GUIDE

on the procedure for

COMPULSORY ACQUISITION

1. Law

This guide applies to compulsory acquisition (also referred to as expropriation) carried out in accordance with the provisions of the Law on the procedure for compulsory acquisition in the field of real estate (Decree No 386 of 13. April 2023).

2. Compulsory acquisition commission

The authority deciding on compulsory acquisition is called the compulsory acquisition commission. It consists of five members, of whom the President is a jurist (candidata juris). The President shall appoint four members to deal with cases relating to a specific infrastructure project, comprised of two members from the assigned list by The Ministry of Transport and Housing and two members from a joint municipal list. In addition, a person appointed by the municipal authority shall join the compulsory acquisition commission. This person does not have voting rights.

A chartered surveyor also assists the Commission.

The compulsory acquisition commission is an independent body. The members are not subject to any instructions on the decision of each case.

The secretariat for “The State Commissioners for Expropriations - the Islands” also known as "Kommissariatet" has the following address:

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3. Inspection and compulsory acquisition

The authority or licensed company responsible for carrying out the infrastructure project is called the infrastructure authority. Before making decisions dealing with compulsory acquisition, the commission preforms a visual inspection during which the commission evaluates how the infrastructure project interferes with the existing surroundings. The inspection takes place either separately or at the same time as the compulsory acquisition.

For inspection and compulsory acquisition, the landowners, etc., who are set to lose property, or which property are to be imposed by an easement or otherwise are covered by the compulsory acquisition shall be convened.

The infrastructure authority shall present the project. Within the framework of the infrastructure Act, the Commission may make changes to the project.

For use in the compulsory acquisition, the infrastructure authority shall draw up a so-called land inventory. The land inventory indicates the properties affected and the interventions envisaged on each property. It is sent together with the inauguration to the compulsory acquisition, to all affected landowners.

The land inventory, with any supplementary information, is also presented to the public on the secretariats homepage www.komoe.dk

During the compulsory acquisition, the compulsory acquisition commission inspects the affected properties and speaks to each landowner and others affected by the infrastructure.

Thereafter, the compulsory acquisition is imposed with immediate legal effect. The Commission's decision on compulsory acquisition cannot be changed by any other authority, however, questions about the legality of compulsory acquisition can be brought before the Courts within 6 months of the commission's decision, cf. section 26 (2) of the compulsory acquisition Procedure Act. 1, first sentence (see point 7).

The size of land and other interventions are approximates. Minor deviations may occur during the construction work.

If the compensation for land is stated in an agreed or set amount, no adjustments are made after final measurement.

If the land size turns out to be larger than the preliminary indication at the final measurement, the compensation is adjusted if it is stated per land size in the settlement, claim or order.

4. Compensation

During compulsory acquisition, the compulsory acquisition commission treats the issue of compensation.

In many cases, The Commission presents a compensation proposal. The property owner and the infrastructure authority can immediately settle by signing the compensation proposal in the Commission's negotiation protocol. If the property owner wants a period to reflect on the proposal, a written compensation proposal can be submitted. The property owner has 14 days to reflect and respond after receiving the written compensation proposal. The infrastructure authority can also request a written compensation proposal. If the compensation proposal is rejected upon presentation or if the proposal is not accepted within the specified reflection time, the Commission shall issue and submit a compensation order to the parties.

The order can be tried by the Appraisal Commission. Questions of damages can only be brought before the courts (see point 7) if the case has been tried by the Appraisal Commission.

Request for a review of the order by the Appraisal commission must be in writing and sent to commissaries so that it reaches commissaries no later than 4 weeks after the copy of the order has been sent to the person concerned, cf. section 19 (2) of the compulsory acquisition Procedure Act. Points 1, 3 dot.

The Appraisal Commission consists of a jurist as chairman and four members. A chartered surveyor also assists the Appraisal Commission.

5. Expert assistance

If an owner or another affected person has incurred expenses by receiving expert assistance (lawyer, consultant or the like) in connection with the proceedings, the Commission and the Appraisal Commission may determine appropriate compensation if the assistance is deemed necessary.

6. Compensation payout

Payment of compensation is the responsibility of the Commission. The Commission ensures that payment is made to the person concerned.

Interest on the compensation will bet set to a time the Commission decides, usually the time of compulsory acquisition. The annual interest rate corresponds to The Danish National Bank's discount at the time of compulsory acquisition. The commission must report any interest amount to SKAT. Compensation is paid when finalized, i.e. when:

- a settlement has been reached, or
- a written compensation proposal has been accepted, or
- the Commission has given an order which has not been appealed, or
- the Appraisal Commission has issued an order in cases where the claimant may expect to await an order from the Appraisal Commission, the Commissioner may in certain cases, at the request of the

claimant, pay an upfront amount of the compensation. The commission determines the size of the amount. The compensation is paid to the claimant's NemKonto[1].

- In cases where the Commission determines or is notified that a mortgage must be fulfilled, the compensation will be paid into a deposit account at the bank designated by the property owner, with the request of the bank to negotiate the relationship with the mortgagees. In this case, the property owners are asked to contact the bank and set up a deposit account for the purpose. The bank will then have to disclose the account number in the deposit account to the commission office.

