



E-Handbook on Cross-border Enforcement

OSH for Mobile Workers

DENMARK

Kingdom of Denmark

Committee of Senior Labour Inspectors (SLIC)

Last version adopted at the 83rd SLIC Plenary in Stockholm, 10 May 2023

TABLE OF CONTENTS

FOREWORD	4
DIRECTORY	5
NATIONAL REPORT: DENMARK	10
1. THE LABOUR INSPECTORATE	10
1.1. ORGANISATION OF THE LABOUR INSPECTORATE.....	10
1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION	11
1.3. COMPETENCES OF LABOUR INSPECTORS	11
1.3.1. Occupational Safety and Health (OSH)	11
1.3.2. OSH or Labour Law Matters	14
1.3.3. Labour Law	14
1.3.4. Social Security	15
1.4. INSPECTORS' POWERS	15
1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES	16
2. POSTING OF WORKERS	18
2.1. NATIONAL LEGISLATION	18
2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES	18
2.2.1. Deadline to submit the declaration.....	19
2.2.2. Content of the declaration of posting.....	19
2.3. SOCIAL SECURITY PROCEDURES.....	20
2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS	20
2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS.....	21
3. COOPERATION AND MUTUAL ASSISTANCE	22
3.1. LEGISLATION ON MUTUAL ASSISTANCE.....	22
3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION ..	22
3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES	22
3.4. TOOLS FOR EXCHANGING INFORMATION.....	23
3.4.1. IMI (Internal Market Information System) for Posting of workers...23	
3.4.2. KSS (Knowledge Sharing System)	23
3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE	23
ANNEX E-HANDBOOK (UPDATING 2023)	26
1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the	

road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012	26
1.1. Transposition to National Legislation	26
1.2. Competences of the SLIC Member on road transport	26
2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation.....	26
2.1. Transposition to National Legislation	26
2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation	27
3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.....	27
3.1. Transposition in National Legislation	27
3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive	27
4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS	27
4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?	27
5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS	27
6. COOPERATION WITH ELA	28

FOREWORD

The first version of the E-Handbook on Cross-border Enforcement was published in 2016 and updated in 2019. The last version was published in 2021 in the [Library of the SLIC public site](#) on the EU collaborative platform CIRCABC.

This last version had a format that enhances a better public disclosure of the organisation of the bodies and entities dealing with the inspection of occupational safety and health in EU Member States, as well as in Norway and Switzerland. The purpose of that E-Handbook was to provide labour inspectorates with informative tools to facilitate cooperation and mutual assistance with competent bodies from other countries.

The new working group on Mobile Workers on OSH matters, which replaced the previous working group dedicated to cross-border enforcement, was mandated to update the content of the E-Handbook for several reasons.

First, it was necessary to add new regulations such as the new Directive (EU) 2020/1057 laying down specific rules for posting of drivers in the road transport, a sector which moreover includes aspects related to the enforcement of working time under Directive 2006/22/EC, a matter that is considered a part of OSH legislation in many Member States.

Secondly, it was necessary to enlarge the content of that handbook following the new scope of the working group dedicated to mobile workers. A mobile worker is someone who works in more than one Member State or travels to other Member States as part of his job (posted workers, cross-border workers, seasonal workers, temporary workers, migrant workers...).

Therefore, the handbook should include information on the competence of SLIC Members on legislation about Third Country National workers. This includes Directive 2014/36 on seasonal workers in aspects related to the health and safety conditions such as workers' accommodation and Directive 2009/52 on sanctions. These directives have been explicitly mentioned in the current EU strategic framework on health and safety at work 2021-2027 in a changing world of work.

Moreover, it was necessary to complement some aspects related to the practice of concerted and joint inspections on OSH matters regarding the legal possibility to carry them out in each Member State.

Lastly, the SLIC working group considered that the easiest way to update the existing E-Handbook was to maintain its structure, with the updated information provided by Member States, and to complete it with new items gathered in a specific annex.

Finally, the handbook needed a new title reflecting its purpose and also support to gain more visibility among labour inspectors on the field.

We hope that this document will be a useful tool for national labour inspectorates and beyond, for all organisations involved in OSH matters for mobile workers.

This new updated version was announced to SLIC members at the 82nd Plenary session of 12 October 2022, held under the Czech Presidency.

