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FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

COMPLIANCE REPORT

DENMARK



Adopted by GRECO
at its 88th Plenary Meeting (Strasbourg, 20-22 September 2021)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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I. INTRODUCTION

1. GRECO's Fifth Evaluation Round deals with "Preventing corruption and promoting integrity in central governments (persons entrusted with top executive functions, PTEF) and law enforcement agencies (LEA)".
2. This Compliance Report assesses the measures taken by the authorities of Denmark to implement the recommendations issued in the Fifth Round Evaluation Report on Denmark which was adopted at GRECO's 83rd Plenary Meeting (17-21 June 2019) and made public on 4 September 2019, following authorisation by Denmark ([GrecoEval5Rep\(2018\)8](#)).
3. As required by GRECO's Rules of Procedure¹, the authorities of Denmark submitted a Situation Report on measures taken to implement the recommendations. This report was received on 27 May 2021 and served, together with additional information, as a basis for the Compliance Report.
4. GRECO selected the Slovak Republic (with respect to top executive functions in central governments) and Iceland (with respect to law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Livia TYMKOVÁ, on behalf of the Slovak Republic, and Mr Björn THORVALDSSON, on behalf of Iceland. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.
5. The Compliance Report examines the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any pending recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

II. ANALYSIS

6. GRECO addressed 14 recommendations to Denmark in its Evaluation Report. Compliance with these recommendations is dealt with below.

Preventing corruption and promoting integrity in central governments (top executive functions)

Recommendation i.

7. *GRECO recommended that an analysis of integrity-related risks involving members of the government and special advisers be carried out and that on this basis a strategy for the integrity of persons with top executive functions be developed and implemented.*

¹ The Compliance procedure of GRECO's Fifth Evaluation Round is governed by its Rules of Procedure, as amended: Rule 31 revised bis and Rule 32 revised.

8. The Danish authorities report that a number of rules and guidelines on integrity-related matters apply to ministers. In the Danish experience all integrity-related rules concerning ministers are generally adhered to. There are therefore no immediate plans to develop and implement a strategy for the integrity of members of the government. When it comes to special advisers, the Danish authorities point out that several inquiries have already been carried out. Based on the most recent recommendations from a special expert committee in 2011, special advisers undergo an introduction course upon their appointment, in which their attention is drawn to the Code VII² and the Code of Conduct for the Public Sector. In addition, Denmark has a number of enforceable integrity-related rules both for special advisers and ministers. Lack of compliance with the rules on conflicts of interest, confidentiality or gifts can entail a violation of the Criminal Code and can therefore lead to sanctions.
9. GRECO takes note of the information provided. The existence of rules and guidelines on integrity-related matters applying to ministers and special advisers, as already described in the Evaluation Report, does not correspond to the expectations of a more holistic approach underlying this recommendation. Against the background of what has been described in the Evaluation Report about the need for a greater sensitivity to certain integrity risks and for more importance to be attached to promoting integrity among persons with top executive functions (hereafter: PTEFs), GRECO regrets that no analysis of integrity-related risks involving members of the government has been carried out as a basis for a future strategy on these matters.
10. GRECO concludes that recommendation i has not been implemented.

Recommendation ii.

11. *GRECO recommended (i) that a code of conduct for persons with top executive functions be adopted, complemented with appropriate guidance regarding conflicts of interest and other integrity-related matters (e.g. gifts, outside activities, third party contacts, handling of confidential information etc.) and (ii) that such a code be coupled with a mechanism of supervision and enforcement.*
12. The Danish authorities report as regards the first part of the recommendation that all new ministers receive a ministerial handbook, which is updated regularly and contains relevant regulations regarding governmental work. This handbook contains all applicable rules and guidelines on integrity-related matters, including the Ministerial Accountability Act, the Public Administration Act (as regards conflicts of interest), the rules and guidelines on gifts, ministers' occupations and financial interests (including the Act on Remuneration and Pensions for Ministers) and ministers' expenses (including the transparency scheme for ministers' expenses and activities). Following the general

² It is recalled, as outlined in paragraph 39 of the Evaluation, Code VII refers to the publication "Code VII – 7 key duties", which saw the light in 2015 and focuses specifically on seven key duties of civil servants which are considered most essential to the work of civil servants in the central government in their interactions with ministers, with a brief explanation of what each duty means and implies. The seven key duties are legality, truthfulness, professionalism, development and co-operation, responsibility and management, openness about errors and party-political neutrality.

election in June 2019, the handbook also features a memorandum on conflicts of interest. As such the handbook provides guidance on many of the same topics addressed by the Code of Conduct for the Public Sector (e.g. rules on conflicts of interest, secondary employment, gifts and other benefits), as well as a number of issues that are not relevant for civil servants (e.g. ministers' legal and political responsibility, rules and guidelines on representation and official journeys). It does however not contain any rules on lobbyists or employment following termination of their ministerial position, as Denmark does not have such rules.

