plants and electrical installations where the voltage or current is so high that it may involve danger. The Act also applies to electrical equipment.

2(1). For the purposes of this Act, electrical plants shall mean all electrical installations for the production, transmission, distribution and storage of electrical energy as well as railway systems. Electrical plants comprise both high-voltage and low-voltage electrical plants and are not defined by a particular voltage limit.

(2). For the purposes of this Act, electrical installations shall mean the entire installation from the electrical plant to and including connected electrical equipment and wiring except for electrical installations on vessels, on mobile offshore installations, in aircraft and in vehicles used on the railway network as well as electrical installations in motor vehicles intended for operation of the motor vehicle, while the charging plugs of electrically powered motor vehicles are included in this Act.

(3). For the purposes of this Act, electrical equipment shall mean equipment of any nature which forms part of or is intended to form part of or be connected to the electrical plant or the electrical installation, except for electrical equipment particularly intended for use on board vessels, on mobile offshore installations or in aircraft and in vehicles used on the railway network as well as electrical equipment in motor vehicles intended for operation of the motor vehicle, while charging plugs intended to form part of electrically powered motor vehicles are included in this Act.

### Part 2

#### *Safety requirements etc.*

3. Electrical plants and electrical installations must be constructed and operated in such a way that they do not pose a danger to persons, domestic animals or property.

4. Electrical equipment must be manufactured in such a way that it does not present a danger to people, domestic animals or property when installed and maintained correctly and when being used for its intended purposes under foreseeable conditions.

5(1). The Minister for Business and Growth may lay down rules regarding safety in connection with

- 1) construction and operation of electrical plants;
- 2) construction and operation of electrical installations;
- 3) electrical equipment and
- 4) construction and operation of other electrical plants close to or connected to electrical plants or electrical installations.

(2). The Minister for Business and Growth may lay down requirements for documentation of the construction and operation of electrical plants and electrical installations and of electrical equipment, cf. subsection (1), paras 1-3 above.

(3). The Minister for Business and Growth may lay down rules with a view to implementing EU regulations regarding electrical equipment.

6(1). The Danish Safety Technology Authority may in special cases grant an exemption from requirements in rules laid down pursuant to section 5(1) above. The Danish Safety Technology Authority may stipulate conditions for such

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exemption.

(2). In special cases where the circumstances so require, the Danish Safety Technology Authority may stipulate special safety requirements that are different from rules laid down pursuant to section 5(1) above or stipulate requirements for special labelling or instructions regarding electrical plants, electrical installations and electrical equipment.

### Part 3

#### *General obligations etc.*

7(1). Anyone who constructs or operates electrical plants and electrical installations must comply with rules laid down pursuant to section 5(1), paras 1 and 2 above. If rules laid down pursuant to that provision refer to standards, the safety requirement in section 3 above shall be deemed to be met if the rules laid down and the standards referred to in the rules have been complied with.

(2). If standards as mentioned in subsection (1) above are not applied or only applied partially, it must be possible to document in what way the safety requirement in section 3 above is met. Such documentation must be available in Danish or English.

(3). The Minister for Business and Growth may lay down detailed rules regarding documentation as required in subsection (2) above.

8(1). Anyone who manufactures electrical equipment not covered by rules laid down pursuant to section 5(3) above must comply with rules laid down pursuant to section 5(1), para 3 above. If rules laid down pursuant to section 5(1), para 3 refer to standards, the safety requirement in section 4 above shall be deemed to be met if the rules and standards referred to in the rules have been complied with.

(2). If standards as mentioned in subsection (1) above are not applied or only applied partially, it must be possible to document in what way the safety requirement in section 4 above is met. Such documentation must be available in Danish or English.

(3). Anyone who manufactures electrical equipment or imports electrical equipment into Denmark is responsible for ensuring that all information necessary for such electrical equipment to be used without danger and for its intended purposes is displayed clearly on the electrical equipment. If this is not possible, such information must appear from accompanying instructions. The information must be in Danish.

(4). Anyone who manufactures electrical equipment as assembly kits or imports electrical equipment as assembly kits into Denmark is responsible for ensuring that instructions accompany the electrical equipment, so that the electrical equipment is in compliance with section 4 above if the instructions are followed. The same applies to accessories to electrical equipment.

