

The Danish (Consolidation) Act on Universities (the University Act)¹⁾

This Act hereby consolidates the Act on Universities (the University Act), cf. Consolidation Act no. 754 of 17 June 2010, as amended by section 1 of Act no. 634 of 14 June 2011.

The consolidated text relating to section 1, subsection (2), section 19, subsection (5), and section 28, subsections (2)-(5), will enter into force on 1 January 2012, cf. section 4, subsection (2), of Act no. 634 of 14 June 2011 amending the University Act, the Act on Technology Transfer etc. at Public Research Institutions and the Act on Social Housing etc. (Follow-up on the evaluation of the University Act, international education cooperation and company formation in connection with study programmes offered abroad etc.), which may be found at the end of the Consolidation Act.

The consolidated text relating to section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, will enter into force as directed by the Minister for Science, Technology and Innovation, cf. section 4, subsection (3), of Act no. 634 of 14 June 2011 amending the University Act, the Act on Technology Transfer etc. at Public Research Institutions and the Act on Social Housing etc. (Follow-up on the evaluation of the University Act, international education cooperation and company formation in connection with study programmes offered abroad etc.), which may be found at the end of the Consolidation Act.

Part 1

Scope of the Act

1. The Act applies to universities under the Ministry of Science, Technology and Innovation.

(2) ²⁾ The universities are government-funded, independent institutions within the public administration under the Minister for Science, Technology and Innovation.

Purpose

2. The university is to conduct research and offer research-based education at the highest international level within its academic fields. The university must ensure equal interaction between research and education, perform ongoing strategic selection, prioritisation and development of its academic research and educational fields and disseminate knowledge of the methods and results of science.

(2) The university has academic freedom. The university must safeguard the academic freedom of the university and the individual and the ethics of science.

(3) The university must collaborate with the external environment and contribute to the development of international collaboration. The university's research and educational results must contribute to promoting growth, prosperity and the development of society. As a central knowledge-based body and cultural repository, the university must exchange knowledge and competences with society and encourage its employees to take part in the public debate.

(4) Based on its research, the university may carry out

tasks for a minister according to agreement with such minister, cf., however, section 33, subsection (2).

(5) The university must contribute to making the latest knowledge within relevant academic areas available to non-research-based higher education.

Part 2

Programmes

3. ³⁾ The university determines which research-based programmes to offer in Denmark within its academic fields. The programmes offered by the university under section 4, subsection (1), nos. 1) and 2), and section 5, subsection (1), must be approved by the Accreditation Council, cf. the Act on the Accreditation Agency for Higher Education. Programmes offered in Denmark, cf. the first sentence, also include the special cases where parts of a programme are taken at universities abroad (off-site instruction). The Minister lays down detailed rules on off-site instruction.

(2) If an existing programme at a university cannot be approved, or if its approval lapses, cf. section 10 of the Act on the Accreditation Agency for Higher Education, the university in question may not admit students to the programme. The Minister lays down a plan for how students already admitted to programmes mentioned in the first sentence may complete their study programme. In this connection, the Minister may order other universities to admit these students or to assume responsibility for their study programme at the university in question.

3a. ⁴⁾ In collaboration with one or more foreign universities, the university may offer all or parts of

¹⁾Some of the provisions of this Act have, in draft, been notified in accordance with Directive 98/34/EC of the European Parliament and of the Council (Information Procedure Directive), as amended by Directive 98/48/EC.

programmes pursuant to section 3 abroad. The individual parts of the programmes are taken at the university and at one or more of the foreign universities. The parts taken at the foreign universities may be optional or compulsory. If the entire programme is completed abroad, the university may allow the foreign university to offer the programme, provided that this is done in collaboration with the Danish university.

(2) In collaboration with foreign universities, the university may offer programmes pursuant to section 4, subsection (1), no. 2), as part of Erasmus Mundus study programmes, where the individual parts of the programme are taken at the university and at one or more foreign universities as agreed between the relevant universities (Erasmus Mundus Master's programmes).

(3) The university must ensure that its programmes pursuant to subsections (1) and (2) are quality-assured. The programmes may either be quality-assured in Denmark in accordance with the Act on the Accreditation Agency for Higher Education or abroad in accordance with the relevant quality assurance systems there. However, the quality assurance institution selected must be registered in the European Quality Assurance Register for Higher Education (EQAR) or otherwise be regarded as internationally recognised. If foreign quality assurance is selected, the programme must subsequently be approved by the Minister for Science, Technology and Innovation.

(4) Separate quality assurance is not required in cases where the parts taken at the foreign university are optional or have already been accredited as a part of the Danish programme.

(5) Students admitted to the Danish university are covered by the provisions governing the foreign university and not by this Act during the period when they are enrolled at such foreign university. Students admitted to a foreign university are covered by this Act during the period when they are enrolled at the Danish university.

(6) The university may issue a Danish diploma to students who have completed a programme pursuant to subsection (1) or (2) abroad. The university may issue a diploma to students who have taken parts of their programme at the university without being admitted to the university in question, cf. subsections (1) and (2).

(7) The Minister lays down the rules governing the offering and completion of programmes pursuant to subsections (1)-(6), including on the issue of diplomas. In this connection, the Minister may derogate from the provisions in the Act on programmes and boards of studies.