13. Like the Code of Conduct for the Public Sector, one of the main purposes of the handbook is to help ministers be aware of integrity-related issues and provide guidance thereon. As such it is as indicative and complete as the Code of Conduct for the Public Sector and on some matters even contains stricter rules (e.g. on conflicts of interest, where it follows from the guidelines on conflicts of interest that ministers are obliged to have a matter officially transferred to another minister in all cases where questions can be raised about the integrity of the minister in question).
14. In respect of special advisers, the Danish authorities emphasise that the Code of Conduct for the Public Sector is fully applicable and serves as a guideline on the interpretation and use of existing rules on the same level as it is used by all other civil servants.
15. As regards the second part of the recommendation, the Danish authorities point out that the primary integrity-related rules are in fact sanctionable both for ministers and special advisers. Lack of compliance with the rules on conflicts of interest, confidentiality and gifts can entail a violation of the Criminal Code.³ Furthermore, for special advisers the Code of Conduct for the Public Sector outlines that sanctions in the form of a warning, a reprimand or dismissal can be imposed for violations of this code. In turn, for ministers, a violation of the rules can in some cases be sanctioned in accordance with section 5 of the Ministerial Accountability Act (e.g. when it comes to violating the rules on conflicts of interest in the Public Administration Act).⁴
16. It is Denmark's experience that all integrity-related rules, including those who are only subject to "political" sanctions, are in general adhered to. Therefore, for ministers it is not considered necessary to take further measures to implement this recommendation. For special advisers a code of conduct complemented with appropriate guidance and coupled with a mechanism of supervision and sanctions already exists.

³ For example, for conflicts of interest, section 155 of the Criminal Code provides that any persons exercising a public office or function abuses his/her position to procure him- or herself or others an unfair advantage can be sentenced to a fine or up to two years' imprisonment; for confidentiality, section 152 of the Criminal Code provides that any person who exercises or has exercised a public office or function and who unlawfully forwards or exploits confidential information, which s/he has obtained in connection with his/her office or function can be sentenced to a fine or imprisonment of up to six months; for gifts, section 144 of the Criminal Code provides that any person who exercises a public office or function and who unlawfully receives, demands or accepts the promise of a gift or another favour can be sentenced to a fine or up to two years' imprisonment.

⁴ Section 5 of the Ministerial Accountability Act provides that ministers can be sanctioned to a fine or up to two years' imprisonment for "intentionally or by gross negligence" disregarding "duties which are imposed upon him/her by the Constitution or legislation in general or the nature of the post".

17. GRECO takes note of the information provided, which – apart from the new memorandum on conflicts of interest – describes the information already outlined in the Evaluation Report. It is recalled that, GRECO saw much benefit in establishing a code of conduct for members of the government consolidating the rules on integrity and providing additional guidance, as a complement to the existing handbook for ministers (of which the main focus is not on integrity issues), rather in a similar way as Denmark has found it valuable to establish the Code of Conduct for the Public Sector and the abovementioned Code VII as a complement to the general rules that already exist for civil servants. A code of conduct for PTEFs would also need to address areas not currently regulated, such as contacts with lobbyists and other third parties seeking to influence government decision-making, or matters which at the time of adoption of the Evaluation Report were not included in the ministerial handbook and/or on which insufficient guidance was being provided, such as conflicts of interest. On this latter issue, GRECO welcomes that a new memorandum on conflicts of interest has been added to the ministerial handbook, but finds that this memorandum for the most part reiterates the situations outlined in the Public Administration Act and as such does not provide much further guidance. It notes that the memorandum makes a reference to special guidelines applying to ministers (as contained in a 2004 letter by the Prime Minister’s Office), but as the content of these guidelines have not been shared with GRECO (and also does not seem to be included in the ministerial handbook), GRECO cannot draw further conclusions from this.
18. Furthermore, when it comes to enforcement, it is exactly because not all integrity-related misconduct rises to the level of crime, GRECO found that non-criminal enforceability of the code would have obvious merits, providing for additional proportionality to the accountability of ministers who have little or none for official misconduct other than political oversight. Finally, as regards special advisers, while in the Evaluation Report GRECO considered the Code of Conduct for the Public Sector a comprehensive document which provided clear guidance, it also concluded that it would not in all situations be pertinent for special advisers (*inter alia* given the political neutrality expected of civil servants and the differences in status and recruitment between civil servants and special advisers). It was therefore considered more appropriate to have special advisers covered by a special code of conduct for PTEFs. What is clear however is that the above reasoning has not been followed by Denmark and that unfortunately no tangible steps have been taken to implement this recommendation.
19. GRECO concludes that recommendation ii has not been implemented.

