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## Guidelines to the Executive Order on Payment for Services Provided by the Danish Foreign Service

### Introduction

The guidelines elaborate on the provisions contained in Executive Order No. 14 of 12 January 2012 (Executive Order on Payment for Services Provided by the Danish Foreign Service). These guidelines relate only to the provisions in the Executive Order for which there is deemed to be a need for explanatory remarks.

The provisions of the Executive Order on Payment relate to services delivered throughout the Ministry of Foreign Affairs of Denmark, i.e. the Ministry of Foreign Affairs, diplomatic and honorary missions and Trade Commissions. In these guidelines, all these units will be referred to either as »a mission« or »the mission«. The provisions apply regardless of which staff deliver the services.

### 1. Legal Foundation

The Executive Order on Payment for Services Provided by the Danish Foreign Service is issued pursuant to section 14 of Act No. 150 of 13 April 1983, which was most recently amended by Act No. 410 of 6 June 2002 on the Ministry of Foreign Affairs of Denmark, and stipulates the following:

*»14. – (1) Fees shall be charged for services rendered by the Foreign Service in accordance with rules laid down by the Minister for Foreign Affairs.*

*(2) Accounts shall be rendered of fees received. The fees shall be paid to the Treasury. However, at the discretion of the Minister for Foreign Affairs, Honorary Consular Officers may use fees received to cover operating expenses.*

*(3) Any disputes as to the computation of fees shall be settled by the Minister for Foreign Affairs.«*

The guidelines are divided into eight areas and in relation to the largest target groups for the Ministry of Foreign Affairs' assistance:

- 1) Legal Foundation
- 2) Common Provisions
- 3) Consular Services
- 4) The Folketing (Danish Parliament), the Central Administration, Municipalities, the Faroe Islands and Greenland

- 5) Enterprises
- 6) International Organisations, Other Countries' Representatives and NGO's, etc.
- 7) Culture and Media
- 8) Other Matters

## **2. Common Provisions**

This main area covers a range of items that are relevant for all the other main areas. It will at all times be important to read both the common provisions and the specific provisions within the relevant main area.

Non-commercial services which are specifically deemed to contribute to the work of raising the profile of Denmark/public diplomacy are generally not covered by the requirement to pay. See also section 7 of these guidelines.

Payment can be made in the form of hourly charge, fees and/or outlays. This applies to services delivered abroad at the missions and at the Ministry of Foreign Affairs.

The definition of payment according to the hourly charge principle is that payment shall be made for case administration time spent (per hour or part thereof) by staff at a mission on tasks that are performed at the request of a citizen, an authority or an enterprise. In real terms, payment shall be made for the time that a member of staff at a mission could have spent on other tasks.

*Fees* are payment for a specific service, where, for example, a citizen receives individual assistance or has an official travel document issued, such as a passport or visa. The fees for issuing, for example, passports are set at centralised level, which ensures that all missions charge the same price.

*Outlays* relate to the payment of potential costs and expenses that a mission might have had in connection with a given matter – e.g. the services of a lawyer or forwarding by courier service of a passport.

Situations can arise where it is necessary for several services to be paid for at the same time. This happens, for example, in cases involving the issuing of passports and temporary drivers licenses or the performance of tasks entailing, for example, both payment by hourly rate and payment for outlays.

On the basis of a specific assessment, a mission may waive fees or hourly charges – wholly or partially – payable by private individuals where weighty social or other considerations so warrant, or where payment would seem clearly unreasonable.

The delivery of a payable or chargeable task does not necessarily have to be provided in writing. It will also be possible to charge payment for verbal answers.

As a rule, payment shall not be charged for minor routine information tasks. This could, for example, involve providing addresses to public authorities and lawyers or links to Internet websites containing the information that the citizen/enterprise is seeking.

In minor matters, payment shall not be charged. These matters are characterised by often involving, for example, the forward communication of standard answers based on a very short amount of time spent on case administration. As a rule, case administration time under 30 minutes shall be regarded as minor. However, payment could be charged if the citizen seeks additional information in a matter as a result of which the case administration time in reality is lengthened and the case can therefore no longer be regarded as a minor matter.

The specific assessment of whether a matter shall be regarded as a minor matter is carried out by the mission approached by the citizen or enterprise.

Prior to commencing performance of the task, the mission will inform the customer whether payment will be demanded. In both commercial matters and consular matters, the mission will inform the customer about the expected time to be spent on the task as well as ensure the customer understands this before commencing work on the task. A mission will, however, not refrain from taking urgent steps to safeguard the customer's interests or general Danish interests while waiting to obtain contact with the customer. When the opportunity presents itself, the mission will obtain the customer's consent.

#### **Increased fees outside normal office hours and on closing days or public holidays**

If a citizen, enterprise or authority, etc. requests the mission to perform a chargeable service covered by sections 2-5; section 8, subsection (1), point 1; and section 12 of the Executive Order on Payment outside the mission's office hours, an hourly charge of DKK 915 shall be claimed plus a surcharge of 50 per cent per hour or part thereof. For sections 2-5, this payment applies instead of the fees. There is a special regulation governing the issue of temporary passports and extension of passports, in which an increased fixed rate shall be charged outside normal office hours, cf. section 20 of the Executive Order on Payment and section 3.3. of these guidelines. For other services performed pursuant to the Executive Order on Payment, the fee shall be increased by 50 per cent. The transport time that a staff member at a given mission spends in order to deliver a chargeable service outside the mission's office hours shall be included in the hourly calculation.

Similarly, on closing days and official public holidays, an increased fee shall be charged. However, in this regard, the surcharge shall be 100 per cent. Certain services, such as the issue of temporary passports and extension of passports, are subject to a fixed increased rate, cf. section 20 of the Executive Order on Payment and section 3.3.1. of these guidelines.

