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LBK no. 314 of 03/04/2017

Ministry of Defense

Emergency Management Act

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## Promulgation of the Emergency Preparedness Act

The Emergency Preparedness Act is hereby promulgated, cf. Consolidation Act No. 660 of 10 June 2009, with the amendments resulting from Act No. 514 of 26 May 2014, Section 1 of Act No. 634 of 8 June 2016 and Act No. 1720 of 27 December 2016.

### Chapter 1

#### *Preliminary provisions*

§ 1. The task of the rescue services is to prevent, limit and remedy damage to persons, property and the environment in the event of accidents and disasters, including acts of terrorism and war, or imminent danger thereof.

*Subsection 2.* The rescue response includes the state rescue response, including the state regional rescue response, and the municipal rescue response.

§ 2. (Repealed)

§ 3. The Minister of Defence may decide that the Emergency Management Agency may be deployed on request in the Faroe Islands, in Greenland or abroad in the event of disasters that cause serious damage to or constitute an imminent danger to persons, property or the environment.

*Subsection 2.* The Minister of Defence may also decide that foreign rescue services may be deployed in Denmark in the event of disasters that cause serious damage to or constitute an imminent danger to persons, property or the environment.

*Subsection 3.* The Emergency Management Agency may enter into agreements with state and regional foreign rescue services in the border areas regarding the provision of mutual assistance in the event of accidents, etc.

## Chapter 2

### *The state rescue response*

§ 4. The Minister of Defence is the supreme administrative authority for the state rescue response.

*Subsection 2.* The Minister of Defence shall supervise the municipal emergency preparedness. The Minister of Defence may authorise the Emergency Management Agency to exercise supervision, including to carry out test alarms of the emergency preparedness. The Minister of Defence may lay down further rules in this regard.

§ 5. The Emergency Management Agency manages the state rescue response and advises the authorities on questions regarding rescue response.

*Subsection 2.* The Danish Emergency Management Agency shall prepare a plan for coordination and cooperation between the authorities responsible for maintaining and continuing the functions of society in the event of a nuclear accident.

*Subsection 3.* The plan, cf. subsection 2, must be revised to the extent that developments make it necessary, but at least once every four years.

§ 6. The Minister of Defence may enter into agreements with associations, organisations and private individuals to assist in the performance of tasks within the state rescue preparedness.

§ 7. The state regional rescue service shall provide assistance to the municipal rescue service if deemed necessary due to the nature or extent of an accident or disaster, including acts of terrorism and war.

**Section 8.** The Emergency Management Agency may enter into an agreement with public authorities, companies and others who are responsible for emergency preparedness and response or the maintenance of important societal functions, to the effect that the state regional emergency preparedness will carry out tasks for or provide assistance to these.

## Chapter 3

### *The municipal rescue service*

#### *Organization*

§ 9. The municipal rescue service falls under the jurisdiction of the municipal council.

*Subsection 2.* The municipal council shall establish a disaster preparedness committee to handle the immediate management of the rescue preparedness. The municipal council may decide that the immediate management of tasks assigned to the municipal council under sections 34-37 shall be handled by the disaster preparedness committee. The municipal council shall decide on the composition of the committee. The committee, whose number of members shall be uneven, shall consist of the mayor, who is the chairman, the police chief and a majority elected by the municipal council. The police chief does not have the right to vote in municipal appropriation matters. In special cases, the municipal council may, with the consent of the Minister of Defence, appoint a member of the municipal council other than the mayor to act as chairman of the disaster preparedness committee. The municipal council shall appoint a representative of the volunteers as an observer in the disaster preparedness committee if there is no representative of the volunteers as a member of the committee. The municipal council may appoint one or more employee representatives as a member of the disaster preparedness committee.

*Subsection 3.* The rules in section 11(1), section 20(1-4, 6 and 7), section 21, section 22, section 28, section 29(1, 2 and 5), and sections 47-56 of the Act on the Administration of Local Authorities shall apply correspondingly to the Emergency Response Commission and its members.

*Subsection 4.* The municipal council, cf. subsection 2, or the joint emergency committee, cf. section 10, subsection 2, may decide that members of the emergency committee shall be granted per diems, compensation for documented loss of earnings and reimbursement of expenses in accordance with the rules in section 16 ai of the Act on Local Government. A decision pursuant to the first clause shall include all members of the emergency committee. However, members of the municipal council may not receive per diems, just as municipal and state employees may not receive per diems when performing the duties is part of the official duties of the persons concerned.

**Section 10.** Two or more local councils may coordinate their rescue preparedness.

*Subsection 2.* Municipalities that coordinate their emergency preparedness shall establish a joint emergency preparedness commission to handle the tasks concerning emergency preparedness assigned to it by the municipal councils. The municipal council may also decide that tasks assigned to the municipal council pursuant to sections 34-37 shall be assigned to the joint emergency preparedness commission. The emergency preparedness commission shall consist of an odd number of members, including the mayors of the participating municipalities and the police director. The police director shall not have the right to vote in municipal appropriation matters. In special cases, the municipal council may, with the consent of the Minister of Defence, appoint a member of the municipal council other than the mayor to join the joint emergency preparedness commission. For municipalities that have coordinated their emergency preparedness, a representative of the volunteers shall be appointed as an observer in the joint emergency preparedness commission if a representative of the volunteers is not included as a member of the commission. The municipal councils may collectively appoint one or more employee representatives as members of the joint emergency preparedness committee.

*Subsection 3.* Coordination of municipalities' rescue preparedness must be approved by the municipal supervisory authority, cf. Section 60 of the Act on the Administration of Local Authorities.

*Subsection 4.* The Minister of Defence may lay down further rules for municipalities' coordination of their rescue preparedness.

§ 11. The municipal council may enter into agreements with local foreign rescue services in the border areas regarding the provision of mutual assistance in the event of accidents, etc.

*Subsection 2.* The Minister of Defence may lay down further rules on the possibility for the municipal council to enter into agreements with local foreign rescue services in border areas on the provision of mutual assistance in the event of accidents, etc.

### Tasks

§ 12. The municipal rescue service must be able to provide adequate protection against damage to persons, property and the environment in the event of accidents and disasters, including acts of terrorism and war. The rescue service must also be able to receive, accommodate and care for evacuees and other persons in need.