Recommendation iii.

20. *GRECO recommended that i) systematic briefing on integrity issues be imparted to members of the government upon taking up their positions and at certain intervals thereafter and ii) confidential counselling on integrity issues be established for them.*
21. The Danish authorities report, as regards the first part of the recommendation, as also mentioned in the paragraph 47 in the Evaluation Report, that following the general

election of June 2015, ministers were briefed on the most important issues in the aforementioned handbook. A similar briefing was conducted by the Head of the Law Division in the Prime Minister's Office following the general election in 2019. It is the intention that similar briefings will be conducted following future government formations. Moreover, ministers are always able to contact the Prime Minister's Office to receive advice on any integrity-related issue.

22. As regards the second part of the recommendation, the Danish authorities stress that ministers are counselled on a daily basis on integrity-related issues by their permanent secretary, their secretariat and their Law Divisions. This counselling is confidential.
23. GRECO takes note of the information provided. As regards the first part of the recommendation, it notes that briefings on integrity issues have been imparted to members of the government upon taking up their position in recent governments. This is a good practice. However, for this part of the recommendation to be fully implemented these briefings would need to be repeated at certain intervals thereafter (notwithstanding the fact that ministers can always contact the Prime-Minister's Office at their own initiative). This part of the recommendation is therefore partly implemented. As regards the second part of the recommendation, GRECO notes that ministers are reportedly counselled on a daily basis by their permanent secretary, their secretariat and Law Divisions. However, in the Evaluation Report, it found that these channels to communicate on possible ethical dilemmas should be "more clearly defined, harmonising practices and consolidating institutional memory". As this has not been done, GRECO can only say that this part of the recommendation has not been implemented, not even partly.
24. GRECO concludes that recommendation iii has been partly implemented.

Recommendation iv.

25. *GRECO recommended that, in order to improve public access to information under the Access to Public Administration Files Act, the scope of the exceptions under the Act be restricted or further measures be taken to ensure that the exceptions under the act are applied less frequently in practice.*
26. The Danish authorities report that, in April 2021, it was decided to start political negotiations regarding a possible revision of the Access to Public Administration Files Act, to see if a political agreement can be reached on restricting the use of certain exceptions under the act. These negotiations are currently on-going.
27. GRECO welcomes the intention to revise the Access to Public Administration Files Act. As this process is still at a very early stage and since the adoption of the Evaluation Report no other measures have been taken to ensure that the exceptions under the act are applied less frequently in practice, it can only conclude that the recommendation has not been implemented.
28. GRECO concludes that recommendation iv has not been implemented.

Recommendation v.

