Consolidated Act no. 1017 of 24 October 2005 **EXCLUDING MINOR AMENDMENTS**

**Executive Order no. 1017 of 24 October 2005**


**Part 1**

*Scope*

1.-(1) Any promise of pension (pension commitment) in connection with employment shall be covered in either an insurance company or a pension fund which may carry out insurance business under the Financial Business Act or in a pension fund licensed under this Act.

(2) However, subsection (1) shall not apply to promises of pension

1) made by the state, a municipality or municipalities acting jointly,
2) made to members of boards of management or their survivors,
3) regulated pursuant to special legislation, or
4) made by associations of municipalities where municipalities are fully liable for commitments entered into by said associations.

2.-(1) This Act shall apply to any association (pension fund) with the object of, on the basis of a promise of pension, securing pensions for employees in connection with employment in an undertaking, including licensed companies, or in connection with employment in such undertakings within the same group.

(2) Pension funds which are under supervision pursuant to the Financial Business Act and promises of pension which are covered by section 1(2) shall not be covered by this Act.

(3) The Danish FSA may, upon agreement with the relevant minister or relevant municipality, grant complete or partial exemptions from section 10; sections 12-14; section 17; sections 20-25; section 28; part 4; sections 46-49; and part 8 of this Act to pension funds where the state or municipality is liable or provide guarantees for all commitments entered into by said pension fund.

(4) A pension fund which provides pensions equivalent to civil-servant pensions shall not be covered by this Act where the state or a municipality are liable or provide guarantees for all commitments entered into by said pension fund.

(5) The Danish FSA may lay down regulations stipulating that small pension commitments are not to fall within the scope of this Act.
3.-(1) For the purposes of this Act, "pension-fund member" shall mean:

1) any person employed in the undertaking(s) associated with the pension fund who has been granted a promise of pension,
2) a former employee receiving pension benefits from the pension fund,
3) a person receiving spouse's pension following the death of a former employee, and
4) a former employee who, under provisions laid down in the articles of association of the pension fund, has maintained the right to receive pension benefits regardless of the termination of employment.

(2) The articles of association may limit the member rights of the persons specified in subsection (1), no. 4.

4. The associations specified in section 2(1) shall be obliged to use the word "pensionskasse" (pension fund) in connection with their names.

5.- (1) Unless otherwise provided by subsection (3) and section 6, a pension fund may not carry out any other activities than the pension-fund activities specified in the license.

(2) A pension fund shall be deemed to carry out other activities where said pension fund, alone or with the undertaking(s) with which it has links, cf. section 2(1), exercises a controlling influence over an enterprise.

(3) A pension fund may carry out other activities together with other undertakings provided that

1) the pension fund does not have direct or indirect controlling influence over the undertaking,
2) the pension fund does not carry out the activities in cooperation with the undertaking(s) with which said pension fund has links, cf. section 2(1), or with other pension funds or insurance companies which form part of a joint administrative organisation with said pension fund, and
3) the activities are carried out in another company than the pension fund.

(4) If a pension fund, due to a merger; through entering into or amending a joint administrative organisation; or through amending the proportion owned by the undertaking(s) with which the pension fund has links etc., carries out other activities contrary to subsection (1) or (3), the Danish FSA may determine a time limit for disposal of said other activities if an immediate disposal would result in a financial loss.

6.-(1) A pension fund may build, own, and operate real property as a long-term placement of the funds of said pension fund.

(2) Company pension funds may erect residential housing for purposes of resale when said companies have been granted a pledge for a share of the appropriation framework under section 1c or under regulations laid down in pursuance of section 1(4) of the "lov om fremme af privat udlejningsbyggeri" (act on the promotion of private rental housing) and at least half of the residential flats are rented for year-round residence.

(3) With regard to investments under subsection (2), the value of the share of residential flats erected for purposes of resale may not exceed 1 per cent of the insurance provisions.
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6a.- (1) Pension-fund activities and any other activities covered by sections 5(1) and 6 shall be carried out in accordance with good pension-fund practice. Where activities are carried out in contravention hereof, the Danish FSA may order that such activities be discontinued.

(2) The Danish Minister for Economic and Business Affairs shall lay down more detailed regulations regarding honest business principles and good practice, cf. section 43(2) of the Financial Business Act.

7.- (1) A pension fund shall have no less than 50 members.

(2) Where the number of members of a pension fund falls below 50, said pension fund shall immediately request the Danish FSA to decide whether, and on which conditions, said pension fund may continue operations.

8. Members and persons entitled to pensions shall not transfer ownership, take out a mortgage on, or otherwise dispose of rights to which said persons are entitled in a pension fund. Such rights may not be made subject to legal proceedings.

9. Claims based on the promise of pension shall become statute-barred after two years after the end of the calendar year in which the claim and the fact that said claim has matured was communicated to the claimant, and shall always become statute-barred after five years after the date of maturity of said claim. The regulations laid down in sections 1-3 of the "lov om forældelse af fordringer" (act no. 274 of 22 December 1908 on time limits in respect of claims) shall apply otherwise.

9a. The pension fund may not, when accepting members or subsequently, request, obtain, or receive and use information which may elucidate a person's hereditary genes and risk of developing or contracting diseases or disorders, and the pension fund shall not demand that examinations which are necessary to produce such information be carried out. However, this shall not apply to information regarding the current or previous health status of said person or other persons.

9b. The Minister for Economic and Business Affairs shall lay down detailed regulations on the use of digital communication, including electronic signatures, when exchanging information in accordance with this Act between citizens and undertakings on the one hand and the public administration on the other hand, as well as storage of information.

9c. The Danish FSA may lay down more lenient requirements for compliance with the provisions of this Act for pension funds with less than 100 members, defined as persons whose occupation entitles them or will entitle them to receive pension benefits under the pension scheme.

Part 2

Formation of pension funds, etc.

10.- (1) A pension fund shall not commence activities until

1) the Danish FSA has granted a license to said pension fund, and
2) said pension fund has been registered with the Danish Commerce and Companies Agency.
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(2) In order to be able to commence activities, a pension fund shall, in addition to a base capital, possess sufficient funds to cover the obligations and commitments of said pension fund as calculated using the technical basis, etc.

(3) The necessary size of the base capital shall be determined by calculating the solvency margin of the pension fund. The solvency margin shall be calculated on the basis of the scope of the pension commitments of the pension fund. The Danish FSA shall lay down provisions on the calculation of the solvency margin, including any minimum amounts, and regulations stipulating which reserves may be included in calculations of the base capital.

11.- (1) The articles of association shall include provisions on:

1) The name of the pension fund.
2) The municipality in Denmark where the pension fund is to have its registered address.
3) The object of the pension fund.
4) The members of the pension fund.
5) The number of members of the board of directors and their deputies and the term of office of the members of the board of directors.
6) Whether a member of the board of management (executive manager) is to be employed.
7) Any limitations on the power held by members of the board of directors and members of the board of management to sign documents on behalf of the pension fund pursuant to section 30.
8) Convening general meetings.
9) The matters to be submitted to annual general meetings.
10) Regulations on amendments to the articles of association and pension regulations.
11) Presentation of accounts, the number of auditors and administration of the annual financial statements.
12) Investment of pension-fund assets.
13) Appropriation of profits and coverage of losses.
14) The measures to be taken if one or more of the undertakings whose employees fall within the scope of the pension fund are completely or partially closed down or transferred or the relevant undertaking wishes to terminate the pension scheme for other reasons.
15) Regulations on dissolution of the pension fund and appropriation of the assets of the pension fund.
16) Procedures for resolving disagreements between a member and the pension fund.

(2) The articles of association shall include information on the name(s) of the undertaking(s) with which the pension fund is associated, and on the commitments which said undertakings have entered into with respect to the pension fund.

12. The pension regulations shall include:

1) The provisions of the articles of association issued pursuant to section 11, nos. 1-4.
2) Regulations regarding the size and adjustment of pension amounts as well as regulations on the calculation and disbursement of said amounts.
3) Regulations regarding members’ rights upon withdrawal from the pension fund.
4) Regulations regarding pension contributions.
5) Other regulations on the rights and obligations of the members.

12a. The Danish FSA shall lay down more detailed regulations on the information a pension fund is required to submit in writing to its members and recipients of pension benefits.
13. The technical basis etc. of the pension fund shall be notified to the Danish FSA no later than at the time when said basis is taken into use. The same shall apply to subsequent changes of the matters mentioned. The notification shall include specification of

1) the basis for calculating and adjusting pension contributions and pension benefits as well as technical pension provisions,
2) the types of pensions which the pension fund intends to use,
3) of the regulations for calculating and distributing the profits to members and other persons entitled to a pension, covering of losses, and covering of costs of the administration of the pension fund,
4) the principles of the pension fund with regard to reinsurance,
5) regulations on the information that members must provide for an assessment of risks,
6) regulations for calculating amounts due to members on withdrawal from the fund and shares of assets, and
7) the regulations according to which pension schemes with annuity payments, effected or agreed as compulsory schemes with an insurance company or a pension fund, may be transferred to or from the pension fund in connection with transition to another employment or in connection with a transfer of ownership or reorganisation of an undertaking.

14.-(1) Persons entitled to vote according to the draft articles of association shall be invited to the first general meeting.

(2) The general meeting shall resolve by a simple majority of votes whether the articles of association shall be approved and whether the pension fund shall be formed. A resolution altering the draft articles of association may be passed by a simple majority of votes notwithstanding the provisions of the draft articles of association on alterations after the formation of the pension fund. However, a resolution for alteration, which has not been mentioned in the notice of the meeting, shall require the consent of all persons entitled to vote. A resolution for formation shall not be passed until the articles of association and pension regulations have been finally approved.

