

LBK nr 376 af 31/03/2020  
(Arbejdsskadesikringsloven)

Beskæftigelsesministeriet

**Consolidated Workers' Compensation Act No. 376 of March 31, 2020**

**Ministry of Employment**

**TRANSLATION<sup>1</sup>**

## **CONSOLIDATED WORKERS' COMPENSATION ACT**

Notice is hereby given of this Workers' Compensation Act, cf. Consolidated Act No. 977 of September 9, 2019, with amendments resulting from section 9 of Act No. 1374 of December 13, 2019, section 3 of Act No. 1554 of December 27, 2019, and section 11 of Act No. 1559 of December 27, 2019.

### **Chapter 1**

#### **Objective of the Act**

**1. (1)**

The objective of this Act shall be to grant compensation to injured persons or their surviving dependants in the event of an industrial injury. The injury shall have been caused by the work or the working conditions, cf. sections 5 to 7 of this Act, but employers shall not necessarily have acted in such a manner as to make them liable for the injury. The prevention of industrial injuries by the work environment system shall be supported by way of employers' financing of compensation etc.

**(2)**

The processing of cases shall involve injured persons or their surviving dependants, as well as employer, insurance company, authorities, and physicians. Thus the need for a cohesive effort towards injured persons or their surviving dependants shall be met.

### **Chapter 2**

#### **Scope of the Act**

#### **Persons entitled under the Act**

**2. (1)**

Persons who are engaged by an employer to carry out work in Denmark shall be entitled under this Act, cf. sections 5 to 7. The work may be paid or unpaid and may be permanent, temporary, or casual.

**(2)**

Members of the employer's family shall be entitled under this Act where they work in the business in such a way and to such an extent as to regard them as being in the same position as other employees. The employer's spouse shall be entitled under this Act under subsection (3) only.

**(3)**

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<sup>1</sup> Translation by Labour Market Insurance

Self-employed earners and assisting spouses working in Denmark shall be entitled under this Act where they have taken out protection for themselves under section 48(2).

(4)

Persons working on a Danish vessel shall have the same legal status as persons engaged to carry out work in Denmark.

(5)

A live-born child shall be entitled under this Act where such child, prior to its delivery, contracted a disease due to its mother's work during pregnancy.

(6)

Where it is later established that influence on the parents prior to the conception or after the delivery had an injurious effect on foetus or child, such foetus or child shall be entitled under this Act. Such injuries shall be assessed under this Act in accordance with section 7.

### 3.

The Minister for Employment shall lay down rules governing the application of this Act to –

- (i) persons covered by Part IV of the Act on Social Services
- (ii) persons who are present in a place of education or work as part of their education, training, or trainee service, etc., or other persons present in such places, and
- (iii) persons who are posted abroad for temporary work in the services of an employer

### 4. (1)

All work carried out for the employer shall be covered by workers' compensation. This shall apply to work in the employer's business, whether with a view to profit or not, in the employer's personal household, and when carrying out personal services for the employer and the employer's family.

(2)

Persons carrying out the following activities shall also be entitled under this Act, cf. sections 5 to 7 –

- (i) carrying out civic or municipal duties
- (ii) attending to positions of trust in connection with the employees' working conditions in the business
- (iii) attempting to save human life, prevent accidents or forestall major material or cultural losses, where the attempt – though not regarded as work within the meaning of section 2 – was nevertheless made in connection with such work
- (iv) attempting to save human life in Denmark where such attempt is not a natural part of the person's work

(3)

The Minister for Employment shall lay down rules governing the application of this Act to injuries sustained during transportation to and from work.

## Chapter 3

### Industrial injury

### 5.

An industrial injury within the meaning of this Act shall be an accident, cf. section 6, or an occupational disease, cf. section 7, which is a consequence of the work or the working conditions, subject, however, to section 10 A.

### 6. (1)

An accident within the meaning of this Act shall be a personal injury caused by an incident or exposure that occurs suddenly or within five days.

(2)

The personal injury, cf. subsection (1) above, may be physical or mental and a permanent or passing injury. It is not a requirement that the personal injury results in a need for treatment or that the personal injury has been treated.

(3)

For accidents the legal effects of this Act shall be applicable from the date of the accident or the date of cessation of the exposure causing the accident, except where the provisions of this Act stipulate otherwise.

**7. (1)**

Occupational diseases within the meaning of this Act shall be –

- (i) Diseases which – according to medical documentation – are brought about by specific influence to which certain groups of people, through their work or working conditions, are more exposed than persons not having such work. Furthermore occupational diseases shall comprise such diseases as are contracted by a live-born child prior to its delivery as a consequence of its mother's work during pregnancy. The Minister for Employment, upon the recommendation of the Occupational Diseases Committee, cf. section 9, shall compile a list of such diseases as are deemed to be of the said nature
- (ii) Other diseases, including diseases in a live-born child contracted prior to its delivery, where it is established either that, on the basis of the most recent medical documentation, the disease meets the requirements set out in the first sentence of paragraph (i) of this section, or that it must be deemed to have been caused, solely or mainly, by the special nature of the work

(2)

This Act shall be applicable to diseases caused by influence on the parents prior to the conception or after the delivery of a child where changes are made in the list referred to in subsection (1)(i) above, or in accordance with subsection (1)(ii), where it is established that such influence had an injurious effect on foetus or child.

(3)

Diseases comprised by subsection (1)(ii) and subsection (2) above may be recognised only after submission to the Occupational Diseases Committee, cf. section 9. Such diseases shall be submitted to the Occupational Diseases Committee where Labour Market Insurance deems it possible that the disease will qualify for recognition.

**8. (1)**

Any person having contracted a disease included in the list of occupational diseases, cf. section 7(1) above, shall be entitled to benefits under this Act, except where it is deemed to be likely beyond reasonable doubt that the disease was brought about by non-occupational circumstances.

(2)

For occupational diseases the legal effects of this Act shall be applicable as per the date of notification of the disease, except where the provisions of this Act stipulate otherwise.

**The Occupational Diseases Committee**

**9. (1)**

The Minister for Employment shall appoint a committee who will recommend to the Minister for Employment the diseases meeting the requirements for inclusion in the list of occupational diseases referred to in section 7(1).

(2)

The committee shall consist of a chairman and eight other members appointed for a three-year period.

(3)

The Minister for Employment shall appoint the chairman of the committee as well as members and deputy members as follows: One member upon the recommendation of the Danish Health and Medicines Authority, one member upon the recommendation of the Danish Working Environment Authority, one member upon the recommendation of the public employers, two members upon the recommendation of the Confederation of Danish Employers, and three members upon the recommendation of the Danish Trade Union Confederation.

(4)

Members of the Occupational Diseases Committee shall not at the same time be members of the Labour Market Insurance Board or the ATP Board.

(5)

The Minister for Employment shall set up the rules of procedure of the committee, including rules on the committee's recommendations and publication of the same.

### **Injuries caused by war and terror**

#### **10.**

Where Denmark is at war, injuries arising as a consequence of military operations shall not be regarded as industrial injuries. Persons who perform work on any kind of vessel normally used in the shipping or fishing trade shall, however, be covered under this Act in connection with injuries sustained as a consequence of military operations. The same shall apply to fishery protection vessels and marine research vessels.

#### **10. A (1)**

Any person being protected under this Act, including self-employed earners and assisting spouses who have taken out protection for themselves under section 48(2), shall be entitled to compensation for the consequences of terrorist action, cf. sections 114 and 114 A of the Danish Penal Code, even where the injury cannot be deemed to have been a consequence of the work or the working conditions. Furthermore such persons as are protected under the Workers' Compensation Act in pursuance of other legislation shall be entitled to compensation under this Act for the consequences of terrorist action.

(2)

For injuries caused by terror, cf. subsection (1) above, the Danish State shall defray the benefits under this Act.

(3)

Under subsections (1)-(8) of section 49 as well as section 59 Labour Market Insurance may demand reimbursement of costs from an insurance company etc. or from Labour Market Insurance, out of contributions, cf. section 55, where the injury affects persons whose work consists in preventing, forestalling or averting terrorist action or offering help, assistance or other measures before, during or after such action. The same shall apply where the injury affects such persons as are posted by the Danish State or a Danish undertaking for work in countries with a special risk of terror and where terrorist action affects workers on board a Danish vessel operating in waters where there is a special risk of terrorist action.

(4)

Similar to subsection (3) above it shall be possible to demand that costs deriving from cases relating to persons protected under the Workers' Compensation Act in pursuance of other legislation shall be defrayed by the authority etc. liable for the costs deriving from industrial injuries.

(5)

In respect of reimbursement of such costs as an insurance company etc. shall not defray under subsections (3) and (4) above the Danish State shall have a right of recourse against persons causing an injury.

## **Chapter 4**

### **Benefits**

#### **11.**

Benefits under this Act shall be –

- (i) reimbursement of expenses for medical care, rehabilitation, aids, etc., cf. section 15
- (ii) compensation for loss of earning capacity, cf. section 17 and section 17 A
- (iii) compensation for permanent injury, cf. section 18
- (iv) transitional allowance at death, cf. section 19
- (v) compensation for loss of breadwinner, cf. sections 20 to 22, and
- (vi) compensation for surviving dependants, cf. section 23

### **General provisions on determining compensation etc.**

#### **12. (1)**

Compensation under sections 15-18 shall be determined on the basis of the consequences of the industrial injury. Depending on the circumstances, compensation may be reduced or lapse where the injured person's current medical or social situation cannot be referred solely to the industrial injury.

(2)

An established loss of earning capacity, a permanent injury or a person's death shall be deemed to be a consequence of the industrial injury, except where it is likely beyond reasonable doubt that this is not the case or the provisions of this Act stipulate otherwise.

#### **13. (1)**

Where the injured person does not meet the requirements set out in section 38 or obstructs being cured by disregarding given directions, the injured person may be disqualified, fully or partly, from receiving compensation.

(2)

Where the surviving dependants resist a post-mortem examination, cf. section 37(2), the surviving dependants may be disqualified from receiving compensation.

#### **14.**

Where the injured person wilfully or by unlawful action or omission provoked or made a substantial contribution to the occurrence of the industrial injury, the claim for compensation for loss of earning capacity and compensation for permanent injury may be reduced or completely lapse. In such cases the injured person shall be made expressly aware thereof.

### **Medical care, rehabilitation, aids, etc.**

#### **15. (1)**

Where, pending the consideration of the case, medical care or rehabilitation is required to obtain the best possible cure, costs of such cure or rehabilitation shall be defrayed to the extent that such costs are not covered under the Health Act or as an element of treatment in a public hospital. Rehabilitation shall be carried out as post-treatment under medical supervision in immediate connection with the medical care.

(2)

Where, pending the consideration of the case, the acquisition of artificial limbs, spectacles and other aids, as well as wheelchairs, is necessary to ensure the outcome of the medical care or rehabilitation, to diminish the effects of the industrial injury, or to assess more accurately the extent of the loss of earning capacity and the degree of permanent injury, the expenses thus incurred shall be covered.

(3)

Compensation for future costs for medical care, rehabilitation, and aids as a consequence of the industrial injury shall be determined as a lump sum. In the event of permanent costs the amount shall be the anticipated average annual cost multiplied by the capitalisation factor determined in pursuance of section 27(4) for loss of earning capacity.

(4)

Where a person used any of the aids referred to in subsection (2) above in his or her work and the aid was damaged as a consequence of the work or the working conditions the costs of repair or any replacement of the aid shall be defrayed.

(5)

The Minister for Employment shall lay down rules governing the extent to which costs shall be defrayed under subsections (1)-(4), including costs defrayed before notification of the case.

(6)

The Minister for Employment shall lay down rules governing the ability of insurance companies to decide whether such costs shall be defrayed as are comprised by subsections (1)-(4) above.

**16. (1)**

In respect of decisions made by Labour Market Insurance on whether or not a reported injury is comprised by the Act the following time limits shall apply –

- (i) Three months in respect of decisions on whether or not a reported disease is comprised by this Act
- (ii) Six months in respect of decisions on whether or not a reported disease processed under section 7(1)(i) is comprised by this Act
- (iii) Two years in respect of decisions on whether or not a reported disease processed under section 7(1)(ii) and section 7(2) is comprised by the Act

(2)

In respect of decisions made by Labour Market Insurance on whether or not the injured person is entitled to benefits under this Act, cf. section 11(i)-(iii), the time limit shall be one year. However, for cases comprised by section 7(1)(ii) the time limit shall be two years.

(3)

The time limits set out under subsections (1) and (2) above shall be reckoned from the date when Labour Market Insurance received the claim.

(4)

Similarly the time limits set out under subsections (1) and (2) above shall apply to decisions made by Labour Market Insurance on whether or not surviving dependants shall be entitled to benefits under this Act, cf. section 11(iv)-(vi), where the industrial injury has resulted in death. The time limits shall be reckoned from the date when Labour Market Insurance received notification of the death.

(5)

In cases where it is not possible to make a decision within the time limits set out under subsections (1), (2) and (4) above, Labour Market Insurance shall notify the parties to the case. Such notification shall include the reason why it is not possible to comply with the time limits as well as information of the expected decision date.

(6)

Advance payments of compensation for loss of earning capacity and compensation for permanent injury may be made for the period of time preceding the final decision.

### **Compensation for loss of earning capacity**

17. (1)

Where an industrial injury has resulted in a reduction in the injured person's capacity to make a living through work such person shall be entitled to compensation for loss of earning capacity. Compensation shall not be granted where the loss of earning capacity is less than 15 per cent.

(2)

In assessing the loss of earning capacity Labour Market Insurance shall take into account the injured person's prospects of making a living through such work as may reasonably be required of him or her in view of talents, education, age, and the possibilities of vocational training and rehabilitation.

(3)

Where the occupational situation has not been clarified Labour Market Insurance may make a temporary decision on compensation for loss of earning capacity.

(4)

Compensation for loss of earning capacity to a child with a foetal anomaly, cf. section 7(1)(ii), or a child suffering from diseases caused by influence on the parents prior to the conception or after the delivery of such child, cf. section 7(2), shall be payable only after the child's fifteenth birthday.

(5)

Compensation shall be granted as a monthly benefit, except where such benefit is capitalised under the provisions of section 27.

(6)

In the event of total loss of earning capacity the benefit shall be equal to 83 per cent of the injured person's annual earned income, cf. section 24, and in the event of reduction in the earning capacity a proportional fraction thereof.

(7)

The annual compensation shall be disbursed at the rate of one twelfth monthly in advance. The compensation shall be payable from the date when a loss of earning capacity was established, but not from a date prior to notification of the industrial injury. Monthly compensation payments shall cease at the end of the month when the injured person reaches the national pension age, cf. the Social Pensions Act. Where the injured person at the date of the decision is two years or less from reaching the national pension age, the compensation shall be disbursed, in accordance with the provisions of section 27, as a lump sum, with application of the factor determined for a person two years away from the national pension age, multiplied by the annual compensation payment. The same shall apply to injured persons who have reached the national pension age.

(8)

Where the compensation is disbursed as a lump sum in accordance with the provisions of the first sentence of section 27(1) the injured person shall be entitled to monthly compensation payments from the date when a loss of earning capacity was established (but not from a date prior to notification of the injury) up to the date of the capitalisation of the compensation.

(9)

The provisions set out in subsections (7) and (8) above shall similarly be applicable to cases resumed under sections 41 and 42. For such cases no compensation payments shall be made from a date prior to the request for resumption or prior to the resumption of the case by Labour Market Insurance, cf. section 42.

**17. A (1)**

The loss of earning capacity of such persons as, after an industrial injury, have been approved for a flex-job or are employed in a flex-job shall be determined on the basis of the difference between the earnings prior to the industrial injury and the special unemployment benefit or the earnings under the flex-job scheme.

(2)

The earnings prior to the industrial injury shall constitute such amount as the injured person might have earned on the date of the decision, provided that the industrial injury had not occurred.