29. *GRECO recommended i) introducing rules and guidance on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties seeking to influence governmental processes and decisions; and (ii) increasing the transparency of contacts and subject matters concerning lobbying of persons entrusted with top executive functions.*
30. The Danish authorities report that Denmark does not have rules or guidance in place regarding contacts with lobbyists and other third parties seeking to influence governmental processes and decisions. However, the general rules on confidentiality, conflicts of interest⁵, bribery and rules regarding acceptance of gifts apply. For persons with top executive functions who are also civil servants the Code of Conduct for the Public Sector also applies to interactions with lobbyists and other third parties seeking to influence governmental decision-making.⁶ As outlined under recommendation ii above (paragraph 15), violations of these rules are subject to sanctions, primarily pursuant to the Criminal Code or in case of lack of compliance of ministers with the rules on conflicts of interest pursuant to the section 5 of the Ministerial Accountability Act or for civil servants pursuant to the Code of Conduct for the public sector.
31. In 2016, the Danish Parliament considered a proposal for a motion for a resolution regarding the introduction of a public register of ministers' meetings with lobbyists and other third parties. However, a majority in Parliament considered it inexpedient to introduce such a register. There are currently no plans to introduce specific rules regarding contacts with lobbyists.
32. GRECO takes note of the information. It already noted in the Evaluation Report that there are "no rules in place to regulate contacts of ministers (or special advisers for that matter) with lobbyists/other third parties, other than the general rules on lawful administration, including the rules on conflicts of interest and misuse of confidential information". GRECO *inter alia* found that these general rules on lawful administration did not provide sufficient transparency in respect of the impact of lobbyists and other third parties (including special interest groups) on government policies and considered it crucially important to address this issue to uphold public trust in democratic decision-making processes. This would appear especially important in countries where there are close interactions between politicians and industries and other interest groups. GRECO urges the Danish authorities to reconsider their position on this and establish pertinent

⁵ On this the Public Administration Act for example provides that any person working for a public administration shall be disqualified from being involved in a particular matter if amongst other things s/he has financial interests in the outcome in the matter or if there are other circumstances which are likely to raise doubts as the impartiality of the person in question. The rules in the Public Administration Act are supplemented by the general legal principle of impartiality, which covers areas where the Public Administration Act does not apply, which provides that in order to hold a position in the public administration a person shall not be in a position in which s/he would frequently be disqualified from performing administrative functions due to "personal particular impartiality" (i.e. those situations regulated by the Public Administration Act).

⁶ Pursuant to this code, civil servants for example have a duty to report potential conflicts of interest to the permanent secretary at their ministry or their manager.

rules to provide a more transparent framework for contributions to public decision-making.

33. GRECO concludes that recommendation v has not been implemented.

Recommendation vi.

34. *GRECO recommended introducing rules to deal with the employment of persons entrusted with top executive functions following the termination of their service in the public sector.*
35. The Danish authorities report that, in 2016, Parliament considered a proposal for a motion to establish a working group with a view to preparing possible models for rules regarding “revolving doors”. However, a majority of Parliament voted against the proposal. There are currently no plans to introduce specific rules regarding “revolving doors”.
36. As regards the risks associated with “revolving doors”, the Danish authorities point to the legal provisions on conflicts of interest in the Public Administration Act (see footnote 5 above) and on confidentiality and bribery in the Criminal Code, as well as the rules on gifts and the fact that ministers are as a main rule required to resign from any occupations in private or public companies, undertakings or institutions upon taking office (pursuant to Article 8 of the Act on Remuneration and Pensions for Ministers).
37. GRECO takes note of the information provided. It recalls that in the Evaluation Report, adopted in 2019, it already referred to the 2016 discussion in the *Folketing* on “waiting periods” for former ministers, in particular when taking up employment in the private sector as lobbyists. In the Evaluation Report, GRECO concluded that the legal framework was not sufficient and did not adequately take into account the integrity risks associated with PTEFs moving to the private sector. In this context, it considers that it would be rare for such moves to rise to the level of crime and the Public Administration Act would lose its relevance in this context once someone is no longer a minister.
38. GRECO concludes that recommendation vi has not been implemented.

Recommendation vii.

39. *GRECO recommended (i) enshrining in regulation or legislation an obligation for members of the government to publicly declare their assets, income and financial interests; (ii) that quantitative data on income as well as data on assets and significant liabilities is included in the financial declarations; and (iii) that it be considered to oblige special advisers to declare their financial interests publicly on a regular basis as well.*
40. The Danish authorities recall, as regards the first and second part of the recommendation, as was also noted by GRECO in its Evaluation Report, that since 2005 all ministers have been required to file their financial interests on the basis of a standard, which is published. Even if the scheme is not based on legislation, successive

governments have complied with the regime as a mandatory measure. The system prescribes the disclosure of information on occupations held currently and in the past five years, self-employment with an annual turn-over of more than 50 000 Danish Kroner (DKK, approximately EUR 6 700 EUR), financial agreements with former and/or future employers, membership of associations, remunerated positions, revenue-making activities and corporate interests of a spouse or partner. The present scope of what is being declared expresses the desire to strike a fair balance between the need to inform the general public and the reasonable expectation of a minister to keep part of his/her financial situation private. In this regard, successive governments regularly assess which financial interests should be declared. Thus, Denmark does not find it necessary to take further measures to implement these two parts of the recommendation as regards members of the government.

