

ACT No. 474 of 17 June 2008

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The Ministry of Health and Prevention

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Act on securing specific biological substances, delivery systems and related materials

BE IT KNOWN that the Folketing (the Danish Parliament) has enacted and We Margrethe the Second, by the Grace of God, Queen of Denmark, have given Our Royal Assent to the following Act:

Section 1. The Minister of Health and Prevention may lay down rules on possession, production, use, storage, purchase, sale and any other form of transfer, distribution, transport and disposal of biological substances, delivery systems and related materials that are included in the system of export controls specified in the regulation on the European Community system of controls for dual-use items (products and technology), which could be used in association with attacks against people.

Subsection 2. The Minister of Health and Prevention may lay down rules that stipulate that the rules set forth in this Act are also to include other biological substances, delivery systems and related materials that are not included in subsection 1, if the biological substances etc. are considered to be usable in association with biological attacks on people and therefore represent a danger to public safety.

Section 2. The Minister of Health and Prevention may issue the prohibition notices and orders required for compliance with section 5, subsection 4.

Subsection 2. In pursuance of rules set forth in this Act, the Minister of Health and Prevention may lay down rules on notification of prohibition notices and orders.

Section 3. The Minister of Health and Prevention, or the person authorised by the Minister, may obtain from other public authorities the information required to control compliance of the Act and the rules laid down in pursuance hereof. The Minister, or the person authorised by the Minister, may in this connection align and combine data, including personal data, for control purposes.

Section 4. If, under this Act, the Minister of Health and Prevention assigns his power to an authority under the Ministry, the Minister may lay down rules on the right to complain about the authority's decisions, including that no complaints may be brought before any other administrative authority.

Subsection 2. Following consultation with the competent minister, the Minister of Health and Prevention may assign his power to another governmental authority or institution. In this connection, the Minister may lay down rules on the right to complain about these authorities' or

institutions' decisions, including that no complaints may be brought before any other administrative authority, and concerning the authority's or institution's right to resume a case after a complaint has been lodged.

Section 5. The Minister of Health and Prevention, or the person authorised by the Minister, shall at all time, against appropriate proof of identity and without any court order, have access to all private property, premises, records, papers etc., including material stored electronically, to produce data required to solve tasks in accordance with this Act and rules laid down in pursuance of this Act.

Subsection 2. Subsection (1) shall not apply to buildings or parts of buildings used solely for private habitation.

Subsection 3. If required, the police shall provide assistance when performing controls under subsection (1). In consultation with the Minister of Justice, the Minister of Health and Prevention may lay down more detailed rules about this.

Subsection 4. Any person governed by the rules of this Act, or rules laid down in pursuance of this Act, shall at the request of the Minister of Health and Prevention, or the person authorised by the Minister, provide all information, including financial and accounting data required to carry out the control, and shall, free of charge, provide the Minister, or the person authorised by the Minister, with the required assistance in connection with control, sampling, copying and distribution of written material and printouts of data stored electronically.

Subsection 5. The Minister of Health and Prevention, or the person authorised by the Minister, may take samples for examination without payment.

Section 6. In the absence of more severe punishment being prescribed under other legislation, any person who fails to comply with orders notified under section 2 shall be liable to a fine or, if aggravating circumstances exist, imprisonment for up to 2 years.

Subsection 2. Any rules issued by virtue of this Act may stipulate punishment in the form of a fine or, if aggravating circumstances exist, imprisonment for up to 2 years for violation of provisions set forth in the rules.

Subsection 3. Entities etc. (legal entities) may be deemed to bear criminal liability in accordance with the regulations in chapter 5 of the Penal Code.

Section 7. The Act shall come into effect on 1 July 2008.

Section 8. The Act shall not extend to the Faroe Islands or Greenland.

Christiansborg Palace, 17 June 2008

MARGRETHE R.

/ Jakob Axel Nielsen