

Translation: Only the Danish version has legal validity.

*Act no. 268 of 25 March 2014
issued by the Ministry of Economic and Business Affairs*

**Act amending the act on financial activities and various other acts¹⁾
(extract)**

(...)

Section 9

In the act on a ship finance institute (*lov om et skibsfinansieringsinstitut*), cf. consolidated act no. 886 of 8 August 2011, as amended by section 41 of act no. 1231 of 18 December 2012 and section 10 of act no. 1287 of 19 December 2012, the following amendments are made:

1. *Section 2d(1)* shall be as follows:

“The institute may finance loans against security in the types of assets listed in article 129(1)(a)-(c) and (g) and (2) of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms when issuing especially covered bonds. When issuing especially covered bonds against loans secured by mortgage in ships, registration shall be made in the Danish Register of Shipping, the Danish International Register of Shipping or in another internationally recognized register of shipping providing similar security. The institute may also finance construction loans for use when financing new-buildings or alterations of ships which are provided without any mortgage in a ship, but against security in the types of assets listed in the first sentence.”

2. In *section 2d(2)*, “at any time” shall be deleted in two places, and “at least” shall be deleted.

3. In *section 2i(1)*, the first sentence, “at least” and “immediately” shall be deleted.

4. In *section 2i(1)*, the second sentence and *section 2j(3)*, the first sentence, “section 152c (1) (ii)-(vii) of the act on financial activities (*lov om finansiel virksomhed*)” shall be amended to “article 129(1)(a)-(c) and (2) of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms”.

5. *Section 2i(1)*, the third sentence, shall be repealed.

1) This act contains provisions implementing parts of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, Official Journal 2013, no. L 176, page 338. The act contains certain provisions from Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms, Official Journal 2013, no. L 176, page 1. According to article 288 of the TFEU, a regulation is immediately applicable in every Member State. The reproduction of certain provisions

6. *Section 5(1) and (2)* shall be as follows:

“The Minister of Business and Growth may lay down regulations on

- 1) the ethics of the profession and best practice as well as price information,
- 2) ownership, management, direction and arrangement of the business, including a reporting scheme on contraventions or potential contraventions of the financial regulation, and remuneration,
- 3) the disclosure of confidential information,
- 4) securities, valuation, credit limits, repayment terms and fleet mortgage,
- 5) capital structure, solvency and conditions related to groups of businesses,
- 6) the placing of means and liquidity,
- 7) accounting and auditing,
- 8) capital centres,
- 9) mergers, closing down and crisis management, and
- 10) reporting.

Subsection 2. The Minister of Business and Growth may determine that the provisions of the act on financial activities (*lov om finansiel virksomhed*), the act on mortgage loans and mortgage bonds, etc. (*lov om realkreditlån og realkreditobligationer m.v.*) and Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and regulations laid down pursuant to these acts and the regulation shall apply similarly to the institute as regards the conditions mentioned in subsection 1(i)-(x).”

7. In *section 5(3)(v)*, “cf. section 152c(1)” shall be amended to “cf. section 2d(1).

8. *Sections 7 and 8* shall be repealed.

9. In *section 10*, the first and second sentences, “subsequent” shall be deleted.

10. In *section 11(1)*, “A limited company, cf. section 7(1) or section 10,” shall be amended to “The institute or a limited company, cf. section 10,”.

11. In *section 12(1)*, “a limited company, cf. section 7(1) or section 10,” shall be amended to “the institute or a limited company, cf. section 10,”.

12. *Section 13* shall be as follows:

“**Section 13.** The purpose of the Danish Maritime Fund shall correspond to the dissolution purposes of the Danish Ship Finance Fund.

Subsection 2. In case of the dissolution of the Danish Maritime Fund, the liquidation surplus shall be distributed in accordance with the dissolution purposes of the Danish Ship Finance Fund.

Subsection 3. The Danish Maritime Fund shall be managed by a board of directors of at least five members, one of whom shall be appointed by the Minister of Business and Growth. The other members shall be appointed by the maritime industries.

in the regulation is thus exclusively based on practical considerations and does not affect the immediate applicability of the regulation in Denmark.

Subsection 4. The Danish Business Authority is the Danish Maritime Fund's supervisory authority.”

(...)

Section 22

Subsection 1. This act shall enter into force on 31 March 2014, cf. however subsections 2-6.

(...)

Section 24

Subsection 1. Sections 1-17 and 19-21 shall not apply to the Faroe Islands, but sections 1, 2, 4, 6-9, 11-13 and 21 may by royal decree be put into force in part or full for the Faroe Islands with the amendments deriving from the Faroese conditions.

Subsection 2. Sections 1, 2, 4-17 and 19-21 shall not apply to Greenland, but sections 1, 2, 4-13, 17 and 21 may by royal decree be put into force in part or full for Greenland with the amendments deriving from the Greenland conditions.

Amalienborg, 25 March 2014

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