41. As regards the third part of the recommendation, the authorities emphasise that special advisers have a duty to report potential conflicts of interest to the permanent secretary of their ministry or their manager. Therefore, it is not considered necessary to introduce new rules regarding special advisers' financial interests.
42. GRECO takes note of the information provided. It is clear that no measures have been taken to implement this recommendation, not even to give due consideration to obliging special advisers to declare their financial interests on a regular basis.⁷
43. GRECO concludes that recommendation vii has not been implemented.

Recommendation viii.

44. *GRECO recommended that declarations submitted by persons entrusted with top executive functions be subject to substantive control.*
45. The Danish authorities report that even though ministers are not legally obliged to declare their financial interests and there is no formal review mechanism regarding the accuracy of information provided by ministers, the declarations are published on the website of the Prime Minister's Office. Consequently, this information (and any inaccuracies therein) will be subject to scrutiny by Parliament, the press and the public at large, and ministers bear political responsibility for this information.
46. Furthermore, the Prime Minister has the discretion to dismiss a minister, if s/he for example does not submit his/her financial declaration or if it appears that the information contained therein is inaccurate, in accordance with Section 14 of the Constitution. Similarly, not submitting a financial declaration or providing incorrect

⁷ GRECO recalls that Bureau 75 established four criteria to be fulfilled to conclude that a "consider-recommendation" has been implemented, namely 1) pertinence (Has the reflection process carried out in the country concerned really taken into account GRECO's underlying concerns?); 2) extent (Were these concerns examined/discussed in depth, possibly with the involvement of appropriate (expert) institutions/individuals?); 3) legitimacy (Has the decision to act/not to act been taken by an appropriate authority, ideally at political level?); 4) documentation (Has the reflection process and/or its results been properly documented?).

information in this declaration could lead the Parliament to adopt a vote of no-confidence in a minister, thereby dismissing him/her. In addition, it should be noted that ministers are generally subject to a duty of truthfulness, which has its basis in Section 5, paragraph 2 of the Ministerial Accountability Act, regarding the provision of incorrect or misleading information to Parliament.⁸ In some cases, the provision of incorrect or misleading information in financial declarations to the general public can also be regarded as a disregard of duties imposed upon him/her by the nature of the post under paragraph 1 of that same section. It is Denmark's experience that the rules are in general adhered to. Thus, Denmark does not find it necessary to take further measures to implement the recommendation as regards ministers.

47. GRECO takes note of the information provided. As it already stated in the Evaluation Report, it would find some kind of review of financial declarations by the authorities logical, in that it would provide for additional safeguards and ensure that the public can trust the information provided. In this context, GRECO regrets that Denmark has not found it necessary to ensure that the declarations are subject to substantive control.
48. GRECO concludes that recommendation viii has not been implemented.

Regarding law enforcement agencies

Recommendation ix.

49. *GRECO recommended further developing training particularly focusing on the special integrity requirements relevant for the police and to make such training mandatory for managers in the Danish police.*
50. The Danish authorities report that in 2018 and 2019, the Danish National Police carried out a national campaign concerning good conduct in the entire police force. The campaign targeted both managers and ordinary staff in the Danish National Police and the police districts. It comprised a tailored e-learning programme (with a special focus on elements of the Code of Conduct for the Public Sector and the publication "Good behaviour in the police and prosecution service" on the intranet of the police, which all staff (including managers) were required to complete. Newly hired staff is required to complete this e-learning programme as well.
51. Furthermore, in 2018 and 2019, a number of targeted courses were held on Code VII⁹, for executive secretariats and leaders of the Danish police districts involved in ministerial services.¹⁰ In addition, a module on good conduct and ministerial services (including an introduction to Code VII) was included in the curriculum for leaders of the

⁸ Section 5 of the Ministerial Accountability Act (see also footnote 4 above) provides: "A minister is punished if s/he intentionally or by gross negligence disregards the duties which are imposed on him/her by the Constitution or the legislation in general or the nature of the post. 2) The provision in subsection 1 applies if a minister provides incorrect or misleading information to the Parliament or under the Parliament's reading of a case is silent about information, which is substantial to the Parliament's assessment of the case."

