

Ministry of Refugee, Immigration and Integration Affairs, 28 April 2004

Integrationsudv. alm. del bil. 8 6

Executive Order on Residence in Denmark for Aliens comprised by the rules of the European Union or of the Agreement on the European Economic Area (the EU/EEA Order)¹⁾

The following is laid down pursuant to section 2(4), section 46 c and section 46 d of the Aliens Act, cf. Consolidation Act No. 685 of 24 July 2003, and section 2(3) of Act No. 963 of 9 December 1992 on Denmark's accession to the Agreement on the European Economic Area:

Part 1

Issue of EU/EEA residence certificate to principal persons

Persons in paid employment, self-employed persons, service providers and recipients of services

1. An EU/EEA residence certificate will be issued to an EU/EEA national who proves by a de-

claration from his or her employer that he or she has paid employment in Denmark or that he or she has commenced independent activities as a self-employed person or a service provider, or that he or she is a recipient of services in Denmark. No EU/EEA residence certificate can be issued to nationals of Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, the Czech Republic or Hungary on the basis of paid employment in Denmark.

Students

2. (1) An EU/EEA residence certificate will be issued to an EU/EEA national accepted to attend

¹⁾ This Executive Order includes certain provisions from Regulation 1612/68/EEC of the Council of 15 October 1968 on the freedom of movement for workers within the Community (Official Journal 1968 L 257, page 2), as subsequently amended, and Regulation 1251/70/EEC of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State (Official Journal 1970 L 142, page 24). Pursuant to Article 249 of the EC Treaty, a regulation applies directly in each Member State. The reproduction of these provisions in this Executive Order has thus been made exclusively for practical reasons and does not affect the immediate validity of the said regulations in Denmark.

The Executive Order also includes provisions implementing Council Directives 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health (Official Journal 1964 L 56, page 850) as subsequently amended, 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families (Official Journal 1968 L 257, page 13), 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services (Official Journal 1973 L 172, page 14), 75/34/EEC of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity (Official Journal 1975 L 14, page 10), 90/364/EEC of 28 June 1990 on the right of residence (Official Journal 1990 L 180, page 26), 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity (Official Journal 1990 L 180, page 28), and 93/96/EEC of 29 October 1993 on the right of residence for students (Official Journal 1993 L 317, page 59).

a vocational training or degree course in Denmark approved as entitling students to student grants under the Act on the State Education Grant and Loan Scheme. It is a further condition that the person declares that he or she disposes of such sufficient means for his or her support that he or she will not be a burden on the public finances.

(2) It may be made a condition for issue of an EU/EEA residence certificate under subsection (1) hereof that the person takes out health insurance covering the period until the person becomes eligible for services under the Public Health Insurance Act, the Hospital Services Act and the Pregnancy Hygiene and Birth Assistance Act.

Persons of sufficient means

3. (1) An EU/EEA residence certificate will be issued to an EU/EEA national if he or she proves that he or she disposes of income or means corresponding at least to the sum of the benefits for which he or she would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy.

(2) It may be made a condition for issue of an EU/EEA residence certificate under subsection (1) hereof that the person takes out health insurance covering the period until the person becomes eligible for services under the Public Health Insurance Act, the Hospital Services Act and the Pregnancy Hygiene and Birth Assistance Act, and that the person will not become a burden on the public finances.

(3) Income and means as referred to in subsection (1) hereof will be calculated without deduction of taxes, labour market contributions, contributions to the Danish Labour Market Supplementary Pension Scheme, the Special Pension Scheme and any other collective pension contributions. The same applies to calculation of benefits under section 25(12) and section 34 of the Act on an Active Social Policy as referred to in subsection (1) hereof. Income and means as referred to in subsection (1) hereof will not be included in the calculation of the person's income to the extent the income is financed by Danish public grants unless in the case of unemployment benefits for which the person is eligible, as proved by him or her.

(4) At the request of the county government office which is to make a decision in the case under section 23 of this Order, the local council shall issue an opinion as to whether a person falling within subsection (1) hereof disposes of income or means corresponding at least to the sum of the benefits for which he or she would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy. The county government office will normally only request an opinion under the first sentence hereof if it is not indisputable whether the person would be eligible for services under section 34 of the Act on an Active Social Policy.