In connection with the performance of specific tasks, the Ministry of Foreign Affairs may invite tenders for cooperation (section 21). Such cooperation might concern the publishing of an export catalogue, or the establishment of a database or the like, with the Ministry of Foreign Affairs delivering part of the goods or services required, and the other party supplying the rest. Invitations to tender for cooperation with the Ministry of Foreign Affairs concerning specific tasks do not fall within the scope of the Executive Order on Payment or these guidelines.

Payment settled in foreign currency may be rounded up to the nearest round figure that appears natural for the denominations of local notes and coins. However, the rounding may not deviate by more than DKK 10 from the amount charged.

Payment for consular services (Part 1) and other matters (Part 3) shall in general be made prior to execution of the chargeable service. In specific cases, the mission may require prior payment, partial payment, a deposit or similar measures in relation to also commercial matters (Part 2).

Where payment is not made in advance, the Ministry of Foreign Affairs may, if payment is not made on time, charge a fee of DKK 85 from the second written request for payment of the amount outstanding.

## **2.1. Outlays**

The general rule is that neither the set fees nor the hourly charge include the outlays of the mission in connection with a given matter. Outlays shall thus always be charged, also in cases where the citizen/enterprise is exempt from paying fees or hourly charges.

Where a mission expects a matter to involve particularly substantial outlays compared with the price of the service, the citizen must give his or her acceptance of the outlay before the matter is undertaken by the mission.

Where a mission provides assistance to customers' participation in commercial fairs, all direct costs in this relation must be paid by the customers themselves. If a mission in exceptional cases covers the expenses incurred by the customer, the mission must immediately re-invoice the customer for the individual amount.

### **2.1.1. Telecommunication expenses**

The main rule is that the customer must reimburse the actual telecommunication expenses, including telephone (except for local telephone calls to a limited extent), e-mail, fax and video conference which have been incurred at the customer's request, i.e. expenses which may be said to be directly occasioned by the customer and which cannot be characterised as natural minor expenses when handling a matter.

Local rates for the form of transmission used shall be charged.

### **2.1.2. Telecommunication fees**

Where the use of telecommunication does not constitute part of another chargeable matter or service, payment shall be charged pursuant to the provision contained in section 19, subsection (4). In addition to the fee of DKK 460, the actual cost of telecommunication must be reimbursed, except for local telephone calls to a limited extent. This means that a fee shall typically be charged in matters where, for example, a representative of an enterprise asks permission to use the mission's telecommunication system without requesting any other assistance. (The customer may, of course, be advised to utilise the facilities of the local post office, etc.).

### **2.1.3. Exemption from reimbursement of outlays**

The citizen/enterprise will not be required to reimburse the mission for local telephone calls, ordinary postage costs when forwarding letters and similar natural minor expenses when handling a matter. In addition, dispensation may be given in relation to minor matters.

## **3. Consular Services**

This section relates to Part 1, sections 1-7 of the Executive Order on Payment.

### **3.1. Consular services, general**

Payment for services performed for a citizen shall as a rule be demanded according to the hourly rate principle. As of 1 January 2012, DKK 915 shall be charged per hour or part thereof. The hourly rate shall apply to all services unless otherwise stated in the Executive Order on Payment. This means that if a matter is not explicitly referred to in the Executive Order or if the matter does not involve a routine information task and/or minor matter, then payment as a rule shall be demanded according to the hourly rate principle. This provision applies, for example, also to assistance rendered in establishing contact with an insurance company or the Danish National Health Service.

The services may be provided from the Ministry of Foreign Affairs directly to the citizen or from Danish missions.

Similarly, certain Trade Commissions may also perform a service for the citizen. It is recommended that the citizen visits the Ministry of Foreign Affairs' website to find out which Trade Commission can provide the desired service.

### **3.2. Assistance to individuals**

Assistance to individuals comprises a range of services that are normally performed on behalf of Danish nationals and foreign nationals with permanent residence in Denmark, who, for one reason or another, need assistance. The most common types of assistance to individuals relate to:

- Cases concerning sickness and death
- Loss of documents (e.g. passports)
- Enquiries regarding missing persons
- Financial assistance in emergency situations (e.g. transfer of money)

In connection with assistance to individuals, payment may, in addition to the time spent on a case, be demanded for the reimbursement of any outlays that the mission has had.

In respect to assistance provided in connection with enquiries regarding missing Danish persons abroad, there may be a need for a mission to perform a service. If so, the citizen will be charged payment afterwards, depending on how much time was spent on handling the case.

Exceptions from the obligation to pay are stated in section 1, subsection (2) of the Executive Order on Payment. It should be emphasised that exceptions from the obligation to pay do not include exemption from paying the mission for any outlays. In cases of imprisonment the exception from the obligation to pay does not apply in cases of assistance from the Mission to the imprisoned person which is not directly related to the case of imprisonment. In these situations a fee of DKK 915 shall be charged per hour or part thereof.

### **3.3. Passports and driving licences**

The fees for the issue of passports at a Danish mission abroad by and large follow the fees charged for the Danish A-type passports, to which shall be added a 50 per cent surcharge. The fees charged for the driver licences follow by and large the fees charged by the Danish police, to which shall be added a 50 per cent surcharge.

### 3.3.1. Passports (section 2)

Fees for processing passport-related tasks are listed in section 2 of the Executive Order on Payment. In this respect, the following can be mentioned:

- **Passports:** A passport constitutes a travel document for Danish, Faroese and Greenlandic nationals. There are three different types: A-passports for persons aged between 18 and 65 (DKK 940), B-passports for persons not yet turned 18 year of age (DKK 940) and C-passports for persons who has turned 65 years of age (DKK 940).
- **EU emergency passports:** EU emergency passports are created in conformity with Council Decision 409 of 25 June 1996 on EU emergency passports. The Council Decision contains the specific terms governing the issue of such emergency passports. EU emergency passports are issued to nationals from other EU Member States. The fee is DKK 940.
- **Other provisional passports:** Provisional passports must primarily serve as a journey-home document. The fee therefore does not follow the norm for issued passports, in which the rates of the police authorities are used plus a surcharge of approx. 50 per cent. The fee for issuing a provisional passport is DKK 940 during a mission's normal office hours. If, on the other hand, a provisional passport is issued outside the mission's normal office hours or on a closing day or official closing day, the increased fee shall be charged, cf. section 20 of the Executive Order on Payment:
  - 1) Outside the mission's office hours, a fee of DKK 3,850 shall be charged.
  - 2) On a closing day or an official public holiday for the mission, a fee of DKK 5,130 shall be charged.
  - 3) When application for a temporary passport is submitted together with an application for a new passport within the office hours of the Mission, a fee for the temporary passport is not charged.