⁹ See footnote 2 above as regards Code VII.

¹⁰ Ministerial services include contributions of the Danish National Police to replies to parliamentary questions, consultations, hearings and specific inquiries from the Ministry of Justice (etc.).

police, to ensure that future leaders of the Danish police are well acquainted with these rules and mandatory training is being provided specifically to what is called “leaders in transition”. Persons being promoted to police chief have to complete a specific 12-18 months’ training course for leaders in transition. Combining teaching and practice, this training focuses on the framework and conditions for management, including such issues as responsible management, ethics and Code VII.

52. The Danish authorities finally emphasise that the Danish National Police is generally attentive to good conduct with regard to supplementary education and regularly adapts its curriculum in this respect.¹¹ Code VII and the principles regarding good conduct of public authorities form part of the core elements and values which drive change management in the Danish police.
53. GRECO takes note of the information provided. It recalls its main preoccupation was that oversight regarding integrity matters was first and foremost the responsibility of the supervisor of the staff member concerned and that s/he would also be the point of contact in case of ethical dilemmas. In this respect, while GRECO would have welcomed more information on the content and frequency of trainings on integrity (beyond Code VII, which is more relevant for interactions between civil servants and ministers), it accepts that training on integrity is provided in the Danish police and is mandatory for managers, as required by the recommendation.
54. GRECO concludes that recommendation ix has been dealt with in a satisfactory manner.

Recommendation x.

55. *GRECO recommended that further measures be taken to strengthen the representation of women and other underrepresented groups at all levels in the Danish police.*
56. The Danish authorities report that in the past few years the Danish National Police has intensified its efforts to expand the base of qualified applicants to the police academy, in response to political demands for more police officers. Part of this recruitment drive has also focused on boosting the number of female applicants and applicants from ethnic minority backgrounds to the police academy. In doing so, particular attention has been paid to ensuring that the overall message of the material, be it as part of campaigns in printed or digital media, is such that different targets groups (such as women and ethnic minorities) can identify themselves with a career in the police. Female police cadets and police officers with a non-Danish background are used to target potential applicants from underrepresented groups. The Danish National Police also works with employer branding, analysing data gathered about what motivates potential candidates

¹¹ For example, due to the so-called Tibet-case (concerning the actions of the Danish Police in relation to two demonstrations held in Copenhagen in 2012-2014) national guidelines are being implemented to ensure the legality of the police’s actions. Further initiatives were also taken in relation to meetings between the police and citizens and regarding purchasing.

to select or deselect an education in the police, in order to adapt recruitment campaigns where needed, and uses micro segmentation for its campaigns.¹²

57. The Danish authorities furthermore report that the campaigns of the Danish National Police have been effective, resulting in an increase in the number of applicants, including female applicants and applicants from ethnic minority backgrounds. The number of female applicants to the police academy increased to 26.1 percent of all applicants in 2020 (compared to 20.2 percent in 2015), with the number of admitted female students increased to 27.7 percent of admitted candidates in 2020 (compared to 22 percent in 2015). The number female employees in the Danish police totalled 1.942 in September 2020, representing 17.3 percent of the total police force. The number of applicants with a non-Danish background increased to 2.1 percent of all applicants in 2020 (compared to 1.5 percent in 2015), with the number of admitted candidates with a non-Danish background increasing to 5.2 percent of all admitted candidates in 2020 (compared to 2.7 percent in 2015).
58. Finally, the Danish authorities emphasise that the Danish National Police always hires the best-qualified applicants and does not discriminate as regards the gender or ethnic background of the applicant.
59. GRECO takes note of the information provided. It welcomes the increase in the representation of women and other underrepresented groups among applicants and admitted candidates to the police academy. It trusts that in time this will be positively reflected in the number of police officers also at higher levels.
60. GRECO concludes that recommendation x has been dealt with in a satisfactory manner.

Recommendation xi.