4. The university may offer the following research-based full-time programmes, which are independent, complete study programmes:

- 1) Bachelor programmes for 180 ECTS points
- 2) Master's (*candidatus*) programmes for 120 ECTS points
- 3) PhD programmes for 180 ECTS points

(2) 60 ECTS points correspond to one year of full-

time studies.

(3) If special circumstances apply, the Minister may in exceptional cases deviate from the points mentioned in subsection (1).

(4) The universities may enrol students concurrently on the Master's (*candidatus*) degree programme and the PhD programme, cf. subsection (1), nos. 2) and 3).

(5) The Minister may lay down intake limits for the programmes.

5. The university may offer the following research-based part-time programmes:

- 1) Master (*master*) programme
- 2) Other continuing and further education
- 3) Supplementary courses in order to meet the admission requirements for a Master's (*candidatus*) programme

(2) In addition, the part-time programmes offered by a university may include all the programmes that the university is authorised to offer on a full-time basis, single courses from these and domain-specific programmes.

6. Within its academic fields, the university may award the Bachelor degree, the Master's (*candidatus*) degree, the PhD degree and the higher doctoral degree. In addition, the university may award the Master (*master*) degree.

(2) The Minister lays down the provisions governing how to earn the higher doctoral degree.

7. Where authorisation is granted by another minister, the university may offer programmes according to the rules laid down by such minister.

8. The Minister lays down general rules governing programmes, including tests, examinations and grading, cf. sections 4 and 5, the titles connected to programmes, cf. section 6, and on admission to programmes. The Minister lays down detailed rules governing appeals about decisions in connection with tests and examinations, including rules stipulating that a re-test or re-assessment may result in a lower grade.

(2) The Minister may decide that Danish tests and examinations may be held abroad, possibly on special terms. The Minister may lay down rules governing this and may in that connection decide that all costs incidental to tests and examinations must be borne fully or partly by the Danish university or the student.

8a. For programmes offered by universities pursuant to this Act, the Minister may lay down rules stipulating that communication between the university and enrolled students, including PhD students, and applicants for the university's programmes, must be fully or partly digital.

(2) For programmes offered by the universities as authorised by another minister, cf. section 7, and according to agreement with such minister, the Minister may lay down rules stipulating that communication between the university and enrolled students and applicants for the programmes in question must be fully or

partly digital.

(3) The Minister may lay down rules stipulating that course evaluations by the students must be published on the university's website.

9. The university offers students guidance during their studies on the programme and their employment opportunities.

(2) The university is obliged to offer students who are delayed relative to the prescribed study period special guidance with a view to ensuring that they will continue their studies.

(3) The Minister may lay down rules governing guidance pursuant to subsection (1). In addition, the Minister lays down rules governing when the university must offer guidance pursuant to subsection (2), and on the scope thereof.

Part 3

Governance regulations

University boards

10. The board is the university's supreme authority. The board safeguards the university's interests as an educational and research institution and determines the guidelines for its organisation, long-term activities and development.

(2) The greatest possible degree of openness is required in relation to the board's activities.

(3) The board must administer the funds of the university in a way that best promotes the university's object.

(4) The chairman of the board is responsible for making decisions pertaining to real estate with a member of the board.

(5) Following recommendation from the rector, the board approves the university's budget, including the distribution of the collective resources and the principles governing the use of resources, and signs the financial statements.

(6) The board ensures the codetermination and involvement of staff and students in material decisions.

(7) The board appoints and dismisses the rector and appoints and dismisses the university's remaining senior management on recommendation from the rector.

(8) The board enters into a development contract with the Minister, who may in that connection set up specific targets. The development contract may cover all parts of the university's activities and must comprise targets for the activities and efforts which are found to be of particular importance.

(9) The board enters into agreements on the performance of assignments pursuant to section 2, subsection (4), and new agreements on the performance of assignments pursuant to section 7 with the relevant

minister.

(10) The board has no authority in individual cases regarding other employees of the university, cf. subsection (7), or students.

11. The board answers to the Minister regarding the university's activities, including the administration of the university's collective resources.

(2) If the board fails to comply with orders from the Minister to rectify any unlawful acts, the Minister may order the board to resign with a view to appointing a new board.

(3) If the actions of the board jeopardise the continued existence of the university, the Minister may order the board to resign immediately and may in that connection appoint a temporary board until such time as a new board has been appointed.

(4) The board or the Minister may decide to institute legal proceedings against board members, the rector, any institutional auditors or others as a result of a loss suffered by the university.

(5) The board is authorised to take out the usual directors' liability insurance.

12. The board is composed of external members and members representing the university's academic staff, including PhD students with university contracts, the technical and administrative staff and the students. The composition of the board must be such that the majority of its members are external members. The board elects a chairman from among its external members.

(2) The composition of the board must reflect all the university's tasks. The board members must jointly contribute to promoting the university's strategic activities based on their experience and knowledge of education, research, knowledge dissemination, knowledge exchange and the university's tasks pursuant to section 2, subsection (4).

(3) The external members are appointed in their personal capacity. An external member is appointed for a maximum period of eight years distributed on at least two terms of office. The external members must have experience in management, organisation and finance, including assessment of budgets and financial statements.

(4) The university sets up a body to nominate the external board members (the nomination body). The university sets up another body to appoint the external members (the appointment body). The nomination and appointment bodies may not be identical. The nomination and appointment boards must ensure that the external members fulfil the requirements stipulated in subsections (2) and (3). The board lays down procedures for the appointment of the nomination board and the appointment board.

