

# 181 of 25 March 1988. Act on State Authorised Translators and Interpreters

Act on State Authorised Translators and Interpreters

Act No 213 of 8 June 1966.

Cf. Consolidation Act No 181 of 25 March 1988

Amendments since last consolidation act.

The Act provides for the implementation of parts of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, Official Journal 2005 no L 255/22.

Part I

Appointment as a state authorised translator and interpreter and access to pursue state authorised translation and interpreting assignments on a temporary or occasional basis

Section 1. State authorised translators and interpreters are appointed by the Danish Commerce and Companies Agency (DCCA). DCCA keeps a public register of appointed state authorised translators and interpreters.

(2) Anyone has the right to be appointed as a state authorised translator and interpreter provided that they

- 1) are of legal age and not under guardianship or co-guardianship in accordance with section 5 and section 7 respectively of the Danish Guardianship Act;
- 2) are not subject to an administration order and have not entered into bankruptcy proceedings; and
- 3) have passed a special qualification examination, cf. section 3.

(3) Appointment can be refused under the circumstances referred to in section 78(2) of the Danish Penal Code. Appointment may also be refused if the person concerned, while in another post or profession, has demonstrated behaviour providing grounds for the assumption that they will not operate a business as a state authorised translator and interpreter responsibly. Finally, appointment may be refused if the person concerned is indebted to the state for a significant sum, which is taken to mean a sum amounting to or exceeding DKK 50,000.

(4) The provisions in subsections (1) to (3) shall apply accordingly to persons who at the time of application are established in an equivalent profession in another EU country, in an EEA country or in Switzerland and who wish to establish themselves here in Denmark as a state authorised translator and interpreter in accordance with the Act on access to pursue certain professions in Denmark. Subsection (2), no 1 shall apply such that the person shall be of legal age and not subject to limitations under the law on committing oneself to legal contracts or under the law on managing one's own estate in accordance with corresponding rules applicable in the country of establishment. Subsection (2), no 2 shall apply such that the person may not be subject to an administration order or have entered into bankruptcy proceedings under corresponding rules applicable in the country of establishment.

Amendments:

Amended together with part heading and title note 1/10/2007 by 2007-02-13-ÆL.123 (LF 11/06/07). Amended 1/7/2005 by 2004-12-22-ÆL.1463 (LF 66 04-05), 1/7/2000 by 1999-04-21-ÆL.227 (LF 50 98-99), 1/1-1997 by 1996-05-22-ÆL.386 (LF 127 95-96), cf. the entry into force provisions, and 28/12/1991 by 1991-12-27-ÆL.936, cf. the entry into force provisions.

Section 1 a. Persons who are established in an equivalent profession to that of state authorised translator and interpreter in another EU country, in an EEA country or in

Switzerland, may supply state authorised translation and interpreting services here in Denmark on a temporary or occasional basis, cf. section 1 b and 1 c.

Amendments:

Added 1/10/2007 by 2007-02-13-ÆL.123 (LF 11 06-07).

Section 1 b. Persons who, pursuant to section 1 a, supply state authorised translation and interpreting services here in Denmark shall inform the recipients of these services of their professional title, cf. subsection (2), any registration number in a public register in the country of establishment, any VAT registration number in the country of establishment and any professional liability insurance policy taken out.

(2) The term “professional title” in subsection (1) refers to the person’s professional title in the country of establishment. If such a title does not exist, information on the person’s professional training and the member state in which the training was completed shall be provided instead.

(3) DCCA lays down rules governing the information which shall be provided under subsections (1) and (2).

Amendments:

Added 1/10/2007 by 2007-02-13-ÆL.123 (LF 11 06-07).

Section 1 c. DCCA may exchange relevant information with other competent authorities in another EU country, in an EEA country or in Switzerland concerning

- 1) persons who are established and registered as a state authorised translator and interpreter here in Denmark, cf. section 1(1), and who are applying for the right to establish themselves as a state authorised translator and interpreter in another EU country, in an EEA country or in Switzerland;

- 2) persons who are established and registered as a state authorised translator and interpreter here in Denmark, cf. section 1(1), and who are supplying state authorised translation and interpreting services on a temporary or occasional basis in another EU country, in an EEA country or in Switzerland;

- 3) persons who are established in an equivalent profession to that of state authorised translator and interpreter in another EU country, in an EEA country or in Switzerland, and who are applying for the right to establish themselves as a state authorised translator and interpreter here in Denmark, cf. section 1(4); and

- 4) persons who are established in an equivalent profession to that of state authorised translator and interpreter in another EU country, in an EEA country or in Switzerland, and are supplying state authorised translation and interpreting services here in Denmark on a temporary or occasional basis, cf. section 1 a.