61. *GRECO recommended developing a streamlined system for authorisation of secondary activities within the police, which is coupled with effective follow-up.*
62. The Danish authorities report that secondary activities within the police are seen as a positive element in the relationship between the community and the police. Consequently, it is the opinion of the Danish police that secondary activities are in most cases of value for both the staff members and the workplace, as the staff members through their secondary activities enhance their knowledge and improve their links with the community. If the possibility of secondary activities were to be restricted, there is a risk that these positive effects would be lost.
63. The Danish authorities furthermore state that a generalised system of reporting secondary activities would be incompatible with the Civil Servants Act, which does not provide for a system for employees to report their secondary activities. Employees are already nevertheless already obligated to provide information to their managers on their secondary activities, if so requested, and, if in doubt whether the secondary

¹² With micro segmentation target groups are divided into even smaller more precise segments, based on various factors, recognising for example that women of different ages and in different family situations find different matters relevant and appealing in the work and education the police force can provide.

employment is compatible with employment within the police, must report their secondary employment. Employees with the security level “secret” or “top secret” are always required to report their intention to take up secondary activities.

64. It is the experience of the Danish National Police that secondary activities in the vast majority of cases are unproblematic and that staff members of the police have a great understanding of when a secondary activity is incompatible with their profession. If in doubt, employees ask their managers for advice.
65. GRECO takes note of the information provided. It wishes to emphasise that the recommendation is not about restricting the possibility of secondary activities, but rather about being able to filter those secondary activities that adversely impact the exercise of the staff member’s functions or could entail a real, potential or perceived conflict of interests. GRECO finds the fact that the Civil Servants Act does not provide for a reporting system not a convincing argument, as it should be possible to envisage further procedural requirements in police-specific regulations. It is similarly not convinced that sufficient information is available to allow for the drawing of conclusions on the potential for problems or the understanding of the incompatibility of secondary activities on the part of police staff.
66. GRECO concludes that recommendation xi has not been implemented.

Recommendation xii.

67. *GRECO recommended that a study be conducted concerning employment of staff of the police after they leave the police and that, in the light of the findings, a policy be adopted to minimise the risk of possible conflicts of interest in this respect.*
68. The Danish authorities report that it is not considered an issue that (former) staff of the police are hired elsewhere. Staff members are furthermore well-acquainted with the legal provisions, including the rules on confidentiality in the Criminal Code and the fact that this legal obligation continues to apply after leaving the police. In light of this and the small number of cases, it would be considered very radical to require former employees to report offers of employment and await approval. Such an obligation would require a clear legal provision, including the possibility of imposing sanctions in case of violation of this legal provision. Currently, such a provision does not exist.
69. A new survey, as suggested by GRECO, would not serve any purpose in the Danish context, as the survey would depend on the willingness of former employees to participate. Considering all of the above, the Danish authorities take the view that the initiatives already in place, such as the implementation of the whistleblower regulations, are more suited to deal with cases where there are doubts about the impartiality of staff.
70. GRECO takes note of the information provided. It recalls that, in the absence of any data, it could not be assessed how often persons leave the police for other functions in the private sector, in which areas and what risks were associated with this. It therefore

recommended that a study be conducted to get a better understanding of the scale and the specifics of the risks associated with police staff taking up other employment following their departure from the police force. This study would not necessarily have to be a survey but would clearly have to involve substantive research. GRECO regrets that the matter is dismissed outright, without this being supported by available data, and is again framed with reference to the Criminal Code, demonstrating a lack of sensitivity to integrity-related risks which do not rise to the level of crime.

71. GRECO concludes that recommendation xii has not been implemented.

Recommendation xiii.

72. *GRECO recommended that the authorities analyse the need for introducing a requirement for certain officials within the police to declare financial interests on a regular basis.*

73. The Danish authorities report that, since 2017, there has been an increased focus on public procurement in the Police, which has resulted in a number of initiatives to enhance the management of risks associated with procurement.¹³ Besides the demand upon procurement officers to register close personal relationships with people employed by companies that could supply goods or services to the Danish police, there is also an obligation for such officers to also register their directorships, ownerships, joint ownerships (etc.) of companies that could be potential suppliers to the police. Denmark does not believe that there is a need to analyse whether a further requirement to declare financial interests would be necessary.

74. GRECO takes note of the information provided. It recalls that the abovementioned registration was only introduced in response to a scandal involving the procurement of IT equipment in the police, following an internal police report. It would welcome if a more profound reflection of this issue is undertaken, to proactively assess the benefits of a requirement for certain officials in top management or particularly vulnerable positions in the police to declare their financial interests on a regular basis. As such, GRECO cannot say that the need for introducing this requirement has now been properly analysed.

75. GRECO concludes that recommendation xiii has not been implemented.

Recommendation xiv.