(5) The other members of the board must be elected by and from among the academic staff of the university, including PhD students with university contracts, the technical and administrative staff and the students.

Students must be represented by a minimum of two members. Representatives for the university's academic staff, including PhD students with university contracts, are offered special protection against dismissal and other deterioration of their employment conditions in line with trade union representatives within the relevant or a similar area.

Statutes

13. The board lays down the university's statutes and amendments thereto. The Minister approves the university's statutes.

(2) The statutes must contain provisions governing:

- 1) Openness in relation to the board's activities pursuant to section 10, subsection (2), including openness relating to the procedures for nomination and appointment of external board members.
- 2) Appointment of the nomination body and appointment body for the board's external members pursuant to section 12.
- 3) The terms of office for external board members, cf. section 12, subsection (3).
- 4) The internal organisation of the university, cf. section 14, subsection (7).
- 5) Codetermination and involvement of staff and students, cf. section 10, subsection (6).
- 6) Appointment and dismissal procedures, cf. section 10, subsection (7), and section 14, subsection (4).
- 7) Establishment, composition and tasks of the academic council, the employer panel, the PhD committee, the board of studies and, if relevant, the board of representatives and on the board of studies' nomination of directors of studies.
- 8) Any special conditions on the governance of Master's programmes.

Employer panels

13a. The university sets up one or more employer panels composed of external members. The members must have experience in and knowledge of the educational field and the employment areas targeted by the programmes.

(2) The university must promote a dialogue between the employer panel and the university on the quality and relevance to society of the programmes and must involve the employer panel in the development of new and existing programmes and in the development of new forms of instruction and examination.

(3) In addition to the assignments stipulated in the statutes, the employer panel may submit opinions and recommendations to the university on all issues relating to the educational field. The employer panel must submit an opinion on all issues presented by the university to the employer panel.

(4) The university may set up employer panels pursuant to subsection (1) in collaboration with other universities.

Rector

14. The university's day-to-day management is handled by the rector within the framework established by the board. The rest of the management undertake their assignments by authorisation from the rector.

(2) The rector must be a recognised researcher within one of the university's academic fields and must possess knowledge of the educational sector. The rector must have experience in the management and organisation of research environments and must possess knowledge of a university's activities and interaction with the external environment.

(3) The rector makes recommendations to the board regarding the appointment and dismissal of the other members of the senior management, cf. section 10, subsection (7).

(4) The rector appoints and dismisses the heads of the organisational academic units. The head of an academic unit must be a recognised researcher and must have experience in the educational field to the relevant extent.

(5) The rector sets up one or more graduate schools for PhD programmes and appoints the head of the graduate school. The head of the graduate school must be a recognised researcher and must have experience in the educational field to the relevant extent.

(6) The rector may allocate specific tasks to specific staff. The academic staff has academic freedom and is free to conduct research within the university's strategic research framework during the time when they are not performing their allocated tasks. The university's strategic research framework covers the entire profile of the university. The academic staff cannot be occupied with tasks during all of their working hours for an extended period of time, resulting in them in fact being deprived of their academic freedom.

(7) The rector sets up the university's internal organisation within the framework established by the board.

(8) The rector presents the budget for adoption by the board and signs the annual report.

(9) The rector lays down rules on disciplinary measures for students.

(10) The rector is authorised to sign for the university, with the exception of decisions pertaining to real estate, cf. section 10, subsection (4), and makes decisions in all cases, cf., however, section 10, subsections (1) and (5)-(9), section 15, subsection (2), no. 4), section 16b, subsection (2), nos. 3) and 6), and section 18, subsection (4), nos. 3) and 4).

(11) The rector must approve all external collaboration binding the university.

(12) In special cases, the rector may dissolve academic councils, cf. section 15, subsection (1), PhD committees, cf. section 16b, subsection (1), and boards of studies, cf. section 18, subsection (1). In addition, in special cases, the rector may take over the tasks of academic councils, cf. section 15, subsection (2), PhD committees, cf. section

16b, subsection (2), and boards of studies, cf. section 18, subsection (4).

Academic council

15. The rector sets up one or more academic councils, including to ensure codetermination and involvement of staff and students in respect of academic issues. More academic councils may be set up, both at the same and at different organisational levels.

(2) The academic council has the following tasks:

- 1) Issuing opinions to the rector on the internal distribution of appropriations.
- 2) Issuing opinions to the rector on central strategic research and educational issues and plans for knowledge exchange.
- 3) Making recommendations to the rector on the composition of expert committees to assess applicants for academic positions.
- 4) Awarding PhD and doctoral degrees.
- 5) Other assignments as stipulated in the university's statutes.

(3) The academic council may issue opinions on all academic issues of material importance to the university's activities and is obliged to discuss all academic issues presented to it by the rector.

(4) The academic council is composed of the rector or the academic manager at the organisational level to be covered by the academic council and of members representing the academic staff, including PhD students under university contracts, and the students at the organisational level to be covered by the academic council. Representatives for the academic staff, including PhD students with university contracts, and for the students are elected by and from among the academic staff, including PhD students with university contracts, and the students, respectively.

(5) The academic council elects a chairman from among its members.

16. (Repealed)

16a. (Repealed)

PhD committees

16b. The rector sets up one or more PhD committees, including to ensure that the students and the academic staff are able to exert their influence on the PhD programme.