(3) When the pension fund has been formed, the board of directors and auditors shall be elected as provided for in the articles of association.

15.-(1) The pension fund shall apply for registration with the Danish Commerce and Companies Agency no later than four weeks after the first general meeting. The Danish Commerce and Companies Agency shall receive this application within said time limit.

(2) The application for registration shall include information on the names, positions, and addresses of the pension fund's board of directors and their deputies, members of the board of management, and auditors as well as the address of the pension fund. Persons with the right to commit the pension fund shall personally indicate the signature to be used for this purpose.

(3) The application shall be accompanied by proof that the members of the board of directors, members of the board of management, and auditors of the pension fund meet the requirements laid down in section 25 and part 7 of this Act.

16.-(1) No later than at the time of application for registration with the Danish Commerce and Companies Agency shall the pension fund submit an application for a license to the Danish FSA.
(2) The application for a license shall be accompanied by a certified copy of the minutes from the general meeting signed by all members of the board of directors.

(3) The application for a license shall be accompanied by documentation that the conditions in section 23a are met.

17.- (1) The Danish FSA shall supervise that notifications pursuant to section 13 are adequate and that the matters of which notification is given are safe and fair to individual members and other persons entitled to a pension. This shall include supervision ensuring that the notified rules for calculating and distributing profits, cf. section 13, no. 3, are sufficiently clear and lead to fair distribution.

(2) Where the requirements of subsection (1) or regulations issued pursuant to this Act are not complied with, the Danish FSA shall order that the pension fund is to carry out necessary changes regarding the matters notified under section 13 within a time limit specified by the Danish FSA. The provisions laid down in sections 56 and 57 shall apply correspondingly.

(3) The application for a license shall be accompanied by documentation that the conditions in section 23a are met.

18.- (1) A pension fund may not be registered with the Danish Commerce and Companies Agency before the Danish FSA has granted it a license.

(2) The register shall include information on the matters specified in section 11(1), nos. 1-3, 7, 8, and 11 as well as in section 15(2).

(3) In connection with any granting or amendment of a license, the Danish FSA shall also submit a copy thereof to the Danish Commerce and Companies Agency. The Danish Commerce and Companies Agency shall register the date of license.

19.- (1) A pension fund which has not been registered may not acquire rights or incur liabilities and enter into commitments in the capacity of a pension fund.

(2) Where, notwithstanding the provision of section 10(1), pension commitments are granted prior to registration, the persons who, on behalf of the pension fund, granted said commitments or share joint responsibility for this act shall incur joint liability for the performance of the agreement. Where the pension fund recognises said commitments no later than four weeks after registration, the liabilities of said persons shall cease to exist where this will not materially weaken the security of the member. Such agreements shall not be binding on the member prior to the pension fund's recognition of said commitments.

(3) For other commitments incurred on behalf of the pension fund prior to registration, the persons who incurred said commitment or share joint responsibility for this act shall incur joint liability for said commitment. Upon registration, the pension fund shall take on such commitments where this will not materially weaken the security of the other contracting party.

20.- (1) Where alterations are made to matters which have been registered with the Danish Commerce and Companies Agency, a new application for registration shall be submitted accompanied by documentation of the legal adoption of said alterations. Section 18(1) shall apply correspondingly.

(2) Notification to the Danish Commerce and Companies Agency on changes to the articles of association of the pension fund shall be received by the Danish Commerce and Companies
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Agency no later than four weeks after the adoption of said changes. The pension fund's notification to the Danish Commerce and Companies Agency shall be accompanied by a dated specimen of the full new text of the articles of association; the Danish Commerce and Companies Agency shall forward a copy to the Danish FSA.

21. The Danish FSA may lay down more detailed regulations regarding

1) the contents of the pension fund's articles of association, pension regulations, and technical basis etc.,
2) the separation of pension-fund activities and other insurance activities, and
3) the contents of the license.

21a.-(1) A pension fund shall have

1) good administrative and accounting practices,
2) written procedures for all significant areas of activity,
3) internal control procedures,
4) adequate IT control and security measures, and
5) the resources necessary for proper carrying out of its activities, and use these appropriately.

(2) The Danish FSA may issue guidelines for the areas mentioned in subsection (1).

Part 2a

Cross-border activities

21b.-(1) A foreign pension fund which has been granted a license to carry out the activities mentioned in section 10 in another country within the European Union or in a country with which the Community has entered into an agreement for the financial area, may provide pension schemes to undertakings in Denmark two months after the Danish FSA has received the following information from the supervisory authority of the home country:

1) The name of the sponsoring undertaking.
2) A description of the most significant characteristics of the pension scheme to be managed for the sponsoring undertaking.

(2) No later than two months after receipt of the information mentioned in subsection (1), the Danish FSA shall inform the supervisory authority of the home country of the regulations regarding information that have been issued pursuant to section 12a.

(3) The foreign pension fund may commence management of the pension scheme for a sponsoring undertaking in Denmark when said pension fund has received the information mentioned in subsection (2), or no later than two months after the Danish FSA has received information under subsection (1). The pension fund shall comply with the regulations regarding information issued pursuant to section 12a.

(4) The foreign pension fund shall be subject to regular supervision by the Danish FSA as regards compliance with the information requirements, cf. section 12a. If this supervision brings irregularities to light, the Danish FSA shall immediately inform the supervisory authority of the home country.
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21c-(1) A Danish pension fund which wishes to provide pension schemes for undertakings in another country within the European Union or in a country with which the Community has entered into an agreement for the financial area shall apply to the Danish FSA for advance approval. No later than three months after the Danish FSA has received the information mentioned in subsection (2), advance approval shall be granted to the extent that the Danish FSA assesses that the pension fund’s administrative structure and financial situation and the good repute and professional qualifications or experience of the persons running the institution are adequate as a basis for the activities proposed in the host country.

(2) The pension fund shall disclose the following to the Danish FSA:

1) The country or countries in which the pension fund intends to provide pension schemes.
2) The name of the sponsoring undertaking.
3) A description of the main characteristics of the pension scheme to be operated for the sponsoring undertaking.

(3) The Danish FSA shall forward the information referred to in subsection (2) to the supervisory authority of the host country no later than 3 months after receipt of the information. At the same time, the Danish FSA shall notify the pension fund to the effect that the information has been forwarded.

(4) The Danish FSA may refrain from forwarding information under subsection (3) if the pension fund cannot be granted advance approval under subsection (1). In such event, the Danish FSA shall, no later than 3 months after receipt of the information mentioned in subsection (2) notify the pension fund that it cannot be granted advance approval under subsection (1) and that consequently the information received will not be forwarded.

(5) If the Danish FSA receives information on any requirements of social and labour law relevant to the field of occupational pensions under which the pension scheme sponsored by an undertaking in the host country is to be operated, and on any investment regulations and on the duty of information to members and beneficiaries from the supervisory authority of the host country, the Danish FSA shall forward this information to the pension fund.

(6) The Danish pension fund may commence management of the pension scheme for a sponsoring undertaking in another country within the European Union or in a country with which the Community has entered into an agreement for the financial area, when the pension fund has received the information mentioned in subsection (5), or no later than two months after the supervisory authority of the host country has received information under subsection (3). The pension fund shall comply with the requirements in the host country’s social and labour law relevant to the field of occupational pension schemes under which the pension scheme sponsored by the undertaking in the host country is to be operated, and any investment regulations and duty of information to the members and beneficiaries.

Part 3

Pension fund management

22-(1) A pension fund shall have a board of directors comprising a chairperson and a number of other members, of which at least half shall be elected by and amongst the members of the pension fund. Deputies shall be appointed for the members of the board of directors; said deputies shall act for the members in the event of the absence of said members.
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(2) A member of the board of directors may step down from the board at any time. A member of the board of directors may at any time be removed by the party who elected or appointed said member. The term of office for board members shall expire at the time of completion of an annual general meeting, and no later than four years after election.

23.-(1) Where the articles of association of a pension fund stipulate that a member of the board of management (executive manager) may or shall be employed, such employment shall be carried out by the board of directors. Where the pension fund has no board of management, the duties conferred upon the members of the board of management under this Act shall be carried out by the board of directors.

(2) The members of the board of management may not be members of the board of directors of the pension fund.

23a.-(1) Members of the board of directors and the board of management shall have adequate experience in carrying out the duties and responsibilities of a member of the board of directors or the board of management of the undertaking.

(2) The requirement in subsection (1) may be derogated from if the pension fund documents that it has employed a consultant with the proper qualifications and experience.

(3) Members of the board of directors and members of the board of management may not carry out the duties as member of the board of directors or member of the board of management respectively in a company pension fund, if:

1) the person in question has been held criminally liable for violation of the Criminal Code or financial legislation, and this violation entails a risk that the duties are not carried out adequately,
2) the person in question has filed for suspension of payments, is administered in bankruptcy, has filed for debt restructuring, or negotiations have been initiated with regard to compulsory composition for said person, or
3) the person in question has behaved such that there is reason to assume that said person cannot perform the duties and responsibilities of such position adequately.

(4) The group of persons covered by subsection (3) are obliged to notify the Danish FSA of the conditions mentioned in subsection (3).

24.- (1) The board of directors and the board of management shall carry out management of the pension fund and shall ensure that the organisation and administration of said pension fund is appropriate.

(2) The board of management shall carry out daily management and shall comply with guidelines and directions from the board of directors. Activities which, in relation to the circumstances of the pension fund, are unusual or of material importance shall only be carried out by the board of management upon special authorisation from the board of directors. However, where the decision of the board of directors cannot be awaited without significant disadvantage to the pension fund, the board of management may carry out such activities. In such cases, the board of directors shall be informed of the activity as soon as possible.