(3)

The earnings from the flex-job, cf. subsection (1) above, shall constitute the sum of the pay from the employer and the subsidy from the municipality.

(4)

Labour Market Insurance shall make a temporary decision under subsection (1) above where the injured person receives the special unemployment benefit under the flex-job scheme or where no permanent flex-job has been approved. For persons in a flex-job, where Labour Market Insurance finds that the occupational circumstances have been sufficiently clarified, Labour Market Insurance may, upon the request of the injured person and regardless of the first sentence above, make a final decision under subsection (1) above.

**Compensation for permanent injury**

**18. (1)**

Where an injured person has sustained a permanent injury as a result of an industrial injury such person shall be entitled to compensation. Compensation shall not be granted, however, where the degree of permanent injury is assessed at less than 5 per cent.

(2)

The degree of permanent injury shall be assessed on the basis of the medical nature and extent of the injury and with regard to any nuisance in the injured person's personal life brought about by the industrial injury.

(3)

Compensation for permanent injury shall be paid as a lump sum and shall amount to DKK 611,500 in the event of a degree of permanent injury of 100 per cent. The amount shall be adjusted in accordance with section 25. In the event of lower degrees of permanent injury the compensation shall amount to a proportional fraction of DKK 611,500.

(4)

In exceptional cases the compensation for permanent injury may be determined as a higher amount, provided that such amount shall not exceed 120 per cent of DKK 611,500 in accordance with section 25.

(5)

Where the injured person reached his or her 40th birthday prior to the date of the industrial injury the compensation shall be reduced by 1 per cent for each year in excess of 39 years of age prior to the date of the injury. Where the injured person had reached his or her 60th birthday the compensation shall be further reduced by 1 per cent for each year in excess of 59 years of age prior to the date of the injury. However, the compensation shall not be further reduced after the injured person's 69th birthday.

**Transitional allowance in the event of death**



**19. (1)**

Where an industrial injury results in death the surviving spouse shall be entitled to a transitional allowance consisting of a lump sum of DKK 115,000, provided that the marriage was contracted prior to the occurrence of the industrial injury and matrimonial cohabitation existed at the time of the injured person's death. The amount shall be subject to adjustment in accordance with section 25.

**(2)**

Where marriage was contracted after the occurrence of the industrial injury the surviving spouse shall be entitled to the same transitional allowance if – at the time of the injured person's death – the marriage had existed for the past two years and the spouses were cohabiting at the time of the injured person's death.

**(3)**

A surviving dependant cohabiting with the injured person in a quasi-marital relationship prior to the occurrence of the industrial injury shall also be entitled to the transitional allowance if – at the time of death – the cohabitation had existed for the past two years.

**(4)**

Where the deceased leaves no surviving dependants entitled to a transitional allowance under subsections (1)-(3) above the transitional allowance may be granted to another surviving dependant where warranted by special circumstances.

**Compensation for loss of breadwinner****20. (1)**

Where a person is entitled to a transitional allowance under subsections (1)-(3) of section 19 above and has lost a breadwinner as a consequence of the injured person's death, or such person's means of subsistence have been otherwise reduced as a consequence of the death, such person shall be entitled to compensation for such loss. The compensation shall be determined with due regard to the extent of the support and the surviving person's possibilities of self-support in view of age, health, education, employment, means of subsistence and financial situation.

**(2)**

The compensation shall be granted as a temporary monthly benefit, amounting annually to 30 per cent of the annual earned income of the deceased, cf. section 24. The compensation shall be payable as per the date of death at the rate of one twelfth monthly in advance. The term fixed shall not exceed 10 years. However, where a full salary is paid to the surviving person for a period of time in connection with the death, the monthly benefit shall only be payable as per the date when such period expires. Where the deceased received a monthly compensation payment for loss of earning capacity under this Act compensation for loss of breadwinner shall only be payable from the first day of the month following the death.

**(3)**

The benefit set out in subsection (2) above shall continue unchanged throughout the fixed term, except where the benefit is fully or partly converted to a lump sum or the beneficiary dies.

**(4)**

The monthly compensation payments shall cease by the end of the month when the injured person reaches the national pension age, cf. section 1 A of the Social Pensions Act.

**21. (1)**

Where the deceased leaves children in respect of whom he or she was liable for maintenance under the Active Social Policy Act, each of the children whose other parent is still alive shall be entitled to an annual benefit of 10 per cent of the annual earned income of the deceased, cf. section 24, until such child reaches the age of 18.

(2)

Where a child receiving a monthly benefit under subsection (1) above loses its other parent, such child shall be entitled to an annual benefit of 20 per cent of the annual earned income of the deceased for the remaining period of time. The same annual benefit shall be granted to every child for whom the injured person at the time of death was sole breadwinner, within the meaning of the Active Social Policy Act, until such child reaches the age of 18.

(3)

Where the child has not completed its education at the age of 18, and where warranted by the circumstances, the benefit may be extended to the time of completion of such education, provided that it is not extended beyond the 21st birthday of the person in question. Where a child of the deceased is 18 years of age or more on the date of death and has not completed its education such child shall have that same right.

(4)

Where the benefits under subsections (1)-(3) above amount to a total of more than 50 per cent of the annual earned income of the deceased the individual benefits shall be reduced to a total of 50 per cent of the annual earned income of the deceased. Where compensation is at the same time granted under section 20 the benefits shall be reduced similarly to 40 per cent of the annual earned income of the deceased.

(5)

Benefits under subsections (1)-(3) above shall be payable as per the date of death at the rate of one twelfth monthly in advance. However, where in connection with the death a full salary is paid to the surviving dependant for a period of time, the benefit shall only be payable as per the expiry of such period.

**22.**

Where the aggregate annual benefits under sections 20 and 21 above amount to less than 70 per cent of the annual earned income of the deceased Labour Market Insurance may, in special circumstances and subject to the said 70 per cent limit, determine that compensation shall be granted to others who were fully or partly supported by the deceased at the date of the occurrence of the industrial injury. Except where such persons are stepchildren of the deceased under 21 years of age the compensation shall be payable as a lump sum, cf. section 27.

**Compensation for surviving dependants****23. (1)**

Where the death was caused wilfully or through gross negligence, special compensation may be granted to such surviving dependants as were particularly close to the deceased.

(2)

The assessment of whether to pay such compensation under subsection (1) above and decisions on the amount of such compensation shall in particular take into account the nature of the action of the person in question and such suffering or offence as must be deemed to have been inflicted upon the surviving dependant(s).

**Chapter 5****Determination and adjustment of annual earned income****24. (1)**

An injured person's annual earned income shall be his or her total earnings from work in the year preceding the occurrence of the industrial injury. The annual earned income is determined on the basis of the information in the Income Register and other information from the Customs and Tax Administration.

(2)

The annual earned income shall be determined on the basis of an estimate where –

- (i) the earned income or the employment is of a special nature
- (ii) the injured person, due to an occupational disease, was not employed at the same pay during the whole of the preceding year
- (iii) the injured person was out of work for a short or long period of time prior to the date of notification of the disease, or
- (iv) the annual earned income determined under the second sentence of subsection (1) above does not give a fair and just picture of the injured person's earnings at the date of the injury

(3)

The calculation of the compensation shall deduct from the annual earned income the labour market contribution, cf. the Act on Labour Market Contribution.

(4)

The annual earned income shall include the value of free board and lodging as well as the value of other payments in kind. The rates in respect of the value of board and lodging for such persons as reside with the employer shall correspond to the rates determined by the Danish Tax Council in pursuance of section 16(3)(ii) of the Danish Tax Assessment Act for the year in question.

(5)

The annual earned income shall not be assessed in excess of DKK 367,000, including labour market contribution. The said amount shall be subject to adjustment in accordance with section 25.

(6)

Where determining the annual earned income in respect of injured persons who are younger than 18 years of age or still under education, Labour Market Insurance may take into account such earnings from work as the injured person would have been likely to obtain at the age of 18 or after completion of the education or training, provided that the industrial injury had not occurred. The annual earned income shall always be determined at not less than DKK 137,000, however, including labour market contribution, in accordance with section 25, except where the injured person's earning capacity was already substantially reduced prior to the occurrence of the industrial injury.

(7)

The Minister for Employment shall set out specific rules for determining the annual earned income of self-employed earners.

(8)

When calculating and adjusting compensation for loss of earning capacity and loss of breadwinner as a monthly benefit, a basic wage shall be determined. Such basic wage shall be calculated by multiplying the annual earned income determined according to the rules set out in subsections (1)-(7) above by the ratio between DKK 367,000 and the maximum annual earned income applicable at the date of the industrial injury.

## **25. (1)**

The amounts set out in sections 18 and 19 and subsections (5) and (6) of section 24 shall be adjusted each year on January 1 by 2.0 per cent, to which percentage shall be added the adjustment percentage for the fiscal year in question, cf. the Rate Adjustment Percentage Act. The resulting amounts for permanent injury and transitional allowance shall be rounded off to the nearest amount in DKK divisible by 500. Amounts relating to annual earned income shall be rounded off to the nearest amount in DKK divisible by 1,000.

(2)

The monthly benefits determined on the basis of the basic wage, cf. section 24(8), shall be regulated by the same percentage as the amounts indicated in subsection (1) above.

(3)

Each year, by the end of October, at the recommendation of the Labour Market Insurance Board, the Minister for Employment shall publish the regulations to be made. The regulations shall take effect as per the following January 1.

(4)

In determining a monthly compensation payment, a lump sum or another type of compensation, such amounts shall be calculated as though the industrial injury had occurred at the date of the decision.

(5)

Annual benefits not divisible by 12 shall be increased to the nearest amount in DKK divisible by 12.

## Chapter 6

### Payment of compensation

#### 26. (1)

Compensation under this Act shall be paid to the injured person and surviving dependants, subject, however, to subsection (5) below.

(2)

In special cases Labour Market Insurance may disburse compensation amounts to injured persons and surviving dependants and subsequently demand reimbursement from the insurance company of the outlays, with added interest, cf. section 60, or out of contributions, cf. section 55.

(3)

Where the amounts referred to in subsection (1) above are disbursed later than five weeks from the date of notification of the amount granted, such amount shall be subject to interest as per the expiry of the said five-week period, until payment is made, at an annual interest rate equivalent to the rate determined on the basis of subsections (1) and (2) of section 5 of the Act on interest on delayed payment etc. In the cases referred to in section 29(1) below, the time limit shall be 14 days from the date when the municipality or Udbetaling Danmark submits their final claim for a refund to the body disbursing the compensation.

(4)

The entitlement to a monthly compensation payment granted for loss of earning capacity and loss of breadwinner shall cease with the end of the month when the beneficiary dies.

(5)

Where the compensation for the month of the death and previous months has not been disbursed, the compensation shall be paid to the beneficiary's spouse if there was matrimonial cohabitation at the time of the death. Where the beneficiary leaves no cohabiting spouse the amount shall be payable to the estate of the deceased beneficiary.

#### 27. (1)

An annual benefit granted under section 17 for a loss of earning capacity of less than 50 per cent shall normally, and without the consent of the beneficiary being required, be converted to a lump sum. Compensation for loss of earning capacity shall be disbursed as a lump sum where granted to persons who, at the date of the decision letter, are two years or less from reaching the national pension age, cf. the Social Pensions Act. The same shall apply to injured persons who have reached the national pension age. Compensation shall not be converted to a lump sum where a temporary decision has been made, under section 17(3) and section 17 A(4), on compensation for loss of earning capacity.

(2)

Of an annual benefit granted for a loss of earning capacity of 50 per cent or more, that part of the compensation which corresponds to a loss of earning capacity of 50 per cent shall be converted to a lump sum upon the request of the beneficiary. Granted monthly compensation payments shall not be converted to a lump sum where the beneficiary is two years or less from reaching the national pension age, cf. the Social Pensions Act.

(3)

Compensation under section 20 for loss of breadwinner shall be converted to a lump sum upon the request of the beneficiary.

(4)

Conversion to a lump sum of monthly compensation payments shall be made on the basis of the amount of the benefit at the date of conversion. The date of conversion is the date when the lump sum shall be payable. Such conversion of the compensation shall have a future effect only. The factors for conversion to a lump sum of monthly compensation payments shall be determined on the basis of actuarial principles, at intervals of whole years and months. Each year by the end of October the Minister for Employment, upon the recommendation of the Labour Market Insurance Board, shall lay down specific rules for conversion to a lump sum of monthly compensation payments granted and calculated the following year.

(5)

When the final decision on compensation for loss of earning capacity has been made and the beneficiary has requested conversion to a lump sum the amount shall be paid to the estate in the event that the beneficiary dies prior to payment of the lump sum. Conversion of the monthly benefit to a lump sum shall be made on the basis of the amount of the benefit on the day preceding the death.

**28.** (1)

Where, as a consequence of the industrial injury, the injured person is entitled to a pension under the Civil Servants' Pension Act, the value of the injured person's compensation for loss of earning capacity shall be reduced under this Act. The reduction shall be by two thirds of the amount by which the injured person's civil servants' pension has been increased in excess of the pension corresponding to his or her length of service at the time of retirement.

(2)

Where the industrial injury results in death and the surviving dependants as a consequence of the death are entitled to a pension under the Civil Servants' Pension Act, the compensation for loss of breadwinner shall be reduced under this Act. The reduction shall be by two thirds of the amount by which the civil servants' pension has been increased in excess of the pension corresponding to the deceased person's length of service at the time of death.

(3)

The provisions of subsections (1) and (2) above shall similarly be applicable to other beneficiaries under this Act for whom – in respect of pension – rules have been laid down which correspond to the provisions of the Civil Servants' Pension Act. In such cases the insurance company shall pay to the body offering the pension, cf. section 55, or Labour Market Insurance shall pay out of contributions, an amount corresponding to the calculated deduction in the injured person's or the surviving dependants' compensation under this Act.

**29.** (1)

Where benefits under the Social Pensions Act or the Active Social Policy Act have been paid to the injured person or his/her surviving dependants in respect of a period of time for which, subsequently, the injured person or his/her surviving dependants are granted compensation as a monthly benefit for loss of earning capacity, cf. sections 17 and 17A, or loss of breadwinner, cf. sections 20-22, the municipality in question and Udbetaling Danmark shall be entitled, within their respective fields, to receive a refund of contributions, cf. section 55, from the insurance company or Labour Market Insurance. The refund claim shall comprise the difference between the amount disbursed in accordance with the said Acts and the amount that would have been disbursed, had the compensation been disbursed at the same time as the social benefits. The claim of the municipality and Udbetaling Danmark, however, shall not exceed the amount granted to the injured person or surviving dependants under this Act for the same period of time. The claim for a refund shall lapse where it is not put forward within four weeks from the date when the municipality and Udbetaling Danmark were notified of the compensation being granted.

(2)

Where – as a consequence of the industrial injury – compensation has been paid to the injured person or his/her surviving dependants, the person causing the injury or the liability insurance company of such person shall be entitled to receive from the industrial injuries insurance company or Labour Market Insurance (out of contributions) such compensation amount, cf. section 55. Claims put forward by the person causing the injury or such person's liability insurance company shall include compensation amounts of the same nature as the compensation that the industrial injuries insurance company or Labour Market Insurance shall be liable to pay at the date when the claim is put forward.

### **30.**

Any compensation claims of injured persons or their surviving dependants under this Act shall not be transferable by agreement to others. Creditors shall not make such claims subject to execution or other legal proceedings.

## **Chapter 7**

### **Notification, processing of cases, and limitation**

#### **31. (1)**

Notice of an accident at work expected to give rise to a claim under this Act shall be given as soon as possible and not later than nine days after the accident occurred.

(2)

Where notice of an accident at work was not given under subsection (1) above and the injured person is not expected to be able to resume his/her work to a full extent within five weeks after the accident, notice shall be given within such five-week period.

