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Subsequent amendments
ACT no. 1460 of 17/12/2013

Consolidated Marketing Practices Act ⁽¹⁾

The Marketing Practices Act is hereby consolidated, cf. Consolidated Act no. 58 of 20 January 2012 as amended by section 33 of Act no. 1231 of 18 December 2012, section 5 of Act no. 1387 of 23 December 2012 and section 1 of Act no. 378 of 17 April 2013.

Part 1

Purpose and scope of the Act

Good marketing practice

1.-(1) Traders subject to this Act shall exercise good marketing practice with reference to consumers, other traders and public interests.

(2) Marketing in respect of consumers' economic interests may not be designed to significantly distort their economic behaviour.

Scope

2.-(1) This Act applies to private business activity and to public activity to the extent that products and services are offered in the market.

(2) Section 1 and section 13(3) and (8)(i) do not apply to businesses subject to the Financial Business Act to the extent that the Minister for Business and Growth has issued regulations in the areas concerned.

(3) Section 13(2) and (4)-(6) and sections 15 and 16 do not apply to businesses subject to the Financial Business Act.

Part 2

General rules of market conduct

Misleading and improper marketing

3.-(1) Traders may not use misleading or improper statements or omit material information if this is likely to materially distort consumers' or other traders' economic behaviour in the market.

(2) Marketing whose content, form or method used is misleading, aggressive or subjects the consumers or traders to improper influence, and which is likely to materially distort their economic behaviour, is not permitted.

(3) Where factual statements are made, these must be capable of being documented.

(4) The Minister for Business and Growth lays down more detailed regulations for specific forms of marketing which, under EU law, are considered in any circumstances to be unfair to consumers.

Advertising identification

4. An advertisement shall be designed in such a way that it will be clearly understood to be an advertisement irrespective of its form and irrespective of the medium in which it is presented.

Comparative advertising

5.-(1) Comparative advertising means any advertising which explicitly or by implication identifies a competitor or products or services offered by a competitor.

(2) Comparative advertising, cf. subsection (1), is permitted under this Act when the following conditions are met:

- (i) it is not misleading,
- (ii) it concerns products or services meeting the same needs or intended for the same purpose,
- (iii) it objectively compares one or more specific, relevant, verifiable and representative features of these products and services, which may include price,
- (iv) it does not create confusion in the market, between the advertiser and a competitor or between the advertiser's trade marks, trade names, other distinguishing marks, products or services and those of a competitor,
- (v) it does not discredit or denigrate the trade marks, trade names, other distinguishing marks, products, services, activities, or circumstances of a competitor,
- (vi) for products with designation of origin, it relates in each case to products with the same designation,
- (vii) it does not take unfair advantage of the reputation of a trade mark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing products, and
- (viii) it does not present products or services as imitations or replicas of products or services bearing a protected trade mark or trade name.

Unsolicited communication with specific customers

6.-(1) A trader must not approach anyone by means of electronic mail, an automated calling system or facsimile machine with a view to the sale of products, real property, other property, labour and services unless the party concerned has requested him to do so.

(2) Notwithstanding subsection (1), a trader that has received a customer's electronic contact details in connection with the sale of products or services may market his own similar products or services to that customer by electronic mail, provided that the customer has the option, free of charge and in an easy manner, of declining this both when giving his contact details to the trader and in subsequent communications.

(3) A trader must not approach a specific natural person using other means of remote communication with a view to sales as referred to in subsection (1) if the person concerned has declined such communications from the trader, if it may be seen from a list prepared each quarter by the Central Office of Personal Registration (CPR) that the person concerned has declined communications for such marketing purposes, or if the trader, by consulting the CPR, has become aware that the person concerned has declined such communications. Telephone communications with consumers are also subject to the regulations governing unsolicited communications in the Act on Certain Consumer Agreements.

(4) Subsection (3) does not apply if the person in question has previously requested the communication from the trader.

(5) The first time a trader communicates as referred to in subsection (3) with a specific natural person who is not on the CPR list, the trader shall inform him clearly and comprehensibly of his right to decline communications from the trader as referred to in subsection (3). At the same time, the person concerned shall be offered an easy manner of declining such communications.

(6) No payment may be requested for receiving or ~~noting~~ recording information to the effect that a request under subsection (1) is being revoked or that communications as referred to in subsection (3) are being declined.