(3) The board of directors shall observe that book-keeping and portfolio management are carried out in a manner which is satisfactory in relation to the circumstances of the pension fund. The board of management shall ensure that the book-keeping of the pension fund is
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carried out in accordance with the regulations laid down in the relevant legislation, and that portfolio management is adequately carried out.

(4) Power of procuration shall only be granted by the board of directors and shall only be granted to two or more persons acting jointly.

25.- (1) Members of the board of directors and members of the board of management shall be legally competent.

(2) Members of the board of management and members of the board of directors shall have Denmark as their country of domicile unless the Danish FSA grants an exemption from this requirement.

(3) The requirement regarding Denmark as country of domicile laid down in subsection (2) shall not apply to the extent that other provisions are stipulated pursuant to international agreements or by the Danish FSA.

(4) The provisions regarding members of the board of directors shall apply correspondingly to deputies for said members.

26.- (1) The board of directors of the pension fund shall employ an appointed actuary to carry out the actuarial functions necessary, including calculations and investigations. The position as actuary shall not be compatible with the position as a member of the board of management or the board of directors of the pension fund.

(2) When the pension fund employs a new appointed actuary, the board of directors and the former appointed actuary shall submit separate accounts of the reason for such change to the Danish FSA no later than one month after the date of termination.

(3) The appointed actuary shall ensure that the pension fund complies with its technical basis, etc. The actuary shall, in this connection, review the actuarial contents of the pension fund's activities and material in general, and ensure that the technical basis etc., cf. section 13, complies with the conditions mentioned in section 17(1) at any time.

(4) The appointed actuary shall immediately notify the Danish FSA of any disregard of the conditions mentioned in subsection (3). The actuary shall be entitled to request from the board of directors and the board of management any information necessary for the execution of his duties. The Danish FSA may request from the actuary the information necessary to assess the financial position of the pension fund.

(5) The appointed actuary shall submit a report to the Danish FSA annually.

(6) The Danish FSA may lay down more detailed provisions on the conditions mentioned in subsections (2)-(5), including the requirements that a person is required to fulfil in order to be employed as the appointed actuary.

27.- (1) The chairperson of the board of directors shall ensure that the board of directors convenes when necessary and shall observe that all members are summoned. A member of the board of directors, a member of the board of management, an auditor, and the appointed actuary may demand that the board of directors convene. A member of the board of management, an auditor and the appointed actuary shall be entitled to attend and speak at
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the meetings of the board of directors unless otherwise stipulated by the board of directors in an individual case.

(2) Negotiations within the board of directors shall be minuted, and the minute book shall be signed by all members present. Members of the board of directors, members of the board of management, auditors or appointed actuaries who do not agree with decisions made by the board of directors shall be entitled to have their views included in the minutes.

(3) The board of directors may, by means of rules of procedure, lay down specific provisions on the performance of its duties.

28.-(1) The board of directors shall form a quorum when more than half of all members are present unless stricter requirements are stipulated in the articles of association. However, no decisions shall be made unless all members have, as far as possible, had access to participating in the treatment of the matter. Where a member of the board of directors is absent, the deputy shall have access to act for said member for the duration of absence.

(2) The matters addressed by the board of directors shall, where special majorities are not due under the articles of association, be decided by a simple majority of votes. The articles of association may stipulate that the chairperson shall have the casting vote in the event of parity of votes.

29. A member of the board of directors or a member of the board of management may not participate in the treatment of issues regarding agreements between the pension fund and said member or regarding legal proceedings directed at said member or regarding agreements between the pension fund and a third party or legal proceedings directed against a third party where said member has a material interest in said matter and said interest may run contrary to the interests of the pension fund.

30.-(1) The pension fund shall be bound by legal transactions carried out on the behalf of said pension fund by the entire board of directors or by individual members of the board of directors or by members of the board of management, cf. however subsection (2).

(2) The authority to sign documents on behalf of the pension fund conferred on members of the board of directors or on members of the board of management by subsection (1) may only be exercised by two members jointly. This authority to sign documents on behalf of the pension fund may be further restricted by the articles of association so that the authority to sign may only be exercised by two or more specific persons jointly or by more than two persons jointly. No other restrictions in the authority to sign documents on behalf of the pension fund may be registered.

Part 4

General meetings in pension funds

31.-(1) The right of members to make decisions in the pension fund shall be exercised at the general meeting. However, the articles of association may stipulate that election of the board of directors, amendments to the articles of association, or amendments to the pension regulations are to be carried out by ballot of the members of the pension fund.

(2) All members shall be entitled to attend and take the floor at the general meeting. When a vote is taken, each member shall have one vote. However, the voting rights of the persons
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specified in section 3(1), no. 4 may be restricted, cf. section 3(2). Specific regulations on voting may be stipulated in the articles of association.

(3) Any member shall have the right to have a specific subject addressed at the general meeting provided that a request to this effect is made in writing to the board of directors before expiry of the time limit specified in the articles of association.

(4) Members of the board of directors and of the board of management, the appointed actuary and the auditors shall be entitled to be present and speak at the general meeting, but shall have no voting rights, cf. however subsection (2).

(5) No later than eight days before the general meeting, the agenda with all proposed resolutions, and, in relation to annual general meetings, the annual financial statements with auditors' report and the annual review shall be submitted to the members.

32.- (1) An annual general meeting shall be convened no later than five months after the end of each accounting year. At said general meeting, the annual financial statements with the auditors' report and the annual review shall be presented.

(2) At the annual general meeting

1) a decision shall be made regarding appropriation of profits and coverage of losses in accordance to the approved annual financial statements,
2) persons shall be elected in accordance with the articles of association or legislation, and
3) other issues which have been placed on the agenda in accordance with the articles of association or at the request of the board of directors, an auditor, the appointed actuary, the Danish FSA, or a member shall be addressed.

(3) Resolutions regarding distribution of profits shall only take the form of increased pension commitments. Any accumulated profits available after increases to the pension commitments and corresponding increases in the provisions and after any necessary increase in the base capital, cf. section 10(3), shall be transferred to the following year unless the Danish FSA allows other appropriation in exceptional cases.

33. Extraordinary general meetings shall be held whenever the board of directors deems this appropriate. An extraordinary general meeting to be held for the consideration of a specified subject shall be convened within two weeks after one-tenth of all members, the appointed actuary of the pension fund, an auditor, or the Danish FSA have so requested in writing.

34.- (1) At the general meeting all resolutions shall be passed by a simple majority of votes unless otherwise provided by this Act or the articles of association. In the event of a parity of votes, the matter shall be decided by lot unless otherwise provided by the articles of association.

(2) Issues, which are not included on the agenda, shall not be resolved by the general meeting except with the consent of all persons entitled to vote. However, the annual general meeting may always resolve issues which, according to the articles of association or section 32, are to be transacted at such general meeting, and it may be decided to convene an extraordinary general meeting for the consideration of a specific matter.

35.- (1) A resolution to amend the articles of association or pension regulations of a pension fund shall only be adopted when such amendment is accepted by two-thirds or more of the
votes cast. Such resolution shall comply with any other provisions laid down in the articles of association.

(2) Amendments to the articles of association or to the pension regulations which impose significant limitations on the pension commitments of members shall be presented to members for decision-making and shall not apply to members who have, within a time limit, stated that they will not accept said amendments, cf. however sections 36 and 54.

36. Amendments to the articles of association or to the pension regulations which the Danish FSA has ordered a pension fund to carry out according to part 8 and which have not obtained the necessary number of votes, shall be considered validly adopted where the number of votes cast against said amendments does not correspond to the number of votes required by the articles of association for a decision to dissolve the pension fund.

Part 5

Annual financial statements, etc.

37.- (1) Annual financial statements consisting of a balance sheet, an income statement, and notes shall be prepared for each accounting year by the board of directors and the board of management in accordance with legislation and the articles of association. An annual review shall also be prepared. These documents shall constitute a composite whole.

(2) The annual financial statements and the annual review shall be signed by the members of the board of management and the board of directors. Where a member of the board of management or a member of the board of directors is of the opinion that the annual financial statements or the annual review ought not to be approved, he or she shall make a statement to that effect in his endorsement. Where a member of the board of directors or a member of the board of management has objections to the annual financial statements or the annual review which he or she wishes to communicate to the members, he shall also explain these in his endorsement.

38. The accounting year shall cover the calendar year. The first financial period of a pension fund may, however, be of shorter or longer duration, up to a maximum length of 18 months.

39.- (1) The annual financial statements shall be presented in clear layout in accordance with this Act and the regulations issued pursuant to this Act.

(2) The annual financial statements shall give a true and fair view of the pension fund's assets and liabilities, financial position and results for the year.

(3) If application of the provisions of this Act or regulations issued pursuant to this Act is not sufficient to give a true and fair view as referred to in subsection (2), additional information shall be given in the annual financial statements.

(4) If, in special circumstances, compliance with any of the provisions of this part of this Act or any regulation laid down by virtue of section 42 is inconsistent with the requirement laid down in subsection (2) with respect to the annual financial statements, such provisions or regulations shall be derogated from to the extent necessary to meet said requirement. Particulars of any such derogation, the reasons for it and its effect - including, as far as possible, any financial effect - on the pension funds' assets and liabilities, financial position and results for the year shall be given in the notes.
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40. Where the annual financial statements do not comply with the regulations laid down by law or the pension fund’s articles of association, the Danish FSA may order that the annual financial statements be changed and submitted to a general meeting for reconsideration.