(3)

As regards occupational diseases, cf. section 7, the time limits of notification shall be reckoned from the date when the person liable to notify is informed that the disease must be deemed to be work-related.

(4)

Notice of deaths presumed to have been brought about by an industrial injury, including any death that occurs in a place of work, shall be given to Labour Market Insurance within 48 hours. Notice must be given even where the industrial injury likely to have caused the death has already been reported or is to be reported under subsections (1)-(3) above.

#### **32. (1)**

The duty to notify, in respect of accidents, shall rest upon the employer liable to provide protection.

(2)

As regards persons engaged in a private household or performing personal services and for whom the employer is not liable to take out insurance, cf. section 48(6), the duty to notify shall rest upon the employer.

(3)

As regards persons who have provided protection for themselves under section 48(2) and persons covered by paragraph (iv) of section 4(2) notice shall be given by themselves or their surviving dependants.

**33.** (1)

Employers liable to notify, cf. section 32, and optionally protected persons, cf. section 48(2), shall report accidents to the insurance company that undertook the insurance, cf. section 50.

(2)

Injuries shall be reported to Labour Market Insurance where –

- (i) the person liable to provide protection has failed to do so, cf. section 48(4)
- (ii) there is no liability to provide protection, cf. subsections (5) and (6) of section 48, or
- (iii) the injury is covered by section 4(2)(iv)

**34.** (1)

The Minister for Employment shall lay down rules determining that physicians and dentists shall notify Labour Market Insurance and the Working Environment Authority of all clear and presumed cases of occupational diseases of which they become aware in their work.

(2)

The Minister for Employment may lay down rules to the effect that information under subsection (1) above shall be digitally reported and that communication between Labour Market Insurance and the physician or dentist in connection with this shall be in digital form. In this connection the Minister may lay down rules on the application of specific IT systems, specific digital formats, and digital signature. The Minister for Employment may lay down rules to the effect that, where warranted by very special circumstances, Labour Market Insurance may exempt physicians and dentists from digital notification and digital communication.

(3)

Labour Market Insurance shall make decisions on any exemption in connection with notifications of occupational diseases, whether or not they were sent to Labour Market Insurance or the Working Environment Authority.

(4)

Labour Market Insurance shall process received notifications of occupational diseases, whether or not the requirement for digital notification under the rules set out in pursuance of subsection (2) above is met.

(5)

The Danish Health and Medicines Authority shall notify Labour Market Insurance of reported special cancer diagnoses where the disease must be presumed to be work-related cancer. The Minister for Employment shall lay down rules for such notification, including the diagnoses and information comprised by the notification. Such rules may determine that notification may be made electronically and without consent from the person to which the notification pertains.

**34. A** (1)

Labour Market Insurance shall grant the Working Environment Authority terminal access to such information of accidents at work and occupational diseases as is registered in the mutual system of Labour Market Insurance and the Working Environment Authority for notification of accidents at work and occupational diseases, cf. section 72(3) of the Working Environment Act.

(2)

In addition to the database referred to in subsection (1) above on accidents at work and occupational diseases, Labour Market Insurance shall pass to the Working Environment Authority other necessary information from their database. Such information shall be passed on with a view to processing and register-sampling, for control purposes, in order to identify undertakings. This is done in order to target the control and supervision carried out by the Working Environment Authority and in order to process and register-sample for analysis, prevention and statistical purposes.

**35.** (1)

The Minister for Employment shall lay down guidelines for the co-operation between Labour Market Insurance, the National Social Appeals Board, insurance companies, regions and municipalities, etc., with a view to co-ordinating relief measures for injured persons.

(2)

The Minister for Employment shall lay down rules determining the information to be included in the notification form, as well as the procedure of notification.

(3)

The Minister for Employment shall lay down rules for the notification of industrial injuries and for issuing medical certificates necessary for the processing of the case. The Minister for Employment shall furthermore lay down rules governing the extent to which medical reports and certificates, cf. subsection (7) below, shall be paid for at a fixed rate, and the amount of such rate.

(4)

The Minister for Employment may lay down rules to the effect that information under subsections (2) and (3) above shall be digitally reported and that communication between Labour Market Insurance, the insurance company and the employer in connection with this shall be in digital form. In this connection the Minister for Employment may lay down rules on the application of specific IT systems, special digital formats, and digital signature. The Minister for Employment may lay down rules to the effect that, where warranted by very special circumstances, Labour Market Insurance may exempt the employer from digital notification and digital communication.

(5)

Labour Market Insurance shall make decisions on any exemption in connection with the notification of claims sent to Labour Market Insurance as well as the Working Environment Authority.

(6)

Labour Market Insurance shall process received notifications of accidents, whether or not the requirement for digital notification under rules set out in pursuance of subsection (4) is met.

(7)

The insurance company shall defray all costs of gathering information for the processing of accident claims. Labour Market Insurance shall defray all costs of gathering information for the processing of claims regarding occupational diseases. The costs set out in the first and second sentences above pertain, among other things, to costs for medical certificates, including medical specialists' certificates and autopsy reports, and for opinions and documentation besides, including for necessary revision statements and translations.

**35. A**



Where it is deemed necessary in order to control any errors or abuse in connection with the disbursement of benefits or taxation of earned income, Labour Market Insurance may pass necessary information regarding the purely private affairs of individuals to Udbetaling Danmark, the relevant tax authority, and the relevant municipality.

**36. (1)**

Where notification was not given in due time an injured person or his/her surviving dependants may nevertheless file a claim for compensation under this Act within a time limit of one year from the date of the industrial injury. In respect of occupational diseases, cf. section 7, the time limit shall be reckoned from the date when the injured person or the surviving dependants became aware that the disease was deemed to be an occupational disease. The time limit shall be disregarded where there is documentation that the injured person has sustained an industrial injury, cf. section 5, and that the injured person or his/her surviving dependants are entitled to compensation etc., cf. section 11, as a consequence of the industrial injury. Section 12(2) shall not be applicable to the assessment of causation under this provision.

(2)

Claims under this Act or made against the employer with regard to compensation payments due to an industrial injury, cf. section 5, shall become subject to limitation in accordance with the provisions of the Limitation Act, subject, however, to subsections (3)-(5)<sup>1)</sup> below.

(3)

The time limit under section 3(1) of the Limitation Act is five years for claims as set out in subsection (2) above. Such limitation period shall only be reckoned from the date when the claimant became aware of the claim and the debtor, or from the date when the lack of knowledge on the part of the claimant may be attributed to the claimant being grossly negligent.

(4)

Where an industrial injury was notified prior to expiry of the limitation period, the limitation of claims under this Act occurs not earlier than three years from the date when, in accordance with rules laid down in pursuance of section 15(6) or section 35(3), Labour Market Insurance or any other body making a decision or taking a position has given notification of such decision or position. Where the case is submitted to the National Social Appeals Board within the time limit set out in section 44(2) the three-year time limit shall be reckoned from the date of notification of the decision made by the National Social Appeals Board. The same shall apply where the National Social Appeals Board processes the case, even if the time limit for complaint has expired, cf. section 44(3).

(5)

Subsection (3) above and subsections (1) and (2) of section 3 of the Limitation Act shall not be applicable to compensation claims in cases comprised by section 41(2). The same shall apply in the event of resumption on grounds other than those set out in sections 41-43.

**37. (1)**

Labour Market Insurance may send out experts to make examinations on the spot.

(2)

Labour Market Insurance and the National Social Appeals Board shall request and obtain from employers, employees, regions, municipalities, job centres, and other parties concerned – including hospitals, institutions, and treating doctors etc. – any information deemed by Labour Market Insurance to be of importance. Such information shall comprise any police reports, hospital case sheets etc., manufacturing procedures, information of and reports on the chemical composition of products or substances, or transcripts of such reports, case sheets or formulas. Labour Market Insurance and the National Social Appeals Board shall get terminal access to information in the Income Register. Labour Market Insurance may cause judicial inquiry to be held in accordance with section 1018 of the Administration of Justice Act and to receive transcripts thereof, and to require post-mortems to be made in conformity with the rules governing legal autopsies, subject, however, to section 13(2) above. Such information may be collected electronically.

(3)

For the processing of cases under the Workers' Compensation Act and follow-up on cases under section 8 of the Sickness Benefits Act, Labour Market Insurance and the municipalities shall exchange information on registration of workers' compensation cases and cases relating to daily sickness benefit, rehabilitation, flex-job, [personal resource programme, anticipatory pension, and senior pension](#). Similarly, in industrial injury cases and cases regarding daily sickness benefit, rehabilitation, flex-job, [personal resource programme, anticipatory pension, and senior pension](#), Labour Market Insurance and the municipalities may exchange information on gathering such information of a case as provides documentation of capacity for work and may exchange information that a decision has been made on capacity for work. Such exchange can occur automatically and without the consent of the citizen in question.

(4)

As regards persons indicated in section 48(3) it is incumbent upon the master of a ship to enter in the logbook full information on the occurrence of the industrial injury and the circumstances thereof.

### **37. A**

Before Labour Market Insurance or the National Social Appeals Board gathers information as set out in section 37 above, Labour Market Insurance or the National Social Appeals Board shall inform in writing the injured person or any surviving dependants of the nature of the information it may become necessary to gather. At the same time Labour Market Insurance or the National Social Appeals Board shall grant the injured person or any surviving dependants a time limit for objecting to this and shall inform the injured person or any surviving dependants of any adverse processual effects of this.

### **38. (1)**

As soon as possible after the occurrence of the industrial injury the injured person shall submit himself to a medical examination and, subsequently, undergo the medical treatment or the training deemed necessary by the physician or Labour Market Insurance. If necessary, the injured person shall be admitted to a hospital or a similar institution for observation. Subject to the assessment made by Labour Market Insurance, the injured person shall furthermore be required to submit himself to an examination by a physician appointed by Labour Market Insurance, to be work-tested and, upon request, give a verbal statement to Labour Market Insurance. Where the injured person fails to meet the requirements set out above the rule of section 13(1) shall be applicable.

(2)

The injured person shall be entitled to reimbursement of travelling expenses arising from medical treatment etc. requested by Labour Market Insurance, cf. subsection (1) above. Furthermore the injured person shall be entitled to compensation for certified loss of earnings in the cases referred to in the second and third sentences of subsection (1) above where the absence from work is of not less than two hours' duration. The calculation of such compensation shall be based on an hourly pay not in excess of what corresponds to the annual earned income indicated in section 24(5) above. In cases of accidents expenses shall be defrayed by the insurance company. In cases of occupational diseases expenses shall be defrayed out of contributions, cf. section 55.

(3)

Subsection (2) above shall also be applicable where the National Social Appeals Board has requested the information set out in subsection (1).

(4)

The condition that there shall be a request by Labour Market Insurance or the National Social Appeals Board in order for the insurance company or Labour Market Insurance to defray expenses under subsections (2) and (3) above may be disregarded in cases where Labour Market Insurance or the National Social Appeals Board deems such information to be necessary. In cases regarding accidents at work the insurance company shall only defray such expenses as have arisen or been defrayed after the occurrence of the injury. In cases regarding occupational diseases Labour Market Insurance shall only pay such expenses as have arisen or been defrayed after notification of the injury, cf. section 8(2).

(5)

The Minister for Employment shall set out rules for payment of expenses under subsections (2) and (3) above and shall publish once a year the amounts to be defrayed for transport etc.

**39.** (Repealed)

**39. A** (Repealed)

## **Chapter 8**

### **Administration**

#### **Decision-making competence**

**40.** (1)

Where nothing to the contrary has been provided Labour Market Insurance shall make decisions on all matters under this Act.

(2)

In the processing of cases under this Act Labour Market Insurance shall not be bound by any claims made by the parties and shall be independent of any instructions as to the decision in each case, including instructions from the Labour Market Insurance Board.

**40. A** (1)

Labour Market Insurance shall make a decision on repayment –

- (i) where the injured person or his/her dependants, against better knowledge, failed to provide such information as is required under this Act and such lacking information has resulted in a decision other than a decision Labour Market Insurance would have made, had the information been available

- (ii) where the injured person or his/her dependants, against better knowledge, provided false information and such false information has resulted in a decision other than a decision Labour Market Insurance would have made, had the correct information been available, or
  - (iii) where the injured person or his/her dependants besides, against better knowledge, received benefits under this Act to which they were not entitled.
- (2)

The amount to be repaid shall be collected by the insurance company etc. in respect of accident cases and Labour Market Insurance, cf. section 3 of the Labour Market Insurance Act, in respect of cases regarding occupational diseases.

### **Resumption**

#### **41. (1)**

Upon the request of the injured person or the surviving dependants, or on the initiative of Labour Market Insurance, any decision to the effect that an injury shall not be covered by this Act may be resumed within five years from the date of such decision. This shall similarly apply to such cases as are turned down having been notified after expiry of the time limit for notification.

#### **(2)**

Where Labour Market Insurance has decided that a notified disease shall not be covered by this Act and the disease is later included in the list referred to in section 7(1)(i) above, the case may be resumed, even where more than five years have passed since Labour Market Insurance made the decision.

#### **42. (1)**

Where the circumstances on the basis of which the questions of compensation were assessed change substantially such questions may, cf. sections 15, 17 and 18, upon the request of the injured person or on the initiative of Labour Market Insurance, be resumed within a time limit of five years from the date of the first decision. The time limit for resumption may be extended within expiry of the five-year time limit. Where warranted by exceptional circumstances the time limits may be disregarded.

#### **(2)**

The beneficiary of a monthly benefit under section 17 shall notify the insurance company or Labour Market Insurance of any change in his or her situation likely to result in a reduction in or lapse of the benefit; similarly, the insurance company or Labour Market Insurance shall pay attention to the occurrence of any such change in the beneficiary's situation.

#### **43.**

Where a surviving dependant is not deemed to be entitled to compensation under section 20(1) above such person may request resumption of the question of compensation within a time limit of five years from receipt of the decision. Similarly a surviving dependant who has been granted compensation under subsection (1), cf. subsection (2) of section 20 above, may – within a time limit of five years from the termination of the benefit – request resumption of the question of compensation with a view to being granted an additional, temporary monthly benefit.

### **Access to complaint**

#### **44. (1)**

Decisions made by Labour Market Insurance under section 40 may be submitted to the National Social Appeals Board by –

- (i) the injured person or the injured person's surviving dependants
- (ii) the insurance company in respect of accidents
- (iii) the ATP Board in respect of occupational diseases and
- (iv) the employer in respect of decisions on recognition of industrial injuries and decisions made under section 35(5).

(2)

Any complaint in pursuance of subsection (1) above shall be submitted not later than four weeks after the complainant's receipt of the decision letter.

(3)

In special circumstances the National Social Appeals Board may disregard non-observance of the time limit.

(4)

Where the National Social Appeals Board processes cases under this Act Chapter 9 and sections 68 and 70 of the Act on Legal Protection and Administration in Social Matters shall be applicable, except where the provisions of this Act stipulate otherwise.

(5)

To the extent that the employer, the insurance company or the ATP Board submits decisions made by Labour Market Insurance to the National Social Appeals Board such complaint shall have a delaying effect. Under Chapter 4 of the Public Administration Act, the ATP Board shall be entitled to access to the documents of the case of Labour Market Insurance and of the National Social Appeals Board.

(6)

When deciding the question of recognition of a workers' compensation case Labour Market Insurance shall forward to the employer information of the injured person's diagnosis.

(7)

Prior to the processing of a complaint by the National Social Appeals Board in pursuance of subsection (1) above Labour Market Insurance shall make an assessment of whether there are grounds for agreeing, fully or partly, with the complainant. Therefore the complaint shall be sent to Labour Market Insurance. In the assessment Labour Market Insurance may take a position on factual as well as legal and discretionary elements of the decision.

(8)

Where Labour Market Insurance is unable to agree with the complainant the complaint shall be sent, together with the grounds for the decision and the reassessment, to the National Social Appeals Board.