DIRECTORY

Austria	<p>ARBEITSINSPEKTION</p> <p>Favoritenstraße 7 A-1040 Wien</p> <p>https://www.arbeitsinspektion.gv.at/inspektorat</p>
Belgium	<p>SURVEILLANCE ON WELL-BEING AT WORK and SURVEILLANCE ON SOCIAL LAW</p> <p>Blerotstraat/rue Blerot 1 B-1070 Brussels</p> <p>http://www.employment.belgium.be In Dutch: www.werk.belgie.be In French: www.emploi.belgique.be</p>
Bulgaria	<p>GLI EA (General Labour Inspectorate Executive Agency)</p> <p>http://www.gli.government.bg/en</p>
Croatia	<p>STATE INSPECTORATE</p> <p>Šubićeva 29, 10 000 Zagreb</p> <p>https://dirh.gov.hr/</p>
Cyprus	<p>DEPARTMENT OF LABOUR INSPECTION (DLI) http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR (DL) https://www.mlsi.gov.cy/mlsi/dl/dl.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR RELATIONS (DLR) https://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/home_en/home_en?openform</p>
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NATIONAL REPORT: DENMARK

LABOUR INSPECTORATE	ARBEJDSSTILSYNET THE DANISH WORKING ENVIRONMENT AUTHORITY (DWEA)
OTHER COMPETENT AUTHORITIES	<ul style="list-style-type: none"> • Tax/customs Authority • The police • Social partners

1. THE LABOUR INSPECTORATE

1.1. ORGANISATION OF THE LABOUR INSPECTORATE

The labour inspectorate in Denmark is known as the Danish Working Environment Authority (WEA) (Arbejdstilsynet – AT). WEA is a part of the Ministry of Employment.

The Ministry of Employment is the supreme administrative authority in the field of health and safety at work in Denmark. The Director-General reports directly to the Ministry of Employment.

The Danish Working Environment Authority is the authority that contributes to the creation of safe and sound working conditions at Danish workplaces. This is done by carrying out inspections of companies, drawing up rules on health and safety at work and providing information on health and safety at work.

The Danish Working Environment Authority has, among other things, the authority to issue improvement notices to enterprises that do not comply with the working environment regulation, which must be complied with immediately, e.g. by stopping work in the event of imminent, significant danger, or within a time limit. In the event of serious material breaches of clear and universally familiar areas of working environment regulation, the Danish Working Environment Authority also has the power to impose administrative fines on the employer. The responsibilities of the Danish Working Environment Authority are based on the Danish Working Environment Act and related Executive Orders.

The headquarters of the Danish Working Environment Authority are located in Copenhagen. Two of the four centres are located in Copenhagen: Working Environment Advisory Centre and Inspection Centre East.

The inspection of enterprises is integrated into three regional Inspection Centres - Inspection Centre East (Zealand), Inspection Centre South (Funen and South Jutland) and Inspection Centre North (North Jutland) - each with approximately 130-160 employees. The Danish Working Environment Authority has approximately 600 employees.

1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION

A single legislative act for health and safety at work, the Working Environment Act, applies to all sectors of industry, but in certain sectors its enforcement lays with other government departments.

- Inspection of health and safety on seagoing ships lies with the Danish Maritime Authority under the Ministry of Industry, Business and Financial Affairs,
- Aviation falls under the responsibility of the Danish Transport, Construction and Housing Authority under the Ministry of Transport, Building and Housing,
- The Ministry of Employment has an agreement with the Institute of Radiation Hygiene, a part of the Department of Health, to monitor the use of ionising and non-ionising radiation at work.
- Responsibility for general fire matters at workplaces falls to the local fire authorities.

Apart from the above exceptions, the WEA has responsibility for inspection of health and safety in all sectors of industry, including the loading and off-loading of ships in dock and flights on ground and health and safety on off-shore installations.

The inspectors of WEA inspect enterprises representing both the private and the public sector.

Figure N° 1: International Conventions on Labour Inspection ratified

CONVENTION	RATIFIED	NOT RATIFIED
ILO Convention 81 on Labour Inspection in Industry and Commerce	X	
ILO Convention 129 on Labour Inspection in Agriculture	X	
Maritime Labour Convention 2006	X	
ILO Convention 187 on Promotional Framework for Occupational Safety and Health	X	

1.3. COMPETENCES OF LABOUR INSPECTORS

1.3.1. Occupational Safety and Health (OSH)

The WEA conduct the following inspections related to the Framework directive and the specific directives under the Framework directive.