In both instances, where several passports are issued as part of the same service, an increased fee shall be charged for the first passport and DKK 940 for each subsequent provisional passport. The travel time required by the mission's staff member to perform this service outside office hours or on closing days/public holidays shall be included in the fee.

- **Laissez-passer:** A laissez-passer is a travel document that is used in exceptional situations when, for example, a foreigner does not possess a travel document. A laissez-passer issued for first-time entry into Denmark is exempt from fee. A laissez-passer issued to replace a Danish travel document for refugees or an aliens' passport that has been lost is not exempt from fee.

With regard to *name alteration or destroyed/damaged passports*, a fee shall as a rule be charged for a new passport. However, a new passport may be issued without charging the citizen if the passport, due to circumstances caused by the mission or another issuing authority, suffers from significant shortcomings.

*For travel documents for refugees and aliens' passports* that are issued pursuant to the Aliens Act, a fee shall be charged corresponding to the fee charged for the issue of a normal Danish passport.

With regard to *applications to extend the validity of a passport*, the citizen will be required to pay a fee of DKK 940 unless the application for a passport extension is submitted simultaneously with a request for a new passport. In the latter case, a fee will not be charged for the passport extension, but only for the new passport.

### **3.3.2. Driving licences (section 4)**

Fees for processing tasks related to driving licences are specified in section 4 of the Executive Order on Payment. A mission may provide help with the following driving licences:

- Duplicate driving licence
- Issue of a certificate on a lost driving licence (temporary replacement driving licence) for driving abroad
- Renewal of a driving licence limited in time for persons over 70 years of age
- Renewal of a driving licence limited in time for reasons of health for commercial drivers
- International driving licence
- EU driving licence (renewal of old non-EU driving licence).

When the assistance provided in connection with the services mentioned in its character and scope exceeds the limits of ordinary chargeable assistance, a payment of DKK 915 per hour or part thereof shall be payable instead.

### **3.3.3. Forwarding costs**

As a rule, no charge will be levied for forwarding costs associated with handling matters concerning passports and driving licences between a mission and Copenhagen or internally between the missions themselves, as the associated costs shall be deemed included in the fee/hourly charge. The fee/hourly charge shall also be deemed to include expenses for normal forwarding costs when sending a passport to the citizen. By »normal forwarding costs« is meant standard post only. In places where the postal service must be considered unreliable, the use of registered post may also be regarded as »normal forwarding costs«.

Where warranted by heightened security considerations, the forwarding of passports to countries accredited to Denmark and in countries with large geographical distances may be done by courier. When using couriers, the mission shall demand an outlay from the citizen for related costs. However, the citizen's acceptance of the outlay must be obtained in advance.

### **3.4. Visas and residence and/or work permits (section 3)**

The section below relates to section 3 of the Executive Order on Payment - Visas.

The citizen will be charged a fee upon submission of all types of applications for visas. This shall apply also to spouses entered in the other spouse's passport and for children aged 6 and over entered in their parents' passports at a Danish mission abroad.

Generally, visa fees shall be charged for the work involved in processing the application. This means that the fee will not be reimbursed even if the application is rejected. No fee will be charged either for investigating whether a visa is required.

If a visa applicant obtains a new passport after submitting a visa application, the citizen will not be required to pay a new visa fee despite the fact that the mission will need to revise the application in the electronic system, on the grounds that it is not a new visa application.

#### **3.4.1. Danish visa fees pursuant to Schengen**

According to EU Council Decision 2006/440/EC of 1 June 2006 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged

corresponding to the administrative costs of processing visa applications, the fee rate is set at EURO 60 (corresponding to DKK 450, using a EURO rate of DKK 7.45). However, this does not apply to countries with whom the Commission has signed or is in the process of signing a visa facilitation agreement. From citizens in these countries, only a fee of EURO 35 (DKK 260) shall be charged. Section 3, subsection (5) of the Executive Order on Payment specifies the case in which no fee shall be charged.

At the discretion of the mission, students, athletes, etc. may be granted exemption from paying fees where trips take place as part of an exchange agreement, an amateur sports event, an amateur concert event and the like, or if the mission considers such exemption appropriate for other reasons.

EU Visa Code allows that within the framework of local Schengen cooperation it may be decided that other groups may be exempted from visa fee cf. section 3 subsection 7.

### **3.4.2. Residence and/or work permits (section 3)**

When a mission is requested to assist in connection with processing an application for a residence and/or work permit, the citizen shall be charged a fee of DKK 1,400 per case. This shall apply also in circumstances where the application is submitted in Denmark and where the Danish Authority subsequently requests a further investigation of the case. In this situation, the case is considered handed over to the mission.

For assistance in cases with no prior involvement from the mission but where the Danish Authority has pre-authorized the mission to print stickers, the citizen shall pay DKK 1,830 per application. This shall apply also in cases relating to re-entry permits.

For assistance in cases with no prior involvement from the mission and where a possible letter of rejection, original documents etc. have to be handed out to an applicant, a payment of DKK 915 per hour or part thereof must be applied.