(5). The Minister for Business and Growth may lay down detailed rules regarding documentation as required in subsection (2) above.

9(1). The owner or user of an electrical plant is responsible for ensuring that the electrical plant complies with rules laid down pursuant to section 5(1), para 1 above as well as the safety requirement in section 3 above.

(2). The owner or user of an electrical plant is responsible for ensuring that the electrical plant is operated and maintained properly in accordance with rules laid down pursuant to section 5(1), para 1 above. Furthermore, the owner or user of an electrical plant must ensure that defects and deficiencies are remedied without delay and as soon as possible take measures to prevent defects and deficiencies from causing danger, cf. section 3 above.

(3). The owner or user of an electrical plant must exercise caution with a view to preventing the electrical plant from being damaged.

10(1). The owner or user of an electrical installation is responsible for ensuring that the installation complies with rules laid down pursuant to section 5(1), para 2 above as well as the safety requirement in section 3 above.

(2). The owner or user of an electrical installation is responsible for ensuring that the installation is operated and maintained properly in accordance with rules laid down pursuant to section 5(1), para 2 above. Furthermore, the owner or user of an electrical installation must ensure that defects and deficiencies are remedied without delay and as soon as possible take measures to prevent defects and deficiencies from causing danger, cf. section 3 above.

(3). The owner or user of an electrical installation must exercise caution with a view to preventing the installation from being damaged.

11. Anyone who operates an electrical plant for distribution of electrical energy shall not demand more stringent safety requirements as a condition for delivery of electricity to the consumers than those made under rules laid down pursuant to section 5(1) above.

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12(1). Anyone who operates an electrical plant must pay damages for personal injuries or damage to goods caused by the electrical plant, unless it is proven that the injury or damage could not have been avoided using the care and diligence required to operate such electrical plant.

(2). If such damage may be caused by several electrical plants, all persons or businesses operating electrical plants shall be jointly and severally liable for the injury or the damage, unless a person or business operating one of the electrical plants in question is able to prove that the damage cannot have been caused by that particular electrical plant. The persons or businesses operating electrical plants that cause injury or damage shall be liable in damages to equal extents if not otherwise agreed.

#### Part 4

##### *Regulatory control*

13(1). The Danish Safety Technology Authority shall oversee compliance with this Act and rules laid down pursuant to it.

(2). The Danish Safety Technology Authority may demand any information necessary to perform the regulatory control mentioned in subsection (1) above. The information may be demanded from businesses or persons designing, operating and constructing electrical plants or electrical installations, owners and users of electrical plants or electrical installations as well as all stages of distribution of electrical equipment.

(3). The Danish Safety Technology Authority or authorities or businesses authorised pursuant to section 24 below may not disclose to any other parties that a report has been filed with the Danish Safety Technology Authority by an employee or a representative of an employee.

14(1). The Danish Safety Technology Authority may, for regulatory control purposes, correlate information from its own registers and publicly available information obtained from other public authorities.

(2). The Danish Safety Technology Authority may obtain non-publicly available information from public authorities with a view to correlating registers for regulatory control purposes to the extent such information is essential for the regulatory control pursuant to section 13(1) above.

15(1). The Danish Safety Technology Authority or anyone authorised thereto by the Authority shall at any time on presentation of due proof of identity and without a court order have access to public and private properties and premises with a view to procuring information for use for exercising the regulatory control stipulated in this Act.

(2). If required, the police will assist the Danish Safety Technology Authority in this regard.

16. The Danish Safety Technology Authority may order the owner or user of an electrical plant or an electrical installation to have an authorised electrical contractor company inspect the electrical plant or the installation at the owner's or user's expense.

17. The Danish Safety Technology Authority may order the owner or user of an electrical plant or an electrical installation to have defects and deficiencies in the electrical plant or installation remedied at the owner's or user's expense.

18(1). The Danish Safety Technology Authority may prohibit the use of electrical plants and electrical installations that do not comply with rules laid down in pursuance of section 5(1), paras 1 and 2 above or the safety requirement in section 3 above.