Figure N° 2: Map of competence on Occupational Safety and Health

MATTERS	COMPETENCE OF THE LABOUR INSPECTORATE	OTHER PUBLIC BODIES WITH COMPETENCE
OSH, in general terms	Yes	
Occupational Safety, in general terms	Yes	
Occupational Health, in general terms	Yes	Occupational medicine clinics
Work-related accidents	Yes	<p>National Board of Industrial Injuries in Denmark (NBIID)</p> <p>General Practitioners</p> <p>The notification of accidents is done to NBIID.</p> <p>GP's may notify accidents or work-related diseases</p>
Trade of Machines and Equipments	No	<p>As of 1st of December 2018 the DWEA is no longer responsible for market surveillance of machinery, pressure equipment or other products covered by EU legislation.</p> <p>Market surveillance according to Regulation 765 are gathered at the Danish Safety Technology Authority in the future. As an exemption, the DWEA will continue to enforce the directives on offshore oil and gas platforms.</p> <p>The DWEA will continue to carry out labour inspections on the use of work equipment. The DWEA will also continue to enforce the Machinery Directive related to machinery manufactured by companies for their own use.</p>

Radiations	Yes	Danish Health and Medicine Authority
Explosives	DWEA	
Mines		Not relevant in Denmark
Vessels	No	Danish Maritime Authority
Retail sector	Yes	
Horecca	Yes	
Agriculture	Yes	
Construction industry	Yes	
Aviation	No	Danish Transport Authority
Railway	Yes	
Road Transport	Yes	As for driving and resting periods it is the Danish Road Safety Agency
REACH	No	Danish Environmental Protection Agency
Self Employed	Yes to some extend	<p>The Danish Working Environment Act encompasses work for an employer. However, exception is made for</p> <ul style="list-style-type: none"> • work in the private household of the employer, • work exclusively performed by the family of the employer, who belong to his household, and • work performed by the military and which can be included under actual military service. <p>However, certain provisions in the Working Environment Act (the extended area) also apply</p>

		to the exceptions listed above as well as for work that is not performed for an employer, i.e. self-employed. This includes rules about performing work, technical equipment, and substances and materials
Police	Yes	
Civil Servants	Yes	
Military personnel and premises	Yes	
Penitentiaries	Yes	
Customs	Yes	

1.3.2. OSH or Labour Law Matters

Figure N° 3: Map of competences in matters which could be considered within OSH or Labour Law

MATTERS	Yes	No
Working hours	X	
Bullying and harassment	X	
Third Party Violence	X	

With regard to working hours, WEA only deals with resting time and periods.

1.3.3. Labour Law

Figure N° 4: Map of competences on Labour Law matters

MATTERS	Yes	No	COMMENTS
Salaries		X	
Equal Treatment		X	
Labour rights		X	
Foreign workers		X	
Others, specify			

1.3.4. Social Security

Figure N° 5 Map of competences on Social Security Matters

MATTERS	Yes	No	COMMENTS
Affiliation of workers (REGISTER)		X	
Contributions to Social Security System		X	
Social Security benefits		X	
Private pension funds		X	
Others, specify			

1.4. INSPECTORS' POWERS

Figure N° 6: Map of Inspectors' powers

POWERS	Yes	No	COMMENTS
Visit workplaces	X		
Request for documents	X		
Summon employers to the Inspection Office		X	
Recommendations / Assistance	X		The enterprise can obtain guidance if there are working environment conditions at the enterprise that need adjustment but where the WEA does not find that there is basis for making a decision. The guidance mainly takes place by the inspector referring to the printed guidance material of the WEA and verbally in connection with an inspection. Guidelines are not legally binding to the enterprises but merely information about the working environment regulations or recommendations as to how a specific working environment problem can be improved.

Injunction / Improvement notice	X		<p>The WEA has, among other things, the authority to issue improvement notices to enterprises to that do not comply with the working environment regulation, which must be complied with immediately, e.g. by stopping work in the event of imminent, significant danger, or within a time limit.</p> <p>In the event of serious material breaches of clear and universally familiar areas of working environment regulation, the WEA also has the power to impose administrative fines on the employer.</p>
Initiate an administrative punishment procedure		X	
Initiate a judicial punishment procedures	X		Via the police
Imposing fines	X		
Stoppage / Prohibition Notice	X		
Notify offences to the Public Prosecutor or the Judge		X	
Others			

1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES

Figure N° 7: Cooperation mechanisms with other national public bodies

BODIES	Yes	No	COMMENTS
Tax Authorities	X		In case of possible posting of

			workers
Social Security bodies	X		
Police	X		<ul style="list-style-type: none"> - In case of violations against the Working Environment Act that may lead to criminal punishment (fine) - In case of possible posting of workers
Public Prosecutor	X		Regarding the level of criminal punishment (fine)
Others	Danish Environmental Protection Agency Danish Health and Medicines Authority Danish Maritime Authority Danish Energy Agency Danish Transport Authority ...		