(2) The PhD committee has the following tasks:

- 1) Nominating to the rector a chairman from among the members of the PhD committee's academic staff and perhaps a vice-chairman from among the students of the PhD committee.
- 2) Making recommendations to the rector on the composition of assessment committees.
- 3) Approving PhD courses.

- 4) Submitting proposals for internal guidelines for the graduate school, including the PhD guide, to the head of the graduate school.
- 5) Issuing opinions to the head of the graduate school on the evaluation of PhD programmes and supervision, including international evaluations of graduate schools.
- 6) Approving applications for credit transfers, including advance credit transfers, and for exemptions.
- 7) Issuing opinions on all issues of importance to the PhD programmes and supervision presented by the rector.
- 8) Other assignments as stipulated in the university's statutes.

(3) The PhD committee comprises representatives of the academic staff and representatives of the PhD students elected by and from among the academic staff and the PhD students, respectively.

(4) Several universities may collaborate on the establishment of graduate schools based at one of the participating universities.

17. (Repealed)

Boards of studies and director of studies

18. The rector sets up one or more boards of studies, including to ensure the students' and the academic staff's co-determination and co-involvement in programmes and teaching.

(2) Each board of studies has an equal representation of academic staff members and students elected by and from among academic staff members and students, respectively.

(3) The board of studies elects a chairman from among its academic staff members and a vice-chairman from among its student members.

(4) In addition to the tasks stipulated in the statutes, the board of studies is charged with the organisation, completion and development of programmes and teaching, including:

- 1) Assuring and developing the quality of programmes and teaching and ensuring follow-up on programme and teaching evaluations.
- 2) Preparing proposals for the curriculum and amendments thereto.
- 3) Approving a plan for the organisation of teaching and of tests and other assessment forming part of the exam.
- 4) Processing applications for credit transfers, including advance credit transfers, and for exemptions.
- 5) Issuing opinions within its field on all issues of importance to programmes and teaching and discussing matters regarding programmes and teaching presented to it by the rector.

(5) The director of studies is responsible, in cooperation with the board of studies, for the practical organisation of teaching and tests and other forms of assessment forming part of the exam. The director of studies approves the assignment formulation and the

deadline for submission of the Master's (*candidatus*) thesis and a related plan for the student's supervision.

Appeals board for credit transfer decisions

18a. In respect of the academic aspects, the board of studies' decisions on credit transfer, including advance credit transfer, cf. section 18, subsection (4), no. 4), may be brought before an appeals board by the person concerned.

(2) The rector sets up the appeals board composed of a representative for the academic staff on the same or a related programme at the university and a representative for the academic staff on the same or a related programme at another university.

(3) The Minister for Science, Technology and Innovation lays down rules governing the setting up of the appeals board and its activities, including the appeals procedure.

Part 4

Economy

19. The Minister provides subsidies for the university's teaching, research and dissemination activities and other assignments allocated to the university.

(2) ⁵⁾ Subsidies for the approved programmes offered by the university in Denmark pursuant to section 4, subsection (1), nos. 1) and 2), and section 5 are provided on the basis of the rates laid down in the annual Appropriation Acts and the number of active full-time equivalents and, if relevant, the number of completed studies.

(3) Subsidies for the parts (optional or compulsory) of approved programmes abroad offered by the university alone or in collaboration with one or more universities pursuant to section 3a, subsection (1), are provided on the basis of the rates stipulated in the annual Appropriation Acts and the number of active full-time equivalents for the part of the programme taken in Denmark. In cases where there is a requirement for mutual exchange, subsidies are paid for students enrolled at the foreign university for the part of the programme taken in Denmark, provided that they are exchanged with students enrolled at the Danish university subject to an agreement between a Danish university and a university abroad.

(4) Subsidies for the approved programmes abroad offered by the university pursuant to section 3a, subsection (2), are provided on the basis of the rates stipulated in the annual Appropriation Acts and the number of active full-time equivalents for the part of the programme taken in Denmark.

(5) ⁶⁾ The universities are covered by the rules in the Budget Guidelines governing government-funded, independent institutions.

(6) The margin for subsidies for research and dissemination activities and other assignments allocated to

the university is laid down in the annual Appropriation Acts.

(7) Following negotiations with the Minister of Finance, the Minister may lay down rules governing subsidies for the universities' activities pursuant to subsections (1) and (2) on payment of subsidies, including advance payment, to the universities and on matters relating to the universities' budgets and appropriations.

(8) The Minister may lay down rules governing which students trigger subsidies pursuant to subsection (1) and on the calculation of the number of active full-time equivalents.

(9) The Minister may obtain information from the university for budgeting and statistical purposes and set up requirements for systems for the administration of studies.

(10) The university may grant full or partial scholarships to certain foreign students. Such scholarships may be granted with a full grant, a partial grant or no grant. The grant is provided to cover the costs of living in Denmark while the student is completing all or parts of a programme at the university, cf. section 4, subsection (1), or section 7. The margin for scholarships and grants is laid down in the annual Appropriation Acts. In addition, the university is entitled to use surplus accumulated pursuant to section 26, subsection (2), to grant additional scholarships or grants in accordance with the provisions in the first and second sentences.

(11) ⁷⁾ The Minister lays down rules governing the administration of scholarships and grants pursuant to subsection (10), including:

- 1) which foreign students are entitled to scholarships and grants;
- 2) which programmes scholarships may be granted for;
- 3) application for and allocation of scholarships and grants;
- 4) payment of grants; and
- 5) withdrawal of scholarships and grants as a result of lack of study activity or revocation of any awarding of scholarships or grants if such scholarship or grant was awarded on false grounds.