41.-(1) The items shown in the annual financial statements must be measured in accordance with the following general principles:

1) the pension fund shall be presumed to carry on its activities as a going concern,
2) the valuation methods shall not be changed from one accounting year to another,
3) the valuation shall in all cases be made on a prudent basis and in particular in such manner:
   a) that only profits ascertained at the balance sheet date are included,
   b) that all foreseeable risks and losses, if any, that have arisen during the accounting year to which the annual financial statements relate, or in a previous accounting year, are taken into account even though such risks or losses are not identified until in the period after the balance sheet date and before the date when the final annual financial statements are finalised, and
   c) that any decreases in value shall be taken into account, regardless of whether the annual financial statements show a profit or a loss,
4) income and expenses shall be stated for the year covered by the financial statements, irrespective of the date of payment,
5) the components of asset and liability items shall be valued separately,
6) the opening balance sheet for each accounting year shall correspond to the closing balance sheet for the previous accounting year.

(2) The Danish FSA may lay down regulations permitting derogation from the provisions of subsection (1), no. 3 a) in order to take account of the increase in the value of certain assets, liabilities and provisions.

(3) Furthermore, derogations may be made from the general principles in subsection (1) in exceptional cases. Such derogations and the reasons for them shall be stated in the notes, and their effect - including, as far as possible, any financial effect - on the pension fund’s assets and liabilities, its financial position and results for the year shall be indicated.

41a.-(1) In the event of any derogation from the provisions of section 41(1), no. 2, the annual financial statements for the year in which any change is made shall be prepared according to the new method. The total financial effect on the pension fund’s assets and liabilities, its financial position and results for the year shall be disclosed in the notes.

(2) The items concerned shall be changed in accordance with the new method in the opening balance sheet for the year in which the change takes place.

42. The annual financial statements shall moreover be drawn up in accordance with regulations laid down by the Danish FSA, including regulations on the calculation and measurement of technical pension provisions.

43.-(1) The annual review shall contain a reliable account of the development of the pension fund’s financial activities and circumstances. If the annual financial statements are significantly influenced by unusual circumstances, and if the preparation of the annual financial statements is subject to considerable uncertainty, these facts shall be disclosed in a separate part of the review. The facts shall be disclosed separately and, if possible, with indication of the amounts involved.
(2) The annual review shall, moreover, refer to important events after the end of the accounting year and the anticipated development of the pension fund.

(3) In the annual review or in connection with the income statement or the balance sheet, the board of directors shall make proposals as to the appropriation of the pension fund's profit or the covering of losses.

44.- (1) No later than ten days after the final adoption and approval of the financial statements, the Danish FSA shall have received two copies of the annual financial statements approved by the general meeting with the auditors' report and an annual review stating the date of approval of the annual financial statements. A transcript of the audit book covering the audit of the annual financial statements shall also be submitted. Where the resolved appropriation of profit or treatment of loss has not been incorporated in the annual financial statements or the annual review, a certified copy of the minutes of the proceedings of the general meeting shall also be submitted, showing such appropriation of profit or treatment of loss.

(2) The Danish FSA shall deliver one copy of the financial statements referred to in subsection (1) to the Danish Commerce and Companies Agency, which shall publish a notice of its receipt thereof in the Danish Official Gazette. The annual financial statements received shall be available to the public at the offices of the Danish Commerce and Companies Agency.

45.- (1) The Danish FSA may demand that the items in the annual financial statements and additional specifications thereof be prepared on special forms for use in connection with the evaluation of the pension funds' financial position and the preparation of the annual report of the Danish FSA.

(2) The Danish FSA may demand that the forms referred to in subsection (1) be supplemented with reports on individual matters, signed by the pension fund's board of management, board of directors, auditors or the appointed actuary.

(3) The forms and reports referred to in subsections (1) and (2) shall be submitted in accordance with regulations laid down by the Danish FSA.

Part 5a

Solvency

45a.- (1) The base capital of pension funds shall constitute no less than

1) the solvency requirement of 4 per cent of the risk-weighted items for pension provisions plus 0.3 per cent of the risk-weighted items for the risk sum for pension-fund activities where the undertaking has an investment risk, and
2) the minimum capital requirement of EUR 400,000 for pension funds that carry out pension-fund activities and where the articles of association stipulate that new members may be accepted.

(2) The base capital for pension funds which are being wound up shall correspond to no less than the pension fund's solvency requirement, cf. subsection (1), no. 1, the minimum capital requirement being EUR 0. Pension funds being wound up are pension funds where the articles of association stipulate that new members may not be accepted.
45b. The capital requirement of the pension fund shall be the largest requirement of the solvency requirement and the minimum capital requirement, cf. section 45a.

45c-(1) The base capital shall be the reduced core capital, cf. section 45e, plus the reduced additional capital, cf. section 45f. The base capital shall be calculated on the basis of the own funds of the pension fund, calculated in accordance with the same principles as those applied in the annual financial statements of the pension fund.

(2) Core capital shall exclude any form of tax that can be foreseen at the time when the amount is calculated, or it shall be adequately adjusted to the extent that taxes reduce the amount with which said capital may be used to hedge risks or losses.

45d. The core capital of pension funds shall consist of

1) own funds and
2) the value of tax assets as it would be in an administration situation, cf. section 59 and section 34a of the "lov om beskatning af visse pensionskapitaler m.v." (act on taxation of pension income).

45e. The core capital shall be reduced by

1) the value of all intangible assets, and
2) tax assets, cf. however section 45d, no. 2.

45f. The additional capital shall consist of subordinate loan capital that fulfils the requirements of section 45g.

(2) The subordinate loan capital may not exceed an amount corresponding to the lower of

1) 25 per cent. of the lower of the base capital and the solvency requirement, if the capital injection has a fixed maturity, and
2) 50 per cent of the lower of the base capital and the solvency requirement, if the capital injection does not have a fixed maturity.

45g-(1) Subordinate loan capital may be included in the base capital, cf. section 45c(1) when the following conditions are met:

1) The lender's claim against the pension fund must be subordinated all other non-subordinated debt.
2) The amount is paid.
3) Repayment before maturity may not take place on the initiative of the lender or without the authorisation of the Danish FSA.
4) The amount may only fall due before the maturity date agreed if the financial undertaking enters into liquidation or is declared bankrupt.
5) The ultimate authority of the pension fund is permitted to reduce the subordinate loan capital and non-paid interests if the own funds is lost and the share capital, guarantee capital or cooperative capital has been written off.
6) Payment of interest may be postponed if the base capital does not exceed the capital requirement at maturity.
7) Non-paid interests that have been postponed under no. 6 may only fall due if the capital requirement is met again or if the loan matures.
8) Changes in the loan agreement are approved by the Danish FSA.
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9) The original term is no less than five years.

(2) Authorisation under subsection (1), no. 3 shall be subject to the base capital after repayment not being smaller than the capital requirement.

(3) Write-down under subsection (1), no. 5 may only take place if new capital is subsequently injected into the pension fund so that the capital requirement is met, or if the financial undertaking closes down without losses for non-subordinated creditors. The subordinate loan capital and non-paid interest may only be written down by an amount that has been approved by the external auditors and the Danish FSA in advance.

45h. The Danish FSA shall lay down more detailed regulations for

1) calculation of the risk-weighted items,
2) reporting of the risk-weighted items, the capital requirement and the base capital,
3) publication of the solvency requirement pursuant to section 45a(1), and
4) calculation of the base capital as a consequence of the Regulation of the European Parliament and of the Council on the application of international accounting standards.

Part 6
Investment regulations

46.- (1) In addition to assets equal to the solvency margin, pension funds shall at any time have assets as specified in section 46a at a total value corresponding to no less than the amount of the pension fund's total technical pension provisions. The management of a pension fund shall ensure that, subject to the restrictions laid down in section 46a, section 47 and in pursuance of section 48, the nature and composition of these assets take account of the type of activities carried out by the pension fund in such a way as to ensure their security, yield and liquidity so that they are suitable for satisfying the members, and the management shall also ensure that there is no excessive reliance on any particular category of assets, investment markets or investments.

(2) For the purposes of the provisions of this part of this Act, technical pension provisions shall be calculated in accordance with section 42.

(3) For the purposes of the provisions of this part of this Act, the value of the assets shall be calculated in accordance with the following regulations:

1) The value of the assets shall be calculated and adjusted regularly in accordance with the principles that apply to submission of annual financial statements of the pension fund.
2) Any assets subject to a charge shall be deducted, and loans may only be included at a value net of obligations that may be due to the borrower.
3) Where the pension fund has entered into financial contracts reducing the risk that its assets do not cover insurance obligations, such contracts shall be included in the value of assets at the value of said contracts.
4) Accrued interest receivable on securities covered by section 46a(1), nos. 1-4 and 6 shall be included in the value of the securities.

46a.- (1) The following assets may be used to cover the total technical pension provisions of the pension fund, cf. section 46:
1) Bonds or instruments of debt issued or guaranteed by central governments or regional authorities within Zone A, cf. annex 1,
2) listed bonds issued by international organisations with a membership of no less than one Member State of the European Union,
3) mortgage-credit bonds under section 1(5) of the Mortgage Credit Act as well as any other bonds issued in Denmark or in countries within Zone A which offer the same level of security,
4) amounts receivable, excluding amounts receivable subordinated other creditors, owed by credit institutions subject to public supervision in countries within Zone A except credit institutions covered by no. 3 and loans guaranteed by credit institutions or insurance companies subject to public supervision in countries within Zone A,
5) land and buildings whose value is independent of any special commercial use,
6) loans secured by registered mortgage on land and buildings covered by no. 5 for an amount of up to two-thirds of the most recent public property valuation,
7) units in investment undertakings subject to Community law and units in placement associations, money-market associations and funds of funds as well as restricted associations or divisions hereof, which in their articles of association have provisions on risk-spreading corresponding to those applicable for investment associations, placement associations, money-market associations or funds of funds, cf. the Investment Associations and Special-Purpose Associations as well as other Collective Investment Schemes etc. Act,
8) other bonds and loans listed on a stock exchange in countries within Zone A,
9) shares and other holdings listed on a stock exchange in countries within Zone A,
10) land and buildings not covered by no. 5 and loans secured by a registered mortgage on land and buildings not covered by no. 6,
11) holdings and other securities listed on a stock exchange in countries outside Zone A, from issuers domiciled in countries outside Zone A, or
12) unlisted holdings, including holdings traded on an authorised market place, cf. section 40(1) of the Securities Trading, etc. Act, or another regulated market that is publicly recognised, open regularly, and open to the public, as well as other loans and securities not covered by nos. 1-11.