Persons entitled to remain following cessation of paid employment or activities as a self-employed person

4. (1) An EU/EEA residence certificate will be issued to:

- (i) an EU/EEA national who ceases his or her paid employment or activities as a self-employed person after having reached the age for entitlement to old-age pension as fixed in the Old-Age Pension Act, provided that the person has had paid employment or has pursued activities as a self-employed person in Denmark for at least the previous 12 months and has resided in Denmark continuously for at least the previous three years;
- (ii) an EU/EEA national who, as a result of permanent incapacity to work, has to cease paid employment or activities as a self-employed person, provided that the person has resided in Denmark continuously for the previous two years. If such incapacity is the result of an accident at work or an occupational illness entitling the person to permanent benefits payable in whole or in part by a Danish authority, no condition will be imposed as to the length of residence;
- (iii) an EU/EEA national who, after three years' continuous residence and paid employment or activities as a self-employed person in Denmark, works as an employed person or pursues activities as a self-employed person in the territory of another Member State while retaining his or her residence in Denmark, to which he or she returns, as a rule, at least once a week.

(2) Periods of employment or activities so completed in the territory of another Member State by a person falling within subsection (1)(iii) hereof will, for the purpose of issue of an EU/EEA residence certificate under subsection (1)(i) and (ii) hereof, be considered as having been completed in Denmark.

(3) In the cases referred to in subsection (1)(i) and (ii) hereof, no condition will be imposed as to the length of residence or the length of paid employment or activities as a self-employed person if the employed or self-employed person's spouse has Danish nationality or has lost it by marriage to such person.

(4) An EU/EEA national entitled to residence pursuant to subsection (1)(i) or (ii) hereof may leave Denmark within the first two years of acquiring the residence right without such right being affected thereby.

Part 2

Issue of EU/EEA residence certificate to family members

Family members of persons in paid employment, self-employed persons, service providers and recipients of services

5. (1) An EU/EEA residence certificate will be issued to the family members, cf. subsection (2) hereof, of an EU/EEA national falling within section 1, first sentence, but cf. the second sentence, of this Order, upon proof of their relationship with such national.

(2) Subsection (1) hereof applies to the following members of the EU/EEA national's family:

- (i) the EU/EEA national's spouse;
- (ii) the EU/EEA national's descendants under 21 years of age and the spouse's descendants under 21 years of age;
- (iii) the EU/EEA national's other dependent descendants and the spouse's other descendants dependent on the EU/EEA national;
- (iv) relatives in the ascending line of the EU/EEA national or his or her spouse if they are dependent on the EU/EEA national;
- (v) the EU/EEA national's other relatives if they are dependent on the EU/EEA national or are living under the roof of the EU/EEA national in the country whence they come.

(3) Where an EU/EEA national has paid employment, it is a condition for issue of an EU/

EEA residence certificate under subsection (1), cf. subsection (2), hereof that the national has available for his or her family housing considered as normal for Danish employees in the region where he or she is employed. This provision must not give rise to discrimination between Danish employees and employees of another EU/EEA country.

(4) Unless exceptional reasons make it inappropriate, it is a condition for issue of an EU/EEA residence certificate under subsection (1), cf. subsection (2)(iii) to (v), hereof that the EU/EEA national and the family members in question prove that they dispose of income or means corresponding at least to the sum of the benefits for which the EU/EEA national and the family members in question would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy.

(5) Income and means as referred to in subsection (4) hereof will be calculated without deduction of taxes, labour market contributions, contributions to the Danish Labour Market Supplementary Pension Scheme, the Special Pension Scheme and any other collective pension contributions. The same applies to calculation of benefits under section 25(12) and section 34 of the Act on an Active Social Policy as referred to in subsection (4) hereof. Income and means as referred to in subsection (4) hereof will not be included in the calculation of the income of the persons in question to the extent the income is financed by Danish public grants unless in the case of unemployment benefits for which the persons in question are eligible, as proved by them.

