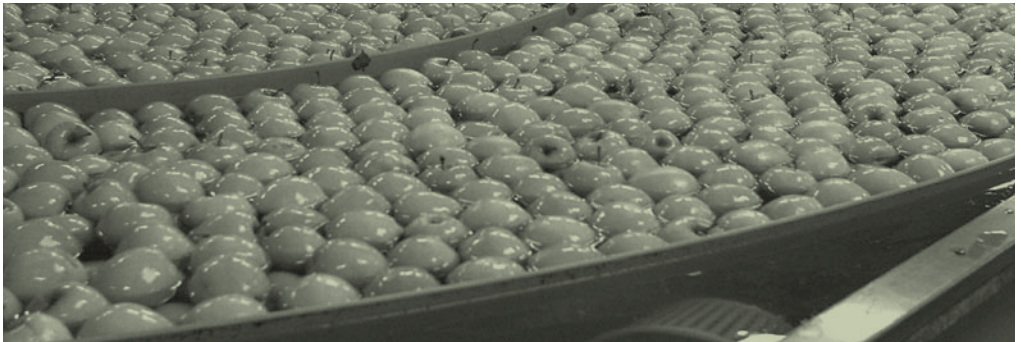


THE NUTRITION BASE

FOOD BUSINESSES

REQUIREMENTS FOR OPERATING A FOOD BUSINESS



THE NUTRITION **BASE**

WHAT IS THE NUTRITION BASE?

The Nutrition Base is a publicly available register with the Danish Commerce and Companies Agency where all business operators selling food to consumers, including catering, restaurants and wholesale businesses, must be registered in order to legally run their business.

The Nutrition Base therefore includes a list of all such businesses. You can see the name of the proprietor and the address of the business.

Legislation about the Nutrition Base has two objectives:

- to ensure that the person operating a food business knows the most important rules about food, occupational health and safety, deposits on packaging and tax and duties.
- to allow for the possibility that persons (or undertakings) who repeatedly breach the legislation or breach it with aggravating factors, can be deleted from the Nutrition Base for a period in which they may not operate this type of undertaking.

Anyone can look up a business in the Nutrition Base and see whether it has a nutrition letter to operate a food business.

The Nutrition Base also includes another database which is closed to the public. Here authorities that perform check-ups, e.g. SKAT and the regional veterinary and food control authority, can register significant breaches of legislation etc.

The Nutrition Base provides a list of the food businesses, enabling much easier, targeted and efficient checks to the benefit of the food sector and its customers.

The courts may order that you lose your right to operate a food business for a period of five years. The courts may also be involved temporarily if decided by the Danish Veterinary and Food Administration.

THIS BOOKLET ONLY DEALS WITH REQUIREMENTS FOR THE NUTRITION BASE

In order to operate a food business, e.g. a shop or a restaurant, or to transport food, a number of requirements must be met. This may include obtaining a CVR. no., registering for VAT, acquiring a food certificate or hygiene course, getting premises approved etc.

This booklet is about the Nutrition Base so these other requirements are not included here. Please contact the relevant authorities to learn about the requirements specific to your type of food business.



You can read more about the Nutrition Base at www.virk.dk/naeringsbasen and at the Danish Commerce and Companies Agency's website www.eogs.dk, click on



If you have questions that you cannot find the answer to in this booklet or on the internet, please contact the Danish Commerce and Companies Agency.

See information about address, email and telephone number at the back of this booklet.

NB!

If you do not pay to be registered in the Nutrition Base you will be automatically deleted and will no longer be permitted to run a food business.

*The Danish Commerce and Companies Agency,
the Ministry of Economic and Business Affairs
June 2009*

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WHO IS COVERED?

Anyone who operates an *undertaking* that:

- sells food directly to consumers, including catering
- sells food for eating at or near the place of business (serving)
- sells food to other businesses for the purpose of resale or processing (wholesale), or
- works with transport, processing or conservation of food.

Chapter 3 has more information on the different types of food businesses.