(2) Where the pension fund has a subsidiary whose activity is limited to making and managing investments covered by subsection (1), the assets of said subsidiary may, within the value of the holdings in and any loans to the subsidiary, be treated as assets under subsection (1). Where the subsidiary is not fully owned, its assets shall be included at a proportional value corresponding to the proportion of the own funds that the pension fund owns.

(3) The total assets covered by subsection (1), nos. 7-12 which are applied in covering technical pension provisions shall not exceed 70 per cent of the technical pension provisions, cf. however section 47(7) and (9).

(4) The total assets covered by subsection (1), no. 11 which are applied in covering technical pension provisions shall not exceed 10 per cent of the technical pension provisions.

(5) Total loans covered by subsection (1), no. 12 shall not exceed 2 per cent of technical pension provisions and 1 per cent of the technical pension provisions per debtor.

(6) Total assets covered by subsection (1), no. 12 which are applied in covering technical pension provisions shall not exceed 20 per cent of the technical pension provisions. Of these, other loans and securities traded at authorised markets or other regulated markets which are
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publicly recognised, open regularly, and open to the public shall not exceed 10 per cent of the technical pension provisions.

(7) The Danish FSA may stipulate detailed provisions on limitation of securities covered by several of the groups of assets mentioned in subsection (1), nos. 1-12.

46b.- (1) Pension funds shall have written principles for investment. These principles shall be in accordance with section 46.

(2) The investment-policy principles shall, as a minimum, contain investment risk measurement methods, the risk-management processes implemented and the strategic asset allocation.

(3) The investment-policy principles shall be revised at least every three years.

47.- (1) In pension funds, the assets applied in covering the technical pension provisions shall not include assets representing a risk in respect of a single undertaking whose total value amounts to more than 2 per cent of the technical pension provisions. In cases where the undertaking concerned is established and listed on a stock exchange in a country within Zone A and that undertaking's own funds exceed DKK 250 million, the limit set out in the 1st clause shall be 3 per cent.

(2) Subsection (1) shall apply correspondingly in relation to undertakings which are linked in such a manner that they constitute a single risk for the pension fund.

(3) Subsections (1) and (2) shall apply correspondingly to land and buildings covered by section 46a(1), no. 5 and loans covered by section 46a(1), no. 6 except that the limit shall be 5 per cent.

(4) Where a pension fund has invested in or granted a loan to a company whose activities exclusively include investments under section 46a(1), no. 5, the limit set out in subsection (3) shall apply to the total exposure of said pension fund with said company.

(5) For assets covered by section 46a(1), no. 3, the limit set out in subsection (1) shall be 40 per cent.

(6) For risks in relation to credit institutions subject to public supervision in countries within Zone A, other than credit institutions covered by section 46a(1), no. 3, and in relation to insurance companies subject to public supervision in countries within Zone A, the limit set out in subsection (1) shall be 10 per cent. Assets which do not fall within the scope of section 46a(1), no. 4 may be included at a value not exceeding the limits fixed in subsection (1).

(7) For units and certificates in a single investment institution as stated under section 46a(1), no. 7 the limit set out in subsection (1) shall be 10 per cent. However, this restriction shall not apply if the investment institution concerned is only permitted by its articles of association to invest in assets covered by section 46a(1), nos. 1-3. In such cases, the investment may also, in relation to the provision of section 46a(3), be related to section 46a(1), nos. 1-3.

(8) Subsections (1) and (2) shall not apply to assets covered by section 46a(1), nos. 1 and 2.

(9) Subsections (1) and (2) shall not apply to investments in subsidiaries covered by section 46a(2) or to investments in companies whose activity is limited by their articles of association to investments in assets covered by section 46a(1), nos. 1-3. In the latter case, the
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investment may, in relation to the provisions of section 46a(3), (5) and (6), be related to section 46a(1), nos. 1-3.

(10) Where the pension fund has, during normal operation, obtained amounts receivable due with the undertaking(s) with which said pension fund is linked, such an outstanding amount shall not permanently exceed an amount which must be deemed reasonable in relation to the size of the pension fund and the type of undertaking concerned.

47a. Company pension funds may not raise loans or act as guarantors for third parties.

48. The Danish FSA shall lay down regulations on how the technical pension provisions are to be covered with regard to localisation and currency matching of the assets (congruence) with provisions.

49.- (1) A register shall be kept by the pension fund of the assets referred to in section 46a(1) and of the financial contracts referred to in section 46(3), no. 3. The sole purpose of such registered assets shall be to satisfy the claims of members.

(2) If real property is included in the assets, a mortgage deed shall be registered.

(3) Where the pension fund has a subsidiary covered by section 46a(2), the holdings in and any loans granted to the subsidiary shall be registered.

(4) The pension fund shall file a report with the Danish FSA on the assets registered pursuant to subsection (2), 2nd and 3rd clauses. The Danish FSA or anyone authorised by the Danish FSA shall check the existence of such assets in accordance with more detailed regulations laid down by the Danish FSA.

(5) The Danish FSA shall lay down more detailed provisions regarding the duty of pension funds to report and register.

(6) The pension fund shall report to the Danish FSA which assets are included in the register. On depositing the register the Danish FSA shall be registered at a central securities depository as authorised with regard to securities. Other funds serving to cover the technical pension provisions shall be pledged as collateral in favour of the Danish FSA.

(7) While the register is deposited, any change shall be approved by the Danish FSA and noted in the register.

50. The Danish FSA may, for a limited period, grant exemptions from section 46a(1) and (2) and (5), 2nd limb and section 47(1)-(4), (6), (7) and (9).

51. (Repealed)

Part 7

Audit and investigation

52.- (1) Sections 54b and 82-85 of the Public Companies Act and section 74, section 78(5), section 193, section 199(1)-(7) and (11) and section 200 of the Financial Business Act shall apply to company pension funds with the necessary changes.
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(2) Section 54b of the Public Companies Act shall apply correspondingly to relations between a pension fund and the undertaking(s) linked with said pension fund.

53. Section 86 of the Public Companies Act shall apply to company pension funds subject to the necessary changes.

Part 8

Transfer of pension commitments, restoration plans, other measures and dissolution

54.- (1) A decision made by a pension fund on complete or partial transfer of the pension commitments to an insurance company or another pension fund linked to undertakings within the same group shall comply with the regulations laid down in section 35(1).

(2) In connection with the transfer, the pension fund's pension conditions may only be modified to the extent it is deemed by the Danish FSA to be a necessary consequence of the transfer, including amendments to the bonus regulations.

(3) Before the Danish FSA grants a license, the pension fund shall submit a report on the planned transfer to each member and other beneficiaries covered by said transfer. This report shall be approved by the Danish FSA. The report shall comprise an account and description of the intended transfer and its consequences for the members as well as a request to the members to notify the Danish FSA in writing before a specified time limit if they have any objections to the transfer.

(4) After the expiry of the time limit specified in subsection (3), the Danish FSA shall decide whether the pension commitments may be transferred in accordance with the proposal. The transfer may not be invoked as basis for cancelling the pension agreement.

(5) Where the total assets, liabilities and own funds of the pension fund are transferred to an insurance company or another pension fund linked to undertakings within the same group, the Danish FSA shall, on its own initiative, notify the Danish Commerce and Companies Agency of the dissolution of the pension fund.

55. Where the base capital of a pension fund is not sufficient, the Danish FSA shall order the pension fund to draw up a plan for restoration of its financial position. Said plan shall aim at restoration of its financial position over a shorter period to be determined by the Danish FSA. The pension fund shall submit the plan to the Danish FSA for assessment as to whether the plan contains the measures deemed necessary.

56.- (1) Where the plan specified in section 55 is not deemed by the Danish FSA to be adequate, or where the financial position of the pension fund deteriorates more than anticipated in said plan, the Danish FSA shall order that the pension fund take such measures as are deemed necessary by the Danish FSA within a time limit determined by the Danish FSA.

(2) The Danish FSA shall also issue orders to the pension fund where:

1) the pension fund does not comply with this Act and regulations issued pursuant to this Act,
2) the pension fund does not comply with its articles of association or the relevant basis for its activities,
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3) in the opinion of the Danish FSA, the basis specified in no. 2 or the manner in which the company's funds are placed is not adequate, or
4) the pension fund has not set aside sufficient funds to cover its commitments.

(3) An order stipulating that pension benefits are to be reduced may only be imposed where all opportunities for restoration of the financial position of the pension fund are otherwise exhausted.

57.- (1) The Danish FSA may order that pension fund remove a member of the board of management of a pension fund covered by section 23a(3) within a time limit specified by the Danish FSA.

(2) The Danish FSA may withdraw the pension fund's license if the pension fund has not within the time limits stipulated by the Danish FSA complied with an order issued pursuant to section 56, if a member of the board of directors no longer fulfils the conditions in section 23a(3), or if the pension fund does not remove the member of the board of management before expiry of the time limit laid down pursuant to subsection (1).

58. A pension fund shall be dissolved where:

1) the pension fund has no board of directors or no appointed actuary and this is not rectified within a time limit stipulated by the Danish FSA,
2) the number of members of the pension fund falls below 50, cf. section 7,
3) a proportion of the members leave the pension fund in connection with a sale of parts of the activities, and said proportion is of such a size that it will jeopardise the remaining members' rights according to the articles of association and regulations,
4) the activities associated with the pension fund are closed down entirely,
5) the obligations of the pension fund are fully redeemed, or
6) the pension fund's license is withdrawn.

