Draft

of

Legislative decree on the use of the Nemkonto system by private payers, private account intermediaries and operators of financial digital infrastructures

The following is established in accordance with Section 17(4-6), Section 18(3-5), Section 19(3-5) and Section 21(4) of Act No. ... of... on Nemkonto:

Account lookup in Nemkonto system

§ 1. Via a private account intermediary, a private payer may look up a payee's Nemkonto account in the Nemkonto system if the private payer is required to make a payment to the payee within four banking days and the payee's Nemkonto is the correct payment point.

Notification of payees prior to account lookup

§ 2. Before a payee's account can be looked up the first time, a private payer must notify the payee that the payee can at any time notify the private payer that the payouts are not to be placed in the recipient's Nemkonto.

Paragraph 2. At the request of the Agency for Digital Government, a private payer must submit documentation for the notification referred to in Paragraph 1 to the Agency for Digital Government free of charge. The private payer must retain documentation of notification in accordance with Paragraph 1 for as long as there is a payment relationship with the payee.

§ 3. A private investor must inform the payee of the possibility of creditor protection if the payment is placed in a separate account in a bank or savings bank or is otherwise clearly separated from the payee's other capital before the payment to Nemkonto of amounts covered by Section 513 of the Code of Civil Procedure. Such notification must specify a reasonable period of time within which the payee must indicate whether the payout is to be made to an account other than the payee's Nemkonto.

Paragraph 2. At the request of the Agency for Digital Government, a private payer must submit documentation for the notification referred to in Paragraph 1 to the Agency for Digital Government free of charge. The private payer must retain documentation of notification in accordance with Paragraph 1 for as long as there is a payment relationship with the payee.

Exclusion from the Nemkonto system

§ 4. The Agency may exclude a private payer, private account intermediary or operator of financial digital infrastructure from the Nemkonto system if the Agency considers this necessary to ensure the stability, security and operation of the Nemkonto system or in the event of suspicion of misuse of the Nemkonto system or information contained therein.

§ 5. The Agency for Digital Government may exclude a private payer, private account intermediary or operator of financial digital infrastructure from the Nemkonto system if the person concerned violates the rules or conditions for connection to and use of the Nemkonto system, including in the following cases:

1) If payee accounts are looked up in the Nemkonto system without the payee's Nemkonto being the correct payment point.

2) If, in the Nemkonto system, payee accounts are looked up after the payee has informed the private payer that a payment should not be made to the payee's Nemkonto.

3) If information about a payee's Nemkonto is reused in a context other than payment to the payee within four business days.

4) If an account is opened on a payee in the Nemkonto system without an impending payout.

5) If account entries are made in the Nemkonto system without prior notification in accordance with Section 2 or 3.

Paragraph 2. In the event of minor breaches of the rules or conditions for connection to and use of the Nemkonto system, the Agency for Digital Government may issue an indictment instead of exclusion in accordance with Paragraph 1.

Paragraph 3. Exclusion in accordance with Paragraph 1 may be made time-bound for a period of between one and five years or permanently, depending on the severity of the violation.

Paragraph 4. The Agency for Digital Government may exclude a private account intermediary or operator of financial digital infrastructure from the Nemkonto system in the event of non-payment of a fee under Sections 7-9.

Fee for connection to and use of the Nemkonto system

§ 6. A private account intermediary or operator of financial digital infrastructure must pay a fee of DKK 20,500 to the Agency for Digital Government per system to connect to the existing Nemkonto system. Similarly, a fee of DKK 20,500 per system must be paid for changes to and adaptations to the technical connection to the Nemkonto system.

§ 7. A private account intermediary or operator of financial digital infrastructure must pay a fee to the Agency for Digital Government to connect to the new Nemkonto system of DKK 15,000 for a connection using IBM Message Queue and DKK 8,000 for a connection using the Representational State Transfer (REST) and Secure File Transfer Protocol (SFTP).

§ 8. A private account intermediary or financial digital infrastructure operator must pay an annual fee to connect to the Nemkonto system to the Agency for Digital Government of:

1) DKK 25,000 to connect one private payer.
2) DKK 75,000 to connect two to five private payers.
3) DKK 150,000 to connect more than five private payers.

§ 9. Private account intermediaries pay a fee of DKK 0.34 to the Agency for Digital Government per account entry, which is forwarded to the Nemkonto system.

Paragraph 2. However, if the private account intermediary is connected to the Nemkonto system via an operator of financial digital infrastructure, the Agency for Digital Government must charge the fee under Paragraph 1 to the operator of the financial digital infrastructure.

§ 10. The fees in Sections 6-9 are regulated in accordance with the Ministry of Finance's budget guidelines and Danish Financial Supervisory Authority's pricing guidelines. The current fee rates are published on a website designated by the Agency for Digital Government.

Paragraph 2. The fees in Sections 6-7 must be paid on connection. The fee referred to in Section 8 are paid once a year and the fee referred to in Section 9 is paid monthly in arrears to the Agency for Digital Government. If the payment deadline is exceeded, a reminder fee may be charged per reminder letter. The late fee will be determined in accordance with the relevant provisions of the Interest on Overdue Payments Act.

Paragraph 3. Invoices must be submitted digitally either by electronic mail or other digital means.

§ 11. A private account intermediary or financial digital infrastructure operator bears the costs associated with connection to the Nemkonto system.

Liability for damages

§ 12. The Agency for Digital Government, system and operating suppliers, public payers or account reporting institutions cannot be held financially responsible for unavailability of the Nemkonto system, delays in the delivery of account information, system errors in the Nemkonto system, errors in payment recipients' account information or other errors.

Unavailability of Nemkonto system

§ 13. The Agency for Digital Government has no obligation to assist private payers, private account intermediaries or operators of financial digital infrastructures by providing account information in any other way if the Nemkonto system is not available or is otherwise not fully available.

Reporting obligations

§ 14. A private payer is required to provide the Agency for Digital Government, at no cost, with information to be used by the Agency for Digital Government to process cases in relation to the right to object under Article 21 of the General Data Protection Regulation.

§ 15. A private account intermediary and operator of financial digital infrastructure are required, at no cost, to assist the Agency for Digital Government with information for the purpose of identifying and handling possible technical errors in connection with and use of the Nemkonto system.

Provisions for entry into force and transitional provisions

§ 16. The legislative decree takes effect on 1 July 2025, subject to Paragraph 2.

Paragraph 2. Sections 6 to 10 take effect on 1 January 2026.

Paragraph 3. In the period from 1 July 2025 to 31 December 2025, the Agency for Digital Government will charge fees for connection to and use of the Nemkonto system by private account intermediaries and operators of financial digital infrastructures in accordance with the rules on revenue-generating activities.