  Payment is made subject to any court proceedings.

7. Property taxes and other taxes

If an entire property is compulsory acquisitioned, a cut-off date for paying taxes is set.

The owner must pay the taxes before the cut-off date. The civil authority makes any reimbursement.

If a property has lost part of its land, the Commission's leading surveyor will report the necessary information to the assessment authorities so that the property can be revalued.

8. Courts

The legality of a compulsory acquisition may be referred to the courts. A case concerning the legality of a compulsory acquisition must be brought before the courts within six months of the compulsory acquisition decision/compulsory acquisition day, cf. section 26 (2) of the compulsory acquisition Act. 1, 1st period. A compensation provided for by the Appraisal Commission may also be brought before the courts. A claim for damages must be brought within 6 months after the order of Appraisal Commission has been dispatched from the secretariat of the Appraisal Commission, cf. section 26 (2) of the Expropriation Procedure Act. 2, 2nd period.

9. Cadaster rectification and registration

Cadaster and final registration correction of a compulsory acquisition can only take place once the infrastructure has been completed and surveying has taken place. These changes occur at no cost to the property owner.

In the meantime, if the property is to be sold or mortgaged, the commissioner can provide documentation for this use.

No new cadaster is issued for each property that has given or received land. Until the end of the case, the land changes are secured by a preliminary registration (pre-listing).

10. Disposal of residual land

It will often be the case that more land will be compulsory acquisitioned from a property than what is needed for the infrastructure. This can happen because a part of the property will be cut off from the main property or for other reasons. Land that has been cut off, or residual land, will be attempted to be transferred to other properties during the compulsory acquisition. If such land transfer is agreed or decided during the compulsory acquisition, the following terms apply unless otherwise agreed:

a) The cadaster and registration correction of the transferred land will only take place simultaneously with the rectification of the infrastructure as a whole. The availability day is specifically agreed. The infrastructure authority will pay the costs for the cadaster and registration correction.

b) The easements on the land are unchanged and maintained.

c) If a cash amount is paid for the land transferred, a date for the payment of the purchase price will usually be set. If this exceptionally does not happen, the purchase price is due for payment immediately before the date

[1] . A Goverment authendicated personel bank account

on which the cadaster case is submitted to the Geodata Agency. The recipient of the land is at this time obliged to pay the purchase price or the remaining purchase price, if required, within a period of 14 days.

11. General Data Protection Regulation

As a data controller, we note that we have received the necessary information from the infrastructure authority to process the compulsory acquisition regarding your property. Based on Article 6 (1) litra e and Article 9 (2) litra f of the Data Protection Regulation, the commission has the right to process ordinary and sensitive personal data. The processing is done as part of the commission´s administration of the law on the procedure for compulsory acquisition of real estate. Usually the commission only processes ordinary personal data.

The commission is subject to the rules in article 15 of the Public Administration Act and the Publications Act on journalizing and article 13 of the Archives Act. This means that documents received or sent from the commission must be journalized, insofar as the document has significance for a case or the case processing in general. All documents are kept in the commission's filing system under the case where the documents belong. At the request of the National Archives, the commission provides a “snapshot” of our journal system to the National Archives. Thus, the period in which we store personal data cannot be precisely defined, but is attempted to be minimized to the extent that the compulsory acquisition process permits.

To the extent required by law, or necessary for consideration of the compulsory acquisition case, personal data may be shared with a chartered surveyor, member of the commission, Civil Service, Municipal Representatives, “Taksationssekretariatet” and the Ministry of Urban and Rural Affairs and Transport.

In addition, the commission of the compulsory acquisition is obliged under section 12 (2) and section 15 (2) of the Compulsory Acquisition Procedure Act to make publicly available the inauguration to the compulsory acquisition, inspection material and compulsory acquisition material. However, this only comprises information from the land register, OIS or similar publicly available databases.

As a registered person, you have the right to be informed which of your personal data is stored and processed by the commission. The right to correct any incorrect personal data, the right to limit processing of personal data and the right to receive the personal data that you have provided to the commission and to transmit this information to another data controller.

The main purpose of the commission is the administration of the law on the procedure for compulsory acquisition for real estate, which falls under the exercise of public authority imposed by the commission and which is necessary for the performance of a task in the public interest, means Data Protection Regulation article 17 (3) litra b that the data subject is not entitled to have personal data deleted and the commission has no obligation to delete personal data in accordance with the nature of the Data Protection Regulation article 17 (1) and (2).

You can read more about the commission's processing of personal data on our website.

You have the right to file a complaint with the Data Inspectorate if you are dissatisfied with the way we process your personal data. You can find the Data Inspectorate's contact information at www.datatilsynet.dk. Here you can also read more about your rights in the Data Inspectorate's guide on the rights of the data subjects.

If you have any questions about data protection matters, you are more than welcome to contact the Commission's data protection representative, Anna K. Skamrits, tel: 33.92.72.30, e-mail: aks@komoe.dk or the Commission’s data protection advisor, Noor Shah, tel: 21 35 54 11, e-mail dpo@trm.dk.