59.- (1) Where a pension fund is to be dissolved pursuant to section 58, the Danish FSA may order that efforts be made to transfer the portfolio of pension commitments to an insurance company or another pension fund linked to undertakings within the same group of companies, or that the portfolio of pension commitments be placed under administration, or that the assets of the pension fund be distributed.

(2) Sections 253-258 of the Financial Business Act on administration of a life-assurance portfolio shall apply correspondingly to a portfolio of pension commitments.

60. A decision to dissolve a pension fund may only be made by

1) the general meeting in connection with a transfer of the entire portfolio pursuant to section 54,
2) the general meeting, where no members oppose the dissolution, or
3) the Danish FSA, where the dissolution specified in section 58 does not take place.

61. Unless otherwise stipulated in the legislation, the decision to dissolve the pension fund shall be carried out by means of liquidation, unless the Danish FSA authorises that all the assets, liabilities and own funds of the pension fund may be transferred to an insurance company or another pension fund linked to undertakings within the same group. The general meeting may appoint one or more liquidators to carry out the dissolution. Otherwise, the Danish FSA shall appoint one or more liquidators. Where the interests of members or creditors
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speak in favour of such an action, the Danish FSA may appoint a liquidator to carry out liquidation with the liquidators appointed by the general meeting.

62.-(1) A decision to go into liquidation shall be registered with the Danish Commerce and Companies Agency. No later than 14 days after such a decision has been made, the liquidator shall submit notification to this effect and said notification shall be received by the Danish FSA and the Danish Commerce and Companies Agency before expiry of the stipulated time limit. Where the decision was made pursuant to section 60(1), no. 3, the Danish FSA shall, at its own initiative, notify the Danish Commerce and Companies Agency and the liquidation shall be deemed to have commenced at the time where the decision was made by the Danish FSA.

(2) The liquidators shall act for the board of directors and the board of management. The provisions laid down in this Act regarding the board of directors shall apply to the liquidators, subject to any necessary relaxation.

(3) The liquidators may at any time be removed by the authority which appointed said liquidators.

(4) A pension fund which is in liquidation shall keep its name with the addition of "I likvidation" (in liquidation).

(5) The regulations laid down in this Act on presentation of accounts, audit, general meetings and the submission of accounts to the Danish FSA, as well as section 123(1)-(3) and section 124 of the Public Companies Act shall apply correspondingly to pension funds in liquidation. The Danish FSA may grant exemptions from these provisions.

63. Distribution of the assets of the pension fund after satisfaction of the creditor's claims shall be carried out in accordance with the regulations laid down in the articles of association. The funds registered pursuant to section 49 shall be used solely to satisfy claims under the articles of association. Distribution of the assets of the pension fund may not be carried out before the Danish FSA has approved a plan for said distribution.

64.-(1) A petition for bankruptcy may be presented on behalf of a pension fund only by the board of directors or, if the company is in liquidation, by the liquidator. A pension fund which is in bankruptcy shall keep its name with the addition of "under konkurs" (in bankruptcy). The bankruptcy court shall notify the Danish Commerce and Companies Agency of the commencement and completion of bankruptcy proceedings. Upon completion of said bankruptcy proceedings, the pension fund shall be deleted by the Danish Commerce and Companies Agency.

(2) Where the pension fund is in liquidation and the liquidator finds that the liquidation will not provide sufficient funds to pay the creditors and persons entitled to pensions in full, said liquidator shall convene the general meeting for the purpose of deciding whether a petition for bankruptcy is to be filed.

(3) If a pension fund becomes insolvent, the Danish FSA shall file a petition for bankruptcy with the bankruptcy court unless such petition has been filed by others.

(4) Where a pension fund is declared bankrupt, the Danish FSA shall take the portfolio of pension commitments under administration, and the bankruptcy court shall transfer the funds specified in section 46a to the Danish FSA. The individual beneficiary may not submit claims against the insolvent estate. However, the Danish FSA may lodge a claim in the estate to an amount corresponding to the difference between the technical pension provisions at the
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commencement of insolvency proceedings and the value of the funds registered pursuant to section 49.

(5) Moreover, the Danish FSA may, on behalf of the estate under administration, submit a claim for an amount corresponding to the solvency requirement at the commencement of the administration estate.

(6) The Danish FSA shall appoint a liquidator to carry out appropriation of the registered funds. Sections 253-258 of the Financial Business Act on administration of a life-assurance portfolio shall apply correspondingly to a portfolio of pension commitments.

Part 9

Supervision

65.- (1) The Danish FSA shall supervise compliance with the provisions of this Act and provisions laid down pursuant to this Act, cf. however section 68. The Danish Commerce and Companies Agency shall supervise compliance with sections 11 and 20.

(2) The Financial Business Council shall assist in supervisory matters related to company pension funds with the powers vested in it pursuant to section 345(2) of the Financial Business Act.

65a.- (1) The time limits fixed in or pursuant to this Act shall take effect from the day following the day when the event occasioning the time limit occurred. This shall apply to the calculation of time limits involving both days, weeks, months, and years.

(2) Where the time limit is indicated in weeks, said time limit shall expire on the day in the week when the event occasioning the time limit occurred, cf. subsection (1).

(3) If the time limit is indicated in months it shall expire on the day in the month when the event triggering the time limit occurred, cf. subsection (1). If the day when the event occasioning the time limit occurred is the last day of a month or if the time limit expires on a date which does not exist, the time limit shall always expire on the last day of the month, irrespective of its length.

(4) Where the time limit is indicated in years, said time limit shall expire on the day in the year when the event occasioning the time limit occurred, cf. subsection (1).

(5) If a time limit expires during a weekend, on a holiday, 5 June, 24 December or on 31 December, the time limit shall be extended to the next weekday.

66. The pension funds shall submit to the Danish FSA all information which is necessary for the performance of the tasks of the Danish FSA. The Danish FSA may investigate the status and circumstances of pension funds covered by this Act and may, at any time and on presentation of appropriate identification, and without a warrant, be entitled to access to the pension fund in order to make inspections and gather information.

66a.- (1) By virtue of sections 152 to 152e of the Criminal Code, employees of the Danish FSA shall be obliged to keep secret any confidential information they receive in the course of their supervisory duties. The same shall apply to persons performing services as part of the
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operations of the Danish FSA and experts who act on behalf of the Danish FSA. This shall also apply after the termination of the employment contract or any other contract.

(2) Consent from the individual who the duty of confidentiality aims to protect shall not entitle employees of the Danish FSA or experts acting or having acted on the behalf of the Danish FSA to divulge confidential information.

(3) The provision stipulated in subsection (1) shall not prevent the Danish FSA from disclosing, on its own initiative, confidential information in the form of summaries, insofar as neither individual pension funds nor their members are identifiable.

(4) Confidential information may be disclosed during civil legal proceedings, where a pension fund has been declared bankrupt, and provided such information does not involve customers or third parties where said customers or third parties are or have been involved in attempts to save the pension fund.

(5) The provision of subsection (1) shall not prevent confidential information from being disclosed to

1) The Danish Securities Council.
2) Other public authorities, including the prosecution and the police, in connection with the investigations and legal prosecution of criminal offences covered by the Criminal Code or the supervision legislation.
3) The Minister concerned as part of his superior supervision.
4) Administrative authorities and courts hearing decisions made by the Danish FSA.
5) The Ombudsman of the Danish Parliament.
6) A parliamentary commission set up by the Danish Parliament.
7) Courts of inquiry set up by law or in accordance with the "lov om undersøgelseskommissioner" (courts of inquiry act).
8) The standing committee of the Danish Parliament regarding the general financial circumstances of a pension fund as part of parliamentary supervision of administration with respect to pension fund which are in suspension of payments or under bankruptcy proceedings where state guarantees or funds are granted for the winding-up of said pension fund.
9) The Members of the Public Accounts Committee and the National Audit Office of Denmark.
10) The bankruptcy court and other authorities participating in liquidation, bankruptcy proceedings or similar procedures regarding the pension fund, as well as persons responsible for the statutory audit of the accounts of a pension fund, provided that such recipients of information need said information to perform their duties.
11) Institutions managing depositor or investor guarantee schemes, provided that such information is required by the recipients for the performance of their duties.
12) Authorities in other countries within the European Union or countries with which the Community has entered into agreements which supervise pension funds.
13) Authorities in other countries within the European Union or countries with which the Community has entered into agreements which are responsible for the supervision of credit institutions, finance institutions, insurance companies or which are responsible for supervising the capital markets and bodies involved in the liquidation, bankruptcy proceedings, etc., of the pension fund, as well as persons responsible for the statutory audit of the accounts of the pension fund, provided that these recipients of information need it to perform their tasks.
14) Financial supervisory authorities in countries outside the European Union or outside countries with which the Community has entered into agreements, provided that such
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information falls under a duty of confidentiality as specified in subsection (1) pursuant to the national legislation in the country of domicile of said authorities and that said information is released in accordance with an international agreement.

(6) All those receiving confidential information from the Danish FSA under subsections (4) and (5) shall fall under the duty of confidentiality specified in subsection (1) with regard to said information.

(7) Confidential information received by the Danish FSA shall only be used in the course of its supervisory duties, to impose sanctions, or where appeals are made against the decision of the Danish FSA to a higher administrative authority or where such a decision is brought before the courts of law.

(8) Access to issue confidential information to the standing committee of the Danish Parliament under subsection (5), no. 8 shall be limited to documents in cases which have been established in the Danish FSA after 16 September 1995.