20. Other ministers may grant subsidies to the university.

(2) The university may receive other subsidies and donations than those from the Appropriation Acts.

(3) ⁸⁾ The university may undertake income-generating and grant-financed activities. The university may offer full programmes pursuant to section 3a, subsection (1), according to the rules governing income-generating activities.

21. Within its scope, the university disposes freely of subsidies, income and capital collectively. It is a condition that the university meets the conditions for granting the subsidy and the general rules of administration and undertakes the assignments for which subsidies have been granted pursuant to sections 19 and 20.

(2) The university may accumulate subsidies for use for the university's objectives in the following fiscal years.

(3) The university's cash funds must be deposited in compliance with the Executive Order on the Depositing of the Funds of Foundations and Board Fees etc.

(4) ⁹⁾ When offering full programmes abroad in cooperation with another university pursuant to section 3a, subsection (1), or in connection with research cooperation, the university may provide subsidies to one or more foreign universities. The margin for subsidies is laid down in the annual Appropriation Acts.

22. The university must pay the expenses incidental to and make facilities available to students' union activities to a reasonable extent.

(2) The university may, to a limited extent, pay the expenses incidental to and make facilities available to other student activities.

(3) The university may pay the expenses incidental to accident insurance for students enrolled at the university.

23. On a quarterly basis and on presentation of due documentation, the Minister reimburses the university's expenses for payment of duties under the Danish VAT Act, which duties cannot be deducted from an enterprise's statement of its tax liability (non-deductible input VAT), and which the university incurs when purchasing goods and services which are subsidised pursuant to sections 19 and 20.

24. The Minister may retain subsidies, cancel subsidies fully or in part or demand that subsidies be repaid fully or in part if the university fails to comply with the conditions for granting the subsidy or the general rules of administration.

(2) The Minister may retain subsidies, cancel subsidies fully or in part or demand that subsidies be repaid fully or in part if the university is made subject to bankruptcy proceedings, suspends its payments or is otherwise at risk of ceasing its activities.

(3) The Minister may demand that subsidies be repaid if the basis of calculation of subsidies or the calculation of subsidies in general was incorrect.

(4) The Minister may exercise the powers mentioned in subsections (1)-(3) on behalf of other ministers.

(5) Claims for repayment pursuant to subsections (1)-(4) and disbursements for the university pursuant to section 31, subsection (2), and section 42, subsection (1), may be set off against future subsidies.

25. The Minister may grant loans for different institutional purposes, including for acquisition of equipment. The Minister may lay down the terms and conditions for granting loans.

Student fees

26. The university claims partial payment for participation in teaching and in tests and other forms of assessment forming part of the exam in respect of part-time programmes which are partially subsidised pursuant to section 19, subsection (1), and section 20, subsection (1).

(2) ¹⁰⁾ The university must claim full payment for participation in teaching and in tests and other forms of assessment forming part of the exam in respect of part-time and full-time programmes to the extent that no grant or scholarship for the activity has been provided, cf. section 19, subsections (1), (8) and (10), and section 20, subsection (1).

(3) The university claims full payment from external students for participation in tests and other forms of assessment forming part of the exam.

(4) ¹¹⁾ The university prepares a basis for calculating student fees pursuant to subsections (1)-(3). Course fees pursuant to subsections (1) and (3) plus any subsidies cannot exceed the costs incurred. Course fees pursuant to subsection (2) must, as a minimum, correspond to the costs incurred, and in connection with a partial scholarship pursuant to section 19, subsection (10), course fees amount to the difference between the value of the partial scholarship and the subsidy pursuant to section 19, subsection (2). The Minister may lay down rules governing the preparation of a basis for calculation.

(5) The university may claim a deposit from certain foreign applicants for processing their applications for admission to a programme if their qualifying examination is not Danish. Such deposit will only be repaid to applicants who are admitted to the programme.

(6) The university may claim a fee from certain foreign students for holding

- 1) a qualification test to document that the applicant meets the required academic requirements for admission to the programme; and
- 2) a special test in English or other foreign language to document that the applicant has the required language skills to be admitted to programmes offered in English or another foreign language.

27. For PhD students whose education is financed by external funds, the university may claim full payment for participation in teaching and in tests and other forms of assessment forming part of the exam.

Accounts and audit

28. The university is covered by the Act on Public Accounts etc.

(2) ¹²⁾ The university's financial statements are audited by the Auditor General in accordance with the Act on Auditing of the State Accounts etc.

(3) Pursuant to section 9 of the Act on Auditing of the State Accounts etc., the Auditor General and the Minister may agree that auditing tasks pursuant to subsection (2) be

undertaken in cooperation between the Auditor General and an institutional auditor. The institutional auditor is appointed by the university board and must be a state-authorised public accountant. Unless otherwise stipulated in this agreement, the university's information for use in the calculation of state subsidies must be included in the institutional auditor's report or statement on the financial statements.

(4) The Auditor General and the Minister must be informed of the appointment and dismissal of institutional auditors and on the reason for any change of auditors.

(5) The annual report must be signed by the board and by the rector, cf. section 10, subsection (5), and section 14, subsection (8).

(6) The Minister may lay down rules on financial reporting in accordance with the rules governing state accounts applicable from time to time.

Staff

29. The university follows the rules laid down or agreed with the Minister of Finance concerning salary and employment terms, including pensions, for the university's staff. The university is also obliged to follow the rules laid down or agreed with the Minister of Finance concerning separate remuneration.