Denmark has signed bilateral »Working Holiday« agreements with the following countries: Argentina, Australia, New Zealand, Canada, Chile, South Korea and Japan. In connection with applications for »Working Holiday« permits within the framework of these agreements, the applicant shall pay the same fee as for other work or residence permits. Japanese nationals, however, shall be exempt from paying fees, cf. the »Working Holiday« agreement between Denmark and Japan of 1 October 2007.

In processing applications for residence and work permit cf. Working Holiday agreements with other Nordic countries it will always be the Danish charge rules that apply.

### **3.4.3. Use of external service providers**

There are certain instances where the mission (subject to agreement with the Ministry of Foreign Affairs) has entered into an agreement with external service providers on the performance of routine tasks in connection with processing applications for visa and residence and/or work permits, such as checking the correctness of the applications, etc. In connection with the use of external service providers (section 3, subsection (5)), the citizen will be required to pay a surcharge over and above the fixed visa fee. The size of the additional fee will as a general rule align with the amount that other Schengen countries present charge in connection with similar use of external service providers. In 2011, this surcharge amounts to maximum EURO 30 (DKK 225).

#### **3.4.4. Exceptions**

Exceptions from the obligation to pay are specified in section 3, subsection (12) of the Executive Order on Payment.

#### **3.4.5. Mailbox function at selected Honorary Consulates, Schengen (visas and resident and/or work permits)**

The Schengen rules presuppose that visas and residence and/or work permits may only be issued at missions with posted staff from the Ministry of Foreign Affairs. However, in order to provide the best possible service to citizens, the Ministry of Foreign Affairs has established a number of so-called mailbox functions at selected Danish Honorary Consulates. These mailbox functions will be able to receive and process applications (but not in places where biometrics must be obtained from the applicant) with a view to submitting them for final processing and issue at a Danish mission where handling of the cases takes place.

A special handling fee of DKK 145 has been adopted to cover the additional costs incurred as a result of introducing the mailbox function (section 3, subsection (13)). The fee of DKK 145 shall be regarded as payment for:

- The work associated with receiving, checking and forwarding visa applications to a duly authorised mission or to the Danish Immigration Service.
- Normal forwarding costs. By »normal forwarding costs« is meant both standard and registered post. All outlays in connection with the use of couriers shall be reimbursed by the citizen concerned. The citizen must give their acceptance of the outlay in advance.

The above shall also apply to applications regarding residence and/or work permits.

#### **3.4.6. Appeals against decisions rejecting an application for a visa or a residence/and or work permit**

A mission will advise citizens/applicants wishing to appeal to file the appeal directly with the appeals body specified in the letter of rejection. Hourly payment of DKK 915 shall be charged where the citizen/applicant wishes to receive assistance from a mission in filing the appeal.

#### **3.5. Translations and authentications**

As a general rule, translations should be performed by the citizens themselves. With respect to small translations of a routine or minor nature a mission is permitted in exceptional situations to carry out the translation. For these translations (driving licence, birth certificates and the like), the citizen shall be required to pay a fee of DKK 185 per document.

The fee for authentications, attestations and certification of copies is DKK 185 per signature, provided the service requires no case administration. If case administration is required to perform the service, the citizen shall instead be charged DKK 915 per hour or part thereof. Case administration may be interpreted in a broad sense.

For certification of copies when verifying the identity of the citizen in connection with issuing original Birth and Christening certificates, a pin-code letter, credit card, NemID temporary password-issuing letter and a letter containing key code, the citizen will be charged a fee of DKK

185. If several documents are issued together to the citizen, a fee of only DKK 185 shall be charged.

For giving written consent to the issue of a passport to a child whose passport application is being handled by another Mission a fee of DKK 185 shall be charged.

For handing over a new passport which has been issued by another Mission, including cancelling of the old passport, a fee of DKK 185 shall be charged.

For the issuing of a declaration stating that a product has been purchased in Denmark and imported to the host country – and for the use of a citizen's VAT refund claim in Denmark, a fee of DKK 185 per service shall be charged.

In all of the above cases, the rule is that if case administration is required to perform the service, the citizen shall instead of a fee be charged hourly payment (DKK 915 per hour or part thereof).

If a mission is requested to assist in obtaining certificates and declarations from public authorities or others in Denmark or abroad for the citizen that are of a non-commercial nature, a fee of DKK 185 per certificate/declaration shall be charged. If a mission is requested only to provide information regarding where the desired document can be obtained, no fee shall be charged.

### **3.6. Probate matters and handling of estates**

The citizen must be made aware that the Ministry of Foreign Affairs does not involve itself in the conduct of probate proceedings. The Ministry of Foreign Affairs does not certify wills.

### **3.7. Legal aid and other legal assistance**

For service of legal documents, one payment shall be charged per service. This takes the form of an hourly payment. The citizen must be made aware that payment will be demanded both for the service of a writ and for the service of the judgement in the same matter.

Payment shall be demanded in return for providing advice concerning the rules of separation and divorce.

Payment shall be charged for submitting a matter to a local lawyer and for communicating the outcome to the citizen as well as for covering the lawyer's fee and other outlays.

#### **3.7.1. Assistance concerning lost property (section 8)**

For assistance provided by the Ministry of Foreign Affairs' concerning lost property, the citizen will be required to pay a fee of DKK 410 per case, exclusive of any outlays. A case shall mean one service. The citizen must accept the fee in advance before a mission takes any action to collect the lost property. A service can, for example, comprise the mission collecting the lost property at a local police station following agreement.

#### **3.7.2. Nationality (section 7)**

In connection with the submission of an application for Danish nationality by naturalisation at a Danish mission abroad, a fee of DKK 1,000 shall be charged per application, cf. section 12, subsection (1) of Consolidated Act No. 113 of 20 February 2003 on the Act on Danish Nationality. No fee shall, however, be charged for the naturalisation of children below the age of 18

provided the parents - or one of these - were born Danish or have subsequently obtained Danish nationality.