2. POSTING OF WORKERS

2.1. NATIONAL LEGISLATION

The legal disposition that transposes Directive 96/71/EC, of the European Parliament and of the Council, of 16 December 1996, concerning the posting of workers in the framework of the provision of services, is the Act No. 2566 of 13. December 2021 with later amendments concerning posting of workers.

Directive 2014/67 was transposed by

- Publication of the Act on the posting of workers, etc. in the title field.
- Order of the Act on the recovery of debts to the public.
- Act amending the Act on the posting of workers, etc., the Act on the Labour Court and professional arbitration tribunals and the Act on Arbejdsmarkedets Tillægspension (Arbejdsmarkedets Tillægspension).
- Act on the Labour Market Fund for Posted Workers.
- Order on administrative cooperation on enforcement of the posting rules
- Executive Order on the Authority's examination of the actual establishment of foreign companies.

Figure N° 8: EU Directives on posting of workers implemented

DIRECTIVE	Yes	No	DATE
Directive 96/71	X		1999
Directive 2014/67	X		2016
Directive 2018/957		X	

2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES

In the Kingdom of Denmark European posting companies have to notify posting except when an undertaking shall not disclose information according to subsection 7a) if:

- a) The duration of the work task/service does not exceed 8 days,
- b) The work task/service is part of the delivery of a technical plant or technical installation, and
- c) The posted worker or the independent service provider cf. subsection 7a (2) is specialized or qualified to assemble, install, inspect, repair or inform about a technical plant or a technical installation in Denmark.

On the other hand, if the posting is cover by one of the following situations, see: Undtagelser fra anmeldelsespligten til Registret for Udenlandske Tjenesteydere (RUT) (Kortvarige udstationeringer). Arbejdstilsynets bekendtgørelse nr. 1517 - 16. december 2010 (Danish)

Documentation declaring posting of workers are notified in a database is available to Labour Inspectors.

2.2.1. Deadline to submit the declaration

Notification must be disclosed no later than at the time of commencement of the service

2.2.2. Content of the declaration of posting

Figure N° 9: Content of the posting declaration

COMPANY DATA		
	YES	NO
Identity of Service Provider	X	
Representative of the company in your country	X	
A person designated for acting as a representative into collective bargaining within the host Member State		X
Activity	X	
Authorization in the sending MS		X
If it is a Temporary Work Agency or not		X
Identity Tax Number		X ¹

WORKERS DATA		
	YES	NO
Number of workers	X	
Name of workers	X	
Nationality	X	
Age	X	
Role		X ²

POSTING DATA		
	YES	NO
Envisaged beginning	X	
End date of the posting	X	

¹ A VAT number has to be declared if possible.

² Except that a contact person for the company must be appointed.

Anticipated Duration	X	
Address(es) of the workplace	X	
Nature of the services justifying the posting		X
Contractor	X ³	

LABOUR CONDITIONS		
	YES	NO
Working hours		X
Salaries		X
Collective accommodation		X
Use of dangerous agents		X
Prevention services		X

2.3. SOCIAL SECURITY PROCEDURES

Udbetaling Danmark issues A1 forms.

Figure N° 10: Position of the Labour Inspectorate with regard to A1 forms

	Yes	No
Access to A1 forms delivered by national authorities		X
The Labour Inspectorate is consulted about the approval of A1 forms by competent institutions		X
Access to A1 forms delivered by other Member States		X ¹

2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS

In the Kingdom of Denmark, the Labour Inspectorate receives immediately and effectively notifications of work related accidents suffered by posted workers when the police have been summoned.

An industrial injury (accidents at work and occupational diseases) must be reported to the Labour Market Insurance. These reports are available to the Labour Inspectorate.

³ The name of the Danish contractor has to be declared unless he/she is a private person.

