

Executive order number 98 26/01/2023

Order on notification and registration of digital standard bookkeeping systems

Pursuant to section 20 (4), in Act No. 700 of 24 May 2022 on bookkeeping it is stipulated:

Chapter 1

Scope and Definitions

Section 1. This executive order applies to digital standard bookkeeping systems that are covered by section 1 of Executive Order no. 97 of 26 January 2023 on requirements for digital standard bookkeeping systems.

Section 2. In this executive order, a digital bookkeeping system is understood as a digital service or software that contains functions by which companies can record transactions and store the recorded transactions and receipts covered by section 3 of Executive Order no. 97 of 26 January 2023 on requirements for digital standard bookkeeping systems or at least a full backup copy thereof on a server with a provider or other third party.

Subsection 2. In this executive order, "cloud-based digital bookkeeping systems" is understood as bookkeeping systems that are offered as a service on the internet and where the company records transactions as well as stores recorded transactions and receipts on a server with the provider of the system or with its cloud supplier.

Subsection 3. In this executive order, "hybrid digital bookkeeping systems" is understood as bookkeeping systems that are installed locally in a company and where full backups of the recorded transactions and receipts are performed automatically and on an ongoing basis and stored with a third party.

Subsection 4. In this executive order, a standard system is understood as cloud-based digital bookkeeping systems and hybrid digital bookkeeping systems that are offered on uniform terms to an undefined group of companies.

Subsection 5. In this executive order, transactions are understood as registrations covered by section 7 (1), in the Danish Bookkeeping Act.

Chapter 2

General provisions

Language requirements

Section 3. The information registered in the Danish Business Authority's list of registered digital standard bookkeeping systems must be in Danish.

Subsection 2. Notification, deregistration and changes to registrations covered by this executive order as well as the documents attached hereto must be in Danish, Norwegian, Swedish or English.

Subsection 3. The Danish Business Authority can request a translation into Danish of documents attached to a notification if these contain many trade or technical terms.

Registration certificate

Section 4. When the registration of the notified digital standard bookkeeping system has been completed, the Danish Business Authority sends confirmation of the registration and a printout of the registered information (certificate of registration) to the notifier.

Subsection 2. The provider of the digital standard bookkeeping system must clearly refer to the registration number when marketing the bookkeeping system and when entering into an agreement on the use of the system.

Public access

Section 5. Registered digital standard bookkeeping systems are published in a list on the Danish Business Authority's website (www.erst.dk) with information about the name and registration number of the bookkeeping system as well as the name, address and Danish Business Registration number (CVR number) or foreign registration number of the provider of the bookkeeping system.

Section 6. Information and documents that the Danish Business Authority receives in connection with the notification are publicly available. However, this does not apply to information or documents that are exempt from public disclosure under the Public Records Act or the Public Administration Act.

Notification after deletion

Section 7. A provider that wants to resume marketing a digital standard bookkeeping system which, pursuant to section 29 (1) of the Danish Bookkeeping Act, is deleted from the list of registered digital standard bookkeeping systems, must notify the bookkeeping system again to the Danish Business Authority pursuant to the rules in this executive order.

Chapter 3

Notification of standard digital bookkeeping systems

Section 8. Notification of a digital standard bookkeeping system must, as a minimum, contain the following information:

- 1) Name and Danish Business Registration number (CVR number) or foreign registration number of the provider of the bookkeeping system.
- 2) Provider's address and email.
- 3) Name of contact person at the provider.
- 4) Name of the bookkeeping system.
- 5) Specification of whether the bookkeeping system is a cloud-based or a hybrid bookkeeping system, cf. section 2 (2) and (3).
- 6) Specification of whether the bookkeeping system contains modules or extensions covered by Section 1 (2) and (3) in Executive Order no. 97 of 26 January 2023 on requirements for digital standard bookkeeping systems.
- 7) Name and Danish Business Registration number (CVR number) or foreign registration number of the company that stores registrations and receipts or a backup copy thereof.

Subsection 2. The notification must be accompanied by the following documents:

- 1) Description of how the provider assesses that the bookkeeping system meets the requirements of section 15 of the Danish Bookkeeping Act and in Executive Order no. 97 of 26 January 2023 on requirements for digital standard bookkeeping systems.
- 2) Description of how modules or extensions, cf. Section 8 (1), no. 6, meet relevant requirements in Executive Order no. 97 of 26 January 2023 on requirements for digital standard bookkeeping systems.
- 3) Description of how the bookkeeping system meets the requirements in Section 9 if this is relevant for the digital standard bookkeeping system in question.
- 4) The provider's data processing agreement, cf. Art. 28 (3), of the General Data Protection Regulation.
- 5) The provider's agreement with a third party that stores recorded transactions and receipts or that stores a backup copy thereof in hybrid digital standard bookkeeping systems.

Subsection 3. If the Danish Business Authority so requests, the provider must send a temporary password to the notified bookkeeping system. The password must give the authority the ability to register as a trial user in order to test whether the system's functionality meets the requirements pursuant to the section 15 of the Danish Bookkeeping Act and rules issued in pursuance thereof. The password must be kept active until the provider has received a registration certificate in accordance with section 4.