In connection with an application for retention of Danish nationality submitted before the applicant's 22nd birthday, the citizen will be required to pay DKK 185, provided it is merely a matter of forwarding the application to the Danish Ministry of Justice (Nationality Division). In connection with an application for the issue of a certificate of Danish nationality, a fee of DKK 185 will be charged per application.

If a mission is required to carry out case administration in connection with the application for retention of Danish nationality or for the issue of a certificate of Danish nationality, an hourly rate payment will be charged, corresponding to DKK 915 per hour or part thereof.

### **3.8. Money transfers (section 13)**

As a common rule, a citizen who needs to transfer money should use a local bank.

If a mission provides assistance in connection with a money transfer, the customer must pay a fee for such assistance. It should be noted that the Ministry of Foreign Affairs must only provide assistance with the transfer of money in connection with a citizen's continued stay or further travel abroad in the case of special circumstances.

A money transfer is defined as any request for the transfer of a sum, regardless of whether, in the specific case, another form of assistance is also provided. If another form of assistance is also being provided, the citizen will thus be required to pay a fee/an hourly charge pursuant to two or more provisions. Money transfers in connection with matters relating to assistance to individuals are covered by the standard hourly rate payment that is charged pursuant to the provision under section 1. For other money transfers, a fee of DKK 915 per hour or part thereof shall equally be charged. This fee shall also apply even if other assistance is paid for under the Executive Order on Payment.

No fees shall be charged for transfers of benefits pursuant to section 6 of the Danish Assets Act.

For money transfers that are to be used solely to pay fees, the fee for the money transfer may not exceed the fee itself.

In cases of payment/transfers of sums to cover debts to public authorities in Denmark a fee of DKK 915 per hour or part thereof shall be charged. A mission will therefore deduct the transfer fee, so that the Ministry does not have to do this.

### **3.9. Holding of examinations/tests (section 16)**

In certain cases, and where permission has been granted, students may take an examination/test at a mission. An hourly charge shall be payable for invigilation provided by the mission in connection with such an examination/test, corresponding to the number of hours the examination/test takes, and, if necessary, the rent payable for the premises made available, cf. section 16. The specific regulations on examinations abroad are stipulated in the Act on taking Danish tests and examinations abroad, as worded in Act No. 247 of 6 April 2001.

## **4. The State, the Central Administration (incl. Greenland and the Faroe Islands), Regions and Municipalities**

Services performed at the request of the Folketing (Danish Parliament), the Central Administration and its agencies, the Lagting (Parliament) of the Faroe Islands, the Faroese Home Government, the Greenland Naalakkersuisut Landsting (Parliament) or the Greenland Home Rule Government Inatsisartut are generally not subject to fees and hourly charges for services provided pursuant to Parts 1 and 3 of the Executive Order. Regions and municipalities, on the other hand, are in virtually all cases regarded as being on equal terms with an enterprise, which means that they are required to pay for services mentioned in this Executive Order.

SKAT (The Danish Tax and Customs Administration) has set up a Debt Recovery Centre that recovers public debt on behalf of central government authorities (DR (Danish Broadcasting Corporation), the Danish Agency for Governmental Management, DSB (Danish State Railways), the Danish National Police, etc.). In these instances, payment shall not be charged for assistance provided by missions. However, the opposite is true, when a municipality is responsible for debt recovery in such matters. Similarly, this means that even though a municipality uses SKAT's Debt Recovery Centre, payment shall be charged.

The courts are not exempt from the obligation to pay fees and charges. Cases pertaining to, for example, the collection of child maintenance and tax are thus not exempt from payment, even when requests are received from a regional state administration or another central government authority, on the grounds that such cases have their actual origin in a municipal or regional authority.

A waiver of fees and hourly charges does not imply exemption from reimbursement of outlays made by the Ministry of Foreign Affairs. For any form of assistance – irrespective of whether it be provided as part of a chargeable service pursuant to the Executive Order or not – the public authorities shall reimburse the outlays of the Ministry of Foreign Affairs in the case, unless otherwise specifically authorised.

For assistance provided by the Ministry of Foreign Affairs in connection with planning and implementing events of a non-commercial nature (visits by municipalities, schools, educational establishments, etc.), a charge of DKK 915 shall be demanded per hour or part thereof, unless otherwise explicitly stated under Common Provisions.

There is an exception to the general rule that the Central Administration is exempt from the obligation to pay, as the provision permits payment to be charged for the transfer of social and other public benefits, including pensions. As it is not considered reasonable – taking into account the nature and regularity of the transfers – to demand payment pursuant to section 13, subsection (1) for this type of transfer, a lower fee of DKK 410 per transfer transaction has been determined.

#### **4.1. Special rules for the staff of the Ministry of Foreign Affairs and their families**

The staff of the Ministry of Foreign Affairs, their spouses and their children under the age of 21 who belong to the household are exempt from payment of fees for provisional passports and for services in connection with diplomatic and service passports, including extension of the validity of both old (still valid) and new diplomatic and service passports as well as alteration of title/place of service in the passport.

No fee will be charged in connection with issuing a temporary access code letter and letters with key code for use with NemID to the state-sector posted staff and their accompanying families. The

reason for this is that legally they are regarded as being resident in Denmark pursuant to section 24, subsections (5) and (6) of the Danish Act on the Civil Registration System.

No fee will be charged for issuing visas and processing residence and/or work permit applications for Danish Foreign Service staff, their spouses and their children under the age of 21 who belong to the household.

#### **4.2. Recovery of non-commercial debts, including debts to public authorities**

Only one of the parties needs be a private individual for a debt recovery matter to be regarded as non-commercial. Payment does not cover transfer of any proceeds, a separate fee being payable for such transfers (see Part 3) by both private individuals and public authorities.

Debts to public authorities in particular include the recovery of tax, child maintenance, alimony and other municipal claims. Payment (according to hourly charge) is due on each occasion a municipality requests assistance in *recovery of debts* – irrespective of whether the debt is paid. Thus, payment is also due even if a claim is only made with a view to preventing the debt from lapsing.