(7) The Minister for Business and Growth may lay down more detailed regulations governing the trader's duty to provide information under subsection (5) and duty to offer an opportunity to decline communications as referred to in subsection (3).

Guidance

7. When an offer is made, on entry into an agreement or (depending on the circumstances) at the time of delivery, appropriate guidance shall be given in accordance with the nature of the product or service, where this is of importance for the assessment of the character or properties of the product or service, including in particular its functional properties, durability, hazardous nature and maintainability.

7 a. The Minister for Business and Growth lays down more detailed regulations in order to fulfil the provisions of the Directive of the European Parliament and of the Council on services in the internal market concerning service providers' obligation to provide information to the service recipient.

Part 3

Consumer protection

Marketing directed at children and young people

8.-(1) Marketing directed at children and young people shall be designed with specific reference to their natural credulity and lack of experience and critical sense, as a result of which they are readily influenced and easy to impress.

(2) Marketing directed at children and young people under the age of 18 must not directly or indirectly incite them to violence or other dangerous or inconsiderate behaviour, nor make unwarrantable use of violence, fear or superstition in order to influence them.

(3) Marketing directed at children and young people under the age of 18 must not mention or include images of or references to intoxicants, including alcohol.

Sales promotions

9.-(1) A sales promotion, including by means of gifts with purchase, trading stamps, discount or loyalty schemes, prize competitions and the like, must be presented in such way that the terms of offer are clear, unambiguous and easily available to the consumer, and in general no material information may be omitted, including information on the value of any additional services likely to materially distort the economic behaviour of consumers.

(2) If a trader offers products or services at a particular price and has reasonable grounds for supposing that he will not be in a position to satisfy demand in a quantity that is reasonable in relation to the offer and the scope of its marketing, the trader shall include a clear proviso to this effect in such marketing.

10. (Repealed)

11. (Repealed)

Guarantees

12.-(1) A statement granting a guarantee or similar arrangement to consumers may be made only if such a statement places the recipient in a substantially better legal position than he enjoys in law.

(2) If a guarantee is provided, the trader shall set out clearly and plainly the contents of the guarantee and the particulars necessary for making claims under the guarantee. The trader shall also state clearly and plainly that the consumer's essential rights under the law are not affected by the guarantee. On request by the consumer, the guarantee shall be made available in writing. Written guarantees shall be in Danish.

Invitation to purchase

12 a.-(1) In the case of an invitation to purchase directed at the consumer, the trader shall provide the following information, if not already apparent from the context:

- (i) the main characteristics of the product or service,
- (ii) the address and the identity of the trader,

- (iii) the arrangements for payment, delivery and performance of the contract, to the extent these arrangements depart from normal industry practice,
- (iv) the trader's method of handling complaints, to the extent it departs from normal industry practice,
- (v) the right of withdrawal, cancellation or return, if the consumer has such a right, and
- (vi) the price inclusive of taxes.

(2) Where the nature of the product or service means that the price cannot reasonably be calculated in advance, the manner in which the price is calculated shall be provided. Where appropriate, all additional freight, delivery or postal charges shall be provided or, where these charges cannot reasonably be calculated in advance, it shall be made clear that such additional charges may be payable.

(3) By "invitation to purchase" is meant a commercial communication which indicates characteristics of the product and the price in a way appropriate to the means of the commercial communication used and thereby enables the consumer to make a purchase.

Price information

13.-(1) When products are offered for sale to consumers (this does not include the sale of products by auction), clear information shall be provided by labelling, signing or otherwise as to the overall price of the product, including fees, costs, VAT and all other charges. Taxes or costs which the trader is not obliged to collect directly from the consumers are not covered by the first sentence, but shall be indicated separately. The first and second sentences apply correspondingly where products are offered to consumers by electronic means and may be ordered.

(2) The first and second sentences of subsection (1) apply correspondingly when services are offered for sale to consumers from a fixed establishment, and when such a service is offered to consumers by electronic means and may be ordered. If it is not possible to indicate the overall price of the service, the basis of calculation of this price shall be indicated, if this will make it possible for consumers to calculate the final price themselves. If because of the quantity of services offered it is not possible to indicate the price or basis of calculation of all of them, the price or basis of calculation of a relevant and representative sample shall be indicated.