76. *GRECO recommended that measures be taken to raise awareness of staff of the police of their duty to report corruption-related misconduct within the police service.*

77. The Danish authorities report that it will be considered if further initiatives are to be taken to extend the employees' knowledge of the whistleblower regulation.

¹³ As described in paragraph 111 of the Evaluation Report, this for example includes the establishment of a register in which procurement officers and decision-makers in the police are to record close personal relationships with people employed by companies where the police may purchase goods and/or services.

78. GRECO takes note of the information provided. It emphasises that this recommendation does not refer to the awareness of staff of the whistleblowing regulations, but rather to the awareness of staff of their duty to report misconduct, as a complement to the abovementioned whistleblowing regulations (which had only just become operational at the time of adoption of the Evaluation). In this regard, GRECO had for example noted that the guidelines on “good behaviour in the police and the prosecution service” and the Code of Conduct for the Public Sector were silent on how to act when witnessing misconduct by colleagues and what the available reporting channels were. GRECO regrets that more than two years after the Evaluation Report has been adopted (and two and a half years since the new whistleblowing regulations have entered into force), the implementation of this recommendation is still being considered.
79. GRECO concludes that recommendation xiv has not been implemented.

III. CONCLUSIONS

80. **In view of the foregoing, GRECO concludes that Denmark has dealt with in a satisfactory manner only two of the 14 recommendations contained in the Fifth Round Evaluation Report.** Of the remaining recommendations, one has been partly implemented and 11 have not been implemented.
81. More specifically, recommendations ix and x have been dealt with in a satisfactory manner, recommendation iii has been partly implemented and recommendations i, ii, iv, v, vi, vii, viii, xi, xii, xiii and xiv have not been implemented.
82. When it comes to persons with top executive functions (PTEFs), almost no progress has been made on any of the recommendations. The only positive steps that can be mentioned in this context is that again, after the 2019 elections, ministers were briefed on the integrity rules applicable to them and that a memorandum on conflicts of interest has been added to the ministerial handbook. In general, the arguments used by the Danish authorities do not bode well for the future implementation of the outstanding recommendations. The frequent references to the provisions of the Criminal Code (e.g. on bribery and confidentiality) confirm what has been already described in the Evaluation Report about a lack of sensitivity to integrity issues which do not rise to the level of crime. The trust placed in PTEFs as is demonstrated by the Danish authorities in this report prevents the current rules being looked at with an open mind and having gaps therein proactively addressed. GRECO had hoped that an analysis of integrity-related risks involving members of the government and special advisers as a basis for a future integrity strategy would have made a difference in this respect. It thus particularly regrets that no progress on this fundamental recommendation has been made, with equally no or very little progress being reported on almost all other recommendations, covering issues such as a code of conduct for PTEFs, improving access to information under the Access to Public Administration Files Act, increasing the transparency of lobbying, introducing rules to deal with the employment of PTEFs following the termination of their public service, including more data in the financial declarations of ministers and ensuring that these declarations are subject to substantive control. In light

of the above, GRECO can only urge the Danish authorities to address the concerns underlying the abovementioned recommendations, with a view to taking more resolute action to have these recommendations implemented in the near future.

83. With respect to law enforcement agencies (police), progress has been made in strengthening the representation of women and other underrepresented groups in the Danish police (which in due time will hopefully also be positively reflected at higher levels in the police) and as regards the training on integrity requirements relevant for the police. However, regrettably very little progress has been reported as regards any of the other recommendations, covering matters such as improving the system of authorising secondary activities in the police, conducting a study on the employment of staff of the police once they leave the police, analysing the need for introducing a requirement for certain officials within the police to declare financial interests on a regular basis and raising the awareness of staff of the police on their duty to report corruption-related misconduct. GRECO encourages the authorities to step up their efforts in this regard.
84. In view of the above, GRECO notes that further progress is necessary to demonstrate an acceptable level of compliance with the recommendations within the next 18 months. Pursuant to Rule 31 revised bis, paragraph 8.2 of its Rules of Procedure, GRECO invites the Head of delegation of Denmark to submit additional information regarding the implementation of the outstanding recommendations (i-viii and xi-xiv) by 31 March 2023.
85. GRECO invites the authorities of Denmark to authorise as soon as possible the publication of this report, to translate it into the national language and to make the translation public.