



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2025/0106/DK (Denmark)

Draft Act on Nemkonto and Order on the scheme on public service obligations in relation to the Nemkonto system

Date received : 21/02/2025

End of Standstill : 26/05/2025 (closed)

Message

Message 001

Communication from the Commission - TRIS/(2025) 0509

Directive (EU) 2015/1535

Notification: 2025/0106/DK

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20250509.EN

1. MSG 001 IND 2025 0106 DK EN 21-02-2025 DK NOTIF

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4. 2025/0106/DK - SERV - INFORMATION SOCIETY SERVICES

5. Draft Act on Nemkonto and Order on the scheme on public service obligations in relation to the Nemkonto system

6. The regulation concerns the Danish Nemkonto system. Private individuals residing in Denmark who have a Danish personal identification number (CPR number), as well as legal entities operating in Denmark that have a Danish company registration number (CVR number or SE number)

7.

8. 6. Products and/or services concerned (continued)

The regulation concerns the Danish Nemkonto system. Private individuals residing in Denmark who have a Danish social security number (CPR number), as well as legal entities operating in Denmark that have a Danish company registration number (CVR number or SE number), must designate an account as a Nemkonto, to which public payers can make payments. Assigning a Nemkonto to the Nemkonto system can, among other things, take place through the institution where the account is held, if the institution is connected to the scheme on public service obligations in relation to the Nemkonto system.

The Nemkonto system is a digital public infrastructure that enables public and private payers to make payments to private individuals and legal entities simply by using their Danish personal identification number (CPR number) or Danish company registration number (CVR number, SE number or P number). The Nemkonto system adds the payee's account number (the account designated by the payee as his "Nemkonto") to payment orders. Payment can then be made via the payer's bank.

The regulation concerns four services. 1) Rules on which financial institutions may perform public service obligations (e.g. to report the accounts held by the institution itself as Nemkontos to the Nemkonto system on behalf of private individuals and legal entities). 2) Rules on which private individuals and legal entities may act as "private payers" and can thus make an "account post" in the Nemkonto system via a "private account intermediary", which means that with the payee's personal identification number or company registration number they can send inquiries to the Nemkonto system and obtain the payee's account information.

3) Rules on which legal entities may act as a "private account intermediary" and thus be connected to the Nemkonto system and make account posts on behalf of a private payer. 4) Rules on which companies, on behalf of one or more private account intermediaries, can be connected to the Nemkonto system.

8.

It is a condition for a financial institution to be able to subscribe to public service obligations that it is a bank, payment institution, electronic bank or credit institution in the EU/EEA, the Faroe Islands or Greenland, with the permission of an EU/EEA country's national, competent supervisory authority, cf. Section 21(1-2) of the draft Act on Nemkonto.

In addition, requirements are laid down for the financial institutions' application for support and administration thereof, technical and security requirements as well as requirements for logging and storage of logs, cf. Sections 5, 7, 11 and 12 of the Order on the scheme of public service obligations in relation to the Nemkonto system.

It is a condition for make account posts as a private payer that the private person or legal entity resides or has a registered office in Denmark, in another EU/EEA country, or in the Faroe Islands, cf. Section 18(2) of the draft Act on Nemkonto.

It is a condition for a legal entity to be connected to the Nemkonto system as a private account intermediary that the legal entity has permission from the relevant EU/EEA country's national, competent supervisory authority as either a bank, credit institution, insurance company, payment institution or electronic bank, and that the institution is subject to



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supervision from the relevant EU/EEA country's national, competent supervisory authority, cf. Section 19(2) of the draft Act on Nemkonto.

It is a condition for a legal entity to be connected to the Nemkonto system on behalf of one or more private account intermediaries that the legal entity is an operator of financial digital infrastructure. The operator of financial digital infrastructure must be appointed by the Danish Financial Supervisory Authority pursuant to Section 333(1)(2) of the Financial Business Act as an operator of financial digital infrastructures or be an EU/EEA-based company that complies with the national legislation of the EU/EEA country in question corresponding to Section 333(1)(2) of the Financial Business Act and is subject to supervision by the competent supervisory authority in the EU/EEA country in question corresponding to the Danish Financial Supervisory Authority's supervision of a Danish operator of financial digital infrastructures' compliance with Section 333m of the Financial Business Act, cf. Section 20(1-2) of the draft Act on Nemkonto.

9. The requirements for institutions carrying out public service obligations, cf. Section 21 of the draft Act on Nemkonto, are based on the fact that it is only relevant for financial institutions with a large Danish customer base to carry out these obligations, since only private individuals and legal entities covered by Sections 2 and 3 of the draft Act on Nemkonto must designate a Nemkonto. It is thus only considered relevant for financial institutions in the EU/EEA and the Faroe Islands and Greenland to carry out the public service obligations, as these institutions typically have a larger Danish customer base.

The requirements of the Order on public service obligations in relation to the Nemkonto system are also laid down in order to ensure the security of the Nemkonto system, as the system is a critical infrastructure for society.

The requirements for private payers, cf. Section 18(2) of the draft Act on Nemkonto, are based on the fact that the Nemkonto system primarily has account information about private individuals residing in Denmark and legal entities operating in Denmark. Thus, using the Nemkonto system is only relevant for private payers residing or having a registered office in Denmark, in another EU/EEA country, or in the Faroe Islands who have to make payments to many private individuals or legal entities in Denmark.

The requirements for private account intermediaries and operators of financial digital infrastructure, cf. Sections 19(2) and 20(1) and (2) of the draft Act on Nemkonto, are justified by the fact that the Nemkonto system is a critical system for society containing information on virtually all citizens and companies in Denmark. Therefore, a requirement is imposed that all private account intermediaries have undergone the comprehensive approval process associated with the granting of authorisations, and that the private account intermediaries and the operators of financial digital infrastructure are subject to supervision by the national competent supervisory authority of the relevant EU/EEA country. The Ministry of Digital Affairs considers that the requirements for private account intermediaries should reflect the high security requirements.

10. References in the basic text: No basic text(s) are available

11. No

12.

13. No

14. No

15. No

16.



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TBT aspects: No

SPS aspects: No

European Commission

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