¹ Posting companies can upload A1 forms when the posting is notified. If they do so the A1 form will be available to the labour inspectors

2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS

Figure N° 11: Authorities involved in posting of workers

	Yes	No
Labour authorities	X	
OSH authorities	X	
Customs authorities	X	
Tax authorities	X	
Others	Police and the social partners	

3. COOPERATION AND MUTUAL ASSISTANCE

3.1. LEGISLATION ON MUTUAL ASSISTANCE

Figure N° 12: Legislation and International Conventions signed and ratified

	RATIFIED / IMPLEMENTED	APPLICABLE TO L.I.	COMMENTS
Legislation on Mutual Assistance implementing Dir. 96/71 and Dir. 2014/67	Yes	Yes	Act No. 2566 of 13. December 2021 with later amendments concerning posting of workers (Implementation of Directive 96/71)
European Convention in Criminal Matters	Yes	Yes	
Convention 094 Council of Europe	No		
Others			

3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION

Danish Labour Inspectorate has one specific bilateral agreement on labour inspection.

Figure N° 13: Bilateral Agreements signed

COUNTRIES	DATE
Poland	2017

3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES

Figure N° 14: Exchange of information from other Labour Inspectorates

MATTERS	YES	YES But subjected to previous Protection Data Authorities supervision or approval	NO	COMMENTS
Does current regulation in your country allow providing	X			

information directly to other Labour Inspectorates?				
Does current regulation in your country allow receiving information directly from other Labour Inspectorates?	X			

3.4. TOOLS FOR EXCHANGING INFORMATION

3.4.1. IMI (Internal Market Information System) for Posting of workers

Figure N° 15: Liaison office of the Labour Inspectorate in IMI

	Yes	No
Use of IMI by the Labour Inspectorate	X	
In affirmative case, specify the liaison offices	Central Authority Ms. Dorte Harning – e-mail contact: doh@at.dk	

3.4.2. KSS (Knowledge Sharing System)

The Danish Work Environment Authority usually participates in KSS System.
Contact e-mail: Ms. Inge Marie Edelskov - Kss.coordinator@at.dk

3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE

Figure N° 16: Nature of fines

	Yes	No
Penal or criminal fines	X	The DWEA can give administrative fines, but if the company does not accept to pay the fine, the case has to be decided by the criminal court.
Administrative fines		X
Others		

Figure N° 17: Execution time of fines

	Yes	No
After the first judgement of the courts		X
After the final judgement of the courts		X
After the first administrative decision	X	
After the binding administrative decision		X
Others		

Figure N° 18: Nature of Courts where fines can be appealed

	Yes	No
Penal/Criminal courts	X	
Labour/Civil courts	X	
Courts for administrative affairs		X
Others		

Figure N° 19: Authorities with competence to collect fines

	Yes	No	Comments
Labour Inspection Authorities		X	
Labour/Government Authorities		X	
Tax/Customs Authorities	X		Only Tax/Customs Authorities have the rights to instigate proceeding against a party who does not pay a fine to collect the fine. If the party acknowledges that money should be paid and no further proceedings are necessary, the fine is to be paid to either the DWEA, government authorities (the police) or the courts.
Courts		X	
Others			

Figure N° 20: Legal framework to collect fines imposed by authorities from other Member States

	YES	IF YES, is it applicable to Labour Inspectorate proceedings?	NO Authorities supervision or approval	COMMENTS
Framework Decision 2005/214	X	Yes		Implemented Entry into force of legislation : 1 January 2005
Directive 2014/67 on administrative fines	X	Yes		Order on administrative cooperation on enforcement of the posting rules
International or Bilateral Conventions			X	
Other National Rules				

ANNEX E-HANDBOOK (UPDATING 2023)

SLIC MEMBER: Ms Lotte Manniche Groth-Andersen / alternate: Ms Annemarie KNUDSEN

MEMBER STATE: DENMARK

1. **About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012**

1.1. Transposition to National Legislation

Transposition		National Law or Regulations	Date
Yes	No		

1.2. Competences of the SLIC Member on road transport

LEGISLATION	COMPETENCE		COMMENTS
Regulations 1071/09, 1072/09 and 1073/09 on road transport activity		No	
Regulation 561/06 on driving time		No	
Directive 2006/22 on social legislation in road transport		No	
Article 1 of Directive 2020/1057 on posting of workers on road transport		No	

2. **About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation**

2.1. Transposition to National Legislation

Transposition	National Law, Regulations or Collective Agreements	Date

Yes	No		
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2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation

COMPETENCE	COMMENTS
No	

3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

3.1. Transposition in National Legislation

Transposition		National Law or Regulations	Date
Yes	No		

3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive

COMPETENCE	COMMENTS
No	

4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS

4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?

Yes, by legal rules	
Yes, by bilateral agreements	
No	X

5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS

e.g.: website, flyers, documents...

6. COOPERATION WITH ELA

National liaison officer: Sidse Clemmensen

Any useful information to provide regarding participation in working groups,