In matters pertaining to debts to public authorities, the public authority will typically be a Danish municipality. The municipality may in certain circumstances ask regional state administrations to approach the mission for assistance in *collecting* from the person against whom a maintenance order has been served the debt owed in relation to the child maintenance that the municipality has paid out. The municipality is therefore the authority that requests the task to be performed, as it is due to internal regulations alone that municipal authorities may address their requests through a regional state administration. Thus, an hourly charge shall be demanded, regardless of the fact that regional state administrations are exempted from having to pay fees and charges pursuant to the general exceptions from the obligation to pay.

It will always be the authority that requests a mission to perform a task that must pay for the particular service. If the authority wishes that a citizen or enterprise shall pay for the service delivered by the mission, the authority must add the mission's payment to the debt claim presented to, for example, the citizen or the enterprise.

Invoiced amounts shall be payable to the Ministry of Foreign Affairs. Invoicing for tasks performed on behalf of persons or enterprises without permanent residence in Denmark, including the Faroe Islands and Greenland, shall be sent directly to the requesting body with payment made directly to the mission. Payment due from Danish public authorities or others in Denmark shall always be invoiced in such a way that the funds are paid to the Ministry of Foreign Affairs in Danish kroner.

With respect to the recovery of *commercial debts*, please refer to section 8, subsection (4) of the Executive Order on Payment.

## **5. Enterprises**

The section below relates to Part 2, sections 8-12 of the Executive Order on Payment.

### **5.1. Recipients of the Trade Council's assistance**

The following are eligible to receive assistance from the Trade Council:

- Private individuals living in Denmark
- CVR-registered enterprises and their subsidiaries abroad

- Enterprises registered in the Faroe Islands and Greenland
- Private organisations domiciled in Denmark
- Public authorities
- Regional and municipal authorities in Denmark
- Greenland Home Rule Government
- Faroese Home Government
- Courts
- Foreign enterprises

## **5.2. Conditions for charging payment for services provided by the Trade Council**

Pursuant to the Executive Order on Payment, the Trade Council may charge payment for its services when two conditions are met. These are specified below:

*The first condition* is that the Trade Council's service falls within the main purpose of its activity as stipulated in the Act on the Danish Foreign Service. The main purpose is:

- 1) To foster the Danish business sector's exports, internationalisation and other commercial activities abroad.
- 2) To serve a clear Danish commercial interest, i.e. increase Danish enterprises' and/or private individuals' earnings and/or create jobs in Denmark.

Therefore, it falls outside the scope of the Trade Council's responsibilities to provide consultancy to a Danish enterprise regarding the import of finished goods for the purposes of sale in Denmark. Similarly, the Trade Council shall reject any application from a non-Danish enterprise to provide consultancy on the marketing and promotion of non-Danish products.

*The second condition* is that the consultancy must be tailored to the specific enterprise and serve the commercial interests of this enterprise. The condition is also met when the consultancy is given to a specifically defined segment within the business sector, such as a trade association.

A business service must be regarded as a free service if:

- The Ministry on its own initiative would have done it anyway.
- The matter is of fundamental, business political importance.

Further services of this kind include services that the Trade Council, out of regard for its overall purpose of fostering Danish exports and internationalisation, has decided not to take payment for.

*Support for other public authorities* will normally be provided free of charge. However, if the support satisfies the abovementioned conditions – e.g. by helping an authority to find local partners for Danish public-private partnership project that has a commercial aim – the mission is permitted to charge the Ministry (or the participating enterprises, depending on the agreement between the Ministry and the enterprises) payment for this service.

*Support for Danish enterprises within Danida's development assistance programmes* is a free service/standard mission task. The support therefore is provided free of charge to the enterprises that fall directly within the scope of such a programme. However, this does not apply to support provided by the mission/the Trade Council for tasks that the enterprise could normally be expected to perform themselves.

### **5.3. Payment for service**

*Hourly rate:* As a general rule, payment for a business service is based on the hourly rate stipulated in the Executive Order on Payment. As of 1 January 2012, the rate per hour or part thereof is DKK 915. However, a business service under 1 hour shall be provided free of charge.

If a task is to be performed outside official office hours on normal workdays, the rate shall be increased by 50 per cent per hour or part thereof. On the official closing days of the diplomatic or consular mission, the hourly rate shall be increased by 100 per cent.

*Submission of tender:* The price of a service must always be clearly specified to the customer and which is to be given a written offer before initiating a mission containing the time, cost and possible outlays. The written offer must clearly reflect all the elements of the assignment after a careful matching of expectations between the customer and Trade Council, following the conclusion of an unambiguous agreement. If it is not possible for the mission in advance to estimate a precise time, this must be noted clearly in the offer to the customer. The time is calculated from the time when the execution of the task is undertaken and not from the time used for discussion of the assignment formulation and submission of tenders and the discussion with the customer. Time spent must cover the total time for all employees involved in the task.

Special provisions apply:

- 1) For framework agreements with customers, including »Key Account« and »Large Account« agreements. In these instances, the price will depend on the specific conditions laid down in the framework agreement.
- 2) Where the value of the agreement for the customer makes it natural to agree a fixed price for a clearly defined service.

Agreements, that are based on the achievement of a specific outcome for customers – so-called »no cure – no pay« agreements – are *not permitted*.

*Payment in advance and invoicing:* If a mission is in doubt as to the customer's ability to pay, the customer will, as a general rule, be requested to provide payment in advance before the mission can deliver a newly requested service to the customer. If a mission is approached by a customer who after the second reminder continues to have outstanding debts to pay to the Ministry of Foreign Affairs, or who is about to receive a second reminder, the mission shall request the customer to make prior payment for new tasks. The payment of invoices will be made to the Ministry of Foreign Affairs or to the mission that has issued the invoice. To whom the customer is to pay will be specified on the invoice.