(6) At the request of the county government office which is to make a decision in the case under section 23 of this Order, the local council shall issue an opinion as to whether the income or means referred to in subsection (4) hereof correspond at least to the sum of the benefits for which the EU/EEA national and the family members in question would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy. The county government office will normally only request an opinion under the first sentence hereof if it is doubtful whether the persons in question would be eligible for benefits under section 34 of the Act on an Active Social Policy.

(7) Subsections (1) to (5) hereof apply correspondingly to family members of nationals of Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, the Czech Republic and Hungary who lawfully have actual and effective paid employment which is not of such limited extent that the income therefrom appears as a purely marginal supplement to their other income or means.

(8) At the request of the Danish Immigration Service, the local council shall issue an opinion, in the cases referred to in subsection (7) hereof, as to whether the income or means referred to in subsection (4) hereof correspond at least to the sum of the benefits for which the EU/EEA national and the family members in question would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy. The Danish Immigration Service will normally only request an opinion under the first sentence hereof if it is doubtful whether the persons in question would be eligible for benefits under section 34 of the Act on an Active Social Policy.

Family members of students

6. (1) An EU/EEA residence certificate will be issued to the family members, cf. subsection (2) hereof, of an EU/EEA national falling within section 2 of this Order upon proof of their relationship with such national.

(2) Subsection (1) hereof applies to the EU/EEA national's spouse, to the EU/EEA national's dependent descendants and to the spouse's dependent descendants.

(3) It is a condition for issue of an EU/EEA residence certificate under subsection (1) hereof that the EU/EEA national declares that he or she disposes of such sufficient means for the support of himself or herself and the persons referred to in subsection (2) hereof that they will not become a burden on the public finances.

Family members of persons of sufficient means

7. (1) An EU/EEA residence certificate will be issued to the family members, cf. subsection (2) hereof, of an EU/EEA national falling within section 3 of this Order upon proof of their relationship with such national.

(2) Subsection (1) hereof applies to the following members of the EU/EEA national's family:

(i) the EU/EEA national's spouse;

(ii) the EU/EEA national's dependent descendants and the spouse's dependent descendants;

(iii) relatives in the ascending line of the EU/EEA national or his or her spouse if they are dependent on the EU/EEA national.

(3) It may be made a condition for issue of an EU/EEA residence certificate under subsection (1), cf. subsection (2), hereof that the family members in question take out health insurance covering the period until they become eligible for services under the Public Health Insurance Act, the Hospital Services Act and the Pregnancy Hygiene and Birth Assistance Act, and that they will not become a burden on the public finances.

(4) Unless exceptional reasons make it inappropriate, it is a condition for issue of an EU/EEA residence certificate under subsection (1), cf. subsection (2), hereof that the EU/EEA national and the family members in question prove that they dispose of income or means corresponding at least to the sum of the benefits for which the EU/EEA national and the family members in question would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy. Section 5(5) and (6) of this Order applies correspondingly.

Family members of persons entitled to remain following cessation of paid employment or activities as a self-employed person

8. (1) An EU/EEA residence certificate will be issued to the family members, cf. subsection (2) hereof, of an EU/EEA national falling within section 4 of this Order upon proof of their relationship with such national and provided that they live together with such national or lived together with such national at his or her death.

(2) Subsection (1) hereof applies to the following members of the EU/EEA national's family:

(i) the EU/EEA national's spouse;

(ii) the EU/EEA national's descendants under 21 years of age and the spouse's descendants under 21 years of age;

(iii) the EU/EEA national's other dependent descendants, and the spouse's other descendants dependent on the EU/EEA national;

(iv) relatives in the ascending line of the EU/EEA national or his or her spouse if they are dependent on the EU/EEA national;

(v) the EU/EEA national's other relatives if they are dependent on the EU/EEA national or are living under the roof of the EU/EEA national in the country whence they come.

(3) Unless exceptional reasons make it inappropriate, it is a condition for issue of an EU/EEA residence certificate under subsection (1), cf. subsection (2)(iii) to (v), hereof that the EU/EEA national and the family members in question prove that they dispose of income or means corresponding at least to the sum of the benefits for which the EU/EEA national and the family members in question would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy. Section 5(5) and (6) of this Order applies correspondingly.