(3) When information about the price of products or services is provided in advertising or otherwise in marketing material, such information shall comply with the requirements in subsections (1) or (2) and those laid down pursuant to subsection (8). If a manufacturer, importer or wholesaler suggests a price in printed or other advertising or by other means for resale to consumers, it shall be stated explicitly that the price is indicative. The first sentence applies correspondingly to verbal price information.

(4) When a service is performed on a time-and-materials basis, the consumer shall be given an itemised bill from which he can check the price of the products and services included. The consumer shall be given the following information:

- (i) hourly rate,
- (ii) hours billed,
- (iii) materials used, where this affects the price of the service.

(5) The trader may replace all or part of the information specified in subsection (4)(i)-(iii) with other information if this is agreed with the consumer or if this conforms to normal industry practice in the area in question.

(6) The trader shall, in special situations, if the consumer so requests, provide additional information from which the consumer can check the price of the products and services included.

(7) By a fee is understood a payment for a specific service, function or benefit which is linked to the purchase of a product or service and which is not of the nature of a payment for an independent service.

(8) Following negotiation with the minister concerned and representatives of consumers and relevant trade and industry organisations, the Minister for Business and Growth may lay down regulations specifying

- (i) special rules concerning and derogations from subsections (1)-(6), including rules dealing with information in connection with the granting of credit,
- (ii) the procedure for providing price information and the restriction of the quantity of information provided,

- (iii) that the unit price of the product and the use of units for individual product groups must be indicated in the same manner as in subsection (1), and
- (iv) that information indicating the net quantity must appear on pre-packaged retail products.

Purchase on credit

14.-(1) If the products are offered for sale to consumers with information concerning the costs of purchasing them on credit, information shall be provided in the same way as indicated in section 13(1) regarding

- (i) the cash price,
- (ii) the cost of credit stated as an amount, and
- (iii) the annual percentage rate of charge for the credit. The annual percentage rate of charge shall be indicated in at least as prominent a manner as the other credit information.

(2) Part 2 of the Credit Agreements Act is applied to the calculation of the credit costs referred to in subsection (1)(ii) and the annual percentage rate of charge referred to in subsection (1)(iii).

(3) Information as set out in subsection (1) may be provided in the form of a representative example, if this is the only appropriate procedure.

(4) Subsections (1)-(3) apply correspondingly where products are offered to consumers by electronic means and may be ordered.

Credit agreements

14 a.-(1) Any advertising concerning credit agreements which indicates an interest rate or any figures relating to the cost of the credit to the consumer shall include standard information in accordance with subsection (2).

(2) The standard information referred to in subsection (1) shall specify in a clear, concise and prominent way by means of a representative example:

- (i) the borrowing rate, fixed or variable or both, together with particulars of any charges included in the total cost of the credit to the consumer.
- (ii) the total amount of credit.
- (iii) the annual percentage rate of charge, calculated in accordance with the Credit Agreements Act.
- (iv) the duration of the credit agreement.
- (v) in the case of a credit in the form of deferred payment for a specific product or service, the cash price and the amount of any advance payment.
- (vi) the total amount payable by the consumer and the amount of instalments.

(3) Where the conclusion of a contract regarding an ancillary service relating to the credit agreement, in particular insurance, is compulsory in order to obtain the credit or to obtain it on the terms and conditions marketed, and the cost of that service cannot be determined in advance, the obligation to enter into that contract shall also be stated in a clear, concise and prominent way, together with the annual percentage rate of charge.

(4) A credit intermediary must indicate in advertising and documentation intended for consumers the extent of his powers, in particular whether he works exclusively with one or more creditors or as an independent broker.

14 b. The Minister for Business and Growth lays down regulations concerning information on risk in relation to credit agreements.

Fees

15.-(1) If the amount or the charging of a fee, cf. section 13(7), that is not regulated by legislation in an ongoing contractual relationship may be altered to the detriment of the consumer, the conditions for this must be clearly emphasised in the contract.

(2) A reasonable period of notice of change in fees or the charging of new fees in an ongoing contractual relationship must always be given before such fees become binding on the consumer.

(3) If the change in fee is substantial, or a new fee is to be charged, the consumer shall receive individual notice of this before the change takes effect. If the consumer is entitled to terminate the agreement, this must be clear from the notice, as must the conditions under which the consumer may terminate the agreement.