(2) The duty to give evidence stipulated in the Civil Servants Act applies to members of the board.

(3) The Minister may lay down rules governing the appointment of academic staff and teachers.

(4) Powers delegated to the Minister by the Minister of Finance pursuant to subsection (1) may be delegated to the universities by the Minister.

Buildings etc.

30. Universities which will become independent universities pursuant to this Act are covered by the scheme laid down for the administration of the buildings of the State.

(2) The Minister is authorised to transfer state-owned buildings, furniture and other movables to the university at the request of the university.

(3) The terms stipulated for such transfer pursuant to subsection (2) must be approved by the awarding authorities.

(4) Following negotiations with the Minister of Finance and the Minister for Economic and Business Affairs, the Minister may lay down rules governing the university's construction activities and other matters pertaining to buildings in respect of buildings which the university owns or has taken over.

(5) The university must take out general insurance for buildings which the university owns or has taken over.

Part 5

Changes in the university's status

31. For collaboration activities between universities or between universities and other educational or research institutions, the Minister may approve exemptions from applicable legislation and lay down special rules governing such collaboration as recommended by the institutions involved. For institutions that are not under the Minister for Science, Technology and Innovation, such approval must take place after negotiations with the minister concerned. The same applies to mergers between universities or mergers between universities and other research institutions.

(2) In connection with the approval of collaboration pursuant to subsection (1), for collaboration between universities and state-run research institutions, the Minister may decide that payments made by the State to a third party for the university may be set off pursuant to section 24, subsection (5), against subsidies granted to the university pursuant to section 19, subsection (1), and section 20, subsection (1).

32. If the board abolishes the university, the university's net assets will pass to the State, cf., however, section 38, subsection (8). A decision to abolish the university must be approved by the Minister.

(2) Donations granted to the university are transferred to the State, unless otherwise provided by generally applicable Danish legislation, cf., however, section 38, subsection (8).

33. The Minister may lay down special rules governing universities or parts thereof that assume special tasks or where special circumstances apply.

(2) In exceptional cases and following negotiations with the relevant minister and discussion with the university, the Minister for Science, Technology and Innovation may order the university to perform tasks pursuant to section 2, subsection (4), against payment if such tasks are of significant importance to society.

33a. The designation *university* or a similar designation in other languages, including abbreviations thereof as trade names etc. in connection with the performance of education and university activities may only be used by universities covered by this Act and by institutions entitled thereto pursuant to another act.

- (2) Subsection (1) does not apply to
- 1) foreign universities which, pursuant to the legislation of the country in question or otherwise, are publicly recognised;
 - 2) foreign universities which are recognised according to international agreement or which have obtained the right to use the designations pursuant to subsection (1) in the agreement;
 - 3) institutions etc. which, pursuant to the EU/EEC rules, otherwise have the right to market themselves in Denmark under the designations pursuant to subsection (1); and
 - 4) institutions etc. in Denmark which have been

approved for the designations pursuant to subsection (1) or have had their programmes approved as university programmes by an institution abroad complying with international quality assurance principles.

Part 6

Miscellaneous provisions

34. Legal issues relating to the university's decisions on student matters may be brought before the Minister in accordance with rules laid down by the Minister.

(2) The Minister may decide that others may complain to the Minister of legal issues relating to a university's decisions.

35. On the university's application, the Minister may approve that foundations and associations contribute to the university's research-based programmes if the employment procedures of these foundations and associations are not contrary to the employment procedures of the State.

36. In exceptional cases and to a limited extent, the Minister may approve deviations from the governance regulations of the Act, cf. Part 3, as proposed by the university.

36a. The Minister may authorise a state authority under the Ministry or, following negotiations with the relevant minister, other state authorities to exercise the powers resting with the Minister under this Act.

(2) The Minister may lay down rules governing the right to complain of decisions made under powers granted pursuant to subsection (1), including that it is not possible to complain of such decisions.

(3) The Minister may lay down rules governing the exercise of the powers granted to another state authority following negotiations with the relevant minister pursuant to subsection (1).

Part 7

Interim and commencement provisions

37. This Act enters into force on 1 July 2003.

(2)-(9) (Omitted)

38. (Omitted)

(2)-(5) (Omitted)

(6) Existing state loans granted to the business schools for the construction, conversion or acquisition of buildings as well as subsidies for furnishing of leased premises will continue on unchanged terms.

(7) The designation *business school* may only be used by the Copenhagen Business School and Aarhus

University.

(8) If the Copenhagen Business School is abolished, and if the remaining assets are sufficient, the net assets of the business school as at 31 December 1990 and donations made from 1 January 1991 to 30 June 2003 in the form of movables, real estate and grants for the construction of real estate must be used for the purposes specified in the statutes applicable from time to time. If there are any additional remaining assets, the net assets of the business school as at 30 June 2003 must be used for teaching and educational purposes as specified by the Minister. Rules on the calculation of the net assets may be laid down in the statutes.

39. After having consulted the boards of the Danish University of Education and the Technical University of Denmark, the Minister lays down the procedure to be followed by each university in the change-over to this Act.

(2) After having consulted the board of the Danish University of Education, the Minister may abolish fully or in part Act no. 483 of 31 May 2000 on the Danish University of Education, and after having consulted the board of the Technical University of Denmark, the Minister may abolish fully or in part Act no. 1265 of 20 December 2000 on the Technical University of Denmark's change-over to independence.

