Act No. 546 of 26 May 2010
Applicable
Date of publication: 27 May 2010
Danish Ministry of Taxation

Full text

Act to amend the Danish Tax Assessment Act, the Danish Tax Control Act and the Danish Consolidation Act on an Active Social Policy

(Deductions for private donations for research etc.)

WE, MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby make known that the Danish Parliament (Folketinget) has passed and We have granted Our Royal Consent to the following Act:

Section 1

In the Danish Tax Assessment Act (Lov om påligningen af indkomstskat til staten (Ligningsloven)), cf. Consolidation Act No. 176 of 11 March 2009 as most recently amended by Section 2 of Act No. 244 of 22 March 2010, the following amendments shall be incorporated:

1) In Section 7, Item 22, “Danish Minister for Social Affairs” shall be changed to: “Danish Minister for Employment”.

2) Section 7 F(1), Items 6 and 7 shall be repealed, and the following shall be inserted instead:
“6) subsidies granted to consumers for the promotion of energy-efficient products and solutions as set out in Section 7(4) of the Danish Act on the Promotion of Savings in Energy Consumption (Lov om fremme af besparelser i energiforbruget),”

Items 8-13 shall subsequently become Items 7-12.

3) Section 7 F(1), Item 10, which now becomes Item 9, shall be worded as follows:
“9) subsidies granted to consumers for the purchase and installation of energy-efficient products and for connection to district heating as set out in Section 1(2), Items 2 and 5 of the Danish Act on State Subsidies for Product-related Energy Savings (Lov om statstilskud til produktrettede energibesparelser),”

4) Section 8 H(1) shall be worded as follows:
“In connection with the determination of the taxable income, deductions can be made for donations which the donor has made to charitable or in other ways non-profit organisations, foundations, institutions etc., the assets of which are used for research. The organisations, foundations, institutions etc. shall be domiciled in Denmark or in another EU/EEA member state. The deduction shall be conditional upon the organisations, foundations, institutions etc. having declared the donation to the Danish Central Customs and Tax Administration in accordance with the rules laid down by the Danish Minister for Taxation pursuant to Section 8 Æ(3) of the Danish Tax Control Act (Skattekontrolloven).”

5) Section 8 H(2) shall be worded as follows:
“(2) Deductions pursuant to Subsection (1) shall be conditional upon the Danish Central Customs and Tax Administration having approved, for the calendar year in which the donation is made, the relevant organisation, foundation, institution etc. as being entitled to receive donations with the effect that the amount donated can be deducted in connection with the determination of the donor’s taxable income. Prior to any such approval, the Danish Central Customs and Tax Administration shall obtain an opinion from the Danish Council for Independent Research (DFF) as to whether the organisation, foundation, institution etc. uses its assets for research.”

6) In Section 8 H, the following shall be inserted as Subsections (3) and (4):
“(3) Subsection (1) shall not apply where the donor and the recipient share common interests, cf. Section 2.
(4) In cases which are comprised by Subsection (1), Section 8 A shall not apply.”

Section 2

In the Danish Tax Control Act (Skattekontrolloven), cf. Consolidation Act no. 1126 of 24 November 2005 as most recently amended by Section 10 of Act No. 1278 of 16 December 2009, the following amendment shall be incorporated:

1) In Section 8 Æ(1), first sentence, the following shall be inserted after “Section 8 A”: “; Section 8 H”.
Section 3

In the Danish Consolidation Act on an Active Social Policy (Lov om aktiv socialpolitik), cf. Consolidation Act no. 946 of 1 October 2009 as most recently amended by Section 3 of Act No. 431 of 28 April 2010, the following amendments shall be incorporated:

1) In Section 14(5), the following shall be inserted after “Section 7, Item 22 of the Tax Assessment Act”: “, and grants which are exempt from taxation pursuant to Section 7, Item 30 of the Tax Assessment Act”.

2) In Section 33(1), Item 4, the following shall be inserted after “Section 7, Item 22 of the Tax Assessment Act”: “, and grants which are exempt from taxation pursuant to Section 7, Item 30 of the Tax Assessment Act”.

Section 4

4.-1) This Act shall enter into force on the day after the promulgation of the Order in the Danish Law Gazette (Lovtidende), cf., however, Subsection (6).

(2) Section 1, Items 2 and 3 shall become effective as at 1 March 2010.

(3) Section 1, Items 4 and 6 and Section 2, Item 1 shall become effective in respect of donations made on or after 1 January 2010. Section 8 H(3) of the Danish Tax Assessment Act as set out in Section 1, Item 6 of this Act, however, shall become effective as at 3 March 2010 in respect of entities liable to taxation which are comprised by the Danish Corporation Tax Act (Selskabsskatteloven).

(4) Section 1, Item 5 shall become effective in respect of applications for approval pursuant to Section 8 H of the Danish Tax Assessment Act which are submitted on or after 1 July 2010.

(5) Section 1, Item 1 shall become effective as from the 2010 assessment year.

(6) Section 3, Items 1 and 2 shall enter into force on 1 June 2010 and shall become effective as at 1 January 2009.

Given at Christiansborg Castle, 26 May 2010

Under Our Royal Hand and Seal

MARGRETHE R.

/ Troels Lund Poulsen