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Executive Order on the transfer of confidential information about certain foreign direct investments, etc. in Denmark to other authorities

Pursuant to section 39 (3) of Act no. 842 of 10 May 2021 on screening of certain foreign direct investments, etc. in Denmark (the Investment Screening Act):

Scope of the Executive Order

Section 1. This executive order regulates access for the Ministry of Industry, Business and Financial Affairs and the Danish Business Authority to disclose confidential information about certain foreign direct investments, etc. in Denmark with a view to screening foreign investments in accordance with the Investment Screening Act.

Subsection (2). Disclosure according to the provisions of the Executive Order takes place in accordance with the rules in Regulation No 2019/452 of the European Parliament and of the Council of 19 March 2019 on a set of rules for screening foreign direct investment in the Union.

Subsection (3). The right to disclose information pursuant to section 2 (3), includes all confidential information that the Danish Business Authority becomes aware of through conducting its tasks in accordance with the Investment Screening Act. However, the right to disclose information pursuant to section 2 (3) does not include information classified in accordance with the security circular.

Duty of confidentiality and exchanging information

Section 2. Employees of the Danish Business Authority and Ministry of Industry, Business and Financial Affairs are obliged to keep information confidential according to sections 152-152 e of the Danish Criminal Code that they become aware of through discharging their duties according to this Act, although cf. section 30. The same applies to persons performing service tasks under the DBA's operations, and experts acting on behalf of the DBA. This also applies after termination of employment or contractual relationship.

Subsection (2) Consent from the individual whom the duty of confidentiality is intended to protect shall not entitle the persons mentioned in subsection (1) to divulge confidential information.

Subsection (3). The provision of subsection (1) shall not prevent confidential information from being disclosed to:

- 1) The Prime Minister's Office.
- 2) The National Ombudsman in Greenland.
- 3) The National Ombudsman in the Faroe Islands.
- 4) Ministry of Foreign Affairs and underlying authorities.
- 5) Ministry of Finance and underlying authorities.

- 6) Ministry of Justice and underlying authorities.
- 7) Ministry of Social Affairs and subordinate authorities.
- 8) Ministry of Taxation and underlying authorities.
- 9) Ministry of Climate, Energy and Utilities and underlying authorities.
- 10) Ministry of Health and underlying authorities.
- 11) Ministry of Transport, Building and Housing and underlying authorities.
- 12) Ministry of Food, Agriculture and Fisheries and underlying authorities.
- 13) Ministry of Children and Education and underlying authorities.
- 14) Ministry of Defence and underlying authorities.
- 15) Ministry of Higher Education and Science and underlying authorities.
- 16) Ministry of Industry, Business and Financial Affairs and underlying authorities.
- 17) The Ministry of Immigration and Integration and underlying authorities.
- 18) Ministry of Employment and underlying authorities.
- 19) Ministry of the Interior and Housing and subordinate authorities.
- 20) Ministry of Environment and underlying authorities.
- 21) Ministry of Culture and underlying authorities.
- 22) Danmarks Nationalbank.
- 23) Financial Stability.
- 24) Supervisory authorities for screening foreign direct investments in the Union in other EU countries, EEA countries or in other countries with which the EU has entered into an agreement responsible for supervision of the issuing of authority, approvals, registration, quality assurance reviews, investigations and compliance with rules, provided that the recipients of the information use the information solely for the performance of their tasks.
- 25) European Commission Directorate-General for Trade.
- 26) The Foreign Policy Committee.
- 27) Committee on the Work of the Intelligence Services.

Subsection (4). Anyone who in accordance with subsection (3), nos. 1-28, receives confidential information from the Danish Business Authority or, is subject to the duty of confidentiality as mentioned in subsection (1).

CQ001839

Entry into force

Section 3. The Executive Order enters into force on 1 July 2021.

The Ministry of Industry, Business and Financial Affairs, 24 June 2021

SIMON KOLLERUP

/Torsten A. Andersen