WHAT DO THE REGULATIONS MEAN?

The legislation on the Nutrition Base means that you must be registered in the Nutrition Base in order to operate a food business legally. This applies no matter when you started your business.

The Nutrition Base is public and is available (in Danish) at www.virk.dk/naeringsbasen. It contains information about everyone who operates a food business.

WHAT IS A NUTRITION LETTER?

When you are registered in the Nutrition Base, you will automatically be issued with a nutrition letter for your food business. A nutrition letter is not a certificate on paper. Your confirmation for having a nutrition letter is your registration in the Nutrition Base.

THE NUTRITION TEST, WHAT IS IT?

If you want to open a *food business*, as a starting point you must pass the nutrition test to be registered in the Nutrition Base.

The nutrition test deals with the legislation relevant to operating a food business.

You can read more about the nutrition test and whether you are exempt from taking the test in chapters 5 and 7.

WHEN DO I HAVE TO REGISTER IN THE NUTRITION BASE?

It is illegal to operate a *food business* without being registered in the Nutrition Base.

Therefore you cannot open a *food business* before it has been registered in the Nutrition Base.

DOES IT COST ANYTHING TO BE REGISTERED IN THE NUTRITION BASE?

THE ANNUAL PAYMENT

Each nutrition letter costs an annual fee. Currently, each nutrition letter costs DKK 500.

NB!

The amount is demanded for all nutrition letters in the Nutrition Base on 1 August each year. The amount will therefore not be demanded for a specific period of time!

WHAT HAPPENS IF I DO NOT PAY?

If you don't pay your invoice you will be deleted from the Nutrition Base, and you will no longer be permitted to operate a food business.

You can be re-registered as soon as the outstanding amount has been paid. However, in addition to the payment you must use your Digital Signature/NemID to register your undertaking, or complete and submit a registration form to the Commerce and Companies Agency.

IS IT POSSIBLE TO NOT PAY THE ANNUAL FEE?

Yes! It is possible to be exempted from the annual payment provided you have sent a statement of exemption and information on payment to the Commerce and Companies Agency – see the box on the right-hand side.

WHEN AND HOW WILL THE PAYMENT BE COLLECTED?

An invoice with a giro transfer form will be sent each year in August/September. This will state the places of business for which you must pay. It is possible to use the PBS direct debit system.

WHAT IS A "STATEMENT OF EXEMPTION"?

A statement of exemption is a statement issued by a state-authorized or registered public accountant, or by a lawyer who confirms that, in the past year, your undertaking:

- has submitted an authorised annual report,
- has not been sanctioned for significant breach of tax legislation or legislation on packaging deposits, and
- has not been sanctioned for more than one significant breach of the food legislation.

A statement of exemption must be submitted to the Commerce and Companies Agency and it means that you are exempt from having significant breaches, registered in the Register for one year - see chapter 9.

WHAT IS "INFORMATION ON PAYMENT"?

Information on payment is a supplementary statement to the statement of exemption which states the number of nutrition letters for which the annual fee must be paid. If a place of business has not been registered for any violations of the food legislation, information on payment may exempt you from paying the annual fee for nutrition letters for that particular place of business.

For more information on the statement of exemption and information on payment, contact a lawyer or accountant.



FOOD BUSINESSES WITH RETAIL SALES OF FOOD, INCLUDING CATERING, RESTAURANTS AND FOOD WHOLESALE BUSINESSES.

FOOD OUTLETS

A *food outlet* is an undertaking which sells food direct to consumers. Food is any product which can be eaten or drunk by humans (tobacco, pet food and similar are therefore not covered).

Food covers all drinks such as soft drinks, beer, and wine, as well as all food whether packaged or unpackaged, frozen or fresh. Sweets and fruit and vegetables, diet supplements, bread, cakes, and tinned tomatoes are all examples of food.

Typical examples of food outlets are newsagents, butchers, bakers, supermarkets etc.