(2) The term “competent authority” in subsection (1) in this Act refers to the authority which administers the profession of state authorised translator and interpreter in the country concerned.

(3) The information which can be exchanged shall be necessary for DCCA and the other competent authorities in the countries mentioned to be able to carry out their tasks under subsection (1).

(4) DCCA’s exchange of information under subsection (1) shall take place in compliance with the Danish Act on Processing of Personal Data. The information shall be kept confidential.

(5) DCCA lays down rules for the exchange of information with other competent authorities under subsection (1).

Amendments:

Added 1/10/2007 by 2007-02-13-ÆL.123 (LF 11 06-07).

Section 2. DCCA may lay down rules specifying that application for appointment shall take place in electronic format, and that the appointment, including any lapses and revocation, provided the conditions in section 4 are met, takes place electronically.

Amendments:

Amended 1/7/2005 by 2004-12-22-ÆL.1463 (LF 66 04-05). Amended 1/6/1996 by 1996-05-22-ÆL.377 (LF 198 95-96), cf. the entry into force provisions.

Section 3. DCCA lays down more detailed rules on the qualification examination referred to in section 1(2), no 3.

(2) To assist DCCA in its administration of the Act, including the provisions under subsection (1), DCCA appoints a commission (the State Authorised Translator and Interpreter Commission).

Amendments:

Amended 1/7/2005 by 2004-12-22-ÆL.1463 (LF 66 04-05).

Section 4. Appointment as a state authorised translator and interpreter lapses if the person concerned ceases to meet the conditions in section 1(2), nos 1 and 2.

(2) An appointment may be revoked by the authority which has granted it if the holder of the appointment is indebted to the state for a significant sum, which is taken to mean a sum amounting to or exceeding DKK 100,000. The appointment may be revoked for a time period of one to five years or until further notice. The decision shall contain information about the right under subsection (4) to request a hearing before the courts and the deadline for this.

(3) If appointment as a state authorised translator and interpreter has lapsed under subsection (1), been revoked under subsection (2) or withdrawn under section 79 of the Danish Penal Code, the seal must be returned to DCCA immediately.

(4) A decision taken under subsection 2 may be brought before the courts by the person affected by the decision. A request for such action shall be received by the authority which has revoked the appointment no later than four weeks after the person concerned has been informed of the decision. The authority takes legal action against the person concerned in the form of a civil procedure. The request for legal action does not have a suspensive effect, but the court may in its ruling decide that the person concerned shall have access to pursue the profession for which appointment is required while the case is being heard. If a ruling in which a revocation is found to be unlawful is appealed, the court which has made the decision or the court to which the case has been brought before may decide that the profession for which appointment is required may not be pursued while the appeal case is being heard.

(5) If the reason for the lapse of an appointment ceases to exist, or the withdrawal of an appointment expires or is repealed, the appointment shall after a new request be renewed and a seal handed over to the person concerned.

Amendments:

Amended 1/7/2005 by 2004-12-22-ÆL.1463 (LF 66 04-05). Amended 1/6/1996 by 1996-05-22-ÆL.377 (LF 198 95-96), cf. the entry into force provisions and 28/12/1991 by 1991-12-27-ÆL.936, cf. the entry into force provisions.

Part II

The rights and obligations of state authorised translators and interpreters

Section 5. Only persons who have been appointed pursuant to section 1(2) or (4) may use the title state authorised translator and interpreter.

Amendments:

Amended 1/10/2007 by 2007-02-13-ÆL.123 (LF 11 06-07).

Section 6. State authorised translators and interpreters shall perform the commissions entrusted to them with care and diligence and at the speed allowed by the nature of the commission.