(9)

The Minister for Employment shall lay down rules for the processing of complaint cases, including rules on time limits for submitting and forwarding complaints etc.

#### **45.**

Complaints of decisions made under sections 55-58 C by Labour Market Insurance or decisions made by ATP under this Act may be brought before a Board of Appeal set up in pursuance of section 28 of the ATP Act. Such complaints shall be submitted within four weeks from the date when the decision was notified.

#### **46.**

The Danish Insurance Association shall have access to submitting an appeal as set out in section 44 in cases regarding such accidents at work as are processed by Labour Market Insurance under sections 48(6), 52, and 54.

#### **47.** (Repealed)

## **Chapter 9**

## **Employers liable to provide protection and self-employed earners protecting themselves under this Act**

### **48. (1)**

Any employer who in his or her service engages persons as set out in section 2 above is liable to provide protection under this Act for such persons, subject, however, to subsections (3), (5), and (6) below.

### **(2)**

Self-employed earners and assisting spouses may provide protection for themselves under this Act.

### **(3)**

The owner of a vessel registered or to be registered in the Danish Shipping Register or the Danish International Shipping Register shall be liable to provide protection for any person comprised by section 2 who is engaged to carry out work on board the ship on the instructions of the master of the ship, whether or not such person is engaged or paid by persons other than the ship owner, and whether or not the work is related to the operation of the ship.

### **(4)**

Employers as set out in subsections (1) and (3) above shall meet their liability to provide protection by taking out insurance against the consequences of accidents at work, cf. section 50, and by joining Labour Market Insurance, cf. section 3 of the Labour Market Insurance Act, in respect of the consequences of occupational diseases, cf. section 55. Self-employed earners and assisting spouses, cf. subsection (2) above, shall provide protection for themselves by taking out insurance against the consequences of accidents at work, cf. section 50, and by joining Labour Market Insurance, cf. section 3 of the Labour Market Insurance Act, in respect of the consequences of occupational diseases, cf. section 55.

### **(5)**

The State, the National Church, regional authorities and municipalities shall not be liable to take out insurance against the consequences of accidents at work, cf. section 50. The same shall apply to the Civil List.

### **(6)**

The liability to provide protection shall not be applicable to casual help in the private household or during the performance of private service where the overall employment pertaining thereto does not exceed 400 working hours in a calendar year.

Costs arising from accidents at work happening to such casual help, cf. the first sentence above, shall be defrayed by Labour Market Insurance. Financing of the costs set out under the second sentence above shall be collected on account at the beginning of the year when the costs are defrayed, from all insurance companies undertaking accident at work insurance, with subsequent regulation in the following year.

The Minister for Employment shall lay down specific rules governing such distribution, collection on account and subsequent regulation upon the recommendation of the Labour Market Insurance Board and in collaboration with the Financial Supervisory Authority. Costs arising from occupational diseases contracted by such casual help shall be defrayed by Labour Market Insurance out of contributions, cf. section 55. The same shall apply to costs arising from occupational diseases contracted by protected persons not covered by the ATP Act. Labour Market Insurance shall refer the costs to a trade, taking into consideration the nature of the exposures, the intensity, and the duration thereof.

### **49. (1)**

In respect of accidents the costs incurred shall be defrayed by the insurance company of the employer liable to provide protection, subject, however, to section 10 A. In respect of occupational diseases such costs shall be defrayed by Labour Market Insurance out of contributions, cf. section 55, subject, however, to section 10 A. The same shall apply to the optional protection as set out in section 48(2). Labour Market Insurance shall refer the costs to a trade, taking into consideration the nature of the exposures, the intensity, and the duration thereof.

(2)

The employer liable to provide protection for an injured person shall be the employer in whose business or service the industrial injury occurred, subject, however, to subsection (3) below and subsections (3) and (6) of section 48. Where it is possible to refer the industrial injury to several employers Labour Market Insurance shall decide which employer shall be the employer liable to provide protection.

(3)

The employer liable to provide protection for injured persons and optionally protected persons who have contracted an occupational disease shall be the last employer in whose business or service, prior to the disease being diagnosed, the injured person was subject to the harmful exposure presumed to have caused the disease in question. This shall not apply, however, where it is established that the disease was caused by work in a different undertaking.

(4)

Where an employer liable to provide protection under subsection (3) above cannot be pointed out with reasonable certainty or the undertaking has been closed down, Labour Market Insurance shall refer the injury to a trade. The decision made by Labour Market Insurance on trade affiliation shall be made after a concrete assessment of the trade in which the injured person or the optionally protected person has been particularly subject to such exposures as may be presumed to have caused the disease in question. Such assessment shall take into consideration the nature of the exposure, the intensity, and the duration thereof.

(5)

Where an injury has occurred as a consequence of protected persons' attempt to save human life, cf. section 4(2)(iii), the Treasury shall reimburse the insurance company in question or Labour Market Insurance for the benefits disbursed as an element of their tasks, cf. section 3 of the Labour Market Insurance Act.

(6)

Where a person who is not otherwise protected under this Act sustains an injury during an attempt to save human life, cf. section 4(2)(iv) of this Act, the Treasury shall defray the benefits under this Act.

(7)

In cases comprised by subsections (5) and (6) above the injured person's annual earned income shall be calculated in accordance with the general provisions of this Act.

(8)

In the event of injuries occurring as a consequence of carrying out civic, regional, or municipal duties the State, the regions and the municipalities shall disburse the benefits under this Act in respect of accidents. Labour Market Insurance shall disburse out of contributions the benefits under this Act for such injuries in respect of occupational diseases, cf. section 55.

## Chapter 10

### Liability to provide protection

#### Accidents at work

##### 50.

Employers liable to provide protection, cf. section 48, shall transfer their risk of accidents to an insurance company undertaking accident insurance under this Act. The same shall apply to self-employed earners and assisting spouses who opt to provide protection for themselves in accordance with section 48(2).

##### 51.

An employer who fails to take out compulsory insurance under this Act or to maintain such insurance in force shall pay an amount equivalent to the premium of which they have deprived an insurance company. Labour Market Insurance shall decide the size of such amount. The amount shall be paid to Labour Market Insurance and passed to the credit of all insurance companies undertaking work accident insurance, in accordance with rules laid down by the Minister for Employment upon the recommendation of the Labour Market Insurance Board in collaboration with the Financial Supervisory Authority.

##### 51. A (Repealed)

##### 52. (1)

Where an accident at work occurs and the employer has failed to meet his or her liability to provide protection by taking out insurance, Labour Market Insurance shall defray as an advance payment the expenses indicated in section 11, section 35(7), section 38, and section 59 of this Act.

##### (2)

The employer shall reimburse Labour Market Insurance for the outlays, cf. subsection (1) above, except where Labour Market Insurance deems that there have been such extenuating circumstances as should exempt the employer – fully or partly – from payment.

##### (3)

To the extent deemed reasonable Labour Market Insurance may waive its claim on the employer.

##### (4)

Amounts disbursed by Labour Market Insurance in pursuance of subsection (1) above shall be distributed – subject to deduction of any amounts reimbursed under subsection (2) above – among all insurance companies undertaking work accident insurance, according to the rules of the second to fourth sentences of section 48(6).

##### (5)

Where the undertaking in which the accident at work occurred has been closed down and it is not possible to point to an insurance company the provisions of subsections (1) and (4) shall apply similarly.

##### 52. A

The insurance company may get access to such information in the Income Register, with regard to trade affiliation and number of employees, as is necessary for the purposes of calculating and collecting premiums from employers liable to take out protection, cf. section 7 of the Income Register Act.

##### 53.



Where an insurance company has undertaken a risk on behalf of an employer liable to provide protection or a self-employed earner, cf. section 50, such company shall be liable even where the insurance was contracted on an incorrect basis as regards the nature and extent of the insurance liability.

**54.** (1)

Where the Financial Supervisory Authority revokes an insurance company's licence to undertake work accident insurance under section 250(2) of the Financial Business Act, Labour Market Insurance shall take over such insurance company's work accident portfolio comprised by this Act.

(2)

Labour Market Insurance shall enter into all rights and obligations of such insurance company as is set out under subsection (1) above, in respect of insurance customers and insured employees under the portfolio of work accident policies comprised by this Act and shall cover all such compensation claims as are not covered in respect of injuries occurring prior the Financial Supervisory Authority's revocation of the licence, cf. subsection (1) above, and which occur up to four weeks after the date when the insurance company, liquidator or curator has informed the insurance customers that the insurance company no longer has any authority to undertake work accident insurance.

(3)

Labour Market Insurance shall take over all such obligations as the insurance company mentioned in subsection (1) above has under this Act, in respect of processing of concrete injury claims, including the processing of reported claims and decisions on questions under section 15 and payment of expenses under sections 11, 35(7), 38, and 59. Labour Market Insurance may transfer the processing set out in the first sentence above to an insurance company which has permission to offer work accident insurance.

(4)

Labour Market Insurance shall finance costs derived from the takeover of work accident policies under subsection (1) above, from assets, including receivables from reinsurance contracts transferred from the insurance company set out in subsection (1) above, or from the estate of such company. Labour Market Insurance shall administer the received assets in accordance with the principles following from section 158 of the Financial Business Act. To the extent that the insurance companies have financed costs under subsection (5), the assets shall be distributed on the individual companies in accordance with their financing contributions. Where the assets do not cover the full cost, such assets shall be distributed accordingly year by year so that costs defrayed in the earliest year after the portfolio takeover shall be covered first until all assets are distributed.

(5)

At the time when the costs set out under subsection (4) above are to be defrayed, where no assets are transferred or inadequate assets are transferred from the insurance company set out under subsection (1) above or from the estate of such insurance company, Labour Market Insurance shall lay out such costs until Labour Market Insurance receives the necessary assets from the insurance company. Costs defrayed by Labour Market Insurance, cf. the first sentence above, shall be financed by all such insurance companies as undertake work accident insurance and in accordance with the distribution set out in sentences 3 and 4 of section 48(6).

(6)

In the event of the bankruptcy of an insurance company Labour Market Insurance shall file its claim against the bankruptcy estate under this Act. Where Labour Market Insurance has paid out compensation amounts, leading to payment from reinsurance companies, such amounts as are included in the estate from cover in connection with reinsurance regarding the portfolio of work accident policies covered by this Act shall be allocated in advance to reimbursement of claims filed by Labour Market Insurance. However, such claims are secondary to the claims set out in sections 93 and 94 of the Bankruptcy Act, to the extent

that such claims are not covered by other assets of the estate. Reinsurance contracts and registered assets which only or mainly pertain to obligations set out in subsection (2) above shall be transferred to Labour Market Insurance and administered under subsection (4).

### **Occupational diseases**

#### **55. (1)**

Employers liable to provide protection, cf. section 48(1), and optionally protected persons under section 48(2) shall pay contributions to Labour Market Insurance, cf. section 3 of the Labour Market Insurance Act.

#### **(2)**

The contribution shall be calculated per quarter on the basis of paid-in ATP contributions from the undertaking in a preceding 3-month period, converted into full-time employments with application of the ATP contribution rates relevant for the undertaking and with application of the contribution rate relevant for the trade, cf. section 58(2).

#### **(3)**

The contribution shall be collected four times a year. The contribution may be collected by ATP together with other contributions collected from employers. The powers vested in Labour Market Insurance with regard to the collection of contributions in pursuance of this Act may be exerted by ATP in connection with mutual collection.

Where the employer fails to pay the contribution within the time limit, such employer shall, with effect from the due date, pay interest on the contribution at the interest rate determined at any time in pursuance of section 5 of the Interest Act.

#### **(4)**

Where Labour Market Insurance has undertaken the risk of an employer liable to provide protection or of a self-employed earner, Labour Market Insurance shall be liable even where the contributions were agreed on an incorrect basis as regards the nature and extent of the risk.

#### **(5)**

The person liable to provide protection, the insurance company, and public authorities shall upon request provide Labour Market Insurance with such information as is substantial for determining contributions under this Act. The same shall apply to optionally protected persons under section 48(2). The obligation to hand out information to Labour Market Insurance shall not apply to the extent that other legislation stipulates a special professional secrecy.

#### **(6)**

For the purposes of collecting contributions and processing occupational disease claims Labour Market Insurance shall have electronic access to permanent audit files in the employers' and persons' registers of ATP, to information of employers' paid-in ATP contributions in the ATP collection register, and to employer relations and individually paid-in ATP contributions in the wage-earner register of ATP.

#### **(7)**

For the calculation, collection and processing of contributions as part of the mutual collection, cf. subsection (3) above, employer information from the schemes covered by a mutual collection may be handed out, to the extent necessary, to ATP. Such handing out of information may occur electronically.

#### **56. (1)**

The Labour Market Insurance Board shall lay down specific rules for the calculation of contributions.

#### **(2)**

Upon the recommendation of the Boards of Labour Market Insurance and ATP the Minister for Employment shall lay down rules for collection and payment of contributions included in the mutual collection, cf. section 55(3) above. Such rules shall determine that ATP may grant a respite for payment and waive contributions and interest.

(3)

Labour Market Insurance shall, as an element of its tasks, cf. section 3 of the Labour Market Insurance Act, have a right of distraint for contributions, interest, and administration fees.

(4)

Labour Market Insurance shall collect from the Customs and Tax Administration and other public authorities such information of those liable to provide protection and optionally protected persons, cf. section 48(2), as is necessary for performing the collection of outstanding contributions, interest and administration fees, including information on income and financial circumstances.

#### **56. A**

Labour Market Insurance shall get access to such information in the Income Register in respect of trade and number of employees as is necessary for the calculation and collection of contributions from employers liable to provide protection, cf. section 7 of the Income Register Act.

#### **57. (1)**

Where an occupational disease occurs and the employer liable to provide protection has failed to pay contributions the expenses set out in section 11, section 35(7), section 38, and section 59 shall be defrayed as advances, out of contributions, by Labour Market Insurance.

(2)

The employer shall reimburse Labour Market Insurance for the disbursed amounts, cf. subsection (1) above, except where Labour Market Insurance deems that there have been such extenuating circumstances as should exempt the employer – fully or partly – from payment.

(3)

To the extent deemed reasonable Labour Market Insurance may waive its claim on the employer.

(4)

Amounts disbursed by Labour Market Insurance in pursuance of subsection (1) above shall be distributed – subject to deduction of any amounts reimbursed under subsection (2) above – according to the rules of the fifth and sixth sentences of section 48(6).

(5)

Labour Market Insurance may claim from the employer an amount equivalent to the contribution of which the employer has deprived the scheme after January 1, 1999.

(6)

Labour Market Insurance shall, as an element of its tasks, cf. section 3 of the Labour Market Insurance Act, have a right of distraint for claims for refunds under subsection (2) above, interest thereon under section 60, and claims for refunds under subsection (5) and interest thereon under section 56(2). The rule of section 56(4) shall apply similarly.

#### **58. (1)**

Employers liable to provide protection and optionally protected persons under section 48(2) shall, by way of contributions to Labour Market Insurance, cf. section 3 of the Labour Market Insurance Act, cover such expenses as regard the protection under this Act against the consequences of occupational diseases.

(2)

The Labour Market Insurance Board shall determine the contribution rates for each calendar year. The contribution rates shall be determined, according to trade affiliation, on the basis of the anticipated costs regarding the trade in question.

(3)

The Labour Market Insurance Board shall be under an obligation to determine the contributions towards covering any deficit on allocations for occupational diseases notified prior to January 1, 2008, and sudden lifting injuries, cf. subsection (2) of section 85 A, in such a way that, in addition to what is necessary for covering the protection risks under the Act, only such contributions shall be collected as are necessary for justifiable administration. Labour Market Insurance shall have the option to even out any surplus or deficit over two years. The Financial Supervisory Authority may lay down specific rules for such calculation.