### **5.4. Special rates**

*Publications:* With respect to publications prepared by the mission on its own initiative for individual enterprises or a defined group of enterprises, the price shall be determined according to the same principles that apply to fixed prices, i.e. a combination of the time required and the value for the customer. The Danish Foreign Service in all cases retains the copyright of publications and other written materials produced on its own initiative. The enterprises must therefore indicate the source if reference is made to text contained in the Ministry of Foreign Affairs'/mission's publications, reports and other written materials.

*Lectures:* For Trade Council briefings, a minimum of DKK 3,660 may be charged, corresponding to four hours' preparation at the normal hourly rate. Lectures given on the Trade Council's own initiative will in general be free of charge, although with coverage of any outlays/expenses.

*Incubators and other forms of rental of office space and conference rooms:* The charge for the renting of conference rooms and the associated basic costs shall be determined on the basis of the existing price level for similar services prevailing locally. The agreement must specify the content of the basic costs. The agreement has in addition to the above expenses attached minimum number of counseling hours, an average of five hours per month, which the customer undertakes. The possibility for renting conference rooms is not meant to be an alternative to permanent establishment on a market. Therefore, requests to rent conference rooms beyond 2-3 years will be submitted to the Trade Council's Department for Strategy, Policy and Quality in Copenhagen.

*Outlays/reimbursement:* All outlays will be invoiced to the customer, unless they are deemed to be insignificant, such as local telephone calls or postage costs. The mission must inform the customer in advance about the size of the outlay. When customers take part in trade fairs, they are to pay all directly related costs themselves. If the mission extraordinarily covers the customer's costs, the customer will immediately be invoiced for these costs.

With respect to telecommunication expenses, it is up to the mission to determine whether it would be reasonable to charge the customer for such expenses. The size of the expenses must be seen in the light of the scope of the customer agreement.

*Official travel:* The central government regulations governing reimbursement of outlays in connection with official travel are to be found in the State Employer's Authority Circular of 30 June 2000 on the Official Travel Agreement (Perst. No. 057-00), which annually is supplemented with rate adjustments. Only the time spent on actual travelling and working will be included in the calculation of the total amount of time used.

## **5.5. Authentications**

In addition to sections 7-12 of the Executive Order on Payment, there are certain activities in relation to commercial matters that are mentioned elsewhere in the Executive Order. Similarly, section 5 of the Executive Order comprises authentications in commercial matters, and import documentation, reimbursement claims and the issue of landing certificates, etc. are covered by the provision.

The authentication of export certificates is exempt from charges. By export certificates is meant documents issued by a public authority – or by the Confederation of Danish Industries, the Danish Confederation of Small and Medium-Sized Enterprises, or by others on the authorisation of a public authority – for use in connection with Danish export of goods or services to another country. Examples of export certificates include: Certificate of Origin A100, Inspection Certificates (e.g. fish products), various veterinary certificates (meat and dairy produce), Free Sales Certificate and Certificate of Conformity.

## **6. International Organisations, Other Countries' Representatives and NGO's, etc.**

In relation to international organisations, international NGO's and representatives of other countries, this Executive Order on Payment is only relevant in connection with visa applications and residence or work permit applications.

Exemptions from paying fees for visas and residence or work permits are specified in section 3 of the Executive Order on Payment.

## **7. Culture and Media**

The Ministry of Foreign Affairs' assistance in connection with planning and implementing events of a non-commercial nature, such as visits by journalists, etc., shall be charged for at the rate of DKK 915 per hour or part thereof, unless otherwise explicitly stated under Common Provisions. Furthermore, any hire of conference rooms as well as access to communication and IT equipment and other shall be settled at DKK 915 per hour.

If the mission or Ministry of Foreign Affairs specifically assesses that the event contributes to the work of raising the profile of Denmark / public diplomacy, it is generally not subject to payment. In this category can be included e.g. arrangements with artists, scientists, athletes, films and exhibitions.

In general, payment shall not be charged for minor routine information tasks.

## **8. Other Matters**

### **8.1. Procurement of information (section 14)**

For procurement of information (section 14) that is not covered by the previous provisions, a standard hourly rate payment shall be paid (DKK 915 per hour or part thereof), unless otherwise explicitly stated in the general exceptions provision in section 18.

The provision comprises a wide range of different types of information that a mission can be requested to obtain and regarding which it is virtually impossible to provide a fully comprehensive list.

### **8.2. Non-commercial events (section 15)**

The provision (section 15) comprises all types of planning and assistance in connection with implementing visits and events of a non-commercial nature, unless otherwise explicit stated in the general exceptions provision in section 18 e.g. that it is specifically assessed contributing to the work of raising the profile of Denmark/public diplomacy.

Such events may, for example, involve visits by municipalities, schools, educational establishments, private individuals and institutions, associations and journalists.

### **8.3. Use of video-conferencing (section 17)**

A mission is permitted to lend out their video-conferencing equipment. If an enterprise or organisation borrows the equipment, an hourly charge will be demanded in connection with the loan of video-conferencing equipment in line with other chargeable tasks. Any time spent on setting up and taking down the technical equipment before and after the video-conference shall be included in the calculation of hourly settlement.

### **8.4. Ships' journals, ships' certificates of nationality and shipping inquiries**

For authentication and countersigning of ships' journals or alterations to ships' certificates of nationality, a standard hourly rate payment shall be charged. The provision in section 5 covers,

among other things, the issue of technical certificates in connection with the change of name of ships.

This provision includes authentication and countersigning of engine logs, oil records books, survey books and compass journals, shipping inquiries (commissioned by the shipping company or by the captain on behalf of the shipping company), alterations to ships' certificates of nationality, etc.

For technical certificates, see section 5.

#### **8.4.1. Exempted from the requirement to pay**

No charge shall be made for shipping inquiries commissioned by the Ministry of Economic and Business Affairs/Danish Maritime Authority or by a non-commissioned member of the crew.