Section 9. In order to be registered, a digital standard bookkeeping system must have a name or designation that clearly distinguishes it from any other bookkeeping systems marketed by the same provider and which are not registered.

Subsection 2. If the digital standard bookkeeping system gives a company the ability to opt for a third party's systems which are not part of the bookkeeping system, pursuant to the agreement with the supplier, the system must clearly indicate that such systems are not covered by the registered bookkeeping system.

Section 10. For notification of the digital standard bookkeeping system, the provider must use the digital form for notification of digital standard bookkeeping systems at www.virk.dk or use a link to www.virk.dk, which can be found on the Danish Business Authority's website (www.erst.dk). The form must be submitted digitally to the Danish Business Authority.

Subsection 2 Annexes to the notification that cannot be sent digitally can instead be sent physically to the Danish Business Authority. It must be stated in the digitally sent notification form that annexes have been sent physically.

Section 11. If the notification does not contain the necessary information and the required documentation, the notifier is given a deadline to send additional information or documentation. If the notifier does not comply with the request within the deadline, the Danish Business Authority can reject the notification.

Chapter 4

Checking the notification

Section 12. On the basis of the notification of the digital standard bookkeeping system, the Danish Business Authority checks that the notified bookkeeping system meet the requirements according to section 15 of the Danish Bookkeeping Act and regulations issued in pursuance thereof.

Subsection 2. The notifier has the duty to notify the Danish Business Authority of all information and to make available documentation that is necessary to undertake the check, pursuant to subsection 1.

Section 13. When assessing whether a digital standard bookkeeping system meets the requirements in section 8 (1-5) in Executive Order no. 97 of 26 January 2023 on requirements for digital standard bookkeeping systems, the Danish Business Authority may require the necessary documentation that the bookkeeping system has a high level of IT security, including that the security level is based on a risk assessment, in accordance with section 8 (2) of the executive order. Point 1 does not apply to auditors' statements or certifications pursuant to subsection 2.

Subsection 2. If a statement is available from an approved auditor about IT security, in accordance with ISAE 3402 or ISAE 3000, or if the system in question is covered by an IT security certification according to ISO/IEC 27001, the system must be considered to meet the requirements for IT security pursuant to section 8 (1–4) in Executive Order no. 97 of 26 January 2023 on requirements for digital standard bookkeeping systems. The Danish Business Authority can also place emphasis on other forms of declarations from an approved auditor or certifications according to other standards or on a label according to a labelling scheme, e.g. the D-seal.

Subsection 3. If there are no declarations or certifications as mentioned in subsection 2, the Danish Business Authority will obtain the necessary documentation from the provider concerning how it has ensured a high level of IT security.

Section 14. If a digital standard bookkeeping system that has been notified to the Danish Business Authority meets the requirements according to section 15 (1) in the Danish Bookkeeping Act and rules issued in pursuance thereof, the Danish Business Authority will issue a registration certificate pursuant to section 4.

Subsection 2 If a digital standard bookkeeping system notified to the Danish Business Authority does not meet the requirements pursuant to Section 15 (1) of the Danish Bookkeeping Act and the rules issued in pursuance thereof, the Authority will set a deadline for the notification to be rectified. Registration can only take place once the notification has been rectified and all requirements met.

Chapter 5

Changes in registered conditions and deregistration of registered digital standard bookkeeping systems

Section 15. Changes to registered information about the digital standard bookkeeping system or the provider, in accordance with section 5, must be notified to the Danish Business Authority as soon as possible and documentation for the change must be attached.

Section 16. Changes to the digital standard bookkeeping system after registration do not have to be reported to the Danish Business Authority. In accordance with section 20 (2) of the Danish Bookkeeping Act, the registered provider has the duty to ensure that the system continuously meets the requirements pursuant to the section 15 of the Danish Bookkeeping Act and regulations issued in pursuance thereof.

Section 17. If a provider of a digital standard bookkeeping system which is registered in accordance with the rules in this executive order no longer wishes to market this, the provider must deregister the bookkeeping system from the Danish Business Authority as soon as possible.

Section 18. When notifying changes pursuant to section 15 and de-registering pursuant to section 17, the provider must use the digital form for changes to registered conditions and de-registration of digital standard bookkeeping systems at virk.dk or use a link to www.virk.dk, which can be found on the Danish Business Authority's website (www.erst.dk). The form must be submitted digitally to the Danish Business Authority.

Chapter 6

Entry into force

Section 19. The Executive Order enters into force on 1 February 2023.

Subsection 2. Digital standard bookkeeping systems covered by section 1 which are marketed in this country at the time of the entry into force of the executive order must be notified in accordance with sections 8 and 9 no later than 31 October 2023.

Subsection 3. Registration pursuant to section 14 (1) and issuance of a registration certificate pursuant to section 4 can take place from 1 November 2023.

The Danish Business Authority on 26 January 2023

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/Victor Kjær