

Consolidated Act on the Right to Exercise Certain Professions in Denmark¹

Consolidated Act No. 189 of 12 February 2010

The following is a consolidation of the Act on the Right to Exercise Certain Professions in Denmark, cf. Consolidated Act No. 334 of 20 March 2007, with the amendments following from Act No. 1280 of 16 December 2009.

1(1) This Act shall apply to all cases where an individual applying for the right to exercise a regulated profession and claiming recognition of foreign professional qualifications meets the requirements for the exercise of the mentioned profession, either as self-employed or as an employee. The Act shall also apply to cases where a notification is required in connection with the temporary or occasional exercise of a regulated profession.

(2) Following negotiations with the Minister for Economic and Business Affairs, the Minister for Science, Technology and Innovation can determine, with regard to certain specified professions that the provisions of the Act shall only apply if the application is governed by EU's Directive on the recognition of professional qualifications.

(3) Section 4 shall nevertheless apply in all cases relating to professions governed by rules laid down in pursuance of Subsection (2).

2(1) Citizens of EU/EEA countries and other countries with which the EU has entered into agreements on the right to exercise regulated professions shall have access to exercise a regulated profession in Denmark on the same terms as individuals with Danish professional qualifications, provided that they comply with the conditions laid down in:

i) EU's Directive on the recognition of professional qualifications; or

ii) Agreements entered into between Denmark and other Nordic countries on the recognition of professional qualifications.

3(1) Individuals governed by EU's Directive on the recognition of professional qualifications or the agreements mentioned in Section 2 shall submit an application for the right to exercise a regulated profession in Denmark to the authority in charge of the profession in question (the competent authority).

(2) Individuals who, without being governed by EU's Directive on the recognition of professional qualifications or the agreements mentioned in Section 2, base their application for the right to exercise a regulated profession in Denmark on professional qualifications acquired in a foreign country, shall similarly submit an application for the right to exercise a regulated profession to the competent authority.

(3) The competent authority shall ensure that individuals, cf. Subsection (1), who apply for the right to exercise a regulated profession comply with the conditions mentioned in Section 2. The competent authority shall likewise ensure that individuals, cf. Subsections (1) and (2), comply with

the conditions for the exercise of the regulated profession as set out in the rules for the profession in question.

(4) Individuals, cf. Subsection(1), who intend to exercise a regulated profession in Denmark on a temporary or occasional basis shall, before exercising such profession, submit a written notification to the competent authority, if required by the rules regulating the profession. The notification shall be renewed once a year if the individual wishes to provide services on a temporary or occasional basis during the coming year. The rules that apply to the profession shall furthermore determine whether the rules on notification also apply to individuals governed by Subsection (2).

4(1) A competent authority that receives notifications or makes decisions in cases governed by this Act, cf. Section 3, shall report statistical information on such notifications and decisions once a year to the Ministry of Science, Technology and Innovation. On the basis of the reported information, the Ministry of Science, Technology and Innovation may request the competent authorities to provide further details for the use of the reports which the Minister for Science, Technology and Innovation shall submit to the Danish Parliament, cf. the Assessment of Foreign Qualifications ect. (Consolidation) Act, and to the European Commission.

(2) The Minister for Science, Technology and Innovation shall lay down further rules about the information to be reported and the form of the reports.

5(1) The Ministry of Science, Technology and Innovation shall coordinate the implementation of the Directive, cf. Section 2(1)(i), and the Minister for Science, Technology and Innovation shall lay down further rules to ensure compliance with the Directive.

6(1) Payment of costs relating to an aptitude test or supplementary training may be imposed on the applicant. The amount payable shall not exceed the amount charged for tuition, examinations, etc., in the field in question. The payment shall be determined and collected by the authority responsible for tuition, examinations, etc.

7(1) The Minister for Science, Technology and Innovation may authorise a government body reporting to the Minister or other government bodies, subject to negotiations with the minister in question, to exercise the authority bestowed by this Act on the Minister for Science, Technology and Innovation.

(2) The Minister for Science, Technology and Innovation may lay down rules with regards to the right to appeal decisions made in accordance with the authority set out in Subsection (1), including the rule that the decisions cannot be appealed.

(3) The Minister for Science, Technology and Innovation may lay down rules with regards to the exercise of the authority bestowed on another government body following negotiations with the minister in question as set out in Subsection (1).

7 a(1) The Minister for Economic and Business Affairs may lay down rules on:

- i) Examinations and certification of examination certificates for construction engineers; and
- ii) Certification of the examination certificates, diplomas and education certificates of architects.

8(1) This Act shall come into force on 1 August 2004.

9(1) Act No. 291 of 8 May 1991 on the right of citizens in the European Community and the Nordic countries to exercise certain professions in Denmark is hereby repealed.

(2) Any rules laid down in pursuance of Act No. 291 of 8 May 1991 shall remain in force until repealed, amended or replaced by rules laid down in pursuance of this Act.

10(1) The Act shall not apply to the Faroe Islands and Greenland.

Act No. 123 of 13 February 2007 contains the following commencement provision:

6(1) This Act shall come into force on 1 October 2007.²

Act No. 1280 of 16 December 2009 contains the following commencement provision:

2(1) This Act shall come into force on 1 January 2010.³

(2) Applications submitted to CIRIUS before 1 January 2010 and not processed by the time this Act comes into force shall be processed by the competent authority until completion.

The Ministry of Science, Technology and Innovation, 12 February 2010

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Official notes

¹ The Act contains provisions implementing parts of Directive 89/48/EEC of the European Parliament and of the Council of 21 December 1988 on the introduction of a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, (Official Journal 1989 L 019, 16-23), as amended by Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001 (Official Journal 2001 L 206, 1-51), Council Directive 1992/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC with subsequent amendments and corrections, and Directive 1999/42/EC of the European Parliament and of the Council of 7 June 1999 establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications (Official Journal 1999 L 201, 77-93).

The Act also contains provisions implementing parts of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (Official Journal 2005 L 255/22).

² The amendment pertains to the footnote to the title of the Act, Sections 1-5 and Section 7 a.

³ The amendment pertains to Section 3(1) and (2) and Section 7.