Regular cohabitation of prolonged duration

9. (1) The provisions of this Order on spouses also apply in cases where a person over 18 years of age cohabits at a shared residence in regular cohabitation of prolonged duration with an EU/EEA national over 18 years of age.

(2) It must be made a condition for issue of an EU/EEA residence certificate to a cohabitant that the EU/EEA national undertakes to support the applicant.

Part 3

Other provisions concerning demands for and right to an EU/EEA residence certificate

10. Notwithstanding the provisions of Parts 1 and 2, nationals of Finland, Iceland, Norway and Sweden may enter and reside in Denmark without any certificate, cf. section 1 of the Aliens Act. Nationals of the said countries who satisfy the conditions therefor may apply for an EU/EEA residence certificate and thereby acquire rights under the rules of this Order.

11. (1) EU/EEA nationals and their family members working as employed persons in Denmark, but living in another State, are exempt from the requirement of an EU/EEA residence certificate if they return to their residence, as a rule, once a week. This does not apply if the principal person is a national of Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, the Czech Republic or Hungary.

(2) EU/EEA nationals and their family members working as seasonal workers are exempt

from any requirement of an EU/EEA residence certificate. This does not apply if the principal person is a national of Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, the Czech Republic or Hungary.

(3) An EU/EEA national's family members under 18 years of age who reside permanently with the person having custody of them are exempt from any requirement of an EU/EEA residence certificate.

(4) An EU/EEA residence certificate or evidence of exemption from such requirement can be issued to the persons referred to in subsections (1) to (3) hereof upon request, but cf. subsection (1), second sentence, and subsection (2), second sentence, hereof.

12. EU/EEA residence certificates are not issued to an EU/EEA national and his or her family members for stays not exceeding three months.

13. A person eligible for an EU/EEA residence certificate under this Order is exempt from any requirement of a work permit, cf. section 14(1)(ii) of the Aliens Act.

Part 4

Period of validity of EU/EEA residence certificates

Time-limited EU/EEA residence certificate

14. (1) For residence exceeding three months, EU/EEA residence certificates are issued for the following periods:

- (i) for EU/EEA nationals falling within section 1 or 4 of this Order, for five years unless they apply for an EU/EEA residence certificate for a shorter period, but cf. subsections (3) and (4) hereof;
- (ii) for EU/EEA nationals falling within section 2 of this Order, for a period corresponding to the length of the training forming the basis of the residence, but not for more than one year at a time;
- (iii) for EU/EEA nationals falling within section 3 of this Order, for five years unless they apply for an EU/EEA residence certificate for a shorter period. If deemed necessary it may be required that the EU/EEA residence certificate must be extended upon expiry of the first two years of residence.

(2) The periods referred to in subsection (1) hereof will be reckoned from the date of issue of the EU/EEA residence certificate.

(3) If the EU/EEA national will be employed as an employee for more than three months, but less than one year, the EU/EEA residence certificate will be issued for the expected period of employment. If the period of employment with the same employer actually lasts for more than one year, an EU/EEA residence certificate for five years will be issued, reckoned from the date of issue of the first EU/EEA residence certificate.

(4) If the EU/EEA national is a recipient or provider of services, the EU/EEA residence certificate will be issued for the expected length of the service, but cf. section 12 of this Order.

(5) The EU/EEA residence certificates of an EU/EEA national's family members will be issued so as to expire at the same time as the principal person's EU/EEA residence certificate. If, beside his or her independent right of residence under Part 1, the principal person has a derived right of residence under Part 2, and if, on the basis of such right of residence, a residence certificate has been issued for a longer period of validity than the period for which the principal person might have an EU/EEA residence certificate issued on the basis of his or her independent right of residence under Part 1, an EU/EEA residence certificate under the first sentence hereof can only be issued so as to expire at the same time as an EU/EEA residence certificate issued to the principal person on the basis of his or her independent right of residence. If the principal person has died and the family member has retained the right to remain, cf. section 8, 19 or 21 of this Order, the EU/EEA residence certificate will be issued for the periods referred to in subsection (1) hereof.

(6) The EU/EEA residence certificate for family members of a national of Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, the Czech Republic or Hungary who has been issued with a residence permit under section 9 a of the Aliens Act will be issued so as to expire at the same time as the residence permit of the principal person. If the principal person has died and the family member has retained the right to remain, cf. section 8, 19 or 21 of this Order, the EU/EEA residence certificate will be issued so as to expire on

the date when the residence permit under section 9 a of the Aliens Act would have expired.

