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**Executive Order No. 959 of 26 June 2023 (Current)**

## **Executive Order on the disclosure of confidential information on certain foreign direct investments etc. in Denmark to other authorities**

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Ministry: The Ministry of Industry, Business and Financial Affairs

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# Executive Order on the disclosure of confidential information on certain foreign direct investments etc. in Denmark to other authorities

In pursuance of section 39 (3) of Act no. 842 of 10 May 2021 on the screening of certain foreign direct investments, etc. in Denmark (the Investment Screening Act), the following is laid down:

## *Scope of the Executive Order*

**Section 1.** This Executive Order regulates the freedom of the Ministry of Industry, Business and Financial Affairs and the Danish Business Authority to disclose confidential information on certain foreign direct investments, etc. in Denmark with a view to screening foreign investments, etc. pursuant to the Investment Screening Act, cf. however subsection (2).

*Subsection 2.* The Executive Order shall not apply to information classified in accordance with circular no. 10338 of 17 December 2014 on the protection of information of common interest to the countries of NATO or the EU, other classified information and information of security protection interest in general (security circular).

*Subsection 3.* Disclosure pursuant to the provisions of the Executive Order shall take place in accordance with the rules set out in Regulation (EU) No 2019/452 of the European Parliament and of the Council of 19 March 2019 on a framework for screening foreign direct investment in the Union, as amended.

*Subsection 4.* The right to disclose information pursuant to section 2 (3) shall include all confidential information that the Danish Business Authority becomes aware of through its performance of regulatory tasks in accordance with the Investment Screening Act.

## *Duty of confidentiality and exchanging of information*

**Section 2.** Employees of the Danish Business Authority and the Ministry of Industry, Business and Financial Affairs shall be obliged, pursuant to sections 152-152 e of the Danish Criminal Code, to keep secret confidential information that they become aware of through the performance of their official duties pursuant to the Investment Screening Act, cf. however, subsection (3) and section 30 of the Investment Screening Act. The same shall apply to persons performing service tasks as part of the operations of the Danish Business Authority and to experts acting on behalf of the Danish Business Authority. This shall also apply after the termination of the employment contract or any other contract.

*Subsection 2.* The consent of whoever the duty of confidentiality aims to protect shall not entitle any person referred to in Subsection (1) to disclose confidential information.

*Subsection 3.* The provision in 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) the Ministry of Foreign Affairs
- 5) the Ministry of Finance and subordinate authorities
- 6) the Ministry of Justice and subordinate authorities
- 7) the Ministry of Taxation and subordinate authorities
- 8) the Ministry of Climate, Energy and Utilities and subordinate authorities
- 9) the Ministry of the Interior and Health and subordinate authorities
- 10) the Ministry of Transport and subordinate authorities
- 11) the Ministry of Food, Agriculture and Fisheries and subordinate authorities
- 12) the Ministry of Children and Education and subordinate authorities
- 13) the Ministry of Defence and subordinate authorities
- 14) the Ministry of Higher Education and Science and subordinate authorities

- 15) the Ministry of Industry, Business and Financial Affairs and subordinate authorities
- 16) the Ministry of Immigration and Integration and subordinate authorities

- 17) the Ministry of Employment and subordinate authorities
- 18) the Ministry of Social Affairs, Housing and Ageing and subordinate authorities
- 19) the Ministry of Environment and subordinate authorities
- 20) the Ministry of Culture and subordinate authorities
- 21) the Ministry of Ecclesiastical Affairs and subordinate authorities
- 22) the Ministry of Digitalisation and Gender Equality and subordinate authorities
- 23) All Danish regions
- 24) Danmarks Nationalbank.
- 25) Financial Stability
- 26) The Foreign Policy Committee
- 27) The Committee on the Work of the Intelligence Services
- 28) The European Commission, supervisory authorities for screening foreign direct investments in other EU countries, EEA countries and countries that are members of NATO, provided that the recipients of the information use it solely for the purpose for which the information was obtained.

*Subsection 4.* Anyone who receives confidential information from the Danish Business Authority or the Ministry of Industry, Business and Financial Affairs pursuant to subsection (3), nos. 1-28, shall be subject to the duty of confidentiality as referred to in subsection (1) with respect to such information.

*Entry into force*

**Section 3.** The Executive Order shall enter into force on 1 July 2023.

*Subsection 2.* Executive Order No. 1455 of 24 June 2021 on the disclosure of confidential information on certain foreign direct investments etc. in Denmark to other authorities is repealed.

*Ministry of Industry, Business and Financial Affairs, 26 June 2023*

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