Organised discount

16.-(1) Traders who provide an organised discount in the form of a discount or other special benefit to members of associations or organisations or to specific groups of persons in respect of products or services dealt with by section 13(2) shall indicate, by clear signing at all entrances to their business premises, which groups are to receive the organised discount and the amount thereof.

(2) If so requested, the trader shall provide a list of the products and services included in the organised discount and the amount of the discount.

(3) In the case of distance selling, the information referred to in subsection (1) shall be provided in conjunction with price information, while the information referred to in subsection (2) shall be provided on request.

(4) The provisions in subsections (1)-(3) do not apply to organised discounts given subject to an employment relationship with the discount grantor.

(5) Following negotiation with the minister concerned and representatives of consumers and relevant trade and industry organisations, the Minister for Business and Growth may lay down regulations governing the design and content of the signing and may specify that a service provider not covered by section 13(2) must indicate that he provides an organised discount.

Marking and packaging

17.-(1) Following negotiation with representatives of consumers and relevant trade and industry organisations, the Minister for Business and Growth may lay down provisions to the effect that certain products offered for sale to consumers may be sold or offered for sale only if accompanied by a statement that the product is Danish or foreign, or of its place of manufacture or origin. The Minister may determine in greater detail how the statements in question shall be delivered, and what is to be understood in each case by the product's place of manufacture or origin.

(2) Following negotiation with representatives of consumers and relevant trade and industry organisations, the Minister for Business and Growth may lay down provisions to the effect

- (i) that certain trade names or symbols are reserved for or shall be used for products that fulfil certain more detailed stipulations, and
- (ii) that certain products may be sold or offered for sale only if such products or their packaging are furnished, in a way prescribed in greater detail by the Minister, with information regarding the products' content and composition, shelf life, treatment and other characteristics.

Part 4

Regulations applying to traders

Business identifiers

18. Traders must not use business identifiers and similar devices that do not belong to them, nor use their own business identifiers in a manner likely to cause confusion with those of others.

Trade secrets and technical drawings

19.-(1) An individual who is under contract of service to or working in cooperation with a business or is carrying out an assignment on its behalf must not obtain or try to obtain knowledge of or access to the trade secrets of the business in an improper manner.

(2) If the individual concerned has obtained knowledge of or access to the trade secrets of the business in a lawful manner, he must not (unless authorised) pass on or make use of such secrets. This prohibition is valid for three years after the end of the contract of service, cooperation or assignment.

(3) The rules in subsections (1) and (2) apply correspondingly to other persons who have lawful access to the business.

(4) A person who in the course of work or for another commercial purpose has been entrusted with technical drawings, specifications, formulae, models or the like may not make use of such material or put others in a position to do so without authorisation.

(5) Traders may not make use of a trade secret if knowledge of or access to it has been obtained in conflict with the provisions above.

Part 5

Legal remedies and venue

Legal remedies

20.-(1) Actions in conflict with this Act may be prohibited by judgments. Concurrently with this or subsequently, such orders may be imposed by judgments as may be considered necessary to ensure

- (i) compliance with the prohibition, including through provision that agreements entered into in conflict with a prohibition are invalid, and
- (ii) restitution of the state of affairs existing before the unlawful action, including destruction or recall of products and issue of information or correction of statements.

(2) Actions in conflict with this Act incur liability to pay damages under the general rules of Danish law.

(3) Any person who infringes or exploits unwarrantably another's rights in conflict with this Act shall pay reasonable compensation for this.

(4) If infringement or exploitation of rights in conflict with this Act has taken place neither intentionally nor through negligence, the offender shall pay compensation in accordance with subsection (3) to the extent deemed reasonable.

The Maritime and Commercial Court

21. (Repealed)

Part 6

The activities of the Consumer Ombudsman

The Consumer Ombudsman

22.-(1) It is the responsibility of the Consumer Ombudsman to monitor compliance with this Act and the executive orders issued pursuant to this Act, especially in the interests of consumers.

(2) The Consumer Ombudsman may require the disclosure of all details considered necessary for his activities, including a decision as to whether a matter falls within the purview of the Act. Such disclosure may be required within a short time limit where comparative advertising is concerned or when considered necessary under the circumstances.