(7) Upon extension of an EU/EEA residence certificate, subsections (1) to (6) hereof will apply correspondingly, but cf. section 15 of this Order. Subsection (1)(iii), second sentence, hereof does not apply.

(8) Extension of an EU/EEA residence certificate issued for five years pursuant to subsection (1)(i), cf. section 1, hereof, may be limited to 12 months if the EU/EEA national is involuntarily unemployed and has been so for the preceding 12 months. Further extension then requires proof that the conditions of section 1 of this Order have been fulfilled again.

Permanent EU/EEA residence certificate

15. (1) Where an EU/EEA national has held a time-limited EU/EEA residence certificate for five years issued pursuant to section 14(1)(i) or (iii), cf. section 1, 3 or 4, of this Order, a permanent EU/EEA residence certificate will be issued unless extension for a shorter period is applied for. A permanent EU/EEA residence certificate will not be issued to EU/EEA nationals falling within section 2 of this Order.

(2) The EU/EEA residence certificates for an EU/EEA national's family members, cf. sections 5, 7 and 8 of this Order, will be issued as permanent certificates if the principal person has been issued with a permanent EU/EEA residence certificate. The EU/EEA residence certificates for family members of a national of Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, the Czech Republic or Hungary, cf. section 5(7) of this Order, will be issued as permanent certificates if the principal person has been issued with a permanent residence permit under section 9 a of the Aliens Act. If the principal person has died and the family member has retained the right to remain, cf. section 8, 19 or 21 of this Order, a permanent EU/EEA residence certificate will be issued if the family member has held a time-limited EU/EEA residence certificate for five years issued pursuant to section 14(5) or (6) of this Order.

(3) It is a condition for issue of a permanent residence certificate that the person falling within subsection (1) or (2) hereof has his or her permanent place of residence in Denmark.

Part 5

*Lapse and revocation of or refusal to extend an EU/EEA residence certificate**Lapse*

16. Section 17(1), second and third sentences, and section 17 (2) of the Aliens Act on lapse of residence permits apply to EU/EEA nationals and their family members who have been issued with EU/EEA residence certificates pursuant to the rules of this Order. Moreover, section 17(1), first sentence, of the Aliens Act applies to EU/EEA nationals and their family members who have been issued with EU/EEA residence certificates pursuant to sections 2 and 6 of this Order.

Basis is no longer present

17. (1) A time-limited EU/EEA residence certificate can be revoked or its extension refused where the basis of its issue was incorrect or is no longer present, but cf. subsections (2) to (5) hereof and sections 19 to 21 of this Order. Revocation of an EU/EEA residence certificate implies that its holder no longer has a right of residence in Denmark.

(2) An EU/EEA residence certificate issued pursuant to section 1 of this Order cannot be revoked and its extension cannot be refused under subsection (1) hereof where the holder is no longer employed either as a result of temporary incapacity to work due to illness or accident or as a result of involuntary unemployment, but cf. section 14(8) of this Order.

(3) An EU/EEA residence certificate issued pursuant to section 1 of this Order cannot be revoked and its extension cannot be refused under subsection (1) hereof where an EU/EEA national who has pursued occupational activities in Denmark wishes to commence training qualifying him or her for a trade or profession. This only applies if the previous occupational activities and the training in question are connected or if, after involuntary unemployment due to the labour market situation, the EU/EEA national has to re-train into another trade.

(4) Unless exceptional reasons undoubtedly make it appropriate, an EU/EEA residence certificate issued pursuant to section 5 or 8 of this Order cannot be revoked and its extension cannot be refused because the conditions stated in

section 5(3) and (4) or section 8(3) of this Order are no longer fulfilled.

(5) Section 26 of the Aliens Act applies.

Fraud

18. (1) A time-limited or permanent EU/EEA residence certificate can always be revoked if the alien obtained the EU/EEA residence certificate by fraud.

(2) Section 26 of the Aliens Act applies.