(4)

The Labour Market Insurance Board shall be under an obligation to determine the contributions for occupational diseases notified on or later than January 1, 2008, in such a way that, in addition to what is necessary for covering the costs under this Act, including section 58 C, only such contributions shall be collected as are necessary for justifiable administration. Labour Market Insurance shall have the option to even out any surplus or deficit over two years.

(5)

Finally, as an element of the contribution, Labour Market Insurance shall collect charges etc. to the extent that such charges have been determined under this Act or other legislation.

**58. A (1)**

Labour Market Insurance shall, as an element of its tasks, cf. section 3 of the Labour Market Insurance Act, refer all employers to a trade subgroup, cf. subsection (2) below, on the basis of the following main trade groups –

- (i) agriculture, fishing, and extraction of raw materials
- (ii) manufacturing industry
- (iii) energy and water supply
- (iv) building and construction
- (v) trade, hotels, and restaurants
- (vi) transport, post, and telecommunications
- (vii) financing and business service
- (viii) public and personal services

(2)

The Minister for Employment, upon the recommendation of the Labour Market Insurance Board, shall determine the subgroups in respect of the grouping set out under subsection (1) above.

(3)

In the calculation of contributions the Labour Market Insurance Board may refer employers to a different trade group, cf. subsection (1) above, if the employer's trade code does not correspond with the actual occupational disease risk.

**58. B (1)**

The trade subgroups, cf. section 58 A above, shall be financially independent groups financing costs for compensation payments to injured persons and surviving dependants in connection with occupational diseases as well as costs for administration.

(2)

A pool for evening out surpluses and deficits shall be affiliated with the trade subgroups. The pool shall be sufficient to eliminate unanticipated fluctuations in the annual contributions. Changes in the pool shall be evened out, over the following two contribution

years, in the collection of contributions from employers in the trade subgroup.

(3)

Labour Market Insurance may collect once a year a separate supplement to the contribution set out in section 58 above towards the financing of costs for compensation payments to injured persons and surviving dependants as well as administration relating to trades with decreasing employment and substantial costs for compensation payments relating to previously notified occupational diseases. The Labour Market Insurance Board shall set out the rules for such supplements.

**58. C** (1)

Labour Market Insurance may give employers a rebate on the contribution set out under section 58 above. Such rebate shall be based on the individual undertaking's effort for the working environment.

(2)

The Minister for Employment, upon the recommendation of the Labour Market Insurance Board, shall lay down rules for contribution rebates.

**Mutual provisions for payment for administration, return on investment, and distraint**

**59.**

The administration of matters covered by this Act as performed by Labour Market Insurance and the National Social Appeals Board shall be financed by the following:

- (i) Insurance companies undertaking work accident insurance, the National Church, such regions and municipalities as have not taken out insurance, cf. section 48(5), and such institutions as are comprised by government institutions' access to self-insurance, cf. section 48(5), for the purposes of cases of accidents at work relating to the said bodies, and
- (ii) Labour Market Insurance as an element of the contribution towards financing of the costs of occupational diseases, cf. section 55, with regard to cases of reported occupational diseases.

(2)

Payment for matters covered by this Act and relating to such institutions as are comprised by government institutions' access to self-insurance, cf. section 48(5), shall be incumbent on the ministerial area in question. The competent minister may distribute the costs on the several institutions.

(3)

The Minister for Employment may direct the insurance companies etc. referred to in subsection (1) above to procure statistical and similar information.

(4)

Payment for the administration shall be calculated on the basis of a rate per reported claim. Payment is effected for the processing of first-time claims as well as resumed claims and the revision of decided claims as determined by Labour Market Insurance.

(5)

The Minister for Employment shall lay down rules for the size and account collection of rates and the subsequent regulation, including, after negotiation with the Minister for Social Affairs and the Interior, the rules relating to the National Social Appeals Board. Once a year, upon the recommendation of the Labour Market Insurance Board, the Minister for Employment shall publish the size of the rates, including, after negotiations with the Minister for Social Affairs and the Interior, the rates of the National Social Appeals Board.

**60.** (1)

Amounts disbursed in advance by Labour Market Insurance under section 48(6), subsections (1) and (5) of section 52, section 54(5), and section 57, shall yield interest at an annual rate. Specific rules for determining the interest shall be laid down by the Minister for Employment.

(2)

Insurance companies shall have a right of distraint for premiums, incurred interest and other costs in the event of failure to pay premiums within the specified time limits.

## Chapter 11

### Administration of tasks under section 3 of the Labour Market Insurance Act

#### 61.

The rules in this Chapter shall pertain only to the tasks of Labour Market Insurance under section 3 of the Labour Market Insurance Act.

#### 62. (Repealed)

#### 63.

Sections 24 B to 24 E of the ATP Act relating to speculation, contracts, management's other duties, etc. shall apply with any such adjustments as are required.

### Actuarial matters

#### 63. A (1)

The Labour Market Insurance Board shall employ a responsible actuary for the execution of the requisite calculation functions, including the determination of the total contribution level, as well as surveys. The position of actuary shall not be compatible with the position of Managing Director or Board member of Labour Market Insurance.

(2)

Where a responsible actuary is dismissed or resigns the Board and the actuary, not later than one month after such resignation, shall each send a report to the Financial Supervisory Authority with an account of the reason for such resignation.

(3)

The Labour Market Insurance Board shall prepare a protection plan. The protection plan shall be notified to the Financial Supervisory Authority not later than the date when the protection plan is first put to use. The same shall apply to any subsequent change in the protection plan. The protection plan shall be divided into –

- (i) a tariff plan including a description of the determination of the proceeds of contributions and the division into trades, including rules for determining the pool for evening out surpluses and deficits, and
- (ii) an allocation plan setting out the rules for determining the obligations of Labour Market Insurance and including rules for determining –
  - (a) allocations for monthly benefits for occupational diseases notified prior to January 1, 2008, and sudden lifting injuries, cf. subsection (2) of section 85 A;
  - (b) other compensation allocation for occupational diseases notified prior to January 1, 2008, and sudden lifting injuries, cf. subsection (2) of section 85 A; and
  - (c) allocations for occupational diseases notified on January 1, 2008 or later.

(4)

The responsible actuary shall ensure that Labour Market Insurance complies with its protection plan, including reserves being allocated in such a way as to render them sufficient in view of what may reasonably be anticipated.

(5)

The responsible actuary shall immediately report to the Financial Supervisory Authority any disregard of matters set out in subsection (4) above. The responsible actuary shall request and obtain from the Managing Director all such information as is necessary for executing his or her duty. The Financial Supervisory Authority shall request and obtain from the actuary all such information as is necessary for the evaluation of the financial position of Labour Market Insurance.

(6)

The responsible actuary shall once a year submit a report to the Financial Supervisory Authority including an account of the reserve allocations of Labour Market Insurance.

(7)

The Financial Supervisory Authority shall lay down specific rules regarding matters set out in subsections (1), (2), (4), (5), and (6) above, including the requirements a person shall meet to be employed as a responsible actuary. The Financial Supervisory Authority shall lay down specific rules for the procedure of notification of the protection plan, cf. subsection (3), including if and to what extent such notifications shall be accessible to the public.

(8)

Where the Financial Supervisory Authority finds that the requirements set out in subsection (3)(i) are not met the Financial Supervisory Authority, following negotiations with the Labour Market Insurance Board, shall report this to the Minister for Employment. Where the Financial Supervisory Authority finds that the requirements set out in subsection (3)(ii) are not met the Financial Supervisory Authority may direct the Labour Market Insurance Board to make the necessary changes regarding the reported matters within a time limit determined by the Financial Supervisory Authority.

(9)

The responsible actuary may request that the Board be convened. The responsible actuary shall be entitled to attend and speak at Board meetings, except where the Board in a specific case decides otherwise.

(10)

Where it is requested by any one Board member the responsible actuary shall be obliged to participate in the Board's handling of the matters in question.

**63. B** (Repealed)

**63. C** (Repealed)

### **Annual report and audit**

**64.** (1)

For each accounting year the Board and the Managing Director shall prepare an annual report consisting of at least a management review, a management statement and a financial statement consisting of a balance sheet, a profit and loss account, and notes including accounting policies. After a financial statement has been audited the auditors' report shall form part of the annual report.

(2)

The annual report shall be prepared in accordance with the rules set out in this Chapter and rules set out in pursuance of section 65 K below.

**65.**

Each member of management shall be responsible that the annual report is prepared in

accordance with the legislation and any additional accounting requirements set out in articles or agreements. Furthermore each member shall be responsible that the financial statement and any consolidated account is audited and approved in due time. Finally each Board member shall be responsible that the annual report is submitted to the Ministry of Employment and the Financial Supervisory Authority within the time limits set out in the legislation.

**65. A (1)**

After preparation of the annual report all Board members and the Managing Director shall sign the report and state the date of such signature. They shall give their signature in conjunction with a management statement stating clearly the name of each member and such member's function in relation to Labour Market Insurance, declaring whether –

- (i) the annual report has been prepared in accordance with the requirements set out in the legislation and any requirements set out in articles or agreements;
- (ii) the financial statement gives a true and fair impression of the assets and liabilities, the financial position and the profit and loss of Labour Market Insurance and the group respectively; and
- (iii) the management review contains a true and fair account of the development in the activities and financial position of Labour Market Insurance and the group respectively as well as a description of any such substantial risks and insecurities as may affect Labour Market Insurance and the group respectively.

(2)

Where the annual report is signed digitally, cf. section 76 E, the requirement in subsection (1) above, to the effect that the signature and the date of such signature shall be given in conjunction with the management statement, shall lapse. However, the name of the person signing the management statement shall appear clearly in conjunction with the management statement.

(3)

Where management has added supplementary reports to the annual report the Board members and the Managing Director shall declare in the management statement whether or not such report gives a true and fair account within the framework of generally acknowledged guidelines for such reports.

(4)

Even where a management member disagrees, fully or partly, with the annual report or objects to approving it with the contents decided upon such member shall not omit to sign. However, the management member shall be entitled to express his or her views by giving a specific and full account in conjunction with his or her signature and the management statement.

**65. B (1)**

The financial statement shall give a true and fair impression of the assets and liabilities, the financial position and the profit and loss of Labour Market Insurance and the group respectively. The management review shall include a true and fair account of the conditions to which the review pertains.

(2)

Where the application of the provisions of this Act or the rules issued in pursuance of section 65 K below is not sufficient to give a true and fair impression as set out in subsection (1) above supplementary information shall be stated in the financial statement and consolidated account respectively.

(3)

Where the application of the provisions of this Chapter or rules issued in pursuance of section 65 K below is incompatible, in special circumstances, with the requirement set out



in the first sentence of subsection (1) above such provisions shall be disregarded in order to meet such requirement. Such disregard shall be stated each year in the notes and shall always be provided with specific and full grounds as to the effect of such disregard on the assets and liabilities, financial position and profit and loss of Labour Market Insurance and the group respectively. Where possible such effect shall be expressed by way of the amount in question.

**65. C** (1)

In order that the financial statement and the consolidated account may give a true and fair impression and in order that the management review may include a true and fair account, cf. section 65 B above, the provisions of subsections (2) and (3) below shall be met.

(2)

The annual report shall be prepared in such a way as to support annual-report users in their financial decisions. Such users shall be persons, businesses, organisations, public authorities etc. whose financial decisions will usually be expected to be influenced by an annual report, including members, creditors, employees, customers, alliance partners, the local community as well as subsidising and fiscal authorities. Such decisions shall at least pertain to –

- (i) placement of annual-report users' own resources;
- (ii) management's administration of the organisation's resources; and
- (iii) distribution of the organisation's resources.

(3)

The annual report shall be prepared in such a way as to provide information of such matters as are usually relevant for annual-report users, cf. subsection (2) above. Besides such information shall be reliable in relation to what annual-report users usually expect.

**65. D** (1)

The annual report shall be prepared in accordance with the basic assumptions set out below.

- (i) It shall be prepared in a clear and understandable manner (clarity).
- (ii) It shall take into consideration the real circumstances and not formalities without any real meaning (substance).
- (iii) All relevant matters shall be included in the annual report, except where such matters are insignificant (materiality). However, where several insignificant matters are deemed to be significant if combined, such matters shall be included.
- (iv) The operation of an activity shall be based on a going concern assumption, except where it is discontinued or it is assumed that it shall not be able to continue. Where an activity is discontinued classification and presentation as well as recognition and measurement shall be adjusted accordingly.
- (v) Any change in value shall be shown irrespective of the effect on the profit and loss account (neutrality).
- (vi) Transactions, events and changes in value shall be recognised when occurring, irrespective of the date of payment (accrual basis).
- (vii) Methods of recognition and measurement basis shall be applied uniformly to the same category of matters (consistency).
- (viii) Any transaction, event and change in value shall be recognised and measured separately and individual matters shall not be set off against each other (gross value).
- (ix) The opening balance sheet for the accounting year shall be equivalent to the closing balance sheet for the preceding accounting year (formal consistency).

(2)

Presentation and classification, method of consolidation, method of recognition and measurement basis as well as the monetary unit applied shall not be changed from year to year (actual consistency). Changes shall occur, however, where such change furthers a true and fair impression or such change is necessary as a consequence of any amendment to legislation or new rules issued in pursuance of section 65 K below.

(3)

The provisions of paragraphs (vi)-(ix) of subsection (1) above and subsection (2) may be disregarded in special circumstances. In such cases the second sentence of subsection (3) of section 65 B above shall apply similarly.

**65. E** (1)

Except where otherwise provided in pursuance of section 65 K below, the assets and liabilities of Labour Market Insurance shall be measured at fair value. Assets and liabilities shall be appreciated and depreciated accordingly, and appreciation and depreciation shall be included in the profit and loss account, except where otherwise provided in pursuance of section 65 K below.

(2)

The fair value shall be determined at the market value established for the asset or liability in a well-functioning market. Where the asset or liability is not traded in a well-functioning market a recognised method shall be applied to calculate the fair value of the asset or liability in question.

**65. F** (1)

Supplementary reports, such as reports on knowledge and employees' conditions (knowledge accounts), on environmental issues (green accounts), on the social responsibility of Labour Market Insurance (social accounts), and on the ethical objectives of Labour Market Insurance and their follow-up on such objectives (ethical accounts), shall give a true and fair account within the framework of generally recognised guidelines for such reports. Such reports shall meet the quality requirements set out in section 65 C(3) above and, subject to the special terms following from the nature of the matter, the basic assumptions set out in subsections (1) and (2) of section 65 D above.

(2)

The methods and measurement basis used for the preparation of the supplementary reports shall be disclosed in the reports.

**65. G**

The accounting year shall follow the calendar year. This requirement shall apply similarly to any subsidiaries.

**65. H**

Recognition, measurement and disclosure in monetary units shall be denominated in Danish kroner.

**65. I**

The annual report shall be audited by the external auditors of Labour Market Insurance, cf. section 66. Such audit shall not comprise the management review or such supplementary reports as are included in the annual report, cf. section 65 F. However, auditors shall submit a statement as to whether the information in the management review is in accordance with the financial statement and any consolidated account.

**65. J** (1)

Without undue delay after the Board's approval of the annual report, but not later than four months after expiry of the accounting year, the audited and approved annual report, as well as a transcript of the audit protocol relating to the audit of the annual report, shall be

submitted to the Ministry of Employment and the Financial Supervisory Authority. Where the Board has established internal audit the audit protocol of the internal head auditor shall likewise be submitted.

(2)

The submitted annual report shall as a minimum include the compulsory parts as well as the full auditors' report. Where the Labour Market Insurance Board wishes to publish supplementary reports as set out in section 65 F above such reports shall be submitted together with the compulsory parts of the report, the compulsory parts and the supplementary reports appearing as one document entitled "annual report".

(3)

Together with the submission of the annual report under subsection (1) above the Labour Market Insurance Board shall submit one copy of the annual reports from all subsidiaries.

**65. K (1)**

The Financial Supervisory Authority shall set out the specific rules for the annual report, including rules for recognition and measurement of assets, liabilities, proceeds and costs, statement of profit and loss account and balance sheet, as well as requirements regarding notes and the management review.

