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Statutory order on the licensing of chartered surveyors, the obligation to register for temporary provision of services and disclosure obligations for chartered surveyors¹

The following is laid down pursuant to Section 1, subsection 5, Section 2, subsection 3, Section 4, subsection 3, Section 4 e and Section 8, subsection 3, of the Danish Chartered Surveyors Act, cf. Consolidation Act No 680 of 17 June, 2013, as amended by Act No. 1871 of December 29, 2015, and Section 9, subsection 3 and 4, of Act No. 1871 of December 29, 2015, on the Recognition of Certain Educational and Professional qualifications, it is laid down by authority:

Application for licence as a chartered surveyor

SECTION 1. Anyone has the right to be licensed as a chartered surveyor, cf. Section 1, subsection 2, of the Danish Chartered Surveyors Act, provided that they:

- 1) are of legal age and not under guardianship pursuant to Section 5 of the Danish Guardianship Act or under co-guardianship pursuant to section 7 of the Danish Guardianship Act,
- 2) are not subject to an administration order and have not entered into bankruptcy proceedings,
- 3) have obtained the Danish chartered surveying qualification, and
- 4) have participated, for at least three years after obtaining the chartered surveying qualification, in the performance of general cadastral work by way of employment with a practising chartered surveyor, with the Southern Jutland department of the Danish Geodata Agency or with the cadastral authorities at the City of Copenhagen or the City of Frederiksberg.

Subsection 2. The Danish Geodata Agency can approve that employment in places other than those mentioned in subsection 1 may be included in the 3 years in accordance with the rules in Section 1, subsection 3, of the Chartered Surveyors Act. Internships abroad, which are considered under the rules in Section 9 of the Act on the Recognition of Certain Educational and Professional Qualifications, may be counted for up to 1.5 years. It is a condition that, during the internship, the applicant to a significant extent has participated in the determination of property boundaries and property registration under the guidance and supervision of a person authorized to perform such work.

Subsection 3. By signing the application, the applicant declares that requirements 1 and 2 of subsection 1 are met. A copy of the degree certificate and a statement from the place of employment regarding the scope and content of the cadastral work performed by the applicant at the place of employment are submitted as evidence that requirements 3 and 4 of subsection 1 are met. A copy of the applicant's baptismal, name or birth certificate is also submitted.

SECTION 2. Licensing applications are sent to the Danish Geodata Agency, and may be sent via email to the organisation's email inbox: gst@gst.dk or to the Danish Business Authority's point of single contact: www.businessindenmark.dk. The same applies to licensing applications based on foreign professional qualifications.

SECTION 3. The Danish Geodata Agency will send written acknowledgement of receiving a licensing application within one month. At this time, the Danish Geodata Agency also informs the applicant of any missing documentation.

Subsection 2. The Danish Geodata Agency furthermore notifies the applicant in respect of the following:

- 1) the deadline for communication of the decision cf. Section 4, subsection 2, and the possibility of extending said deadline, cf. Section 4, subsection 3,
- 2) that the applicant cannot consider the application as granted if the decision is not made and communicated before the deadline is reached, cf. Section 4, subsection 4, and
- 3) opportunities for appeal, cf. Section 4, subsection 5.

SECTION 4. The Danish Geodata Agency deals with licensing applications as quickly as possible.

Subsection 2. The Danish Geodata Agency makes a decision within three months of receiving a fully documented application. The reasoning behind the decision is communicated to the applicant.

Subsection 3. The deadline may be extended by one month if so required by the complexity of the case. The applicant is notified of the reason for the extension and its duration before the expiration of the deadline pursuant to subsection 2.

Subsection 4. Even if the Danish Geodata Agency has not notified the applicant of the decision before the expiration of the deadlines

¹ This statutory order contains provisions transposing 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 No L 255, page 22, as last amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ("IMI Regulation"), Official Journal of the European Union 2013 No. L 345, page 132, and parts of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, Official Journal 2006 No L 376, page 36.

pursuant to subsections 2 or 3, the application cannot be considered as granted.

Subsection 5. Appeals in connection with rejected licensing applications may not be submitted to any other administrative body, but may be brought before a court of law. This also applies if no decision is made before the expiration of the deadline.

Applications based on foreign professional qualifications

SECTION 5. The provisions of Section 1, subsection 1, Nos 1 and 2 also apply to licensing applications from citizens of other EU/EEA countries or from countries with which the EU has an agreement regarding permission to practise a regulated profession, when the applicant invokes recognition of their professional qualifications in accordance with the Directive of the European Parliament and of the Council on the recognition of professional qualifications (however, cf. subsections 2-5).

Subsection 2. Documentation of the applicant's identity and nationality is enclosed with the application along with copies of the relevant certificates of education from the applicant's country of domicile and evidence of the applicant's professional experience.

Subsection 3. The applicant must be of legal age and may not be subject to limitations with regard to entitlement to undertake legal transactions or manage his/her estate according to the rules that apply in the country of domicile.

Subsection 4. The applicant may not be subject to an administration order or have entered into bankruptcy proceedings according to the rules that apply in the country of domicile.

Subsection 5. If the profession corresponding to that of chartered surveyor in Denmark is not regulated by law in the applicant's country of domicile, the applicant must provide evidence that he/she is fully qualified to practise the profession in the country of domicile and has practised in the country of domicile for at least one year out of the past ten years.

Subsection 6. Subsections 1-4 also apply to licensing applications in accordance with the provisions of Statutory Order No 55 of 10 December, 1998 regarding the collective agreement concerning the Nordic labour market of 24 October, 1990, reached between Denmark, Finland, Iceland, Norway and Sweden and covering persons who have completed a professionally qualifying course of higher education lasting a minimum of three years.