Death of the principal person

19. (1) Where the principal person has died, a time-limited EU/EEA residence certificate issued to a family member pursuant to section 5 of this Order can be revoked or its extension refused. This does not apply if:

- (i) the principal person had resided in Denmark for at least two years at his or her death;
- (ii) the death of the principal person was due to an industrial accident or an occupational illness; or
- (iii) the family member was the principal person's spouse and lost his or her Danish nationality by marriage to the principal person.

(2) A family member entitled to residence pursuant to subsection (1) hereof may leave Denmark within the first two years of acquiring the residence right without such right being affected thereby.

(3) Section 26 of the Aliens Act applies.

20. (1) Where the principal person has died, a time-limited EU/EEA residence certificate issued to a family member pursuant to sections 6 and 7 of this Order can be revoked or its extension refused.

(2) Section 26 of the Aliens Act applies.

21. (1) Where the principal person has died, a time-limited EU/EEA residence certificate issued to a family member pursuant to section 8 of this Order can be revoked or its extension refused. This does not apply if the family member lived together with the principal person at the latter's death.

(2) A family member entitled to residence pursuant to subsection (1) hereof may leave Denmark within the first two years of acquiring the residence right without such right being affected thereby.

(3) Section 26 of the Aliens Act applies.

Cessation of the principal person's residence certificate or residence permit

22. (1) Where the principal person's EU/EEA residence certificate lapses, is revoked or its extension is refused, a time-limited EU/EEA residence certificate issued to a family member pursuant to sections 5 to 8 of this Order can be revoked or its extension refused, but cf. sections 19 to 21 of this Order. Where the principal person's residence permit under section 9 a of the Aliens Act lapses, is revoked or its extension is refused, a time-limited EU/EEA residence certificate issued to a family member pursuant to section 5(7) of this Order can be revoked or its extension refused, but cf. section 19 of this Order.

(2) Section 26 of the Aliens Act applies.

Part 6

Jurisdiction and appeals

23. (1) Other than in the cases falling within subsection (2) hereof, the county government office of the place where the applicant lives or is staying shall make decisions on the issue, extension, lapse and revocation of EU/EEA residence certificates under this Order. If the applicant is not living or staying in Denmark, the county government office of the place where it must be assumed, on the basis of the application submitted, that the applicant will live or stay in Denmark shall make the decision in the case. If it cannot be determined on the basis of the application submitted where in Denmark the applicant intends to live or stay, the Government Office of Copenhagen shall make the decision in the case. In special cases the Danish Immigration Service may authorise another county government office to make the decision in the cases referred to.

(2) The Danish Immigration Service shall make decisions on the issue, extension, lapse and revocation of EU/EEA residence certificates for persons falling within section 5(7) of this Order.

(3) An application for an EU/EEA residence certificate or extension thereof must be submitted to the authority which is to make the decision in the case pursuant to subsection (1) or (2) hereof. If the applicant is not living or staying in Denmark, the application must be submitted to a Danish mission in the applicant's country of origin or in the country in which applicant has stayed continuously for the last three months.

The mission shall forward the application to the Government Office of Copenhagen, which shall re-forward the application to the authority that is to make the decision in the case pursuant to subsection (1) or (2) hereof.

(4) The application must be submitted before expiry of a valid visa or visa-exempt stay, cf. section 2(1) and (2) of the Aliens Act. An application for extension must be submitted at least 15 days before expiry of the certificate.

(5) Subsections (1) to (4) hereof apply correspondingly to proof of exemption of the requirement of a residence certificate issued pursuant to section 11(4) of this Order.

24. (1) The decision of the county government office made under section 23(1) and (5), cf. subsection (1), of this Order can be appealed to the Danish Immigration Service. If a decision made under section 23(1) of this Order is appealed within seven days of being notified to the alien in question, the alien is entitled to remain in Denmark until the appeal has been decided.

(2) The decision of the Danish Immigration Service cannot be appealed to any other administrative authority.

25. The decision of the Danish Immigration Service made under section 23(2) and (5), cf. subsection (2), of this Order can be appealed to the Ministry of Refugee, Immigration and Integration Affairs. If a decision made under section 23(2) of this Order is appealed within seven days of being notified to the alien in question, the alien is entitled to remain in Denmark until the appeal has been decided.

