



# Legal Gazette A

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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 surveyors<sup>1</sup>

The following is laid down pursuant to Section 1, subsection 5, 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:

### *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.* 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](mailto:gst@gst.dk) or to the Danish Business Authority's point of single contact: [www.BusinessInDenmark.dk](http://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 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

<sup>1</sup> 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, 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.

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 two years 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. 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 duration of the course that the applicant has completed is at least one year shorter than the standard training period for chartered surveyors in Denmark,
- 2) 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
- 3) 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.

*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 for chartered surveyors with regard to clients*

SECTION 7. 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](http://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.

*Temporary and occasional performance of cadastral work, etc.*

SECTION 8. 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](mailto:gst@gst.dk) or to the Danish Business Authority's point of single contact: [www.BusinessInDenmark.dk](http://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 two years 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 9. 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 10. In addition to the information specified in Section 7, 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 9,
- 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 8, 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*

*Entry into force*

SECTION 11. Infringement of Sections 7 and 10 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.

SECTION 12. This statutory order enters into force on 1 July 2013. Statutory Order No 891 of 28 August 2012 on the licensing of chartered surveyors, the obligation to register for temporary provision of services and disclosure obligations is simultaneously revoked.

Danish Geodata Agency, 17 June, 2013

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