(2)

The Financial Supervisory Authority shall furthermore set out rules for consolidated accounts, including rules as to when an annual report shall include a consolidated account.

(3)

The Financial Supervisory Authority shall set out rules for preparation and publication of accounting reports covering shorter periods of time than the annual report.

**65. L**

With a view to ensuring that the annual report of Labour Market Insurance is in accordance with the rules issued in this Chapter and the rules issued in pursuance of section 65 K above the Financial Supervisory Authority may –

- (i) offer guidance;
- (ii) take action against infringements; and
- (iii) give instructions that errors shall be corrected and infringements shall be remedied.

**65. M (1)**

The Financial Supervisory Authority may demand that the Labour Market Insurance Board shall submit regular business accounting reports to the said authority in accordance with specified guidelines set out by the Financial Supervisory Authority.

(2)

The Financial Supervisory Authority may demand that such business accounting reports as are set out in subsection (1) above shall be supplemented with reports of specific circumstances signed by the Managing Director or the Board of Labour Market Insurance.

**66. (1)**

The annual report of Labour Market Insurance shall be audited by at least one state-authorized public accountant. The Board shall appoint the auditors but may at any time withdraw such appointment. In special circumstances the Minister for Employment shall appoint an additional auditor. Such auditor shall function on the same terms and according to the same rules as auditors appointed by the Board.

(2)

The auditors of Labour Market Insurance shall similarly be auditors of any subsidiaries.

(3)

Subsection (2) above shall not apply to such subsidiaries as are not domiciled in Denmark.

(4)

The Board may decide that internal audit shall be established under the supervision of a head auditor.

(5)

Where an auditor is replaced and the replacement is due to special circumstances the Labour Market Insurance Board and such auditor shall submit separate accounts to the Financial Supervisory Authority not later than one month after the replacement.

(6)

Where it is found to be evident that an auditor is not a fit and proper person to hold the office entrusted to him or her, the Minister for Employment may dismiss the same and appoint an auditor who shall act in his or her place until a new appointment may be made.

(7)

For the purposes of the Board the auditors shall keep an audit protocol which shall be submitted to each Board meeting. Any entry in the protocol shall be signed by all Board members.

(8)

The Board shall not allow, cf. section 63, cf. section 24 D(1) of the ATP Act, that the internal head auditor and the deputy head auditors carry out auditing tasks in businesses outside the group, subject, however, to section 24 D(7) of the ATP Act. Nor shall the Board allow that the internal head auditor and the deputy head auditors carry out any work other than audit in the companies within the group, in schemes administered by Labour Market Insurance, or in companies within the same administrative community. In special circumstances the Financial Supervisory Authority shall make an exemption from the first sentence.

(9)

The Board shall not allow, cf. section 63, cf. section 24 D(1) of the ATP Act, that the internal head auditor and the deputy head auditors take upon themselves such duties as are inconsistent with provisions on legal capacity corresponding to such provisions as apply to external auditors in pursuance of the legislation on state-authorized public and registered public accountants.

**67. (1)**

The auditors shall at any time be entitled to participate in Board meetings transacting business of importance to the audit or to the preparation of the accounts.

(2)

The auditors shall be under an obligation to participate in the Board's business transactions in question where such participation is requested by any one Board member.

(3)

The Financial Supervisory Authority shall prepare instructions on how Labour Market Insurance shall perform the audit. The Financial Supervisory Authority may similarly set out rules for internal audit.

(4)

The Financial Supervisory Authority may instruct the auditor to provide information on matters relating to Labour Market Insurance. Where the Board under section 66(4) has established internal audit the Authority may similarly instruct the internal head auditor to provide information on matters relating to Labour Market Insurance.

**67. A**

An external auditor and an internal head auditor shall immediately inform the Financial Supervisory Authority of any such matters as are of decisive importance for the continued activity of Labour Market Insurance, including such matters of which the auditors might have become aware as part of the duty as auditor in companies with which Labour Market Insurance has close links, cf. the definition set out in the Financial Business Act.

**Investment provisions**

**68. (1)**

Labour Market Insurance, as set out in section 69, shall at any time possess assets amounting to an aggregate value corresponding to not less than the amount of the total reserve allocations for occupational diseases notified prior to January 1, 2008, and sudden lifting injuries, cf. subsection (2) of section 85 A below. It is incumbent upon management to ensure that, within the limits set out in sections 69-70 A, 70 D and 70 E, the selection of such assets shall be made in such a way that, in respect of the nature of the obligations of Labour Market Insurance as regards security, return and liquidity, they are of such a nature and composition as to make them suitable for satisfaction of those protected, and in such a way that there is not a disproportionately great dependence on a specific category of assets, a specific investment market, or any specific investment. Adequate security shall be aimed at in connection with investment of the funds, together with the maintenance of the real value of the funds and the highest possible return on investment.

**(2)**

The value of the assets shall be determined for the purposes of the provisions of this Chapter in accordance with the following rules.

- (i) The value of the assets shall be determined and adjusted on a regular basis in accordance with the principles applying to the preparation of the annual report.
- (ii) Deductions shall be made for any encumbered part, and loans shall only be included at a value resulting after deductions of such obligations towards borrowers as can be set off.
- (iii) Where the Labour Market Insurance Board has entered into financial agreements which reduce the risk of assets failing to cover obligations, the value of such agreements shall be included when assets are calculated.
- (iv) Interest receivable, but not yet due on securities covered by paragraphs (i)-(iv), (vi) and (viii) and (x)-(xiii) of section 69(1) shall be included in the calculation of the value of such securities.

**68. A**

It shall be incumbent upon management to ensure that the selection of assets not comprised by section 68 above shall be made in such a way that, in respect of the nature of the obligations of Labour Market Insurance as regards security, return and liquidity, they are of such a nature and composition as to make them suitable for satisfaction of those protected, and in such a way that there is not a disproportionately great dependence on a specific category of assets, a specific investment market, or any specific investment. Adequate security shall be aimed at in connection with investment of the funds, together with the maintenance of the real value of the funds and the highest possible return on investment.

**69. (1)**

The funds of Labour Market Insurance, corresponding to the size of the allocations for occupational diseases notified prior to January 1, 2008, and sudden lifting injuries, cf. subsection (2) of section 85 A, shall be invested in the following categories of assets.

- (i) Bonds and instruments of debt issued or guaranteed by governments or regional authorities in zone A.
- (ii) Bonds admitted to trading in a regulated market in a country within the European Union or in a country with which the Union has entered into an agreement in the financial field, or equivalent markets in other countries, and which are issued by international organisations counting among their members at least one of the member states of the European Union.

- (iii) Mortgage credit bonds as well as other bonds issued in a member state of the European Union or a country with which the Union has entered into an agreement in the financial field, offering equivalent security.
- (iv) Outstanding payments (exclusive of such outstanding payments as are behind other creditors in order of priority) with credit banks and insurance companies under public supervision in countries comprised by zone A, as well as other outstanding payments guaranteed by credit banks or insurance companies under public supervision in countries comprised by zone A.
- (v) Land, housing property, office and business buildings as well as other real property whose value is independent of any specific commercial utilisation.
- (vi) Loans secured by registered mortgage on real property as comprised by paragraph (v) for an amount up to 80 per cent of the most recent land assessment for housing property and 60 per cent for other real property.
- (vii) Parts in UCITS, funds of funds and foreign investment institutions equivalent to funds of funds, where the articles of such funds of funds or foreign investment institutions include the restrictions set out in subsection (1) of section 70 and subsection (1) of section 70 E.
- (viii) Other bonds and loans admitted to trading in a regulated market in a country within the European Union or in a country with which the Union has entered into an agreement in the financial field, or equivalent markets in other countries comprised by zone A.
- (ix) Capital parts admitted to trading in a regulated market in a country within the European Union or in a country with which the Union has entered into an agreement in the financial field, or equivalent markets in other countries comprised by zone A.
- (x) Real property not comprised by paragraph (v) as well as loans secured by registered mortgage in real property not comprised by paragraph (vi).
- (xi) Capital parts and other securities admitted to trading in a market in countries outside zone A, provided that the market is equivalent to a regulated market within the European Union, as well as other securities admitted to trading in a regulated market within the European Union or in a country with which the Union has entered into an agreement in the financial field, or equivalent markets in other countries comprised by zone A.
- (xii) Other loans and securities not comprised by paragraphs (i)-(xi).
- (xiii) Reinsurance contracts and outstanding amounts with reinsurance companies and special hedging undertakings under public supervision in countries comprised by zone A or reinsurance companies under public supervision that have achieved a rating by an internationally recognised rating business equivalent to at least the investment grade.

## (2)

Where Labour Market Insurance owns a subsidiary whose activity is limited to making and administering investments comprised by subsection (1) above, the assets of such subsidiary, within the value of the capital parts in and any loans to the subsidiary, may be regarded as assets under subsection (1). Where the subsidiary is not fully owned, the subsidiary's assets shall be included at a proportionate value corresponding to the part of the equity capital owned.

**69. A (1)**

The investment by Labour Market Insurance in one single undertaking of funds corresponding to the size of the allocations for occupational diseases notified prior to January 1, 2008, and sudden lifting injuries, cf. subsection (2) of section 85 A, shall not have the effect that Labour Market Insurance, alone or together with ATP or any subsidiaries owned by them, shall exercise any decisive influence on the business, except where otherwise provided by subsection (2) or (3).

(2)

Subsection (1) above shall not be applicable to the investment of funds in subsidiaries under section 69(2).

(3)

For the purposes of securing investments already made the Labour Market Insurance Board may carry out temporarily other types of business or contribute to the restructuring of business enterprises. The Labour Market Insurance Board shall notify the Financial Supervisory Authority of this.

**70. (1)**

The following restrictions shall apply to the investment of the assets of Labour Market Insurance, corresponding to the size of the allocations for occupational diseases notified prior to January 1, 2008, and sudden lifting injuries, cf. subsection (2) of section 85 A.

- (i) Assets comprised by section 69(1), paragraphs (vii)-(xiii) above shall account for no more than a total of 70 per cent.
- (ii) Assets comprised by section 69(1)(xi) above shall account for no more than a total of 10 per cent.
- (iii) Loans comprised by section (69)(1)(xii) above shall account for no more than a total of 2 per cent.
- (iv) Assets comprised by section (69)(1), paragraphs (iv), (vi)-(ix), (xi) and (xii), issued or guaranteed by bank and mortgage credit institutions, insurance companies, UCITS, funds of funds or foreign investment institutions comprised by section 69(1)(vii), which for each business and division of UCITS, funds of funds, or foreign investment institutions account for more than 5 per cent of the assets of Labour Market Insurance, shall account for no more than a total of 40 per cent.

(2)

Other loans and securities comprised by section 69(1)(xii) shall account for no more than 10 per cent of the assets of Labour Market Insurance.

**70. A (1)**

The following limits in respect of the assets of Labour Market Insurance, corresponding to the size of the allocations for occupational diseases notified prior to January 1, 2008, and sudden lifting injuries, cf. subsection (2) of section 85 A below, shall apply to the inclusion of such assets as constitute a risk in a single undertaking or a group of mutually connected undertakings.

- (i) Assets comprised by section 69(1), paragraph (iii) above shall account for no more than 40 per cent.
- (ii) Assets comprised by section 69(1), paragraph (iv) above shall account for no more than 10 per cent.
- (iii) Assets comprised by section 69(1), paragraph (vii) above shall account for no more than 10 per cent.
- (iv) Assets comprised by section 69(1), paragraph (xiii) above shall account for no more than 10 per cent.
- (v) Assets comprised by section 69(1), paragraphs (vi), (viii), (ix), (xi)

and (xii) above shall account for a total of no more than 2 per cent, subject, however, to subsection (2). Where the equity capital of the company to which the asset pertains is in excess of DKK 250 million, the limit is 3 per cent if the company is domiciled in a country comprised by zone A and the asset has been admitted to trading in a regulated market in a country within the European Union or a country with which the Union has entered into an agreement in the financial field, or equivalent markets in other countries comprised by zone A.

- (vi) Assets comprised by section 69(1), paragraphs (v), (vi) and (viii)-(xii) above shall account for no more than a total of 5 per cent.
- (vii) Loans comprised by section 69(1)(xii) shall account for no more than 1 per cent.

(2)

Capital parts in and loans to an undertaking or a group of mutually connected undertakings whose activities only include investments in assets comprised by section 69(1), paragraphs (v) and (x) above, shall account for a total of no more than 5 per cent.

(3)

Subsection (1), paragraphs (iii)-(v), and subsection (2) shall not be applicable to investments in a subsidiary company comprised by section 69(2).

(4)

Subsection (1), paragraphs (iii)-(v), and subsection (2) above shall not be applicable to investments in companies, UCITS, funds of funds and foreign investment institutions comprised by section 69(1)(vii) whose activities, according to their articles, are limited to investing in assets comprised by paragraphs (i)-(iii) of section 69(1). Such investments in relation to the restrictions set out in paragraphs (iv)-(vi) of subsection (1) and subsection (2) above as well as paragraphs (i) and (iii) of section 70(1) shall be regarded as assets comprised by section 69(1), paragraphs (i)-(iii).

(5)

The Board shall lay down specific rules on the exposure of Labour Market Insurance to foreign-exchange-rate and interest-rate risk.

## **70. B**

The Financial Supervisory Authority may for a limited period of time grant exemption from section 69, section 70(1)(iv) and 70(2), and section 70 A(1), paragraphs (ii)-(vii), and subsections (2)-(4).

## **70. C**

The Financial Supervisory Authority shall lay down specific rules for delimitation of such securities as are comprised by several of the groups of assets mentioned under section 69(1), paragraphs (i)-(xii).

## **70. D (1)**

The articles of funds of funds or foreign investment institutions comprised by section 69(1)(vii) shall include rules regarding the following –

- (i) That the funds of funds or the foreign investment institution, upon the request of an investor, shall redeem such investor's part of the assets by way of means deriving from such assets;
- (ii) That the divisions of the funds of funds or the foreign investment institution shall neither be allowed to issue guarantees to any third party or grant or take up loans, except for taking up short-term loans of a maximum of 10 per cent of the assets in order to redeem investors, in order to take advantage of subscription rights, or for temporary financing of concluded deals;



- (iii) That the funds of funds or the foreign investment institution shall be able to invest their assets in liquid assets, including foreign currencies, or in the financial instruments set out in Appendix 5 under the Financial Business Act, in accordance with the requirements made to instruments and the issue of such instruments in Chapter 14 of the Investment Associations etc. Act; and
- (iv) Spreading of risk, cf. section 70 E, subsection (1).

(2)  
The Financial Supervisory Authority may for a limited period of time grant exemption from the provision set out in subsection (1) above.

#### **70. E (1)**

Funds of funds or foreign investment institutions comprised by section 69(1)(vii) shall set out in their articles for each division that the assets shall be invested in accordance with the provisions of subsections (2), (3), (4) or (5).

(2)  
Funds of funds or foreign investment institutions shall be able to invest their assets in accordance with Chapter 14 of the Investment Associations etc. Act.

(3)  
Funds of funds or foreign investment institutions shall be able to invest their assets in liquid assets, including foreign currencies, or the financial instruments set out in Appendix 5 under the Financial Business Act. A maximum of 10 per cent of the assets shall be invested in financial instruments issued by the same issuer or issuers in the same concern. The second sentence shall not apply in the following cases:

- (i) Where the division invests in bonds issued by a country or an international institution of a public nature, with which one or more member states of the European Union has entered into an agreement in the financial field, and which is approved by the Financial Supervisory Authority, cf. section 147(1)(iv) of the Investment Associations etc. Act.
- (ii) Where the division invests in the following types of bonds, always provided that a maximum of 30 per cent of the assets are placed in bonds issued by a single issuer or issuers in the same concern:
  - (a) "Kasseobligationer" and ship credit bonds issued by Danish Ship Finance A/S, mortgage credit bonds issued by Danish mortgage credit institutions, and similar mortgage credit bonds issued by credit institutions approved by an EU member state or a country with which the European Union has entered into an agreement in the financial field, where a competent authority has notified the Commission of the bond issues and the issuers.
  - (b) Specially covered mortgage credit bonds ("SDRO") and specially covered bonds ("SDO") issued by Danish banks, mortgage credit institutions or Danish Ship Finance A/S, or equivalent specially covered bonds issued by similar credit institutions approved by an EU member state or a country with which the European Union has entered into an agreement in the financial field, where a competent authority has notified the Commission of the bond issues and the issuers.