(3) The Consumer Ombudsman is appointed by the Minister for Business and Growth for a period of up to six years which may be extended by up to a total of three years. The Consumer Ombudsman may only be reappointed after the expiry of this period following public advertisement. In the event of reappointment, the first sentence is applied correspondingly. The Consumer Ombudsman may be discharged without application only if such discharge is for health reasons, or if the individual concerned is unfit to remain in the post as a result of criminality, misconduct in service or fraud. The appointment ceases automatically at the end of the month in which the individual concerned reaches the age of 70. The Consumer Ombudsman shall fulfil the general conditions for appointment as a judge.

(4) No appeal against the Consumer Ombudsman's rulings under this Act may be brought before another administrative authority.

(5) The Minister for Business and Growth lays down more detailed regulations governing the activities of the Consumer Ombudsman.

(6) The Minister for Business and Growth may lay down regulations specifying that written communication to and from the Consumer Ombudsman concerning matters covered by this Act or by regulations issued pursuant to this Act⁵ must take place digitally.

(7) The Minister for Business and Growth may lay down more detailed regulations governing digital communication, including the use of specific IT systems, particular digital formats and digital signatures etc.

(8) Digital communication is considered to have been received once it is available to its addressee.

(9) The Minister for Business and Growth may lay down regulations permitting the Consumer Ombudsman to issue decisions and other documents pursuant to this Act or pursuant to regulations issued pursuant to this Act without a signature, with a mechanically or similarly reproduced signature, or using a technology that ensures precise identification of the person issuing the decision or document. Such decisions and documents shall rank equally with decisions and documents with a personal signature.

(10) The Minister for Business and Growth may lay down regulations specifying that decisions and other documents made or issued exclusively on the basis of electronic data processing may be issued merely designating the Consumer Ombudsman as the sender.

On-site inspections

22 a.-(1) The Consumer Ombudsman may carry out inspections for the purpose of processing complaints forwarded from enforcement authorities in other EU countries pursuant to Regulation (EC) no. 2006/2004 on consumer protection cooperation, and which concern infringements of directives for which the Consumer Ombudsman has been appointed the competent authority.

(2) The Consumer Ombudsman's inspections may only take place after a court order has been obtained.

(3) Access for inspections involves the Consumer Ombudsman obtaining access to a company's premises and means of transport in order to familiarise himself with and make copies of any information, including marketing materials, accounts and other business records, regardless of the information medium. The Consumer Ombudsman may request oral explanations of the facts in connection with the inspection.

(4) Where a company's information is stored at or processed by an external data processor, the Consumer Ombudsman may obtain access to the external data processor's premises in order to familiarise himself with and make copies of the information, cf. subsection (3). This access assumes that it is not possible for the Consumer Ombudsman to obtain access to the information concerned directly from the company which is the subject of the inspection.

(5) If the company's circumstances mean that it is not possible for the Consumer Ombudsman to obtain access to or make copies of the information on the same day as the inspection is carried out, cf. subsections (3) and (4), the Consumer Ombudsman may seal the relevant business premises and information for up to 72 hours.

(6) Under the same conditions as in subsection (5), the Consumer Ombudsman may remove information in order to copy it. The information removed by the Consumer Ombudsman shall, together with a set of copies of the information which the Consumer Ombudsman has taken for the purpose of a more detailed review, be returned to the company no later than three working days after the inspection.

(7) The police provide assistance in the exercise of powers under subsections (3)-(6). The Minister for Business and Growth may, following negotiation with the Minister for Justice, lay down more detailed rules for this assistance.

(8) Parts 2 and 3 of the Act on Legal Rights in the Event of the Administration's Use of Forced Entry and Disclosure Obligations shall apply to inspections under this provision.

The negotiation principle

23.-(1) The Consumer Ombudsman shall seek by negotiation to influence traders to act in accordance with the principles of good marketing practice and to observe this Act in other respects.

(2) If a trader disregards an undertaking given to the Consumer Ombudsman after negotiation under subsection (1), the Consumer Ombudsman may impose such orders on the trader as may be considered necessary to ensure compliance with the undertaking.

Guidelines

24.-(1) Following negotiation with representatives of consumers and relevant trade and industry organisations, the Consumer Ombudsman will seek to influence the conduct of traders by the preparation and issue of

guidelines for marketing in specified areas that must be considered important, especially in the interests of the consumer.