*Subsection 2.* The Minister of Defence may decide that the rescue services in certain municipalities shall be able to provide extended assistance to the rescue services of other municipalities, if this is deemed necessary due to the nature or extent of an accident or disaster, including acts of terrorism and war. The Minister of Defence shall lay down rules on the distribution of costs between the state and the municipalities concerned.

*Subsection 3.* The Minister of Defence may enter into an agreement with one or more local councils, the Danish Emergency Management Agency or with a private rescue service to establish a standing emergency response team to combat fires on ships at sea.

*Subsection 4.* The Minister of Defence may decide that the municipal council shall carry out other emergency response tasks than those mentioned in subsections 1 and 2.

*Subsection 5.* The Minister of Defence may lay down rules on the municipal council's ensuring that the rescue response is deployed with the nearest relevant emergency unit with the right skills and equipment, regardless of municipal borders.

**Section 13.** The municipal council may enter into an agreement with another municipal council, with private rescue services or with others to carry out tasks within the municipality's rescue preparedness. The municipal council may also enter into an agreement with the Emergency Management Agency to have the state regional rescue preparedness carry out tasks within the municipality's rescue preparedness.

*Subsection 2.* The municipal council may enter into agreements with associations, organizations and private individuals to assist in the performance of tasks within the municipality's rescue preparedness.

**Section 14.** The Minister of Defence shall lay down rules on the organisation, operations, alarming, equipment and dimensioning of the rescue service.

*Subsection 2.* The Minister of Defence may lay down rules on the preparation of plans for the risk-based dimensioning of the municipal rescue preparedness, including that the Emergency Management Agency must give its opinion on the proposed plan, and that the Emergency Management Agency's opinion must be submitted to the municipal council or, in a coordinated rescue preparedness, to the emergency committee, if the participating municipal councils have assigned the competence to approve the plan to the emergency committee.

§ 15. The municipal council must ensure that there is a sufficient water supply for firefighting.

*Subsection 2.* The Minister of Defence shall lay down rules on the water supply for firefighting.

## Chapter 4

### *Deployment of rescue services*

**Section 16.** The Minister of Defence shall lay down rules on the technical management of the efforts at the scene of the accident.

§ **17.** The overall response to major damage is otherwise coordinated by the Director of Police.

*Subsection 2.* In connection with the deployment of the rescue services, the Chief of Police shall, to the extent necessary, ensure warning, cordoning off, evacuation and other necessary measures.

**Section 18.** The Minister of Defence or a local council may require another municipality's rescue services (inter-municipal assistance) or private rescue services to be made available to the municipality's rescue services.

*Subsection 2.* In the event of major accidents and disasters, including acts of terrorism and war, the Minister of Defence may instruct the municipal council to deploy the municipal rescue service outside its own emergency response area.

*Subsection 3.* The technical manager of the response at the scene of the accident must call for assistance from another municipality's rescue service, the state regional rescue service or private rescue services if deemed necessary due to the nature and extent of the accident.

*Subsection 4.* The Minister of Defence shall lay down rules on assistance pursuant to subsections 1 and 3, including payment for the assistance.

**Section 19.** The Minister of Defence may lay down rules that the state, in special cases, shall participate in the expenses in connection with the deployment of the municipal rescue service.

§ **20.** The rescue service may require private tools and means of transport of any kind as well as necessary operating personnel to be made available for the operation.

*Subsection 2.* The person who has made tools or means of transport available pursuant to subsection 1 is entitled to compensation from the municipality for the loss of equipment and for the damage the equipment has suffered.

**Section 21.** In connection with the operation, cf. Section 12(1), 1st sentence, the rescue service has the right, without a court order, to gain access to private property to the extent necessary, if necessary by breaking through and removing obstacles.

*Subsection 2.* The rescue service has the right to demolish buildings or remove vegetation if the technical manager of the response at the scene of the incident finds it necessary to stop the spread of the damage.

*Subsection 3.* Damage caused by the rescue service when extinguishing a fire is considered fire damage. However, if the damage affects fields, gardens or plantings belonging to a third party, the damage will be compensated by the municipality.

§ **22.** During operations, the rescue service has the right to use the water found in wells, water pipes and other water sources.

§ **23.** During the operation, the rescue service must be aware of what may have given rise to the accident or disaster. If the rescue service finds suspicious traces, the police must be notified immediately and the evidence must be secured as far as possible.

**Section 23 a.** The municipal council may decide that a fee shall be charged from the facility owner to cover the costs of connecting to and monitoring fire-fighting installations that, in accordance with legislation, are established with automatic alarm transmission to the rescue services.

*Subsection 2.* The municipal council may decide that a fee shall be charged from the facility owner to cover the costs of the emergency services responding to false alarms in connection with the facilities mentioned in subsection 1.

*Subsection 3.* The municipal council shall determine the amount of the fees corresponding to the actual costs incurred by the rescue services in connection with connecting to and monitoring fire-fighting installations and when responding to false alarms.

## Chapter 5

### *Emergency planning etc.*

**Section 24.** The individual ministers shall, within their area, plan for the maintenance and continuation of society's functions in the event of major accidents and disasters, including preparing emergency plans.

*Subsection 2.* The plans must be revised to the extent that developments make this necessary, but at least once every four years.

*Subsection 3.* The plans and revisions thereof shall be sent to the Danish Emergency Management Agency.

**Section 25.** The municipal council shall prepare a plan for the municipality's emergency preparedness. The plan shall be adopted by the municipal council in a meeting.

*Subsection 2.* The Regional Council shall prepare a plan for the region's preparedness. The plan shall be adopted by the Regional Council in a meeting.

*Subsection 3.* The plans mentioned in subsections 1 and 2 shall be revised to the extent that developments make this necessary, but at least once in each municipal and regional election period.

*Subsection 4.* Plans and revisions thereof shall be submitted to the Emergency Management Agency.

**Section 26.** The Minister of Defence coordinates emergency planning, cf. section 24, and advises the authorities.

*Subsection 2.* The Minister of Defence shall lay down guidelines for the preparation of the plans mentioned in sections 24 and 25.

**Section 27.** The individual ministers shall, within their respective areas, establish guidelines for the regions' and municipalities' emergency planning, cf. Section 25, subsections 1 and 2.

**Section 28.** The relevant minister may instruct public authorities and public and private companies and institutions to provide assistance in the planning or execution of tasks within the emergency preparedness.