26. The Danish Immigration Service may lay down more detailed rules for and make decisions on the examination of the cases referred to in section 23(1) and (5), cf. subsection (1), of this Order. The Minister for Refugee, Immigration and Integration Affairs may lay down more detailed rules for and make decisions on the examination of the cases referred to in section 23(2) and (5), cf. subsection (2), of this Order.

27. (1) A decision whether an EU/EEA residence certificate should be issued, extended or refused must be made as soon as possible and not later than six months after submission of the application.

(2) The reasons for refusal must be given unless considerations of national security prevent it.

28. The opinion referred to in section 3(4), section 5(6), section 7(4), second sentence, cf. section 5(6), and section 8(3), second sentence, cf. section 5(6), of this Order must be issued by the local council of the municipality in Denmark where the applicant is living or staying. If the applicant does not live or stay in Denmark, the local council of the municipality where it must be assumed, on the basis of the application submitted, that the applicant will live or stay in Denmark shall make the decision in the case. If it cannot be determined on the basis of the application submitted where in Denmark the applicant intends to live or stay, the Health Insurance Department shall issue the opinion referred to in the first sentence hereof.

Part 7

Disclosure of information

29. (1) For the purpose of a decision to be made by the Danish Immigration Service or an opinion under the Aliens Act or provisions laid down in pursuance thereof, a county government office may, without the alien's consent, pass on case documents to the Danish Immigration Service, including information on the alien's purely personal details, entered in a case with the county government office relating to an EU/EEA residence certificate under this Order concerning the alien involved in the case and other aliens, provided that the case documents may be of importance to the case upon a general assessment.

(2) For the purpose of a decision to be made by the Minister for Refugee, Immigration and Integration Affairs or an opinion under the Aliens Act or provisions laid down in pursuance thereof, the Danish Immigration Service may, without the alien's consent, pass on case documents to the Ministry of Refugee, Immigration and Integration Affairs, including information on the alien's purely personal details, entered in a case with the Danish Immigration Service relating to an EU/EEA residence certificate under this Order concerning the alien involved in the case and other aliens, provided that the case documents may be of importance to the case upon a general assessment.

30. (1) For the purpose of a decision to be made by a county government office on an EU/

EEA residence certificate under this Order, the Danish Immigration Service may, without the alien's consent, pass on case documents to the county government office, including information on the alien's purely personal details, entered in a case with the Danish Immigration Service relating to a decision or an opinion under the Aliens Act or provisions laid down in pursuance thereof concerning the alien involved in the case and other aliens, provided that the case documents may be of importance to the case upon a general assessment.

(2) For the purpose of a decision to be made by the Danish Immigration Service on an EU/EEA residence certificate under this Order, the Ministry of Refugee, Immigration and Integration Affairs may, without the alien's consent, pass on case documents to the county government office, including information on the alien's purely personal details, entered in a case with the Ministry of Refugee, Immigration and Integration Affairs relating to a decision or an opinion under the Aliens Act or provisions laid down in pursuance thereof concerning the alien involved in the case and other aliens, provided that the case documents may be of importance to the case upon a general assessment.

31. For the purpose of a decision to be made by a county government office on an EU/EEA residence certificate under this Order, another county government office may, without the alien's consent, pass on case documents to the first county government office, including information on the alien's purely personal details, entered in a case on an EU/EEA residence certificate under this Order or under section 27(1)(i) of the Aliens Order concerning the alien involved in the case and other aliens, provided that the case documents may be of importance to the case upon a general assessment.

Part 8

Entry into force and interim provisions

32. (1) This Order enters into force on 1 May 2004, but cf. subsection (3) hereof.

(2) Executive Order No. 761 of 22 August 1994 on residence in Denmark for aliens falling within the rules of the European Communities is repealed.

(3) The Executive Order referred to in subsection (2) hereof still applies to applications for

EU/EEA residence certificates and residence permits submitted before 1 May 2004 unless the principal person is a national of Cyprus, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, the Czech Republic or Hungary.

Ministry of Refugee, Immigration and Integration Affairs, 28 April 2004

BERTEL HAARDER

/ Susanne S. Clausen