(2) Notwithstanding subsection (1), the Consumer Ombudsman may not issue guidelines that are directed solely at businesses covered by the Financial Business Act.

Advance indication

25.-(1) On request, the Consumer Ombudsman will give a statement regarding his view of the lawfulness of contemplated marketing arrangements, unless an opinion would be subject to unusual doubt or other special circumstances exist. An advance indication does not amount to an actual opinion of the lawfulness of the arrangement concerned.

(2) Once the Consumer Ombudsman has delivered an advance indication to a trader to the effect that he thinks a contemplated arrangement would be lawful, the Consumer Ombudsman may not interfere on his own initiative with an arrangement covered by the advance indication and implemented within a reasonable time from its delivery.

(3) The Minister for Business and Growth may lay down more detailed regulations concerning advance indication fees.

Part 6 a

The activities of the Danish Competition and Consumer Authority

25 a.-(1) The Danish Competition and Consumer Authority conducts and publishes comparative tests of products and services.

(2) The Danish Competition and Consumer Authority may collect information anonymously in its testing activities.

Part 7

Transferred powers

26. The Minister for Business and Growth may transfer his powers under this Act to an authority under the Ministry. This does not apply to powers under section 22(5). If the Minister for Business and Growth transfers his powers to an authority under the Ministry, he may lay down rules governing right of appeal, including the stipulation that appeals may not be brought before another administrative authority.

Part 8

Legal proceedings, prohibitions, orders and damages

Legal proceedings etc.

27.-(1) Anyone with a legal interest therein may bring a case concerning prohibitions, orders, damages and compensation under section 20. The Consumer Ombudsman may bring a case concerning prohibitions and orders under section 20(1) and, if requested, bring a case concerning damages and compensation.

(2) The Consumer Ombudsman may issue an order if an action is clearly in conflict with this Act and cannot be changed by negotiation.

(3) A party upon whom an order is imposed may require that it be considered by the courts. A request to this effect shall be submitted to the Consumer Ombudsman in writing within four weeks of notification of the party concerned of the order. The Consumer Ombudsman shall bring the case to court under the rules governing civil administration of justice within one week of receiving the request.

(4) A request under subsection (3) has no delaying effect, but the court may find that the party concerned may continue with the action covered by the order while the case is pending.

(5) If a judgment by which an order is found not lawful is appealed, the court that pronounced the judgment or the court to which the case has been brought may decide that the party concerned may not practise the action covered by the order during the appeal case.

(6) If a charge is preferred for infringement of this Act, the prosecution of the charge will be assigned to the Consumer Ombudsman if he so requests.

Duty to provide information on time limitation

27 a. If deemed necessary for protecting consumers against a loss of rights, the Consumer Ombudsman may, following negotiations, issue an order specifying a duty to inform relevant customers about their legal position in relation to time limitation.

Actions for damages

28.-(1) If a majority of consumers have a uniform claim for damages as a result of infringement of the provisions of this Act, the Consumer Ombudsman may, if requested, treat this as a single claim.

(2) The Consumer Ombudsman may be appointed as group representative in a collective action, cf. Part 23 a of the Administration of Justice Act.

Interim prohibitions

29.-(1) Where there is an obvious risk that the purpose of a prohibition as referred to in section 20(1) will be defeated if a court decision must be awaited, the Consumer Ombudsman may issue an interim prohibition. A case to affirm the prohibition shall be brought not later than the next working day. The rules in section 413(1)(ii), section 414, section 430 and section 641(1)-(3) and (5) of the Administration of Justice Act apply correspondingly, and the rules in section 636, section 638 and section 422(3) apply subject to the necessary exemptions.

(2) If a case for affirmation of a prohibition under subsection (1) cannot be decided by judgment within five working days of the case being brought, the court may decide, during preparation of the case and before the expiry of the above time limit, that the prohibition shall continue in force.

Before such decision, the court will, if possible, give the parties the opportunity to express their views. If the prohibition is not affirmed before the expiry of the time limit, it will lapse.

Penalty and prosecution

30.-(1) Non-observance of a prohibition or order imposed by the court or an order imposed by the Consumer Ombudsman under section 23(2) or section 27(2) or section 27 a shall be liable to a fine or imprisonment of up to four months. However, non-observance of an order to repay a payment received does not carry a penalty.