*Subsection 2.* The relevant minister may order public and private enterprises and institutions to take special measures with regard to goods, services, means of production, etc. within their normal activities, if this is required for the performance of tasks within the emergency response.

*Subsection 3.* Before an order is issued pursuant to subsection 1 or 2, negotiations shall be held with the enterprises or institutions in question or with their organizations regarding the scope of the order and the detailed rules for its implementation, including any compensation from the state, cf. subsection 4.

*Subsection 4.* If an order issued pursuant to subsection 1 or 2 results in financial loss for an enterprise or institution, the State shall be liable for compensation in accordance with the general rules of law. Compensation may not be claimed if the costs associated with the implementation of the order can be covered by factoring them into the price of the goods or services in question. The enterprises or institutions in question may not thereby be placed less favourably than others in the same industry.

*Subsection 5.* Compensation shall be assessed in the absence of an amicable agreement in accordance with rules laid down by the Minister of Defence.

**Section 28 a.** (Repealed)

Chapter 6

*Radio communication*

**Section 29.** The municipal council and the regional council must ensure that the nationwide radio communications network is used to solve their own and joint emergency response tasks.

*Subsection 2.* The Minister of Defence may, after negotiation with the relevant minister, lay down rules that parties, including private individuals, other than municipal councils and regional councils must use the radio communications network referred to in subsection 1.

*Subsection 3.* The Minister of Defence may lay down rules on the use of the nationwide radio communications network, including on connection and use. The Minister of Defence may also, after negotiation with the Minister of Finance, lay down rules on payment for connection to and use of the network.

§§ 30-32. (Repealed)<sup>1)</sup> —

Chapter 7

*Preventive measures etc.*

**Section 33.** The Minister of Defence shall lay down rules on

1) location, layout and use of enterprises where solid, liquid or gaseous flammable or explosive substances and other substances that in connection with fire or other damage may pose a risk to persons, property or the environment, including substances that can be used in a terrorist context and thus pose a risk to public safety, are stored, used or manufactured, and

2) storage and use of solid, liquid or gaseous flammable or explosive substances.

*Subsection 2.* The Minister of Defence may lay down rules on the municipal council's preparation of emergency plans for enterprises covered by subsection 1.



*Subsection 3.* The Minister of Defence may lay down rules on the publication of information on security measures for enterprises covered by subsection 1, including information included in the security documentation for such enterprises. The Minister of Defence may lay down rules that such publication shall be made exclusively digitally.

*Subsection 4.* The Minister of Defence may lay down rules on the obligation for companies covered by subsection 1 to plan to counter intentional acts of damage.

*Subsection 5.* The Minister of Defence may lay down rules on the submission of a police report in the event of suspected theft of the substances mentioned in subsection 1, except in the case of explosives or precursors to explosives.

*Subsection 6.* The Minister of Defence shall lay down rules on

- 1) use of fire and light and
- 2) measures necessary to prevent or reduce fire hazards and to ensure adequate rescue and extinguishing options in the event of fire.

*Subsection 7.* The Minister of Defence shall lay down regulations on the measures to be taken to counter the effects of accidents in nuclear facilities.

**Section 33 a.** The Minister of Defence may authorise the Emergency Management Agency to lay down rules pursuant to section 33(1)-(6) and section 70(4) and (6).

*Subsection 2.* The Minister of Defence may lay down rules on the right to appeal decisions made by the Emergency Management Agency in accordance with rules laid down pursuant to section 33(1), (4) and (6), section 70(4) and (6), and section 79(5), including that the decisions cannot be brought before the Minister.

*Subsection 3.* The Minister of Defence may lay down rules to the effect that technical specifications referred to in rules laid down pursuant to section 33(1), (4) and (6) and section 70(4) and (6) shall not be published in the Official Gazette.

*Subsection 4.* The Minister of Defence may lay down rules on how information on technical specifications that are not entered in the Official Gazette, cf. subsection 3, can be obtained.

*Subsection 5.* The Minister of Defence may lay down rules to the effect that technical specifications that are not entered in the Official Gazette, cf. subsection 3, shall be valid even if they are not available in Danish.

**Section 34.** The municipal council must approve the establishment, significant conversions, expansions or changes in the operation of enterprises to the extent that rules have been laid down in this regard pursuant to section 33(1).

*Subsection 2.* The municipal council may also decide that buildings, land and floating structures must be designed and used in such a way that the risk of fire is reduced as much as possible and that adequate rescue and extinguishing options are ensured as best as possible.

**Section 35.** The municipal council may decide that measures shall be taken to the extent that rules are laid down in this regard pursuant to section 33(6)(2).

*Subsection 2.* The municipal council shall decide at least once a year whether fire and evacuation drills shall be conducted in buildings, etc., covered by subsection 1.

*Subsection 3.* The municipal council may also decide that for buildings, land and floating structures,

- 1) where there are particularly flammable conditions,
- 2) where many people gather, or
- 3) where large values are exposed to destruction,

Operational measures must be taken to prevent or reduce the risk of fire and to ensure adequate rescue and extinguishing options in the event of a fire.

*Subsection 4.* The municipal council may decide that the municipal rescue service or one or more persons authorized by the municipal council to do so, if deemed necessary, shall be present at all times as fire watchmen in assembly rooms, when holding exhibitions, festivals, theatre performances, circus performances and similar events, including outdoor events. The fire watchmen, who must be in possession of appropriate identification, may be present without a court order. The municipal council may also decide that the organizer shall pay a fee to cover the municipality's costs of administration and supervision in connection with the fire watchmen.

**§ 36.** The municipal council shall carry out fire inspections of businesses, listed buildings, buildings where many people gather, flammable buildings and warehouses, special warehouses and floating structures.

*Subsection 2.* The Minister of Defence shall lay down further rules on fire inspections pursuant to subsection 1, including orders to remedy any deficiencies.

*Subsection 3.* Fire inspections pursuant to subsection 1 may, if deemed necessary, be carried out on the property at any time without a court order. The person carrying out the fire inspection must be in possession of appropriate identification.

*Subsection 4.* The Minister of Defence may decide that fire inspections for the defence sector shall be arranged in a special manner.

**Section 36 a.** The Minister of Defence may lay down rules on the local council's publication of the results of and sanctions based on fire inspections. The publication may include the names of the natural and legal persons who have been inspected, as well as the names of natural and legal persons who, as a result of the fire inspection, receive prohibitions or orders, or who are subject to sanctions.