Amendments:

Amended 1/7/2005 by 2004-12-22-ÆL.1463 (LF 66 04-05).

Section 7. DCCA may set more detailed rules relating to the activities of state authorised translators and interpreters, including determining that certain professions

and posts cannot be unified with the profession of state authorised translator and interpreter.

Section 7 a. Decisions made by DCCA under the Act or regulations issued pursuant to the Act may be brought before the Danish Commerce and Companies Appeals Board no later than four weeks after the person concerned has been informed of the decision.

Amendments:

Amended 1/7/2005 by 2004-12-22-ÆL.1463 (LF 66 04-05).

Section 7 b. The deadlines set in or under this Act begin to run from the day after the day on which the event that triggers the deadline occurs. This applies to the calculation of daily, weekly, monthly and yearly deadlines.

(2) If the deadline is indicated in weeks, it will expire on the day of the week corresponding to the day on which the event that triggered the deadline occurred, cf. subsection (1).

(3) If the deadline is indicated in months, it will expire on the day of the month corresponding to the day on which the event that triggered the deadline occurred, cf. subsection (1). If the day on which the event that triggered the deadline occurred is the last day of a month, or if the deadline expires on a date which does not exist in a particular month, the deadline always expires on the last day of the month regardless of the length of the month.

(4) If the deadline is indicated in years, it will expire on the anniversary of the day corresponding to the day on which the event that triggered the deadline occurred, cf. subsection (1).

(5) If the deadline expires on a Saturday or Sunday, on a public holiday, Constitution Day, Christmas Eve or New Year's Eve, the deadline is extended to the next working day.

Amendments:

Added 1/6/1996 by 1996-05-22-ÆL.377 (LF 198 95-96), cf. the entry into force provisions.

Part III

Penalties and entry into force provisions etc.

Section 8. Infringement of the provisions in section 4 (3), section 5 and section 6 shall be subject to a fine, unless a higher penalty is prescribed under other legislation.

(2) A fine may be set for infringement of provisions in the regulations issued by DCCA pursuant to the Act.

(3) Sections 144, 150-152 f and 154-157 of the Danish Penal Code shall apply accordingly to state authorised translators and interpreters.

Amendments:

Amended 1/7/2005 by 2004-12-22-ÆL.1463 (LF 66 04-05). Amended 28/12/1991 by 1991-12-27-ÆL.936, cf. the entry into force provisions.

Section 9. This Act shall enter into force on 1 January 1967.

(2) Sections 74-77 of Trade Act No 138 of 28 April 1931 shall be repealed simultaneously.

Section 10. This Act does not apply to the Faeroe Islands or Greenland.

Amendments:

Amended 1/7/2005 by 2004-12-22-ÆL.1463 (LF 66 04-05).

Miscellaneous entry into force provisions

1996-05-22-ÆL.386 (LF 127 95-96) contains the following provisions:

Section 34. This Act enters into force on 1 January 1997.

Section 35. This Act does not apply to the Faeroe Islands or Greenland.

(2) The amendment to section 1(2), no 4 may be applied to Greenland with the deviations justified by Greenland's special circumstances if a Royal decree is issued. 1996-05-22-ÆL.377 (LF 198 95-96) contains the following provisions:

§ 14. This Act enters into force on 1 June 1996.

Section 17. This Act does not apply to the Faeroe Islands or Greenland.

(3) This amending act may be applied to Greenland with the deviations justified by this province's special circumstances if a Royal decree is issued.

1991-12-27-ÆL.936 contains the following provisions:

§ 20. This Act enters into force by means of the Executive Order in the Danish Legal Gazette.

Section 21. This Act does not apply to the Faeroe Islands or Greenland.

(3) The amendments to section 1(3), section 4(2-5) and section 8(1) may be applied to Greenland with the deviations justified by Greenland's special circumstances if a Royal decree is issued.

The following amendments have been incorporated:

Act No 123 of 13 February 2007 (LF 11 06-07);

Act No 1463 of 22 December 2004 (LF 66 04-05);

Act No 227 of 21 April 1999 (LF 50 98-99);

Act No 386 of 22 May 1996 (LF 127 95-96);

Act No 377 of 22 May 1996 (LF 198 95-96); and

Act No 936 of 27 December 1991.