(2). If a prohibition under subsection (1) above is infringed, the Danish Safety Technology Authority may have the electricity supply to such electrical plant or such installation disconnected at the owner's or user's expense. The Danish Safety Technology Authority may order a person or business operating an electrical plant for distribution of electrical energy to disconnect the electricity supply if a prohibition issued under subsection (1) above is infringed.

(3). The Danish Safety Technology Authority may demand that costs for disconnection of the electricity supply be refunded by the person or business to which a prohibition has been issued under subsection (1) above.

19(1). The Danish Safety Technology Authority may, without payment, designate electrical equipment for the regulatory control pursuant to section 13(1) above.

(2). The Danish Safety Technology Authority may perform a technical examination of electrical equipment designated pursuant to subsection (1) above or have such examination performed by others. The Danish Safety Technology Authority may demand that the costs of external technical examinations be refunded by the person or business to which an order or a prohibition under section 20 and section 21(1) and (2) below is issued as a result of the examination.

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**20.** The Danish Safety Technology Authority may order that defects and deficiencies in electrical equipment be remedied when such equipment does not comply with rules laid down pursuant to section 5(1), para 3 above or the safety requirement in section 4 above.

**21(1).** The Danish Safety Technology Authority may prohibit the sale, delivery, installation or use of electrical equipment that does not comply with rules laid down pursuant to section 5(1), para 3 above or the safety requirement in section 4 above.

(2). The Danish Safety Technology Authority may order that electrical equipment subject to a prohibition under subsection (1) above be withdrawn from the market, be recalled from the end users or be destroyed.

(3). The Danish Safety Technology Authority may order that electrical equipment subject to a prohibition under subsection (1) above be disconnected.

(4). If an order under subsection (3) above is not complied with, the Danish Safety Technology Authority may order an authorised electrical contractor to disconnect the electrical equipment if it is part of a fixed installation. The Danish Safety Technology Authority may demand that the costs for disconnection be refunded by the person or business to which an order under subsection (3) has been issued.

**22.** The Danish Safety Technology Authority may order the person or business which has been granted an exemption subject to conditions under section 6(1) above to comply with such conditions.

**23(1).** The Danish Safety Technology Authority may notify the public about the danger of electrical plants, electrical installations and electrical equipment when an order or a prohibition has been issued under section 16, section 17, section 18(1), section 20 and section 21(1) and (2).

(2). When providing information according to subsection (1) above, the Danish Safety Technology Authority may only pass on information in the nature of trade secrets if deemed necessary to protect the safety of the consumers.

**24(1).** The Danish Safety Technology Authority may authorise other authorities and private businesses to

- 1) carry out regulatory control tasks pursuant to section 13(1) above;
- 2) assist the Danish Safety Technology Authority in exercising the regulatory control stipulated in section 13(1) or
- 3) issue orders or prohibitions under section 16, section 17, section 18(1), section 20 and section 21(1) and (2).

(2). The Danish Safety Technology Authority may in connection with authorisations under subsection (1) above make such authorisation conditional upon the authority or business being accredited for inspection. The authority or business in question pays the costs for such accreditation.

(3). In connection with granting authorisation under subsection (1) above, the Danish Safety Technology Authority may set up conditions regarding impartiality, regarding technical qualification and regarding liability insurance. Furthermore, the Danish Safety Technology Authority may require that orders or prohibitions include information about the complaints procedure, cf. section 33(2) below.

(4). Employees with authorities and businesses authorised under subsection (1) above shall be subject to a duty of secrecy pursuant to sections 152-152 f of the Danish Criminal Code.

## Part 5

### *The Council for Safety for Electrical and Gas Technology*

**25.** The Minister for Business and Growth establishes the Council for Safety for Electrical and Gas Technology as an independent and expert council. The Minister for Business and Growth consults the Council with regard to technical safety developments in the electricity and gas area.

**26(1).** The Council for Safety for Electrical and Gas Technology consists of 10 members appointed by the Minister for Business and Growth upon recommendation. The chairman and four other members are appointed among persons from the educational and consulting field, and four members are appointed among persons representing a broadly constituted group within the relevant industrial organisations. In addition, one member is appointed who represents consumer interests. Together the members must represent a high strategic level and have broad insight and specific knowledge about safety for electrical and gas technology.