(3) The Danish University of Education will continue to be subject to the provisions of the Act on the Danish University of Education until such provisions are repealed and replaced by the provisions of this Act. The Technical University of Denmark will continue to be subject to the provisions of the Act on the Technical University of Denmark until such provisions are repealed and replaced by the provisions of this Act.

40. (Omitted)

40a. After negotiations with the Minister of Education and the Minister of Finance, the Minister for Science, Technology and Innovation may approve the merger of the Engineering College of Aarhus and Aarhus University.

41. (Omitted)

42. (Omitted)

43. (Omitted)

44. (Omitted)

45. Public servants employed at a university that pursuant to this Act has changed over to independence may choose to uphold their employment status as public servants for work performed at the university. Public servants are not entitled to receive compensation during temporary unemployment, allowance pay or pension as a

result of the university's change-over to independence and are under an obligation to submit to the changes to the extent and form of their services resulting from this change-over.

(2) The university pays the wages and pension contributions to the Treasury for such public servants, including any expenses for compensation during temporary unemployment, allowance pay and money payable after death. Expenses for current pensions are borne by the State. If the university is abolished, any expenses for compensation during temporary unemployment or allowance pay and money payable after the death of a public servant of the university are paid by the Treasury if the abolished university does not have sufficient funds to cover these expenses.

(3) The rector makes any decisions regarding suspensions, initiation of an official examination of the work of a public servant, appointment of an interrogator, imposition of disciplinary punishment and institution of an action for slander pursuant to the provisions of the Civil Servants Act.

(4) (Omitted)

46. ¹³⁾ After having consulted the board of the Danish Science Park at Hørsholm, the Minister may abolish the independent institution the Danish Science Park at Hørsholm and repeal the Act on the Danish Science Park at Hørsholm, cf. Consolidation Act no. 736 of 7 August 2001.

(2) On the abolition of the Danish Science Park at Hørsholm, the current state loan of DKK 52.5 million granted to the Science Park will be discontinued.

(3) The Minister is authorised to include the assets and liabilities of the Science Park by way of non-cash contributions in a dedicated state-owned public limited company under the name of SCION*DTU A/S, with the State as the sole shareholder.

(4) The Minister is authorised to transfer the shares of SCION*DTU A/S to the Technical University of Denmark.

47. (Omitted)

48. The following acts and regulations are hereby repealed:

- 1) Act on Universities etc. (the University Act), cf. Consolidation Act no. 1177 of 22 December 1999.
- 2) Act on Business Schools and Business School Departments, cf. Consolidation Act no. 864 of 27 September 1996.

(2) Rules laid down under the provisions of acts referred to in subsection (1) and section 39, subsection (2), remain in force until repealed or replaced by rules laid down under the provisions of this Act.

Act no. 1156 of 19 December 2003 contains the following commencement provision: ¹⁴⁾

9.

The Act will enter into force on the day after its promulgation in the Danish Official Gazette and applies to dismissals where the decision to dismiss was made after the entry into force of the Act, and in connection with other changes in circumstances taking place after the entry into force of the Act. ¹⁵⁾

Act no. 337 of 18 May 2005 contains the following commencement provision:

2.

(1) The Act enters into force on 1 June 2005. ¹⁶⁾

(2)-(5) (Omitted)

Act no. 544 of 8 June 2006 contains the following commencement provision: ¹⁷⁾

3.

The Act enters into force on the day after its promulgation in the Danish Official Gazette. ¹⁸⁾

Act no. 295 of 27 March 2007 contains the following commencement provision:

3.

The Act enters into force on 1 April 2007. ¹⁹⁾

Act no. 567 of 6 June 2007 contains the following commencement provision:

2.

(1) The Act enters into force on 1 July 2007. ²⁰⁾

(2) No later than 1 January 2008, the university must set up one or more employer panels for its programmes, cf. section 13a, subsection (1), of the University Act, as stipulated in section 1, subsection (7), of this Act.

(3) The Minister for Science, Technology and Innovation may permit PhD students to study outside of a graduate school up to 1 July 2010, cf. section 16b, subsection (1), as stipulated in section 1, no. 21), of this Act, as proposed by the university.

Act no. 570 of 6 June 2007 contains the following commencement provision:

2.

(1) Section 1, no. 1), enters into force on 1 February 2008. ²¹⁾

(2) Section 1, no. 2), enters into force on 1 September 2007. ²²⁾

Act no. 538 of 12 June 2009 contains the following commencement provision:

2.

(1) The Act enters into force on 1 July 2009,²³⁾ cf., however, subsection (2).

(2) The Minister for Science, Technology and Innovation specifies the date on which section 34 of the University Act, as amended by section 1, nos. 11)-13), of this Act, enters into force.

Act no. 728 of 25 June 2010 contains the following commencement provision:

2.

(1) The Act enters into force on 1 July 2010. ²⁴⁾

(2) Section 3, subsection (7), of the University Act, as stipulated in section 1, no. 1), of this Act, also applies to

programmes for which an application for approval has been submitted to the European Commission before 1 July 2010, and which are approved or continue to be offered as part of Erasmus Mundus study programmes.

(3) Institutions, enterprises or the like using a designation in contravention of section 33a of the University Act, as stipulated by section 1, no. 5), of this Act, at the time of commencement of this Act, must cease to use such designation no later than five years after this time.