*Subsection 2.* The Minister of Defence may lay down rules on the form and extent of publication, including that publication may be made electronically.

**Section 37.** The municipal council may, in accordance with rules laid down by the Minister of Defence, order public authorities and public and private enterprises and institutions to take measures for their protection during crisis or war (business protection). The costs shall be borne by the party ordered to take the said measures.

*Subsection 2.* The municipal council shall supervise occupational safety and health. Supervision may, if deemed necessary, be carried out at any time without a court order. The person carrying out the supervision must be in possession of appropriate identification.

## Chapter 7a

### *Physical protection of nuclear material and nuclear facilities*

**Section 37 a.** Anyone who uses, stores or transports nuclear material that is used for peaceful purposes must take security measures against theft or other unlawful appropriation of the material.

*Subsection 2.* Anyone who uses, stores or transports nuclear material used for peaceful purposes and anyone who operates a nuclear facility must take security measures to protect the material and the facility against sabotage.

**Section 37 b.** Security measures for nuclear material and nuclear facilities, cf. Section 37 a and Section 37 c, subsection 2, shall be set out in a security plan, which shall be submitted to and approved by the Danish Emergency Management Agency prior to the use, storage or transport of nuclear material and prior to the operation of a nuclear facility. The Danish Emergency Management Agency's approval may be granted on specified terms and for a limited period of time.

*Subsection 2.* If the circumstances that formed the basis for the approval of a security plan change significantly subsequently, a revised security plan must be approved by the Emergency Management Agency.

*Subsection 3.* The Danish Emergency Management Agency may decide that approval of a security plan shall lapse if the person using, storing or transporting nuclear material, or the person operating a nuclear facility, has not submitted and obtained approval of a revised security plan within a specified period.

**Section 37 c.** The Emergency Management Agency shall supervise compliance with the obligations under sections 37 a and 37 b and regulations issued pursuant to subsection 2.

*Subsection 2.* The Danish Emergency Management Agency shall lay down further rules on security measures for nuclear material and nuclear facilities, cf. section 37 a, and on security plans, cf. section 37 b.

## Chapter 8

### *Expropriation*

**Section 38.** The Minister of Defence or the person authorised by the Minister may initiate the expropriation of private property, including means of transport, for the purpose of emergency preparedness.

*Subsection 2.* The relevant minister may initiate or, in the case of non-governmental measures, permit the initiation of expropriation of real property for use in carrying out tasks within the emergency response.

*Subsection 3.* By expropriation, ownership or use rights may be acquired or restrictions on availability may be imposed.

*Subsection 4.* During a crisis or war, the Minister of Defence or the person authorised by the Minister may, without a court order, initiate seizure for the purpose of expropriation.

*Subsection 5.* In the absence of an amicable agreement, the assessment authorities shall decide the question of compensation for expropriation in accordance with the Public Roads Act. In the case of expropriation of property other than real estate, the Act shall apply accordingly.

*Subsection 6.* The decision of a valuation commission may not be brought before the courts until the possibility of review by a valuation commission has been exhausted.

*Subsection 7.* The Minister of Defence shall lay down rules on the implementation of the expropriation and on the handling of the case by the valuation authorities.

## Chapter 9

*Injunctions etc.*

**Section 39.** Anyone who discovers a fire or circumstances indicating an imminent danger of fire shall immediately notify those exposed to danger and alert the rescue services. The person concerned shall also attempt to extinguish the fire or avert the danger.

§ **40.** In the event of a fire, everyone must provide the assistance that they are able to.

*Subsection 2.* Anyone present at a fire must, at the request of the rescue services, participate in the rescue and extinguishing work.

*Subsection 3.* Anyone who has participated in rescue and firefighting work pursuant to subsections 1 and 2 is entitled to compensation from the municipality for documented loss of earnings.

§ **41.** Everyone must comply with the orders issued by the rescue services.

*Subsection 2.* Everyone must comply with any blockades in connection with an operation and comply with the police or rescue services' request to leave the blocked area or the roads leading to it.

*Subsection 3.* Upon an order to evacuate, everyone must leave their place of residence within the given deadlines and proceed via the designated routes to the designated accommodation areas.

§ **42.** At the request of the rescue services, everyone must make their home or other premises available to the evacuees and feed them to the extent necessary.

*Subsection 2.* The Minister of Defence shall determine the compensation to be paid for this.

**Section 43.** The rules of the Accommodation Act on extraordinary accommodation apply correspondingly to personnel in the rescue services.

*Subsection 2.* The Minister of Defence shall lay down rules on the accommodation services that may be required pursuant to subsection 1 and on the compensation to be paid for this.

**Section 44.** Upon an order for a blackout, everyone must immediately implement this to the extent determined by the authorities.

*Subsection 2.* The responsibility for and costs of blackout rests with the person who, as owner, tenant or user, has access to the light source.

**Section 45.** The relevant minister may impose any obligation to provide information necessary for emergency planning.

**Section 46.** The Emergency Management Agency may require information from anyone about which emergency measures have been carried out or are intended to be carried out, as well as other information deemed necessary for the performance of tasks in connection with rescue preparedness.

**Section 47.** (Repealed)

Chapter 10

*Personnel regulations*

*General provisions*

**Section 48.** The Minister of Defence shall lay down rules for the training of rescue personnel, including the distribution of costs between the state and the municipalities.

§ **49.** The Minister of Defence may decide that personnel who are obliged to participate in domestic rescue operations must be deployed abroad, cf. § 3.

§ **50.** During a crisis or war, personnel in the rescue service cannot terminate their duty to serve in the rescue service by termination of service.

*Subsection 2.* Dismissed commanders who are not otherwise obligated to the rescue service are available to the rescue service during a crisis or war until the end of the year in which they turn 65 years old.

*Subsection 3.* The Minister of Defence may lay down rules on the transfer of personnel within the rescue service to other parts of the rescue service.

*Volunteers*

**Section 51.** The Minister of Defence shall lay down rules for the training of personnel who are not remunerated for their participation in the rescue response (volunteers), including on benefits for the volunteers and the distribution of expenses between the state and the municipalities.

*Subsection 2.* The Minister of Defence determines the tasks that can be performed by volunteers in the state rescue service.

*Subsection 3.* The municipal council determines the tasks that can be performed by volunteers in the municipality's emergency response team.

*Subsection 4.* During a crisis or war, sections 60-66 also apply to volunteers.