66b.-(1) Only pension funds against which a decision has been made by the Danish FSA shall be considered a party in relation to the Danish FSA, cf. however subsections (2) and (3).

(2) In the instances specified below, persons natural and legal other than the pension fund shall likewise be considered a party in the decision made by the Danish FSA as regards the parts of the case which concern said person:

1) Any person who acts contrary to the provisions laid down in this Act stipulating that promises of pension are to be covered either by an insurance company or by a pension fund, cf. sections 1, 2(1) and 4.
2) Any person who, notwithstanding the provision laid down in section 9, believes that he has a claim based on the promise of pension, cf. section 9.
3) Any undertaking applying for a license to conduct pension fund activities, cf. section 10(1).
4) An auditor of a pension fund where the Danish FSA dismisses said auditor or orders said auditor to provide information on the status and circumstances of the pension fund, as well as in cases concerning the prohibition against an auditor having loans, etc., with the pension fund audited by said auditor, cf. section 52(1), and in cases where the elected auditors or the appointed actuaries have not complied with their obligation to submit information to the Danish FSA, cf. section 52(1) and section 26(4), 1st clause.

(3) A member of the board of directors, an auditor, a member of the board of management, an appointed actuary, a liquidator or other senior employees of a pension fund shall also be considered a party where reprimands or orders issued by the Danish FSA pursuant to this Act or provisions issued pursuant to this Act are aimed specifically at said person.

(4) Moreover, the Danish FSA may, when instituting proceedings regarding good pension-fund practice, cf. section 6a, in exceptional circumstances also assign authorities as party to other persons natural or legal than those specified in subsections (2) and (3). The authorities as party may only be given for such part of the case as is of direct and material importance to the party concerned. The authorities as party shall be given having regard to the protection of confidential information about the undertakings that are subject to supervision.

(5) Status as a party and assigned authorities as party under subsections (2)-(4) shall be limited to matters where the decisions of the Danish FSA are made after 22 October 1998.
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66c.--(1) In the matters mentioned in subsection (2), the Danish FSA may make public the name of the pension fund which a decision concerns when the Danish FSA deems it to be of interest to the members of said pension fund to know the name of said pension fund.

(2) Publication may be effected in matters pertaining to

1) orders to rectify matters which are contrary to the regulations on good practice in section 6a(1), 1st clause and executive orders on honest business principles and good practice issued pursuant to section 6a(2),
2) violation of the ban against carrying out activities without a license, cf. section 10,
3) violation of executive orders on information, cf. section 12a,
4) violation of orders issued pursuant to sections 55 and 56,
5) violation of the regulations on disclosure of confidential information in section 71(2).

(3) Publication of the matters mentioned in subsection (2), no. 1 may moreover be effected despite the pension fund having changed its conduct, if the Danish FSA deems that the members of the pension fund still have an interest in knowing the matter.

(4) Publication of the matters mentioned in subsection (2), nos. 1 and 3-5 may not be effected if this would lead to significant damage to the pension fund. Said publication may not contain confidential information on member relationships.

(5) The Danish FSA may make public the name of the pension fund which a decision concerns two weeks after said pension fund has received notification regarding said decision. If the pension fund decides to bring the matter before the Company Appeals Board within said two weeks, publication may only be effected if the Board does not decide that the appeal is to act as stay of proceedings.

67. Pension funds subject to supervision under this Act shall pay a fee to the Danish FSA. The fee shall be set pursuant to part 22 of the Financial Business Act.

68. The provisions laid down in the Public Companies Act shall apply correspondingly with respect to notification and registration, etc.

69.--(1) The Danish FSA shall submit an annual review on the activities of the pension funds to the Minister for Economic and Business Affairs.

(2) The Danish FSA shall determine the extent to which said review is to be published.

70.--(1) Decisions made by the Danish FSA or by the Danish Commerce and Companies Agency in accordance with this Act or regulations issued pursuant to this Act may be brought before the Danish Commerce and Companies Appeal Board no later than four weeks after the person concerned has been notified of such decision.

(2) Where a decision made by the Danish FSA is set aside and said decision stipulated that the pension fund is to enter into liquidation or that its pension-fund portfolio is to be placed under administration, the Danish Commerce and Companies Agency shall carry out immediate registration of this fact. Where the pension fund owns real property, the Danish FSA shall attend to necessary land registrations.
71.- (1) Any person violating the provisions in section 1(1); sections 4 and 9a; section 10(1); section 15; section 16(1); section 20; section 21a(1), nos. 1-4; section 23a(4), cf. subsection (3), nos. 1 and 2; sections 24, 26 and 29; section 32(1), 2nd clause; section 37(1); sections 38 and 39; section 41(1) and (3); sections 43, 45a and 49; section 54(1)-(3); section 55, 3rd clause; section 62(1), 2nd clause; section 62(4); section 63 and section 64(1), 2nd clause of this Act shall be liable to a fine, unless more severe punishment is incurred under other legislation. Moreover, violation of the provisions specified in section 52(1) shall be liable to a penalty to the extent that said violation is liable to a penalty under section 373 of the Financial Business Act.

(2) The same penalty shall be imposed on members of boards of directors, members of boards of management, persons holding a power of procuration and other employees, appointed actuaries, auditors, liquidators and their deputies, where said persons disclose or utilise without authority any confidential information which has come to their knowledge during the performance of their duties, or where said persons submit incorrect or misleading information to the Danish FSA, the Danish Commerce and Companies Agency, or other public authorities, to the public, or to members of the pension fund.

(3) Any person who does not comply with orders issued pursuant to section 6a, section 56(1) and (2), or section 66 shall be liable to a fine.

(4) Where violations have been committed by companies, etc. (legal persons), said companies etc., may be held criminally liable according to the regulations laid down in chapter 5 of the Criminal Code.

(5) Regulations issued pursuant to this Act may stipulate that violations of the provisions of said regulations as well as non-compliance with mandatory injunctions issued pursuant to said regulations shall be punishable by fine.

72. Where the board of directors, board of management, liquidator, auditor or appointed actuary of a pension fund fails to comply within the proper time with the duties and obligations towards the Danish FSA or the Danish Commerce and Companies Agency imposed on said persons under this Act or under regulations laid down pursuant to this Act, the Danish FSA and the Danish Commerce and Companies Agency may, as a coercive measure impose daily or weekly fines.

Part 11

Entry into force and transitional provisions

73.- (1) This Act shall enter into force on the day following the publication of this Act in the Danish Law Gazette.2

(2) At the same time, the Supervision of Pension Funds Act, cf. Consolidated Act no. 4 of 12 January 1984, shall be repealed.
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(3) The provisions of part 5 - Annual financial statements, etc. - shall apply to accounting years commencing on 1 January 1989 and later. The regulations hitherto in force on presentation of accounts shall apply to accounting years commencing before this date.

(4) References to section 14 of the Supervision of Pension Funds Act in settlement endorsements and registrations in VP Securities Services shall from the moment of entry into force of this Act mean references to section 49 of the Supervision of Company Pension Funds Act.

(5) This Act shall not extend to the Faeroe Islands and Greenland. This Act may be brought into force by Royal Decree for Greenland, subject to any variations necessitated by the specific conditions prevailing in Greenland.

74.- (1) Pension funds which were under supervision pursuant to the Supervision of Pension Funds Act, cf. Consolidated Act no. 4 of 12 January 1984, shall, within three years after entry into force of this Act, have obtained a license pursuant to section 17. The Danish FSA may extend this time limit. A pension fund shall not comply with the provisions in this Act on pension regulations as well as on the financial and technical basis until when obtaining a license. Until such a time where the pension fund obtains a license, the provisions of Consolidated Act no. 4 of 12 January 1984 regarding the articles of association of the pension fund shall apply to said pension fund. Where a license has not been obtained at the time of expiry of the time limit, the regulations of part 8 of this Act shall apply.

(2) For pension funds covered by subsection (1) the members of which are exclusively covered by section 3(1), nos. 2 or 3, the Danish FSA may allow deviations from the provisions in sections 11-14; sections 22 and 28; sections 31-36; sections 46-47; sections 58, 61 and 62 of this Act.

75. Pension funds covered by sections 1 and 2 which were legally carrying out pension-fund activities at the time of entry into force of this Act, but which do not fall within the scope of the Supervision of Pension Funds Act, cf. Consolidated Act no. 4 of 12 January 1984, or within the scope of the Insurance Business Act, cf. Consolidated Act no. 127 of 23 March 1984 and subsequent amendments, shall, within three years after entry into force of this Act, have obtained a license pursuant to section 17. The Danish FSA may extend this time limit. The regulations hitherto in force for said pension funds, except for provisions regarding dissolution, shall apply correspondingly to the relevant pension funds until a license has been granted. Where a license has not been obtained at the time of expiry of the time limit, the pension fund shall be dissolved pursuant to part 8 of this Act.

76. Amendments to the articles of association which are necessary in order to obtain licenses pursuant to section 17 and which, at the general meeting, did not achieve the number of votes required by the articles of association for their adoption shall be regarded as validly adopted by the general meeting provided that the number of votes cast against the amendments is not such as is required by the articles of association for a resolution to dissolve the pension fund. Where said amendments of the articles of association or regulations cannot be regarded as adopted, the pension fund shall be dissolved pursuant to the provisions of part 8 of this Act.

77. Notwithstanding sections 46 and 47, pension funds which were operating at the time of entry into force of this Act may continue to own assets which were legally in the ownership of said pension funds at said time.
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78.-(1) The provisions laid down in section 7(1) shall not apply to pension funds which, at the time of entry into force of this Act, had fewer than 50 members, calculated in accordance with section 3.

(2) Where the number of members in one of the pension funds specified in subsection (1) is, or becomes less than 50, the Danish FSA shall decide the conditions for continued operation of such pension funds.