Act no. 634 of 14 June 2011 contains the following commencement provision:

4.

(1) The Act enters into force on 1 July 2011, cf., however, subsections (2) and (3).²⁵⁾

(2) Section 1, subsection (2), section 19, subsection (5), and section 28 of the University Act, as stipulated in section 1, nos. 1), 39) and 46), of this Act, enter into force on 1 January 2012.

(3) The Minister for Science, Technology and Innovation specifies the date on which section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, as stipulated or amended, respectively in section 1, nos. 3)-6), 38), 39) and 41)-45), of this Act, enter into force.

(4) The university's amended statutes must be submitted for the Minister's approval on 1 March 2012, at the latest.

The Ministry of Science, Technology and Innovation, 22 June 2011

CHARLOTTE SAHL-MADSEN

/ Helga Øregaard Dam

²⁵⁾ The wording of section 1, subsection (2), section 19, subsection (5), and section 28, subsections (2)-(5), has not entered into force. Until such

- time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010.
- ³⁾ The wording of section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010, with the exception of section 19, subsections (3) and (4), which are new provisions.
- ⁴⁾ The wording of section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010, with the exception of section 19, subsections (3) and (4), which are new provisions.
- ⁵⁾ The wording of section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010, with the exception of section 19, subsections (3) and (4), which are new provisions.
- ⁶⁾ The wording of section 1, subsection (2), section 19, subsection (5), and section 28, subsections (2)-(5), has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010.
- ⁷⁾ The wording of section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010, with the exception of section 19, subsections (3) and (4), which are new provisions.
- ⁸⁾ The wording of section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010, with the exception of section 19, subsections (3) and (4), which are new provisions.
- ⁹⁾ The wording of section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010, with the exception of section 19, subsections (3) and (4), which are new provisions.
- ¹⁰⁾ The wording of section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010, with the exception of section 19, subsections (3) and (4), which are new provisions.
- ¹¹⁾ The wording of section 3, subsection (1), first and third sentences, section 3a, section 19, subsections (2)-(4) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, and section 26, subsection (2) and subsection (4), third sentence, has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010, with the exception of section 19, subsections (3) and (4), which are new provisions.
- ¹²⁾ The wording of section 1, subsection (2), section 19, subsection (5), and section 28, subsections (2)-(5), has not entered into force. Until such time, reference is made to the wording of the provisions in Consolidation Act no. 754 of 17 June 2010.
- ¹³⁾ The Act on the Danish Science Park at Hørsholm has been repealed, cf. Executive Order no. 1021 of 10 December 2003 on repeal of the Act on the Danish Science Park at Hørsholm.
- ¹⁴⁾ The amendment relates to section 12, subsection (4), third sentence.
- ¹⁵⁾ The Act was promulgated in the Danish Official Gazette on 22 December 2003.
- ¹⁶⁾ The amendment relates to section 3, subsections (4)-(9), section 8, subsection (2), section 19, subsections (6) and (7), and section 26, subsections (2) and (4).
- ¹⁷⁾ The amendment relates to section 34.
- ¹⁸⁾ The Act was promulgated in the Danish Official Gazette on 9 June 2006.
- ¹⁹⁾ The amendment relates to section 3, subsection (1), second sentence, section 3, subsections (2)-(4), (6) and (9), and section 8, subsection (1).
- ²⁰⁾ The amendment relates to section 2, subsection (4), section 8a, section 10, subsections (8) and (9), section 12, subsections (2) and (3), section 13a, section 14, subsection 1, second sentence, section 14, subsections (5) and (11), section 15, subsections (4)-(6), section 16, subsections (1), (3)-(7), (9) and (11), sections 16a and 16b, section 18, subsections (1) and (4), section 18, subsection (6), no. 4), section 18a, section 19, subsections (1)-(3), section 26, subsections (2), (5) and (6), section 28, subsection (3), section 33, subsection (2), and section 38, subsection (7).
- ²¹⁾ The amendment relates to section 9, subsection (2) and (3).
- ²²⁾ The amendment relates to section 18, subsection (5), second sentence.
- ²³⁾ The amendment relates to section 3, subsections (4)-(9), section 14, subsection (8), section 15, subsection (7), section 19, subsection (7), section 19, subsection (8), nos. 2) and 3), section 21, subsection (4), section 26, subsection (2), section 26, subsection (4), third sentence, and section 36a.
- ²⁴⁾ The amendment relates to section 3, section 4, subsections (4) and (5), section 8, subsection (1), section 21, subsection (4), first sentence, and section 33a.
- ²⁵⁾ The amendment relates to section 1, subsection (2), section 2, subsection (2), section 3, subsection (1), first and third sentences, section 3, subsections (3)-(12), section 3a, section 8a, subsections (1) and (2), section 10, subsections (6), (8) and (11), section 11, subsection (4), section 12, subsections (3)-(5), section 13, section 13a, subsection (3), first sentence, section 14, subsections (4)-(12), section 15, subsection (1) and subsection (2), no. 5), section 15, subsections (4)-(7), sections 16 and 16a, section 16b, subsections (1)-(7) and (9), section 17, section 18, subsection (1), (4) and (6)-(9), section 18a, subsection (1), section 19, subsections (2)-(5), (10) and (11), section 20, subsection (3), second sentence, section 21, subsection (4), first sentence, section 26, subsections (2) and (4), third sentence, section 28, subsections (2)-(6), section 38, subsection (8), and section 40a.