### *Members of the youth fire brigade*

**Section 51 a.** The Minister of Defence shall lay down rules on the training of members of youth fire brigades and on state subsidies to municipalities that have established a youth fire brigade or have entered into a cooperation agreement with a youth fire brigade.

*Subsection 2.* The municipal council determines the tasks that can be performed by members of the youth fire brigade.

### *Conscripts*

**Section 52.** The Minister of Defence shall determine the number of conscripts called up for the rescue service and shall lay down rules on the length of service and the organisation of the service.

**Section 53.** Conscripts in the state regional rescue service are subject to rules with regard to accommodation, food, clothing, pay, free transport and the like that correspond to those that apply to conscripts in the armed forces.

*Subsection 2.* For other conscripts in the rescue service, the Minister of Defence may lay down rules on the matters mentioned in subsection 1.

**Section 54.** Conscripts are available for rescue operations until the end of the year in which they turn 50. The Minister of Defence may lay down rules in this regard.

*Subsection 2.* The Minister of Defence may make the necessary call-ups of conscripts for the purpose of responding to emergencies that require exceptionally large manpower. The Minister of Defence may lay down regulations in this regard.

### *Women recruited on conscription-like terms*

**Section 54 a.** The rules in sections 52-54 and sections 60-66 apply correspondingly to women recruited on conscription-like terms.

**Section 54 b.** Female personnel in the rescue service employed on terms similar to conscription, who have been dismissed or repatriated, and for whom service of any kind in the rescue service, according to available information, must be considered incompatible with their conscience, may be exempted from service by the Minister of Defence. The Minister of Defence shall lay down further rules in this regard.

### *Contracted privates in the state regional rescue service*

**Section 55.** For contract-employed privates in the state regional rescue service, the Minister of Defence may lay down rules on training and call-up and on the matters mentioned in Section 53(1). Persons who are or have been contract-employed privates in the state regional rescue service are available for this until the end of the year in which they turn 50, unless the Minister decides otherwise.

### *Emergency responders*

**Section 56.** A person who is domiciled or resident in this country may, from the time the person concerned reaches the age of 18 until the time the person concerned reaches the age of 65, be required to perform service in the rescue service (emergency duty), if special circumstances so require. The Minister of Defence may lay down rules on this, including which authorities may impose emergency duty.

*Subsection 2.* Anyone who must report to the Defence Force in the event of a crisis or war is not covered by subsection 1.

**Section 57.** Public employees and employees in public and private enterprises and institutions must carry out the emergency response tasks assigned to them.

**Section 58.** A decision to impose a duty of preparedness pursuant to section 56 cannot be appealed to another administrative authority.

### *Exemption from attendance requirement*

**§ 59.** The Minister of Defence determines who may be exempted from the obligation to report to the defence service in order to be able to participate in the rescue response or remain in other important social functions.

*Subsection 2.* The Minister of Defence shall determine who may be exempted from the obligation to attend the rescue response in order to be able to participate in other parts of the rescue response or remain in other important societal functions.

*Subsection 3.* The Minister of Defence shall determine who may be exempted from the obligation to report to the rescue service in order to perform voluntary service in the Home Guard.

## Chapter 11

### *Penalties and disciplinary measures*

*Conscripts*

**Section 60.** Unless disciplinary measures are used, cf. Section 62, a conscript who has been called up for service in the rescue service shall be punished with a fine or imprisonment for up to 1 year if he:

- 1) refuses to serve in the rescue service,
- 2) is absent or leaves the place of work without justification,
- 3) fails to comply with a superior's official order or
- 4) otherwise fails to comply with the duties entailed by the service.

*Subsection 2.* During war, the penalty may increase to imprisonment for up to 2 years.

*Subsection 3.* Any superior in the rescue service may arrest a conscript when he does not comply with the superior's official order and it is deemed necessary for reasons of discipline to arrest him.

**Section 61.** The Minister of Defence shall determine the extent to which serving a sentence and unlawful absence shall result in re-enlistment or repatriation for the purpose of renewed call-up. Re-enlistment may not exceed the period of service and the time the person concerned has been unlawfully absent.

*Subsection 2.* Anyone convicted a second time of refusing to perform service in the rescue service, cf. section 60, subsection 1, no. 1, shall be sent home and may not be called up later.

**Section 62.** Disciplinary measures shall be used instead of minor penalties under Section 60, unless circumstances indicate otherwise.

*Subsection 2.* Disciplinary remedies cannot be brought before the courts.

**§ 63.** Disciplinary measures that may be used include instruction, reprimand, work and rehearsing during part of the employee's free time, performance, duty or other service outside the regular hours, deprivation of freedom and transfer to another service.

*Subsection 2.* If the use of disciplinary measures results in interference with the right to leave the place of employment after the end of service, this may not be done for periods longer than 3 days at a time with at least 1 day between the periods, and the use may not be extended beyond 14 days.

*Subsection 3.* The Minister of Defence shall lay down rules on the use of disciplinary measures, including rules on the simultaneous use of several disciplinary measures.

*Subsection 4.* The Minister of Defence shall determine who shall have the authority to use disciplinary measures and the extent of this authority.

**§ 64.** A person who has been imposed a disciplinary measure may request that the suspension be postponed for up to 2 times 24 hours after notification of the disciplinary measure.

**§ 65.** A person who has been imposed a disciplinary measure may request that the matter be submitted to a disciplinary board for decision.

*Subsection 2.* The decision of the Disciplinary Board may be requested by both the person who has been imposed a disciplinary measure and the person who has imposed the disciplinary measure to be submitted to an appeal board for decision. The decision of the appeal board may not be appealed to the courts or the Minister of Defence.

*Subsection 3.* The disciplinary board consists of a judge as chairman and two other members, one of whom shall, as far as possible, be a spokesperson and of the same rank as the person who has been imposed the disciplinary measure, while the other shall be his superior.

*Subsection 4.* The appeal board, which is established by the Minister of Defence, consists of a chairman and two other members. The chairman shall be a district judge. The other members are a state prosecutor appointed by the Minister of Justice and an attorney appointed by the Danish Bar Council.

*Subsection 5.* The Minister of Defence shall lay down rules for the appointment of the members of the disciplinary board and for the activities of the disciplinary board and the appeal board.

**§ 66.** Filing a disciplinary appeal before the disciplinary board or the appeal board does not have a suspensive effect on the dismissal, unless otherwise determined by the chairman of the board in question.

