

**Executive Order No. 764 of 18 September 1995 - In force**

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Ministry of Justice

**Executive Order on Acquisition of Real Property as regards Certain Nationals of EC Member States and EC Companies as well as Certain Persons and Companies from Countries that have Acceded to the Agreement on the European Economic Area**

The following provisions have been laid down in pursuance of section 5 of Act No. 447 of 11 October 1972 on the Accession of Denmark to the European Communities, section 1(3) of Consolidation Act No. 566 of 28 August 1986 as amended by Act no. 1102 of 21 December 1994 and section 2(1) of Act No. 963 of 9 December 1992 on the Accession of Denmark to the Agreement on the European Economic Area:

**1.-(1)** The persons and companies etc. mentioned below may acquire title to real property in Denmark without obtaining permission from the Ministry of Justice pursuant to section 1 of the Act on Acquisition of Real Property, i.e. Consolidation Act No. 566 of 28 August 1986 as amended by Act No. 1102 of 21 December 1994 even though they are not resident or have their registered office in Denmark or have not previously been resident in Denmark for a total period of five years:

- 1) A worker who is a national of a Member State of the European Union (EC nationals) and who is employed as a pay earner in Denmark or has an EC residence permit.
- 2) A worker who is a national of a state which has acceded to the Agreement on the European Economic Area and who is employed as a pay earner in Denmark or has an EEA residence permit.
- 3) An EC national or a national of a state that has acceded to the Agreement on the European Economic Area who has set up in Denmark or intends to do so to engage in self-employed activities.
- 4) An EC national or a national of a state that has acceded to the Agreement on the European Economic Area who has established an agency or branch in Denmark or intends to do so or who intends to deliver or receive services in Denmark.
- 5) A company etc. which is established in accordance with the law of a Member State or a state that has acceded to the Agreement on the European Economic Area and has established branches or agencies in Denmark or intends to do so or plans to deliver services in Denmark.

**(2)** The companies etc. referred to in subsection (1), para (5), above must either have their central administration or principal place of business in the territory of the Community or a state that has acceded to the Agreement on the European Economic Area or have their registered office there. In the latter case, the activities of the company must have actual and continuous links with the business sector of a Member State or a state that has acceded to the Agreement on the European Economic Area.

**2.** EC nationals who have a residence permit in Denmark pursuant EC Directives 90/364/EEC on the right of residence, 90/365/EEC on the right of residence for employees and self-employed persons who have ceased their occupational activity or 93/96/EEC on the right of residence for students may acquire title to real property in Denmark without permission from the Ministry of Justice pursuant to section 1 of the Act on Acquisition of Real Property, i.e. Consolidation Act No. 566 of 28 August 1986, even though they are not resident or have their registered office in Denmark and have not previously been resident in Denmark for a total period of five years.

**3.** The provisions of sections 1 and 2 only applies to acquisition of a property

- 1) which is intended to serve as a necessary all-year dwelling for the acquirer; or
- 2) where the acquisition is a precondition for engaging in self-employed activities or delivering services.

**4.-(1)** Registration of a document on acquisition of real property without special permission in accordance with sections 1 and 2 is subject to the condition that the acquirer makes a declaration which states that the person or company in question is covered by one of the categories of acquirers referred to in section 1 or 2 and that the purpose of the acquisition is as described in section 3.

**(2)** If the purpose of the acquisition is to make the property serve as a necessary all-year dwelling for the acquirer, it must also appear from the declaration that the property has not been classified or is not used as a seasonal dwelling or a leisure site.

**(3)** Workers must also in such a declaration include information about the name and address of their employer or enclose the worker's EC/EEA residence permit.

**5.** The declaration must be made in the title document and signed by the acquirer. Examples of declaration forms are included as an annex to this Executive Order.

**6.-(1)** This Executive Order enters into force on 1 October 1995.

**(2)** At the same time, Executive Order No. 895 of 23 December 1987 will be repealed.

*The Ministry of Justice, 18 September 1995*

Bjørn Westh

/ Niels Boesen

**Annex**

Examples of declaration forms

**1. Declaration when acquiring a necessary dwelling.**

I, the undersigned acquirer of the property, hereby declare under the penalty of perjury pursuant to section 162 of the Criminal Code

*that* I am a national of a country which is a Member State of the European Union/or: a country that has acceded to the Agreement on the European Economic Area;

*that* according to EC law/or: the law of a country that has acceded to the Agreement on the European Economic Area, I am entitled to engage in self-employed activities in Denmark/or: I am employed as a pay earner at . . . . /or: I have an EC residence permit/EEA residence permit (enclosed);

*that* the property will be used as an all-year dwelling for me;

*that* the property is not a seasonal dwelling or a leisure site or used as such.

**2. Declaration when acquiring real property in connection with establishment/or: delivery of services.**

I, the undersigned acquirer of the property, hereby declare under the penalty of perjury pursuant to section 162 of the Criminal Code

*that* I am a national of a country which is a Member State of the European Union/or: a country that has acceded to the Agreement on the European Economic Area/or: the company is covered by section 1(1), para (5), read with subsection (2), of the Executive Order of the Ministry of Justice of . . . . . 1995;

*that*, according to Community law on the right of establishment/or: the Agreement on the European Economic Area/or: exchange of services, I/the company am/is entitled to engage in self-employed activities as . . . . . /or: establish agencies or branches/or: deliver services in Denmark;

*that* the property is a precondition for my/the company's activities in Denmark;

*that* the property is not a seasonal dwelling or a leisure site or used as such.

**Official notes**

None