(2) A party who omits to disclose information required under section 22(2) or section 22 a(3), second sentence, or under circumstances covered by this Act gives the Consumer Ombudsman incorrect or misleading information, shall be liable to a fine unless a more severe penalty is prescribed under other legislation.

(3) Infringement of the provisions of section 3(1) and (2), sections 4-6, section 8(2) and (3), section 9, section 12 a(1) and (2), section 13(1)-(4), section 14, section 14 a, section 15(3) and section 16(1)-(4) and deliberate infringement of section 18 shall be liable to a fine unless a more severe penalty is prescribed under other legislation. Infringements of section 3(2) that consist of harmful references to another trader or matters that apply in particular to the party in question, and infringement of section 5 are subject to private prosecution.

(4) Infringement of section 19 shall be liable to a fine or imprisonment of up to eighteen months, unless a more severe penalty is prescribed under section 299 a of the Danish Penal Code. Prosecution will take place only at the request of the injured party.

(5) Regulations issued pursuant to this Act may prescribe penalties in the form of fines for infringement of such regulations.

(6) Companies etc. (legal persons) may be subject to criminal liability under the rules of Part 5 of the Danish Penal Code.

30 a.-(1) The Minister for Business and Growth may, following negotiation with the Minister for Justice, lay down regulations specifying that the Consumer Ombudsman, in specific cases on infringement of this Act or regulations issued pursuant to this Act, indicates in a fine notice that the case may be settled out-of-court if the party in contravention pleads guilty of the infringement and states that he is willing to pay a fine specified in the fine notice within a specified time limit. Such time limit may be extended by the Consumer Ombudsman if requested.

(2) The rules of section 834(1)(ii) and (iii) and 834(2) of the Administration of Justice Act on requirements for the content of an indictment and on suspects not being under any obligation to make statements apply correspondingly to fine notices.

(3) If the fine notice is accepted, any further prosecution will cease. Acceptance of a fine shall have the effect of a judgment.

31. (Omitted)

Part 9

Entry into force etc.

Entry into force

32.-(1) This Act enters into force on 1 July 2006 with the exception of section 9, which enters into force on 1 January 2007.

(2) Except for the derogations referred to in subsection (3), the Marketing Practices Act, cf. Consolidated Act no. 699 of 17 July 2000, and the Price Marking and Display Act, cf. Consolidated Act no. 209 of 28 March 2000, are repealed on 1 July 2006.

(3) In the Marketing Practices Act, cf. Consolidated Act no. 699 of 17 July 2000, sections 6 and 7 and section 22(3) and (6) remain in force until 1 January 2007 as regards infringements of sections 6 and 7. Section 23 of the Marketing Practices Act, cf. Consolidated Act no. 699 of 17 July 2000, as repealed by section 9 of Act no. 554 of 24 June 2005, also remains in force until 1 July 2007.

(4) Regulations issued or maintained pursuant to the Marketing Practices Act, cf. Consolidated Act no. 699 of 17 July 2000, and the Price Marking and Display Act, cf. Consolidated Act no. 209 of 28 March 2000, shall remain in force until they are repealed or superseded by provisions issued pursuant to this Act.

Infringements of these regulations are punishable by fine in accordance with the previous rules.

The Faroe Islands and Greenland

33. This Act does not apply to the Faroe Islands and Greenland.

Act no. 1231 of 18 December 2012 contains the following coming into force provision:

69.

(1) This Act enters into force on 1 January 2013

(2) (Omitted)

Act no. 1387 of 23 December 2012 contains the following coming into force provision:

7.

(1) This Act enters into force on 1 July 2013

(2) (Omitted)

Act no. 378 of 17 April 2013 contains the following coming into force provision:

5.

(1) This Act enters into force on 1 May 2013

The Danish Ministry of Business and Growth, 25 September 2013

HENRIK SASS LARSEN

/ Kenneth Skov Jensen

- (1) This Act contains provisions that implement parts of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council, and Regulation (EC) no. 2006/2004 of the European Parliament and of the Council (“Unfair Commercial Practices Directive”), Official Journal of the European Union 2005, L149/-22, and parts of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (the “Services Directive”), Official Journal of the European Union 2006, L376/36, and parts of Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC, Official Journal of the European Union 2008, L133/66.

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