(3) Exemptions granted to pension funds pursuant to section 6 of the Supervision of Pension Funds Act, cf. Consolidated Act no. 4 of 12 January 1984, shall remain valid pursuant to this provision.

79. Pension funds which, during the last three years before adoption of this Act, regularly distributed benefits to which the recipients had no legal claim may, for a period of up to five years after entry into force of this Act, continue to distribute such benefits to those persons who received such benefits within said period. However, the Danish FSA may extend this time limit by up to ten years.

80. (Omitted)

Act no. 305 of 16 May 1990 contained the following entry into force and transitional provisions:

4.-(1) Section 1, nos. 2, 3, 5-11, 13-17, 22, 24-32, 34, 36, 38, 43, 47-50 and 53-56 as well as section 3, nos. 1-10, 14 and 18 shall enter into force on the day after notification in the Danish Law Gazette. 31

(2) Section 1, nos. 1, 4, 12, 18-21, 23, 33, 35, 37, 39-42, 44-46, 51 and 52; section 2; and section 3, nos. 11-13, 15-17 and 19 shall enter into force on 1 July 1990.

Act no. 129 of 26 February 1992 contained the following entry into force and transitional provision:

2.-(1) This Act shall enter into force on 1 March 1992.

(2) The provisions laid down in section 1, nos. 2-5 shall apply to accounting years commencing on 1 March 1992 or later.


Act no. 363 of 18 May 1994 contained the following entry into force and transitional provisions:

5.-(1) (Omitted)

(2) Section 2 shall enter into force on the day after notification in the Danish Law Gazette. 41

6. (Omitted)
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Act no. 1072 of 20 December 1995 entered into force on 1 May 1996. 5]

Act no. 376 of 22 May 1996 contained the following provisions regarding entry into force:

10.- (1) This Act shall enter into force on 1 June 1996.

(2) (Omitted)

11. (Omitted)

Act no. 413 of 10 June 1997 entered into force on the day after notification in the Danish Law Gazette. 6]

Act no. 475 of 10 June 1997 contained the following entry into force and transitional provisions:

9.- (1) 1st clause. This Act shall enter into force on 1 January 1998. (2nd and 3rd clauses omitted)

(2)-(12) (Omitted)

10. (Omitted)

Act no. 490 of 1 July 1998 contained the following provisions regarding entry into force:

6. This Act shall enter into force on 1 August 1998 and shall be effective for annual financial statements from the 1998 accounting year and thereafter.

7. (Omitted)

Act no. 1055 of 23 December 1998 contained the following provisions regarding entry into force:

5. This Act shall enter into force on 1 January 1999.

6. (Omitted)

Act no. 390 of 30 May 2000 contained the following entry into force and transitional provisions:

5.- (1) This Act shall enter into force on 1 June 2000.

(2) The time limit in section 1, no. 3 shall apply to general meetings held in connection with accounting years ending in 2000.
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(3) Pension funds which, at the time of entry into force of this Act, have an accounting year deviating from the calendar year, cf. section 1, no. 4, shall present annual financial statements following the calendar year no later than in 2002. The Danish FSA may, however, permit that a change in accounting date takes place after the time mentioned in the 1st clause. In such cases, the period of change shall be less than twelve months.

(4) Notwithstanding the provisions in section 1, no. 1, company pension funds that, at the time of entry into force of this Act, operate a venture-capital limited company together with pension funds or insurance companies which are part of a joint administrative organisation with said company pension fund may continue such operation. The Danish FSA shall be notified in this respect before 30 June 2000.

6. This Act shall not extend to Greenland and the Faeroe Islands, but section 1 may be brought into force by Royal Decree for Greenland subject to any variations in their operation necessitated by the specific conditions prevailing in Greenland.

Act no. 1329 of 20 December 2000 contained the following entry into force and transitional provisions:

6. This Act shall enter into force on 1 January 2001.

7. This Act shall not extend to Greenland and the Faeroe Islands, but sections 1 and 4 may be brought into force by Royal Decree for Greenland subject to any variations in their operation necessitated by the specific conditions prevailing in Greenland.

Act no. 233 of 29 April 2002 contained the following entry into force and transitional provisions:

9.- (1) This Act shall enter into force on 1 July 2002.

(2) (Omitted)

(3) (Omitted)

10.- (1) With the exception of section 6, this Act shall not extend to the Faeroe Islands and Greenland. (2nd clause omitted).

(2) (Omitted)

(3) Section 3 may be brought into force for Greenland by Royal Decree, subject to any variations in their operation necessitated by the specific conditions prevailing in Greenland.

Act no. 428 of 6 June 2002 contained the following entry into force and transitional provisions:
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19.- (1) This Act shall enter into force on 1 July 2002 cf., however, subsections (2) and (3).

(2) (Omitted)

(3) (Omitted)

(4) (Omitted)

20. (Omitted)

21.- (1) With the exception of section 1, no. 13, this Act shall not extend to the Faeroe Islands and Greenland but may, by Royal Decree, be made effective for these parts of the Realm subject to any variations in their operation necessitated by the specific conditions prevailing in the Faeroe Islands and Greenland cf. however subsection (2).

(2) (Omitted)

Act no. 1090 of 17 December 2002 contained the following provisions regarding entry into force:

5.- (1) This Act shall enter into force on 1 January 2003.

(2) (Omitted)

(3) (Omitted)

11. This Act shall not extend to the Faeroe Islands and Greenland.

Act no. 453 of 10 June 2003 on Financial Business contained the following provisions regarding entry into force:

375.- (1) This Act shall enter into force on 1 January 2004, cf. however subsections (2) and (3).

(2) (Omitted)

(3) (Omitted)

(4) (Omitted)

(5) (Omitted)
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438.-(1) This Act shall not extend to Greenland and the Faeroe Islands, but may be brought into force by Royal Decree for these parts of the country subject to any variations necessitated by the specific conditions prevailing in Greenland and the Faeroe Islands, cf. however subsections (2)-(4).

(2) This Act may not be made effective for the Faeroe Islands with regard to insurance business and mortgage-credit business.

(3) This shall apply correspondingly to sections 420 and 421.

(4) (Omitted)

Act no. 490 of 9 June 2004 contains the following entry into force and transitional provisions:

6.- (1) This Act shall enter into force on the day following the publication of this Act in the Danish Law Gazette, cf. however subsection (2).

(2) (Omitted)

7. The "lov om fremme af privat udlejningsbyggeri" (act on the promotion of private rental housing), as amended by section 1 of Act no. 903 of 17 November 2003, shall continue to apply to commitments granted before 1 April 2004. If a final commitment lapses, the resulting freed investment framework shall be transferred to the appropriation framework for the fiscal year in which said lapse occurs. The increase in the appropriation framework shall be calculated as 19 per cent of the freed investment framework.

Act no. 1381 of 20 December 2004 contains the following entry into force and transitional provisions:

3. This Act shall enter into force on 23 September 2005.

4.- (1) As regards members of the board of directors and members of the board of management who on the date of entry into force of this Act are members of the board of directors or members of the board of management, section 23a(3), no 1 of the Supervision of Company Pension Funds Act, cf. section 1, no. 18 of this Act, shall not apply. As regards members of the board of directors and members of the board of management who on the date of entry into force of this Act are already members of the board of directors or members of the board of management, section 23a(3), no. 3 of the Supervision of Company Pension Funds Act, cf. section 1, no. 18 of this Act, shall only apply to behaviour after entry into force of this Act.

(2) The appointed actuary of a pension fund who, at the entry into force of this Act, is a member of the board of directors of the pension fund may, notwithstanding section 26(1), 2nd clause of the Supervision of Company Pension Funds Act, cf. section 1, no. 19 of this Act, continue as a member of the board of directors.

5.- (1) This Act shall not extend to Greenland and the Faeroe Islands, cf. however subsection (2).
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(2) Sections 1 and 4 may be brought fully or partially into force for Greenland by Royal Decree subject to any variations in their operation necessitated by the specific conditions prevailing in Greenland.

Act no. 1383 of 20 December 2004 contains the following entry into force and transitional provisions:

17.- (1) This Act shall enter into force on 1 January 2005, cf. however subsections (2)-(4).

(2) (Omitted)

(3) (Omitted)

(4) (Omitted)

18.- (1) This Act shall not apply to the Faeroe Islands and Greenland, cf. however subsections (2) and (3).

(2) Sections 1, 3 and 4 may, however, be brought fully or partially into force for the Faeroe Islands and Greenland by Royal Decree subject to any variations in their operation necessitated by the specific conditions prevailing in Greenland and the Faeroe Islands respectively.

(3) Sections 2 and 5 may be brought fully or partially into force for Greenland by Royal Decree subject to any variations in their operation necessitated by the specific conditions prevailing in Greenland.

The Ministry of Economic and Business Affairs, 24 October 2005

Bendt Bendtsen

/Henrik Bjerre-Nielsen
The following countries are covered by Zone A:

EU Member States, other countries with full membership of the Organisation for Economic Cooperation and Development (OECD), and other countries that have entered into special loan agreements with the International Monetary Fund (IMF) and are affiliated with the General Agreement on Borrowing (GAB). However, a country that restructures its foreign national debt due to inability to pay shall be excluded from Zone A for a period of five years.

Official notes

3) Published in the Danish Law Gazette on 17 May 1990.
4) Published in the Danish Law Gazette on 19 May 1994.
5) Executive Order no. 334 of 30 April 1996 on the entry into force of the Securities Trading, etc. Act.
6) Published in the Danish Law Gazette on 11 June 1997.
7) Published in the Danish Law Gazette on 10 June 2004.

Links to EEC and EC directives, cf. note 1

Directive 2003/41/EC Celex no. 32003L0041