SECTION 6. In the case of an application as mentioned in Section 5, subsection 1, a license may be granted such that the entitled party may only perform part of the types of work for which chartered surveyors, pursuant to the legislation, have exclusive rights, cf. Section 2 of the Chartered Surveyors Act. It is a condition that an application for such a license is submitted, and that the other conditions in Section 10, subsection 1, of the Act on the Recognition of Certain Educational and Professional Qualifications are fulfilled.

Subsection 2. Professional activity pursuant to a license as mentioned in subsection 1 is carried out under the professional title in the country of establishment.

SECTION 7. The Danish Geodata Agency may require the applicant to undergo a trial period, which may not exceed three years, or to pass a skills test, if:

- 1) the course that the applicant has completed covers subjects or disciplines that differ substantially from those included in training for chartered surveyors in Denmark, or
- 2) chartered surveying in Denmark covers one or more types of regulated professional activities that do not take place in the equivalent profession in the applicant's country of domicile, if this activity may only be performed by chartered surveyors in Denmark, and if the training for chartered surveyors covers

subjects or disciplines that differ substantially from those covered by the applicant's course or training certificate.

Subsection 2. The applicant may choose between a trial period and a skills test. In case of significant difference between the applicant's professional qualifications and the Danish chartered surveying qualification, the Danish Geodata Agency can impose a requirement for a trial period or a skills test, provided that the conditions in Article 14, subsection 3, of the European Parliament and Council Directive on the recognition of professional qualifications are met.

Subsection 3. In the case of applications as described in Section 5, subsection 6, the rules that apply are those set out in Article 6 of the aforementioned collective agreement with regard to trial periods and skills tests.

Disclosure obligations with regard to clients for chartered surveyors etc.

SECTION 8. Chartered surveyors must inform their clients of:

- 1) the Danish Geodata Agency's address, or email address, or the address of the Danish Business Authority's point of single contact: www.businessindenmark.dk,
- 2) industry organisations, etc. to which the chartered surveyor belongs, and
- 3) their professional title and the EU/EEA country in which the title that is used was awarded.

Subsection 2. If requested by a client, the chartered surveyor must provide information about legislation concerning chartered surveying activities and how the client can become acquainted with said legislation.

Subsection 3. This information must be made available before a contract is entered into or, if a written contract is not entered into, before the service is provided. The surveyor decides how and in which format the information is provided.

SECTION 9. Persons who engage in professional activities pursuant to a license as mentioned in Section 6, which only grants access to perform part of the types of work that a license as a chartered surveyor entitles, must, in addition to the information specified in Section 8, provide their clients with information about their professional title in the country of establishment and the scope of their professional activities.

Temporary and occasional performance of cadastral work, etc.

SECTION 10. The first time that a party established in another EU/EEA country, or in a country with which the EU has an agreement regarding permission to practise a regulated profession, intends to perform cadastral work or other work that chartered surveyors alone are licensed to perform in Denmark on a temporary and occasional basis, the relevant party must declare this in advance in writing to the Danish Geodata Agency, which may be done by means of an email to the organisation's email inbox: gst@gst.dk or to the Danish Business Authority's point of single contact: www.businessindenmark.dk.

Subsection 2. The following must be included with the declaration:

- 1) information regarding any professional insurance or similar held by the party,
- 2) documentation of the party's identity and nationality,
- 3) attestation from the competent authority in the country of establishment to the effect that the party is legally established in one of the countries named in subsection 1 and performs activities corresponding to chartered surveying activities in Denmark, and that, at the time when the attestation was issued, the party was not prohibited, permanently or temporarily, from performing this activity,

- 4) documentation of the party's professional qualifications, and
- 5) if the profession is not regulated in the party's country of establishment, documentation that the party has performed activities corresponding to chartered surveying activities in Denmark for at least one year out of the past ten years.

Subsection 3. The declaration must be renewed once a year if, during the relevant year, the party intends to perform cadastral work or other work that chartered surveyors alone are licensed to perform in Denmark on a temporary and occasional basis.

SECTION 11. The party must practise in Denmark under the title used in the party's country of establishment, if the title of the profession is regulated by law in said country. If the title is not regulated by law in the country of establishment, the party must indicate what training he/she has received. The title or training is indicated in the official language of or one of the official languages of the country of establishment, so that any confusion with the Danish title of chartered surveyor (*landinspektør*) is avoided.

SECTION 12. In addition to the information specified in Section 8, anyone who is established in another EU/EEA country or in a country with which the EU has an agreement regarding permission to practise a regulated profession, and who performs cadastral work in Denmark on a temporary and occasional basis, must also inform their clients of:

- 1) their professional title; cf. Section 11,
- 2) the name and address of the public register in the country of establishment in which the party is listed, and the party's

- registration number or equivalent identification in said register,
- 3) the name and address of the competent authority in the country of establishment,
- 4) the registration number, if the party performs activities subject to VAT in the country in which the party is established, and
- 5) any professional liability insurance policies or similar, cf. Section 10, subsection 2, No 1.

Subsection 2. If the party's services are not covered by professional liability insurance, the party must inform the recipient of the service of this.

Penalties

SECTION 13. Infringement of Sections 8, 9 and 12 is penalised with a fine.

Subsection 2. Companies, etc. (legal persons) may be liable to penalties in accordance with the rules laid down in Chapter 5 of the Danish Penal Code.

Entry into force

SECTION 14. This statutory order enters into force on 22 January 2016.

Subsection 2. Statutory Order No 703 of 217 July 2013 on the licensing of chartered surveyors, the obligation to register for temporary provision of services and disclosure obligations is simultaneously revoked.

Danish Geodata Agency, 18 January 2016

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