Outlays shall be reimbursed in accordance with the provisions laid down in section 17.

*The Ministry of Foreign Affairs of Denmark, 7 February 2012*

MICHAEL SCHACK BALLE JENSEN

## Annex 1

### List of Fees for Consular Services and Other Matters as of 1 January 2012

Prod. No.	Description	Price (EUR)	Price (DKK)	Section
<b>Consular Services</b>				
101	Passports, travel documents for refugees and aliens' passports for persons aged between 18 and 65	125	940	2
102	Passports, travel documents for refugees and aliens' passports for persons under 18	125	940	2
103	Passports, travel documents for refugees and aliens' passports for persons over 65	125	940	2
104	EU emergency passports, other provisional passports, laissez-passer, alterations to passports, etc.	125	940	2
106	Duplicate driving licences	53	395	4
107	EU driving licences (replacement of old non-EU driving licences)	53	395	4
108	Driving licences, renewal (fixed term) to persons over 70	7	50	4
109	International driving licences	7	50	4
110	Limited-term driving licences, renewal, commercial drivers	21	155	4
111	Certificate on a lost driving licence (temporary replacement driving licence)	32	235	4
112	Visa (all types) <sup>3)</sup>	60	450	3
906	Visa for children from 6 to 11 years of age	35	260	3
907	Provisional passport outside the office hours of the mission	513	3,850 <sup>6)</sup>	20
908	Provisional passport on the official closing days of the mission	684	5,130 <sup>7)</sup>	20
909	Re-entry permit	244	1,830	3
123	An additional handling fee shall be charged for processing applications for visas and residence and/or work permits at Honorary Consulates (with mailbox function)	20	145	3
124	Application for residence and/or work permits	187	1,400	3
126	Appeal against decision rejecting application for a visa or residence and/or work permit	122	915 <sup>1)</sup>	3
127	Assistance to individuals	122	915 <sup>1)</sup>	1
128	Minor translations	25 (122)	185 (915) <sup>1)</sup>	5 (1)
129	Insurance matters	122	915 <sup>1)</sup>	1
130	Drafting of letters, etc.	122	915 <sup>1)</sup>	1
131	Other legal assistance	122	915 <sup>1)</sup>	1
132	Procurement of certificates	122	915 <sup>1)</sup>	1
133	Ship documents	122	915 <sup>1)</sup>	1
134	Assistance concerning lost property	55	410 per case	6
135	Authentications, attestations, certification of copies, NemID, Birth and Christening Certificates and VAT refund	25 (122)	185 (915 <sup>1)+2)+5)</sup>	5 (1)
136	Extraordinary assistance	122	915 <sup>1)</sup>	1
149	Application for nationality	134	1,000 <sup>4)</sup>	7

<b>Other Matters</b>				
137	Transfer of social and public benefits	55	410	13
138	Other money transfers	122	915 <sup>1)</sup>	13
139	Information, non-commercial	122	915 <sup>1)</sup>	14
140	Visit arrangements, non-commercial	122	915 <sup>1)</sup>	15
141	Embassy or Consulate outlays	Variable	Variable	19
142	Telecommunication	62	460	19
143	Reminders	12	85	23
144	Holding of an exam/test at the Mission	122	915 <sup>1)</sup>	16
145	Rent of the diplomatic mission's video conference equipment	122	915 <sup>1)</sup>	17

<sup>1)</sup> Hourly rate, price per hour or part thereof. Payment shall be demanded for at least one hour, and each hour commenced shall be charged as a full hour.

<sup>2)</sup> If case administration is required, then hourly rate per hour or part thereof.

<sup>3)</sup> NB: A fee of EUR 35 (DKK 260) is charged for countries where the EU Commission has agreed to, or is negotiating a Visa agreement.

<sup>4)</sup> No fee shall be charged for applications regarding the naturalisation of children below the age of 18 provided the parents - or one of these - were born Danish or have subsequently obtained Danish nationality.

<sup>5)</sup> If several documents are issued together to the citizen or if several products are documented together for VAT refund claim, a fee of only DKK 185 shall be charged.

<sup>6)</sup> If several provisional passports are issued at the same time, the fee for the first passport is DKK 3,850 and DKK 940 for subsequent passports.

<sup>7)</sup> If several provisional passports are issued at the same time, the fee for the first passport is DKK 5,130 and DKK 940 for subsequent passports.

## Annex 2

### List of Fees and Hourly Charges for Commercial Matters as of 1 January 2012

Prod. No.	Description	Price (EUR)	Price (DKK)	Section
<b>The Trade Council - Services</b>				
501	Market surveys	122	915	8
502	Facilitation of contact, partner identification, investments in DK	122	915	8
503	Commercial visit and meeting programmes	122	915	8
504	Subcontractors/sourcing	122	915	8
505	Business start-up/outourcing	122	915	8
507	Collective export promotion	122	915	8
508	Trade fairs and exhibitions	122	915	8
509	Customs and export technical information and consultation, import documentation, etc.	Variable	Variable	8
511	Publications (reports, lists of subsidiaries, newsletters, etc.)	Variable	Variable	9
515	Recovery of commercial debts	122	915	8
516	Lectures, speeches, hosting of receptions and the like	Variable	Variable	8, 10
518	Renting out of office space, conference rooms, and business incubator services	Variable	Variable	11
522	Project export, including financing	122	915	8
523	Lobbying and PR activities	122	915	8
526	Market surveillance	122	915	8
527	Hiring of export counsellor	122	915	8
528	Contacting authorities, incl. promoting and defending trade policy interests of individual enterprises	122	915	8
529	Export strategy/strategic sparring/integrated trade policy consultancy	122	915	8
525	Other commercial assistance	Variable	Variable	8,10, 11, 1

1) Note that regardless of whether contact is facilitated, the mission will continue to be obliged to provide, on request, assistance to the person seeking assistance in accordance with the other regulations laid down in this area.