(4)  
The assets shall be invested exclusively in money market instruments as a maximum of 30 per cent of the assets shall be invested in money market instruments issued by the same issuer or issuers in the same concern, always provided that the assets may be fully

invested in money market instruments issued by a country or an international institution of a public nature in which one or more EU member states, or countries with which the European Union has entered into an agreement in the financial field, participate, and which are approved by the Financial Supervisory Authority, cf. section 147(1)(iv) of the Investment Associations etc. Act.

(5)

The assets shall be invested in parts in divisions of UCITS, funds of funds or foreign investment institutions, where the articles of such funds of funds or foreign investment institutions include the restrictions set out in this section, always provided that a maximum of 75 per cent of the assets shall be invested in parts issued by a single division of such UCITS, funds of funds, or foreign investment institutions.

(6)

The Financial Supervisory Authority may for a limited period of time grant exemption from the provisions set out in subsections (1)-(5) above.

### **Supervision etc.**

#### **71. (1)**

The Financial Supervisory Authority shall supervise compliance with sections 63, 63 A, and 64-70 C.

(2)

The Board of the Financial Supervisory Authority shall participate in the supervision as set out in subsection (1) above within the competence field of the said Board, cf. section 345(7) of the Financial Business Act.

(3)

The Financial Supervisory Authority may direct the Labour Market Insurance Board to take, within a specified time limit, such measures as the Financial Supervisory Authority deems necessary with a view to ensuring compliance with the provisions of this Act as set out in subsection (1) above.

#### **72. (1)**

The Financial Supervisory Authority shall examine such matters regarding Labour Market Insurance as the Authority supervises, cf. section 71(1), including the examination of current reports received and inspections.

(2)

After an inspection has been made with Labour Market Insurance a meeting shall be held with participation of the Labour Market Insurance Board, the Managing Director, the responsible actuary, the external auditors and the internal head auditor of Labour Market Insurance, except where the inspection pertains only to delimited activities in the undertaking. At the meeting the Financial Supervisory Authority shall give an account of its conclusions regarding the inspection.

(3)

After an inspection has been made substantial conclusions shall be sent in a written report to the Board of the undertaking, the Managing Director, the responsible actuary, the external auditors, and the internal head auditor.

(4)

Simultaneously with sending the report to management, the Financial Supervisory Authority shall send the report to the Minister for Employment.

#### **73. (1)**

The Labour Market Insurance Board shall submit to the Financial Supervisory Authority any such information as is deemed to be necessary for the Authority's activity.

(2)

The Financial Supervisory Authority shall at any time, against approved documentation and

without a court order, have access to Labour Market Insurance with a view to gathering information. Such access shall include inspections.

**73. A**

The Minister for Business shall lay down rules for the obligation of the Labour Market Insurance Board to publish information on the Financial Supervisory Authority's assessment of Labour Market Insurance and for the Financial Supervisory Authority's right to publish such information before Labour Market Insurance.

**74.**

The Financial Supervisory Authority shall submit an annual report to the Minister for Employment as regards the supervision of Labour Market Insurance, together with a report based on an examination of the responsible actuary's report, including the report on the allocations of Labour Market Insurance, cf. section 63 A(6).

**75.**

Labour Market Insurance shall pay charges to the Financial Supervisory Authority. Such charges shall be determined in accordance with Chapter 22 of the Financial Business Act.

**76.**

Decisions made by the Financial Supervisory Authority under this Act or rules issued in pursuance of this Act may be submitted by such person as is affected by the decision to the Company Appeals Board not later than four weeks from the date when the person in question was advised of the decision.

**76. A (1)**

Section 354 of the Financial Business Act on the duty of confidentiality of the Financial Supervisory Authority shall be applicable to this Act with such adjustments as shall be necessary.

**(2)**

Section 355 of the Financial Business Act on the parties under this Act shall be applicable with such adjustments as shall be necessary. Under this Act party status and party powers under section 355 of the Financial Business Act shall be limited to such matters where the decision of the Authority is made later than July 1, 2004.

**76. B (1)**

Inspection reactions given in pursuance of section 71(2) above, cf. section 345(7)(iv) of the Financial Business Act, or given by the Financial Supervisory Authority after delegation from the Board of the Financial Supervisory Authority, shall be published, and from such publication it shall appear that the reaction pertains to Labour Market Insurance, subject, however, to subsection (3) below. Labour Market Insurance shall as soon as possible, and not later than three weekdays after receipt of notification of the inspection reaction, publish such information on the page of their website where it naturally belongs. Simultaneously with publication Labour Market Insurance shall insert, on their homepage, a conspicuous and direct link to the inspection reaction. It shall appear clearly from such link and any connected text that it pertains to an inspection reaction from the Financial Supervisory Authority. Where Labour Market Insurance comments on the inspection reaction such comment shall follow the inspection reaction and be clearly separate from the same. Removal of the link from the homepage and of the information from the website of Labour Market Insurance shall take place according to the same principles as those applicable to other notifications received by Labour Market Insurance, however not sooner than after the link and the information have been accessible on the website for three months and not sooner than after publication of the next annual report. The Financial Supervisory Authority shall publish the information on the Financial Supervisory Authority's website. Inspection

reactions given in pursuance of section 71(2), cf. section 345(7)(vi) of the Financial Business Act, and decisions made by the Financial Supervisory Authority to refer cases to police investigation shall be published on the website of the Financial Supervisory Authority, stating that it pertains to Labour Market Insurance, subject, however, to subsection (3) below.

(2)

Where a case has been referred to police investigation and a fully or partly conclusive judgement has been made or a fine has been determined such judgement or fine or a summary of the same shall be published, subject, however, to subsection (3) below. Where the judgement is not final or it has been appealed or a complaint has been made against it, this shall appear from the published information. Labour Market Insurance shall as soon as possible, and not later than 10 weekdays after receipt of notification of the judgement made or fine determined, publish such information on the page of their website where it naturally belongs. Simultaneously with publication Labour Market Insurance shall insert, on their homepage, a conspicuous and direct link to the judgement, the fine or a summary of the same. It shall appear clearly from such link and any connected text that it pertains to a judgement or fine. Where Labour Market Insurance comments on the judgement, the fine or the summary, such comment shall follow the judgement, fine or summary and be clearly separate from the same. Removal of the link from the homepage and of the information from the website of Labour Market Insurance shall take place according to the same principles as those applicable to other notifications received by Labour Market Insurance, however not sooner than after the link and the information have been accessible on the website for three months and not sooner than after publication of the next annual report. Labour Market Insurance shall notify the Financial Supervisory Authority of the publication. Such notification shall include forwarding a copy of the judgement or fine. The Financial Supervisory Authority shall subsequently publish the judgement, the fine or a summary of the same on the website of the Financial Supervisory Authority.

(3)

Publication under subsections (1) and (2) above shall not be effected, however, where such publication will cause disproportionately great damage to Labour Market Insurance or investigative and other societal considerations respectively speak against publication. Similarly cases covered by the first sentence of section 63 A(8) above shall not be made public. Publication shall not include information covered by section 30 of the Freedom of Information Act.

(4)

Where publication has been omitted in pursuance of the first sentence of subsection (3) above, publication under subsection (1) or (2) shall be effected when the considerations resulting in such omission of publication no longer apply. However this shall only apply for up to two years after the date of the reaction.

(5)

Simultaneously with publication in pursuance of subsection (1) or (2) above the Financial Supervisory Authority shall submit a report to that effect to the Minister for Employment.

(6)

Any person not complying with the first five sentences of subsection (1) above and the first seven sentences of subsection (2) above shall be punished by fine.

(7)

In cases where, under the seventh sentence of subsection (1) above, the Financial Supervisory Authority has published a decision to refer a case to police investigation and it is decided to withdraw caution or prosecution proceedings or a dismissive judgement is made, the Financial Supervisory Authority, upon the request of Labour Market Insurance, shall publish information to that effect. Labour Market Insurance shall forward a copy of the decision to withdraw the caution or prosecution proceedings or a copy of the judgement to the Financial Supervisory Authority and at the same time request publication. Where the withdrawal of the caution or prosecution proceedings or the judgement is not final, this shall

appear from the published information. Where the Financial Supervisory Authority receives documentation that the claim has been concluded by a final withdrawal of the caution or prosecution proceedings or a final dismissive judgement has been made, the Financial Supervisory Authority shall remove from their website all information about the decision to refer the case to police investigation and any subsequent judgements in the case.

**76. C (1)**

The Minister for Business, after negotiations with the Minister for Employment, may lay down rules to the effect that written communication to and from the Financial Supervisory Authority, regarding matters covered by this Act or rules laid down in pursuance of this Act, shall be in digital form.

**(2)**

The Minister for Business, after negotiations with the Minister for Employment, may lay down rules regarding digital communication, including the application of specific IT systems, special digital formats and digital signature etc.

**76. D**

A digital message shall be regarded as having been received when it becomes accessible to the addressee of the message.

**76. E (1)**

Where, in this Act or in rules issued in pursuance of this Act, it is required that a document issued by others than the Financial Supervisory Authority shall be signed, such requirement may be met by using a technique ensuring unambiguous identification of the person issuing the document, subject, however, to subsection (2) below. Such documents shall be regarded as being equal to documents with a personal signature.

**(2)**

The Minister for Business, after negotiations with the Minister for Employment, may lay down detailed rules regarding exemption from the signature requirement. In this connection it may be laid down that the personal signature requirement cannot be disregarded for certain types of documents.

**76. F (1)**

Where Labour Market Insurance passes on information about Labour Market Insurance, and where the public has been made aware of such information, the Financial Supervisory Authority may instruct Labour Market Insurance to publish rectifying information within a time limit set out by the Financial Supervisory Authority, in cases where –

- (i) The information is misleading in the view of the Financial Supervisory Authority, and
- (ii) The Financial Supervisory Authority assesses that the information may have a harmful effect on employers, other creditors, or the financial stability in general.

**(2)**

Where Labour Market Insurance does not rectify the said information in accordance with the instructions made by the Financial Supervisory Authority and within the time limit set out by such Authority, the Financial Supervisory Authority may publish the instructions made under subsection (1) above.

## Chapter 12

### Various provisions

77.

Benefits under this Act shall not form a basis for remedy against a person who causes an injury and is liable to injured persons or their surviving dependants, subject, however, to section 10 A. Claims of injured persons or their surviving dependants against the person causing the injury shall be reduced to the extent that compensation has been paid or a liability exists to pay compensation under this Act to the persons in question. Entitlement to compensation for loss of earning capacity under the Liability in Damages Act shall not, however, be reduced as a consequence of payment of, or an obligation to pay, temporary compensation for loss of earning capacity under this Act.

**78.**

Agreements between persons liable to provide protection and persons entitled to protection shall be null and void if they aim to have or do have the effect of nullifying any provision of this Act or of requiring the protected person to pay an insurance premium to an insurance company or contributions to Labour Market Insurance which it is incumbent on the employer to pay under this Act, or of calculating compulsory benefits otherwise than in accordance with this Act. Similarly agreements about withholding wages in connection with protection under this Act shall be null and void.

**79. (1)**

In accordance with agreements with other states the Minister for Employment may lay down rules determining the extent to which the provisions of this Act or the provisions of the corresponding legislation of the foreign state shall be applicable to matters covered by this Act.

**(2)**

The Minister for Employment shall lay down rules for disregarding the provisions of this Act, to the extent that such rules are necessary for the application of the Regulations of the European Union regarding social protection for employed earners, etc.

**80.**

Employees of ATP, including medical consultants, who are employed to assist Labour Market Insurance, and employees who perform tasks regarding the processing of complaints, cf. section 44(1)(iii), shall not be employed by or take part in the management of any insurance company.

**81. (1)**

Labour Market Insurance may besides, upon request, give opinions based on the application of the provisions of this Act in respect of matters relating to personal injury not covered by this Act. Similarly Labour Market insurance may give opinions under section 10 of the Liability in Damages Act.

**(2)**

Labour Market Insurance may, upon request, state the value of compensation under this Act for the purposes of calculating compensation claims under the Liability in Damages Act.

**(3)**

For giving such opinions as are set out under subsection (1) and such statements as are set out under subsection (2) above Labour Market Insurance shall charge an amount determined by the Minister for Employment upon the recommendation of the Labour Market Insurance Board.

**82. (1)**

An employer liable to provide protection who fails to take out insurance or join Labour Market Insurance shall be punished by fine.

**(2)**

An employer liable to provide protection who fails to maintain the insurance in force or pay contributions to Labour Market Insurance shall be punished by fine.

(3)

An employer liable to provide protection who fails to notify in due time an industrial injury or to contribute to providing information in respect of a notified industrial injury shall be punished by fine, cf. Chapter 7.

(4)

When the punishment for infringement of subsections (1) to (3) above is determined such financial gain as the employer has achieved or has attempted to achieve through such infringement may be taken into consideration.

(5)

Joint-stock companies etc. (legal persons) shall be liable to punishment under the provisions of Chapter 5 of the Danish Penal Code.

### **82 A. (1)**

In the event of infringement of section 82 above Labour Market Insurance may state in a fine notice that the matter may be decided without a court case if the person having made the infringement admits to the infringement and declares to be prepared to pay a fine, within a specified time limit, as indicated in the fine notice.

(2)

The provisions of the Administration of Justice Act regarding the requirements to the contents of an indictment and a suspect being allowed to remain silent shall similarly be applicable to fine notices under subsection (1).

(3)

Where the fine is decided there will be no further proceedings.

(4)

Labour Market Insurance may obtain access to such information in the Income Register about wage or salary payments made by employers as is necessary for the processing of claims under subsection (1) above.

### **83. (1)**

The State shall grant compensation under this Act to its civil servants employed in the Faroe Islands and Greenland and workers employed by the State who do not have permanent residence in the Faroe Islands or Greenland.

(2)

Decisions made by the Faroese Industrial Injuries Board under the Faroese accident insurance legislation may be submitted to the National Social Appeals Board in accordance with the provisions of such legislation.

### **84.**

The Minister for Employment may lay down rules for carrying out trial schemes which will contribute to retaining more people in the labour market after an industrial injury. It shall not be possible, however, to carry out such trial schemes as imply a reduction in the benefits set out under section 11, above.

## **Chapter 13**

### **Final and transitional provisions**

#### **85. (1)**

This Act shall come into force on January 1, 2004, subject, however, to subsections (4) and (5).

(2)

At the date of this Act coming into force the amounts indicated in sections 18 and 19 and subsections (3) and (4) of section 24 shall be adjusted in accordance with section 25 as per January 1, 2004.

(3)

This Act shall apply to –

- (i) accidents at work occurring on January 1, 2004 or later; and
- (ii) occupational diseases notified on January 1, 2004 or later, subject, however, to subsections (4) and (5).

(4)

In cases relating to occupational diseases notified in 2004 the occupational diseases concept of section 10 of the Act on Protection against the Consequences of Industrial Injuries shall apply, cf. Consolidated Act No. 943 of October 16, 2000, instead of section 7 of this Act, with regard to the assessment of whether the notified disease shall be covered by the Act.