*Subsection 2.* A disciplinary appeal must be brought before the disciplinary board or the appeal board within 4 weeks of the complainant being notified of the disciplinary appeal or the disciplinary board's decision, respectively. The chairman of the board concerned may decide that exceeding the appeal deadline shall be disregarded when there are special reasons for this.

*Other emergency personnel*

**§ 67.** §§ 60-66 also apply to commanders, reserve commanders and contract privates in the rescue service. The disciplinary measures of work and retraining during part of their free time, production, duty or other service outside the order and deprivation of freedom may not, however, be applied to commanders and reserve commanders unless they are students at one of the rescue service schools.

*Subsection 2.* During a crisis or war, sections 60-66 also apply to civilian employees and those subject to emergency preparedness obligations.

*Other penal provisions*

**Section 68.** Anyone who, during a crisis or war, intentionally misuses or fails to respect the distinctive emblem, the use of which, in accordance with an international agreement to which Denmark has acceded, is reserved for the performance of the tasks carried out by the rescue services in Denmark, shall be punished by a fine or imprisonment for up to 12 years.

**Section 69.** Anyone who, without the circumstances falling under section 68, unjustifiably uses the insignia or uniforms of the rescue service or uses insignia or uniforms that are so similar to these that confusion can easily occur, shall be punished according to section 132 of the Criminal Code.

*Subsection 2.* A fine or imprisonment of up to 4 months shall be imposed on anyone who uses the signals of the rescue service without authorization or uses signals that are so similar to these that confusion may occur.

*Subsection 3.* Under aggravating circumstances, the penalty under subsection 2 may be increased to imprisonment for up to 2 years.

**Section 69 a.** The provisions of Chapter 14 and Chapter 16 of the Danish Criminal Code shall apply correspondingly when the offence is committed against or by personnel from another country's rescue service while carrying out emergency response tasks in Denmark pursuant to multilateral or bilateral agreements pursuant to Section 3(3), or agreements between local authorities in border areas pursuant to Section 11(1).

*Subsection 2.* Compensation for damage caused by personnel from another country's rescue service while performing emergency response tasks in Denmark shall be paid by the authority that has requested the foreign assistance.

**Section 70.** Violation of section 39, section 40(1), or section 41(2) is punishable by a fine or imprisonment for up to 4 months, unless a higher penalty is provided for in other legislation.

*Subsection 2.* Anyone who fails to comply with an order or prohibition pursuant to section 20, subsection 1, section 28, subsection 1 or 2, section 34, subsection 2, section 35, section 40, subsection 2, section 41, section 42, subsection 1, section 44, subsection 1, section 45, section 46, section 49, section 56, subsection 1, or section 57 shall be punished in the same manner.

*Subsection 3.* In the same way as in subsections 1 and 2, anyone who establishes or carries out significant conversions, expansions or changes in the operation of enterprises without the approval of the municipal council shall be punished, cf. section 34, subsection 1.

*Subsection 4.* The Minister of Defence may, in regulations issued pursuant to this Act, prescribe penalties of a fine, imprisonment for up to 4 months or, under aggravating circumstances, imprisonment for up to 2 years for violation of the provisions of the regulations or for failure to comply with orders or prohibitions therein.

*Subsection 5.* Rules issued pursuant to section 37 c, subsection 2, may stipulate a fine for violation of provisions in the rules, including penalties for attempted violation of the provisions.

*Subsection 6.* Companies etc. (legal persons) may be held criminally liable in accordance with the provisions of Chapter 5 of the Danish Criminal Code. If the violation is committed by the state, a municipality or a municipal association, cf. Section 6o of the Act on the Administration of Local Authorities, the state, the municipality or the municipal association may be held criminally liable.

**§ 71.** Fines are imposed

- 1) anyone who fails to exercise due caution with fire, candles, matches, ashes, flammable substances and anything else that may cause or promote fire, or fails to ensure that persons belonging to the person's household or business exercise such caution, and
- 2) anyone who, as the owner or user of electrical installations or other lighting, heating, power or mechanical installations that can cause or promote fire, uses such installations or allows them to be used, regardless of whether they are not in a safe condition.

Chapter 12

*Changes in other legislation*

**Section 72.** The following amendments are made to the Conscription Act, cf. Act No. 213 of 30 May 1980:

1. In *section 2, subsections 1* and *2*, "civil defence" is changed to: "rescue preparedness".
2. In *Section 21*, "the civil defence corps" is changed to: "the state rescue service".
3. In *section 22*, "civil defence" is changed to: "rescue preparedness".
4. In *section 24*, "the civil defence corps" is changed to: "the state rescue services".

**Section 73.** The following amendment is made to the Act on the fulfilment of military service by civilian work, cf. Consolidation Act No. 588 of 8 September 1987:

1. In *Section 5*, "civil defence" is changed to: "rescue preparedness".

**Section 74.** The following amendments are made to Act No. 193 of 24 May 1972 on fireworks:

1. In *section 1, subsection 1*, the words "Minister of Justice" are changed to: "Minister of the Interior".
2. In *section 2, subsection 2, section 3* and *section 5*, "The Minister of Justice" is changed to: "The Minister of the Interior".
3. In *section 4, subsection 1*, "The State Fire Inspectorate" is amended to: "The Danish Emergency Management Agency".
4. In *Section 5*, "the State Fire Inspectorate" is changed to "the Danish Emergency Management Agency".

**Section 75.** The following amendments are made to Act No. 228 of 8 April 1992 on the provision of means of transport for military defence and civil defence:

1. In the title of the Act, Section 1, subsection 1, and Section 4, subsection 3, 5th sentence, "civil defence" is changed to: "rescue preparedness".

**Section 76.** In the Act on Local Government Administration, cf. Consolidation Act No. 483 of 21 June 1991, as amended by Section 38 of Act No. 337 of 14 May 1992, Section 1 of Act No. 479 of 24 June 1992 and Section 5 of Act No. 501 of 24 June 1992, a new Section 69 is inserted:

**"Section 69.** If it is impossible to convene the municipal council in times of crisis or war, the finance committee shall assume the powers vested in the municipal council and its committees. In municipalities with a magistrate system, cf. section 64, the magistrate shall assume the powers of the municipal council.