(2). The members are appointed for a period of four years at a time, re-appointment being possible. If a member retires from the council during the period, a successor is appointed for the remainder of the period, so that the Council always has 10 members.

(3). The Council lays down its own rules of procedure to be approved by the Minister for Business and Growth.

(4). The Danish Safety Technology Authority is the secretariat of the Council.

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## Part 6

### *Compulsory acquisition*

**27.** If the public interest so requires, the Danish Safety Technology Authority may permit compulsory acquisition for electrical plants for the production, transmission, distribution and storage of electrical energy. The rules regarding the procedure for compulsory acquisition of real property apply.

**28(1).** If the owner of an electrical plant for the production, transmission, distribution and storage of electrical energy with a view to establishing an electrical plant for such purposes acquires a right over real property, the question of the amount of the compensation shall, in case of disagreement between the rights holder and the owner of the electrical plant, be settled by an arbitration tribunal for which each of the parties appoints an arbitrator. If the arbitrators cannot reach agreement, the question will be resolved by an order made by an umpire appointed by the president of the relevant high court.

(2). Either of the parties may, within four weeks, request that the umpire's order concerning the compensation be brought before the relevant valuation commission in accordance with the rules of section 19 of the Act on the Procedure for Compulsory Acquisition of Real Property. Furthermore, the rules in section 26 above shall apply *mutatis mutandis*.

## Part 7

### *Digital communication etc.*

**29(1).** The Minister for Business and Growth may lay down rules that written communication to and from the Danish Safety Technology Authority regarding matters covered by this Act or rules issued under the authority of this Act shall take place digitally.

(2). The Minister for Business and Growth may lay down detailed rules governing digital communication, including for the use of particular IT systems, special digital formats and digital signature etc.

(3). For the purposes of this Act, a digital message shall be deemed to be received when accessible to the recipient of the message.

**30.** The Minister for Business and Growth may lay down rules to the effect that written communication to and from persons and businesses authorised pursuant to section 24 above regarding matters covered by this Act or rules issued under the authority of this Act shall take place digitally. Section 29(2) above shall apply *mutatis mutandis*.

**31(1).** The Minister for Business and Growth may lay down rules to the effect that regulations issued under the authority of this Act containing requirements for businesses, electrical plants, electrical installations and electrical equipment etc. and technical specifications referred to in such regulations are not to be published in *Lovtidende* (the Danish Law Gazette).

(2). The Minister for Business and Growth lays down rules governing how information about the contents of the regulations and technical specifications not published in the Danish Law Gazette, cf. subsection (1) above, is to be published.

(3). The Minister for Business and Growth may lay down rules to the effect that technical specifications not published in the Danish Law Gazette, cf. subsection (1) above, shall apply even if they are not available in Danish.

## Part 8

### *Financing*

**32(1).** The expenses for the Danish Safety Technology Authority's activities under this Act are covered through charges collected from the transmission system operator to the extent charges and other income do not cover the expenses. The amount of the charge is fixed in the annual appropriation acts.

(2). The transmission system operator calculates the pro rata distribution of the charges under subsection (1) above between the domestic consumers. The distribution must take place on an equal basis. The charge is collected from the individual consumer by the grid company through whose grid the electricity is supplied to the consumer, and paid to the transmission system operator.

## Part 9

### *Complaints procedure*

**33(1).** Decisions made by the Danish Safety Technology Authority under this Act or rules issued under the authority

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of this Act cannot be brought before another administrative authority.

(2). Complaints against decisions made by a person or business authorised to exercise regulatory control by the Danish Safety Technology Authority in pursuance of section 24(1) above may be brought before the Danish Safety Technology Authority.

(3). The deadline for filing a complaint as mentioned in subsection (2) above is four weeks from the decision was communicated to the person in question.

## Part 10

### *Penalty provisions*

**34(1).** Unless a higher penalty is incurred in pursuance of other legislation, anyone who

- 1) intentionally violates section 3 or section 4;
- 2) disregards his duty of disclosure in section 13(2) or
- 3) fails to comply with an order or infringes a prohibition pursuant to section 16, section 17, section 18(1) and (2) and sections 20-22,

shall be punishable by a fine.

(2). Regulations laid down pursuant to section 5 above may stipulate a penalty in the form of a fine for violation of the provisions of the regulations.

