

Danish Directorate of Fisheries

Nyropsgade 30
DK-1780 Copenhagen V
Denmark
Tel. +45 72 18 56 00

Guidelines to follow when applying for authorisation for first sale of fish (including public fish auction)

These guidelines apply to applications for authorisation to carry out a self-employed economic activity involving first sale of fish (including public fish auction). The guidelines should be read before completing the application form.

Legal basis

The rules on authorisation in connection with first sale of fish can be found in the Fisheries Act, cf. Consolidation Act no. 978 of 26 September 2008, and associated executive orders.

The rules should be read before completing the application form.

Who has to apply for authorisation

Individuals, enterprises or companies (legal persons) who wish to undertake first sale of fish.

Carrying out a self-employed economic activity involving first sale of fish without authorisation is not allowed; nor may fish be sold or delivered to individuals, enterprises or companies which, although obliged to hold such authorisation, have not been granted it.

For the purposes of these rules “first sale of fish” means all forms of selling, storage, transport, processing, acquisition, receipt, transfer and importing of fish in Denmark and trade in and exporting of fish which takes place in Denmark, on first receipt, handling or marketing immediately after catching or rearing.

If an application is made for authorisation to hold a public fish auction, the applicant must state whether the natural or legal person concerned already carries out economic activity related to the fisheries sector.

How to submit the application for authorisation

The application for authorisation and any supporting documentation required should be sent to the Danish Directorate of Fisheries, Nyropsgade 30, DK-1780 Copenhagen V, Denmark. It can also be sent through this portal.

Application form

The application should be used regardless of whether the enterprise is operated as a sole proprietorship or in the form of a company as a general partnership, limited partnership, public

limited company, private limited company, cooperative society or similar.

Authorisation

The Danish Directorate of Fisheries grants authorisation for the first sale of fish if it is judged that the applicant fulfils the conditions laid down by fisheries legislation.

The granting and upholding of the authorisation is subject to compliance with the rules relating to the first sale of fish as well as the rules, conditions and orders established under rules which are important for the enterprise obliged to hold authorisation.

The letter of authorisation must be kept by the holder of the authorisation and must be presented upon request. The letter of authorisation will make clear any associated conditions.

Refusal of application

Authorisation will be refused if the necessary information, cf. the application form, cannot be obtained, and if the applicant fails to fulfil the conditions in other respects.

As a general rule, an applicant, including partners, Board members and executive management and/or managers, must not have been found guilty of any criminal offence in the preceding five years which may give reasonable cause to assume that the individual concerned will not carry out their economic activity in a reasonable manner.

The applicant must therefore, in conjunction with the application, sign a declaration detailing any infringement of the Penal Code and a number of other relevant special laws by the person concerned. Infringements of fisheries legislation are not covered by the declaration, as the Danish Directorate of Fisheries by virtue of its own records of cases, judgments etc. already has a sufficient basis for the casework.

Refusal of authorisation, lapse of authorisation and revocation of authorisation

The Danish Directorate of Fisheries may refuse authorisation, decide that the authorisation will lapse or revoke the authorisation.

Derogation

The Danish Directorate of Fisheries may in some cases allow derogations from the rules on first sale of fish. Applications for derogation must be justified, and any required documentation must be attached to the application.

Managers

If day-to-day operation is dealt with by a manager, this person must be approved by the Danish Directorate of Fisheries. A *special application form* is attached for this purpose. There must be at least one approved manager for companies. The application form (with declaration) should be sent to the Danish Directorate of Fisheries together with the application for authorisation.

If approval is sought for a manager for a public fish auction, it must be specified at the same time whether the manager also carries out economic activity related to the fisheries sector.

Required documentation and declarations

The following documents must be attached to the application for authorisation for first sale of fish for it to be considered complete:

1) Signed declaration

The requirement applies to the applicant for authorisation, partners in a company, where the partners are personally liable, directors in a public or private limited company, members of the Board, holders of controlling interests and to a manager, where applicable (see above). Photocopies of the declaration form may be signed.

The declaration is divided into three items. *Item 3* is *only* for applications for authorisation to hold a *public fish auction* where the applicant is *personally liable*, i.e. is a partner in a sole proprietorship, a general partnership or a limited partnership. This item can therefore be deleted by other applicants.

2) Articles of association, memoranda of association, etc.

The requirement to send articles of association etc. with the application applies to enterprises with several partners. In the case of a general partnership, for example, a general partnership contract must be provided. For public limited companies etc. the company's registered articles of association should be provided. If the company is in the process of formation, supporting documentation attested by a lawyer or auditor should be provided.

3) Certificate from the Danish Commerce and Companies Agency

This requirement applies to public and private limited companies. There must be at least certification of notification of the company. If the company is registered, certification of registration should also be submitted. The registration of companies can be completed through this website.

4) Certification from the Danish Immigration Service

If the applicant is not a national of an EU or EEA Member State, a copy of the applicant's residence or work permit must be provided.

5) Supplementary documentation and declarations required

If a holder of a controlling interest in the company which is applying for authorisation is a legal person, articles of association and, where appropriate, rules of procedure for the holder of the controlling interest must be provided. The name, address and nationality of the management of the legal person must also be stated. The Danish Directorate of Fisheries will assess whether there is a need for further documentation on the basis of the information submitted.

Amended information and notification requirement should there be a change in circumstances at a later date

The Danish Directorate of Fisheries must be informed immediately by the authorisation holder if the information provided on the application form is no longer correct and the basis on which authorisation has been granted has thus changed.

Amended information may lead to requirements for new documentation, for example if there are changes to the Board and executive management of an enterprise.