*Subsection 2.* If it is impossible to convene the Finance Committee for a meeting during a crisis or war, the affairs of the municipality shall be managed by the mayor. If it is impossible to convene the magistrates for a meeting in municipalities with a magistrate system, the municipality shall be managed by the mayor.

*Subsection 3.* Notification of the application of the rules in subsections 1 and 2 shall be given to the Minister of the Interior as soon as possible. The Minister of the Interior may lay down further rules on the administration of the municipality during a crisis or war.

§ 77. In the Act on the Administration of the Municipality of Copenhagen, cf. Consolidation Act No. 484 of 21 June 1991, as amended by Section 39 of Act No. 337 of 14 May 1992, Section 2 of Act No. 479 of 24 June 1992 and Section 6 of Act No. 501 of 24 June 1992, the following is inserted after Section 53 a:

»§ 53 b. If it is impossible to convene the Citizens' Representative Council during a crisis or war, the magistrate shall assume the powers of the Citizens' Representative Council.

*Subsection 2.* If it is impossible to convene the magistrates for a meeting during a crisis or war, the municipality shall be governed by the mayor.

*Subsection 3.* Notification of the application of the rules in subsections 1 and 2 shall be given to the Minister of the Interior as soon as possible. The Minister of the Interior may lay down further rules on the administration of the municipality during a crisis or war.

**Section 78.** The following amendments are made to the Act on Free Municipalities, cf. Consolidation Act No. 644 of 12 September 1991, as amended by Act No. 940 of 27 December 1991, Section 95 of Act No. 9 of 3 January 1992, Act No. 334 of 14 May 1992 and Section 4 of Act No. 381 of 20 May 1992:

1. *Section 18 d* and *Section 47* are repealed.

Chapter 13

*Entry into force and transitional provisions*

**Section 79.** The Act enters into force on 1 January 1993.

*Subsection 2.* At the same time, the Fire Act, cf. Consolidated Act No. 365 of 28 July 1983, as amended by section 2 of Act No. 270 of 2 May 1990, the Civil Defence Act, cf. Consolidated Act No. 517 of 28 July 1987, as amended by section 3 of Act No. 385 of 6 June 1991, and the Civil Emergency Preparedness Act, cf. Consolidated Act No. 279 of 3 June 1985, as amended by section 6 of Act No. 192 of 29 March 1989, cf. however subsections 3 and 4, are repealed.

*Subsection 3.* However, Chapter 5 and Section 33, Subsections 1 and 2, as well as Subsections 4-8, Section 34 and Section 35 of the Fire Act shall remain in force until they are repealed pursuant to Section 4, cf. Section 2, of Act No. 270 of 2 May 1990 amending the Building Act, the Fire Act and the Municipal Planning Act.

*Subsection 4.* The date for the repeal of Section 37(2) and Section 38 of the Fire Act shall be determined by the Minister of Defence.

*Subsection 5.* Administrative regulations issued pursuant to the Fire Act, cf. subsection 2, and previous fire legislation shall remain in force until they are replaced by regulations issued pursuant to this Act.

*Subsection 6.* Administrative regulations issued pursuant to the Civil Defence Act, cf. subsection 2, and previous civil defence legislation shall remain in force until they are replaced by regulations issued pursuant to this Act.

*Subsection 7.* Administrative regulations issued pursuant to the Civil Emergency Preparedness Act, cf. subsection 2, shall remain in force until they are replaced by regulations issued pursuant to this Act.

*Subsection 8.* Violation of regulations maintained pursuant to subsections 5-7 shall be punishable by a fine or imprisonment for up to 4 months, unless a higher penalty is provided for in other legislation. Under special circumstances, the penalty may increase to imprisonment for up to 2 years.

**Section 80.** The Minister of Defence shall lay down rules for the transfer to municipal councils of local command centres and equipment, etc., which the state has made available to municipal civil defence.

**Section 81.** Farm protection established in accordance with the legislation in force until 1 January 1993 shall be maintained unless the municipal council, upon application, decides to close them down.

**Section 82.** The Act does not apply to the Faroe Islands and Greenland, but may by royal decree be brought into force in whole or in part for Greenland with the amendments required by the circumstances in Greenland.

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Act No. 380 of 14 June 1995 (Information on municipal service targets, amended remuneration rules, right to absence from work, etc.)<sup>2)</sup> — contains the following entry into force provision:

§ 5

*Subsection 1.* The Act shall enter into force on 1 September 1995, Section 1, Nos. 7, 8, 14, 16, 17 and 18, Section 2, Nos. 6 and 7, Section 3 and Section 4, however, not until 1 January 1996.

*Paragraph 2.* (Omitted)

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Act No. 232 of 2 April 1997 (Copenhagen Municipality's inclusion under the Act on Local Government)<sup>3)</sup> — contains the following entry into force provision:

§ 14

*Subsection 1.* The Act enters into force on 1 January 1998, cf. however subsections 2 and 3.

*Paragraphs 2-3.* (Omitted)

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Act No. 1092 of 29 December 1997 (Open committee agendas, etc.)<sup>4)</sup> — contains the following entry into force provision:

§ 3

The Act enters into force on 1 January 1998.

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Act No. 339 of 17 May 2000 (Extended decision-making authority for joint emergency committees, fee for response to certain alarms, acceptance of women on conscription-like terms, etc.)<sup>5)</sup> — contains the following entry into force provision:

§ 4

The law enters into force on 1 July 2000.

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Act No. 418 of 31 May 2000 contains the following entry into force provision:

**Section 113.** The Act enters into force on 1 July 2000.

*Paragraph 2.* (Omitted)

*Subsection 3.* At the same time, the following rules are repealed:

1) (Omitted)

2) (Omitted)

3) Section 47 of the Emergency Preparedness Act, cf. Act No. 1054 of 23 December 1992 as last amended by Section 2 of Act No. 1092 of 29 December 1997.



Paragraphs 4-6. (Omitted)

Act No. 293 of 30 April 2003 (Amended basis for emergency planning, adaptation of wartime emergency preparedness, composition of the appeal board, etc.)<sup>6)</sup> — contains the following entry into force provision:

§ 2

Subsection 1. The Act enters into force on 1 July 2003.

Subsection 2. Section 1, no. 3, however, shall not enter into force until further notice from the Minister of Defence.

Act No. 381 of 28 May 2003 (Improvement of opportunities for insight into the municipal administration, supervisory reform, etc.)<sup>7)</sup> — contains the following entry into force provision:

§ 6

Subsection 1. The Act enters into force on 1 January 2004.