(5)

In cases relating to occupational diseases notified in 2004 section 31(4), section 32 and section 43 of the Act on Protection against the Consequences of Industrial Injuries shall apply, cf. Consolidated Act No. 943 of October 16, 2000, instead of sections 17 and 27 of this Act, with regard to disbursement of monthly compensation payments and capital compensation.

(6)

Where persons are protected under section 48(2) the provisions of this Act shall be applicable only to exposures occurring on January 1, 2004 or later. Where the injured person was protected prior to this date under previous legislation the periods in which the person in question was protected shall be included. The same shall apply to assisting spouses where there was a signed employment contract prior to the said date, cf. the third sentence of section 1(1) of the Act on Protection against the Consequences of Industrial Injuries, cf. Consolidated Act No. 943 of October 16, 2000.

**85. A** (1)

The Act on Protection against the Consequences of Industrial Injuries, cf. Consolidated Act No. 943 of October 16, 2000, shall be repealed with effect from January 1, 2004.

(2)

The Act on Protection against the Consequences of Industrial Injuries shall still be applicable to –

- (i) accidents, sudden lifting injuries, and short-term injurious effects which occurred prior to January 1, 2004; and
- (ii) occupational diseases notified prior to January 1, 2004.

**86.** (1)

Monthly pensions under the Act on Insurance against the Consequences of Accidents, cf. Consolidated Act No.137 of April 26, 1968 with subsequent amendments, shall be increased as per January 1, 2004 to 1,591.2 per cent of the basic pension as per April 1, 1965.

(2)

Monthly benefits under the Act on Insurance Against the Consequences of Industrial Injuries, cf. Consolidated Act No. 450 of June 25, 1987 with subsequent amendments, shall be increased as per January 1, 2004 to 341.5 per cent of the monthly benefit corresponding to the basic wage. Compensation for permanent injury under the said Act shall be increased as per January 1, 2004 to 341.5 per cent of the benefit corresponding to the basic amount.

(3)



Monthly benefits under the Act on Protection against the Consequences of Industrial Injuries, cf. Consolidated Act No. 943 of October 16, 2000 with subsequent amendments, for injuries occurring between January 1, 1993 and January 30, 1995 shall be increased as per January 1, 2004 to 130.9 per cent of the monthly benefit corresponding to the basic wage.

(4)

Monthly benefits under the Act on Protection against the Consequences of Industrial Injuries for injuries occurring between January 31, 1995 and December 31, 2003 shall be increased as per January 1, 2004 to 125.4 per cent of the monthly benefit corresponding to the basic wage.

(5)

Pensions, monthly benefits, and compensation for permanent injury, cf. subsections (1)-(4), shall be adjusted under section 25 of this Act.

(6)

Surviving dependants who as a consequence of the death of the injured person after the coming into force of this Act shall be entitled to compensation under the Act on Insurance against the Consequences of Accidents, the Act on Insurance Against the Consequences of Industrial Injuries, or the Act on Protection against the Consequences of Industrial Injuries shall have their compensation calculated and adjusted on the basis of the annual earned income corresponding to the pension or benefit amount determined in accordance with subsections (1)-(4) above.

(7)

Subsections (1)-(5) above shall not be applicable to insurance taken out in accordance with sections 55, 58, 59, and 74 of the Act on Insurance against the Consequences of Accidents.

**87.**

Such Administrative Orders as were issued under the Acts now repealed shall remain in force until they are repealed or amended.

**88.**

Such licences as were granted to insurance companies in accordance with the previous accident insurance legislation and industrial injury insurance legislation shall remain in force. The same shall apply to an employer's exemption from transferring the risk under the Act on Insurance against the Consequences of Accidents, made in accordance with section 15(13) of the said Act. Such employers shall have the same legal status under this Act as an insurance company. Distribution of contributions under sections 48, 49, 53, and 56 of this Act shall be made in accordance with specific rules laid down by the Minister for Employment in collaboration with the Minister for Business.

**89.**

A person liable to provide protection shall not cancel an insurance policy because of an increase in the premium based solely on an increase in costs caused by this Act or the Social Pensions Act or on amendment to such Acts.

**90.**

This Act shall not be applicable to the Faroe Islands or Greenland.

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Act No. 443 of May 23, 2012 (limitation of compensation claims in respect of occupational diseases and the possibility of issuing administrative fines etc.)<sup>2)</sup> includes the final provisions below –

**2.**

(1)

This Act shall come into force on July 1, 2012, subject, however, to subsection (2) below.

(2)

Section 3 of this Act shall come into force on January 1, 2013.

(3)

Section 3 of this Act shall be applicable to claims reported on January 1, 2011 or later, and to injuries where resumption is requested on January 1, 2013 or later. Expenses in such cases shall be financed in 2011 and 2012 by the National Board of Industrial Injuries.

(4)-(7) (Omitted)

**3.**

(1)

The Workers' Compensation Act shall be applicable to such claims pertaining to compensation due to an occupational disease, cf. section 7 of the Workers' Compensation Act, as are subject to limitation prior to January 1, 2008, to the effect that the question of limitation shall be decided in accordance with the rules in force after the coming into force of this Act, subject, however, to subsections (3) and (4).

(2)

Where the National Board of Industrial Injuries, prior to January 1, 2008, has announced that a notified occupational disease shall not be recognised due to limitation the processing of the case may be resumed, even where more than five years have lapsed from the date of the decision made by the National Board of Industrial Injuries.

(3)

For such claims as are covered by subsections (1) and (2) above the time limit set out in section 36(3) of the Workers' Compensation Act shall be reckoned from not prior to the date of the coming into force of this Act.

(4)

Subsections (1) and (2) shall not be applicable to such injured persons as have been granted compensation in accordance with text note number 129 of the Finance Act for 2009 re section 17. Subsections (1) and (2) shall be applicable to such cases where the National Board of Industrial Injuries has not, at the time of the coming into force of the Act, made a decision on compensation under Chapter 4 of the Workers' Compensation Act.

Act No. 395 of May 2, 2016 (transfer of the tasks of the National Board of Industrial Injuries (Arbejdsskadestyrelsen) to the independent institution Labour Market Insurance (Arbejdsmarkedets Erhvervssikring) and to the Danish Agency for Labour Market and Recruitment (Styrelsen for Arbejdsmarked og Rekruttering), as well as the closing down of the Labour Market Occupational Diseases Fund (Arbejdsmarkedets Erhvervssygdomssikring)<sup>3)</sup> shall include the final provisions below –

**23.**

(1)

This Act shall come into force on July 1, 2016, subject, however, to subsections (2)-(7).

(2)

Labour Market Insurance shall complete the processing of claims which belong to such areas as are transferred to Labour Market Insurance under section 2 of the Labour Market Insurance Act and which were not concluded by the National Board of Industrial Injuries prior to the coming into force of this Act.

(3)

In connection with complaints Labour Market Insurance shall reassess such decisions as were made, but not reassessed, by the National Board of Industrial Injuries prior to the coming into force of this Act, cf. subsections (7)-(9) of section 44 of the Workers' Compensation Act.

(4)

The processing of pending claims and resumed claims shall be continued in Labour Market Insurance without renewed consent.

(5)

Labour Market Insurance shall enter as plaintiff or defendant in lawsuits filed for or against the National Board of Industrial Injuries prior to the coming into force of this Act.

(6)

The assets and obligations of Labour Market Insurance in occupational disease claims etc. shall be transferred on July 1, 2016 to the Labour Market Insurance Board.

(7)

On the coming into force of this Act, Labour Market Insurance shall enter into the claims of the National Board of Industrial Injuries and the Occupational Diseases Fund with regard to concrete cases. Similarly, on the coming into force of this Act, Labour Market Insurance shall enter into claims against the National Board of Industrial Injuries and the Labour Market Occupational Diseases Fund in respect of concrete cases.

Act No. 550 of May 7, 2019 (a more lenient assessment of the question of recognition of accidents at work; update and simplification of the workers' compensation system, etc.)<sup>4)</sup> includes the final provisions below –

#### 4.

(1)

This Act shall come into force on January 1, 2020, subject, however, to subsections (2) and (3) below.

(2)

Section 1, paragraphs (xix), (xx), and (xxv), shall come into force on July 1, 2019, and shall take effect as per January 1, 2019.

(3)

Section 1, paragraph (xxii), shall come into force on July 1, 2019.

(4)

Section 1, paragraph (i), shall not be applicable to accidents occurring prior to January 1, 2020. To such claims the provisions applying hitherto shall be applicable.

(5)

Section 1, paragraphs (iii), (v), and (xiv), shall not be applicable to accidents occurring prior to January 1, 2020. To such claims the provisions applying hitherto shall be applicable.

(6)

Section 1, paragraphs (vi) and (xv), shall not be applicable to decisions made by Labour Market Insurance in industrial injury cases prior to January 1, 2020. To such decisions the provisions applying hitherto shall be applicable.

(7)

Collection of amounts regarding 2019 under sections 48, 52 and 54 of the Workers' Compensation Act shall be made as per July 1, 2019, under the third and fourth sentences of section 48(6), as amended by section 1, paragraphs (xix) and (xx), of this Act and in accordance with rules set out in pursuance of section 48(6). Collection of rates pertaining to the processing of claims regarding 2019 shall be made as per July 1, 2019, in accordance with rules set out in pursuance of the first sentence of section 59(5).

Act No. 1374 of December 13, 2019 (direct debiting, handling of compensation claims in respect of construction damage insurance taken out with Qudos Insurance A/S, whistle blower scheme for undertakings with restricted approval, auditors' duty to notify the Financial Supervisory Authority, changed procedures for minority shareholders, etc.)<sup>5)</sup> includes the final provisions below –

**19.**

1.

This Act shall come into force on January 1, 2020, subject, however, to subsections (2)-(4) below.

(2)-(7)

*(Omitted)*

Act No. 1554 of December 27, 2019 (introduction of agreement on new and improved organisation of working environment and labour market etc.)<sup>6)</sup> includes the final provisions below –

**4.**

(1)

This Act shall come into force on January 1, 2020, subject, however, to subsections (2)-(4).

(2)-(4)

*(Omitted)*

Act No. 1559 of December 27, 2019 (introduction of senior pension)<sup>7)</sup> includes the final provisions below –

**23.**

This Act shall come into force on January 1, 2020.

*Ministry of Employment, March 31, 2020*

Peter Hummelgaard

/ Vibe Westh

## **Appendix A**

### **Zone A shall comprise the following countries –**

The member states of the EU, other full member states of the Organization of Economic Co-operation and Development (OECD), as well as such countries as have entered into special arrangements to borrow with the International Monetary Fund (IMF) and are affiliated with the General Arrangements to Borrow (GAB). A country that due to lacking ability to pay reschedules its foreign debt shall be excluded from zone A for a period of five years.

#### **Official notes**

- 1) See sections 2-3 of Act No. 443 of May 23, 2012.
- 2) The amendment of the Act pertains to section 9(4), the second sentence of section 34(5), subsections (2)-(5) of section 36, the first sentence of section 48(5), subsections (2) and (3) of section 81, subsections (4) and (5) of section 82, and section 82 A.

- 3) The amendment of the Act pertains to section 1(2), paragraphs (i) and (ii) of section 3(1), section 3(2), the third sentence of section 7(1)(i), and section 7(3), subsections (1) and (3) of section 9, the first sentence of subsection (3) of section 10 A, subsections (5) and (6) of section 15, the first sentence of section 16(1), section 17(3), and the second sentence of section 17(9), the first and second sentences of subsection (4) of section 17 A, the second sentence of section 24(4), and section 24(7), the first sentence of section 25(3), section 26(2), the fifth sentence of section 27(4), the second sentence of section 28(3), the first sentence of section 29(1), and the first and second sentences of section 29(2), the first sentence of section 31(4), section 33(2), section 34(1), the first and third sentences of section 34(2), subsections (5) and (6) of section 34, section 35(1), the first sentence of subsection (2) of section 35, and the first and second sentences of section 35(3), section 35(4) and section 35(7), section 35 A, the first sentence of section 36(4), section 37(1), the first, third and fourth sentences of section 37(2), and the first and second sentences of subsection (3) of section 37, section 37 A, the first and third sentences of section 38(1), the first and fifth sentences of section 38(2), the first sentence of section 38(4), and section 38(5), the first and second sentences of section 39(1), the second sentence of section 39(2), section 39 A, subsections (1) and (2) of section 40, paragraphs (i) and (ii) of subsection (1) of section 40 A, and subsection (2) of section 40 A, the first sentence of section 41(1), and section 41(2), the first sentence of section 42(1), and section 42(2), section 44(1)(iii), section 44(5), section 44(6), the first and second sentences of subsection (7) of section 44, and section 44(8), section 46, the first and second sentences of subsection (4) of section 48, and the second, sixth and seventh sentences of section 48(6), the second, fourth and fifth sentences of section 49(1), the second sentence of section 49(2), the first and second sentences of section 49(4), subsections (5) and (8) of section 49, the second and third sentences of section 51(1), subsections (1)-(4) of section 52, section 54, the second sentence of section 55(3), section 55(4), the first and third sentences of section 55(5), and section 55(6), section 56(1), the first sentence of section 56(2), subsections (3) and (4) of section 56, section 56 A, subsections (1)-(6) of section 57, section 58(1), the first sentence of section 58(2), the first and second sentences of section 58(3), and the first and second sentences of section 58(4), sections 58 A-C, and subsections (1)-(3), the first and second sentences of subsection (3) of section 58 B, subsections (1) and (2) of section 58 C, section 59, the first and second sentences of section 60(1), section 61, section 62, sections 63 A-C, the first and second sentences of subsection (1), the first sentence of subsection (3), subsection (3)(ii), subsections (4)-(6), and the first and second sentences of subsection (8), sections 65A-B,

the second sentence of subsection (1), and paragraphs (ii) and (iii), the first sentence of subsection (1) of section 65 B, and the second sentence of subsection (3), the first sentence of subsection (1) of section 65 E, the first sentence of subsection (1) of section 65 F, the first sentence of section 65 I, the second sentence of subsection (2) of section 65 J, and subsection (3), section 65 L, subsections (1) and (2) of section 65 M, the first sentence of section 66(1), subsections (2), (5), (6) of section 66, and the second sentence of section 66(8), the first sentence of section 67(3) and section 67(4), section 67 A, the first and second sentences of section 68(1), and section 68(2)(iii), the first sentence of subsection (1) of section 68 A, section 69(1) and the first sentence of section 69(2), subsection (1) and the first and second sentences of subsection (3) of section 69 A, the first sentence of section 70(1), and paragraph (iv), subsection (1) of section 70 A, subsections (3) and (4) of section 71, and the first sentence of section 71(5), and the first sentence of section 71(6), section 72(1) and the first sentence of section 72(2), subsections (1) and (2) of section 73, section 73 A, section 74, section 75, sections 76 A-B, the first and second sentences of subsection (1), the third to fifth and seventh sentences of subsection (1), the fourth to seventh sentences of subsection (2), and subsection (3), subsections (1) and (2) of section 76 F, the first sentence of section 78(1), subsections (2) and (3) of section 81, subsections (1) and (2) of section 82, subsections (1) and (4) of section 82 A, section 84, and the fourth sentence of section 88(1).

- 4) The amendment of the Act pertains to section 6(1), section 9(3), subsections (1) and (2) of section 16, the second sentence of subsection (1) and the second sentence of subsection (4) of section 24, the first sentence of section 26(3), the first sentence of section 29(1), subsections (1) and (2) of section 31, section 35(7), the second and third sentences of section 36(4), section 37 A, section 39, the second and third sentences of section 44(2), subsections (3) and (7) of section 44, section 46, the second and third sentences of section 48(6), section 52(4), section 54, section 56(4), section 57(4), the first sentence of section 59(5), and the first and second sentences of section 60(1).
- 5) The amendment of the Act pertains to subsections (1)-(4) of section 65 A.
- 6) The amendment of the Act pertains to section 84.
- 7) The amendment of the Act pertains to the first and second sentences of section 37(3).