**35.** Companies, etc. (legal persons) may incur criminal liability in pursuance of the rules of Part 5 of the Criminal Code.

**36.** The period of limitation of the criminal liability is 10 years.

## Part 11

### *Entry into force, amendment of other legislation and territorial validity*

#### *Entry into force*

**37(1).** This Act comes into force on 1 January 2016.

(2). At the same time the Act on Electrical Power Plants and Electrical Equipment, cf. Consolidation Act No. 990 of 8 December 2003, shall be repealed.

**38.** Rules issued pursuant to the Act on Electrical Power Plants and Electrical Equipment, cf. Consolidation Act No. 990 of 8 December 2003 as amended, shall remain in force until repealed or replaced by rules issued in pursuance of this Act.

**39.** The Minister for Business and Growth may lay down interim provisions.

#### *Amendment of other legislation*

**40.** The Act on Fireworks and Other Pyrotechnic Articles

cf. Consolidation Act No. 363 of 9 April 2013 as amended by Act No. 267 of 25 March 2014, shall be amended as follows:

**1.** *Section 6 a* shall be repealed.

**41.** The Act on Gas Installations and Gas Equipment, cf. Consolidation Act No. 556 of 2 June 2014, shall be amended as follows:

**1.** *Section 21* shall have the following wording:

»21. The Minister for Business and Growth consults the Council for Safety for Electrical and Gas Technology established in pursuance of Part 5 of the Danish Electrical Safety Act with regard to safety developments in the gas area.«

**42.** Act No. 1262 of 16 December 2009 on Product Safety as amended by section 53 of Act No. 1231 of 18 December 2012, shall be amended as follows:



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1. *Section 31* shall be repealed.

43. The Promotion of Trade and Industry and Regional Development Act, cf. Consolidation Act No. 1715 of 16 December 2010, as amended by section 18 of Act No. 1231 of 18 December 2012, section 1 of Act No. 80 of 28 January 2014, Act No. 313 of 29 March 2014 and section 13 of Act No. 1359 of 16 December 2014 shall be amended as follows:

1. *Section 4(5)* shall be repealed.

44. Act No. 401 of 28 April 2014 on the Authorisation of Electrical Contractors, Plumbing Contractors and Sewage Contractors shall be amended as follows:

1. *Section 9(2)* shall have the following wording:

»(2). The owner of the business, or where the business is operated in a corporate form the CEO, shall issue a written statement as to whether such business or that person himself, within the past three years, has been punished for violation of this Act, the Act on Gas Installations and Gas Equipment, the previously applicable Act on the Authorisation of Electrical Contractors etc., the previously applicable Act on Electrical Power Plants and Electrical Equipment or the Electrical Safety Act or rules issued in pursuance of these Acts.«

2. *Section 14(2)* shall have the following wording:

»(2). The applicant shall file a written statement declaring whether he, within the past three years, has been punished for violation of this Act, the Act on Gas Installations and Gas Equipment, the previously applicable Act on the Authorisation of Electrical Contractors etc., the previously applicable Act on Electrical Power Plants and Electrical Equipment or the Electrical Safety Act or rules issued in pursuance of these Acts.«

3. *Section 24(1)* shall have the following wording:

»If a business that carries out electrical works pursuant to section 2(3)-(5), or pursuant to rules laid down pursuant to section 3(1), paras 1 and 2 or (2), or a business that carries out gas installations, water installations or sewer installations above ground level and in buildings in pursuance of section 6, para 2, grossly or repeatedly fails to comply with requirements of rules issued in pursuance of the previously applicable Act on Electrical Power Plants and Electrical Equipment, rules issued in pursuance of the Electrical Safety Act, the gas regulations, rules on water and sewer installations or other safety requirements, the Danish Safety Technology Authority may order the business to have such works carried out by an authorised contractor company.«

4. In *section 28* »the Act on Electrical Power Plants and Electrical Equipment« shall be amended to: »the Electrical Safety Act«.

*Territorial validity*

45. The Act shall not extend to the Faroe Islands and Greenland.

*Christiansborg Castle, 29 April 2015*

By Our Royal Hand and Seal

MARGRETHE R.

/ Henrik Sass Larsen