Paragraphs 2-12. (Omitted)

Act No. 69 of 4 February 2004 (Abolition of custodial sentences and amendment of training requirements in authorization acts concerning healthcare professionals, etc.)<sup>8)</sup> — contains the following entry into force provision:

Section 21

Subsection 1. The Act enters into force on 1 July 2004.

Paragraph 2. (Omitted)

Act No. 534 of 24 June 2005 (Consequential amendments in connection with the local government reform)<sup>9)</sup> — contains the following entry into force provision:

§ 2

The law comes into force on 1 January 2007.

Act No. 1060 of 9 November 2005 (Limitation of the period for retail sale and use, etc.)<sup>10)</sup> — contains the following entry into force provision:

§ 3

The Act enters into force on 14 November 2005. The bill can be ratified immediately after its adoption.

Act No. 538 of 8 June 2006 (Police and Court Reform) contains the following entry into force provision:

§ 105

Subsection 1. The Act enters into force on 1 January 2007, cf. however subsections 2-22 and section 106.

Paragraph 2-22. (Omitted)

Act No. 1600 of 20 December 2006 (Collection of Authorization Provisions Regarding Fireworks and Other Pyrotechnic Articles)<sup>11)</sup> — contains the following entry into force provision:

§ 3

The law comes into force on 1 July 2007.

Act No. 508 of 6 June 2007 (Use of a nationwide radio communication network by municipal and regional councils)<sup>12)</sup> — contains the following entry into force provision:

§ 2

*Subsection 1.* The Act enters into force on 1 August 2007.

*Subsection 2.* Section 29 of the Emergency Preparedness Act as drafted in section 1, no. 1 of this Act, only applies in municipalities and regions where the nationwide radio communications network is functional.

Act No. 1335 of 19 December 2008 (Establishment of a fire emergency service for the purpose of combating fires on ships at sea, establishment of an evaluation institute, etc.)<sup>13)</sup> — contains the following entry into force provision:

§ 2

The law comes into force on 1 January 2009.

Act No. 514 of 26 May 2014 (Clarification of planning obligations for state authorities, authorization to lay down rules on training for members of youth fire brigades and on subsidies therefor, closure of the evaluation institute, etc.)<sup>14)</sup> — contains the following entry into force provision:

§ 2

*Subsection 1.* The Act enters into force on 1 June 2014.

*Subsection 2.* The individual ministers shall submit the emergency response plan as referred to in section 1, no. 7, to the Emergency Response Agency for the first time no later than 18 months after the Act enters into force.

Act No. 634 of 8 June 2016 (Amendment of the composition of emergency response committees, authority for operational cooperation in the emergency response area across national borders, amendment of provisions on fire inspections, etc.)<sup>15)</sup> — contains the following entry into force provision:

§ 5

The law enters into force on July 1, 2016.

Act No. 1720 of 27 December 2016 (Safeguards for nuclear material and nuclear facilities)<sup>16)</sup> — contains the following entry into force provision:

§ 2

*Subsection 1.* The Act enters into force on 1 January 2017.

*Subsection 2.* Approval of a security plan that the Danish Emergency Management Agency has notified to the person who uses, stores or transports nuclear material and the person who operates a nuclear facility before the Act comes into force shall remain valid until 1 June 2017, after which a security plan must be in place that has been approved in accordance with section 37 b, subsection 1 of the Emergency Management Act.

Ministry of Defense, April 3, 2017

Claus Hjort Frederiksen

/ Jon Bach Holm

Official notes

<sup>1)</sup> — The then Chapter 6 was repealed by Act No. 293 of 30 April 2003. Chapter 6 and Section 29 were amended by Act No. 508 of 6 June 2007.

<sup>2)</sup> — The amendment concerns Section 9, subsections 3 and 4.

<sup>3)</sup> — The amendment concerns Section 9(4).

<sup>4)</sup> — The amendment to the Act concerns Section 9(3).

<sup>5)</sup> — The amendment to the Act concerns Section 9(2) and (3), Section 10(2), Section 11(1), Section 21(1), Section 23a, Section 25(1) and (2), Section 35(3), Section 36, Section 36a, Section 37(2), Section 47, Section 53(1), Section 54a, Section 54b and Section 56(1).

- 6)  
— The amendment to the Act concerns Section 1, subsection 2, Section 2, Section 4, subsections 3-5, Section 5, subsection 1, Section 9, subsections 2-4, Section 10, subsection 2, Section 11, Section 12, subsections 2 and 4, Section 17, subsection 1, Chapter 5, Section 24, Section 25, subsections 1 and 2, Section 27, Section 28, subsections 1 and 2, Chapter 6, Section 35, subsection 2, Section 38, subsection 2, Section 45, Section 51, subsection 3, Section 54, subsection 2, Section 57 and Section 65, subsection 4.
- 7)  
— The amendment to the Act concerns Section 9(3).
- 8)  
— The amendment to the Act concerns Section 60(1), Section 68, Section 69(2), Section 70(1) and (4), and Section 79(8).
- 9)  
— The amendment concerns section 25, subsections 2 and 3, and section 27.
- 10)  
— The amendment concerns section 33(3) and (4).
- 11)  
— The amendment concerns section 33(3) and (4).
- 12)  
— The amendment to the Act concerns Chapter 6 and Section 29.
- 13)  
— The amendment to the Act concerns section 12(3), section 13(1), section 28a, section 33(1), no. 1, section 33a, section 34(2), section 35(3), section 36(1), and section 70(5).
- 14)  
— The amendment to the Act concerns Section 3, Section 8, Section 12(3), Section 23a, Chapter 5, Section 24, Section 25(1) and (2), Section 26, Section 28(1) and (2), Section 28a, Section 33, Section 33a(1-3), Section 35(1), Section 38(2), Section 45, Section 51a, Section 57 and Section 82.
- 15)  
— The amendment to the Act concerns Section 1(1), Section 3, Section 5(2) and (3), Section 7, Section 9(2), Section 10(2), Section 11, Section 12(1), (2) and (5), Section 13(1), Section 14, Section 18, Section 23a, Section 36(1), and Section 69a.
- 16)  
— The amendment concerns section 33 a, subsections 1-3, chapter 7 a, section 37 a, section 37 b, section 37 c and section 70, subsection 5.

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