However, shops which primarily sell goods other than food may also be considered food outlets and will have to be registered in the Nutrition Base because they sell sweets, ice cream, crisps etc. Typical examples are DIY retailers, video shops, toyshops etc. with turnover of more than DKK 50,000, excl. VAT, from a food business.

A *catering undertaking* is also considered a food outlet. A catering undertaking is an undertaking which delivers and prepares food. A catering undertaking can be called many things such as “diner transportable”, take away etc.

A *food business* is both an actual shop, an internet shop and a catering business. The same rules apply for all these businesses.

FOOD WHOLESALE

A *food wholesaler* is an undertaking which sells food to other undertakings with a view to reselling or processing. A *food wholesaler* also covers independent undertakings with transport or food storage. This applies e.g. to haulage undertakings and storage.

RESTAURANTS

A *restaurant* is an undertaking which sells/serves food and drinks at or near the place of sale.

Examples:

- pubs
- eating and dancing restaurants
- nightclubs and discotheques
- cafés and wine bars
- pizzerias, burger bars and hotdog stands (if tables or shelves or similar have been arranged where the food can be eaten)

NB!

In order to obtain a liquor license you must be registered in the Nutrition Base.

ARE THERE FOOD BUSINESSES WHICH ARE NOT REQUIRED TO REGISTER IN THE NUTRITION BASE?

Yes, the following types of food businesses may be operated *without* having to register in the Nutrition Base:

- shops which do not have to register for VAT (moms),
- shops which are registered for VAT (moms) but which sell food for less than DKK 50,000 excl. VAT.
- chemists
- public institutions
- canteens
- bed and breakfast
- guesthouses
- transport of food from primary producers
- primary production, livestock or cultivation of primary products, including harvesting, milking and livestock production.

Farmers and other primary producers selling their production to e.g. abattoirs and dairy plants, are thus *not* included.



PHOTO: COLOURBOX

WHO AND WHAT PLACES OF BUSINESS (PRODUCTION UNITS) MUST BE REGISTERED IN THE NUTRITION **BASE**?

WHO MUST BE REGISTERED?

“Anyone” who operates a food business must be registered in the Nutrition Base.

Who is “anyone”:

- If the business is owner-operated, then it is the owner of the business.
- If the business is a company, e.g. limited by shares, the company itself must be registered with a person responsible for the nutrition letter, see chapter 5.
- If the business is operated as a partnership (interessentskab (I/S) or kommanditselskab (K/S)), then it is *all* the fully liable partners (i.e. “interessenter” and “komplementarer”).

NB!

If a food business is operated by a lessee, the *lessee* must be registered in the Nutrition Base.

WHICH ADDRESS MUST BE REGISTERED?

You must register with the address of your place of business (production unit).

What is a place of business (production unit)?

Your place of business is the geographical address where you operate your business.

Information about your undertaking, including your places of business can be seen in the CVR register at www.cvr.dk. A place of business is a production unit in CVR.

If you carry out activities from several geographical addresses, places of business correspond to the production units in CVR.

If you sell goods from a vehicle, bike or similar your place of business is the address where your business is registered. This may be, for example your own home address.

As a general rule, itinerant sale (door-to-door) also requires an itinerant sale approval which can be attained through registration once a year with the itinerant sale register: www.omfoersel.dk. You can register yourself if you have a CVR no.

Business units

If you have several physically separated activities at your place of business you may choose to acquire a nutrition letter for each activity (business unit) by registering in the Nutrition Base.

A large supermarket with a separate café and a separate bakery will e.g. be enabled to acquire a nutrition letter for each of these three business units.

You are not required to register business units in the Nutrition Base but it is an option.

You must pay an annual fee for each nutrition letter, i.e. for each business unit.

If you have a nutrition letter for each business unit, reported violations on each business unit will be registered under the relevant business unit. This means that it will be possible to differentiate them, also in relation to the authorities.

NB!

It is important to notify the Commerce and Companies Agency if you are VAT (moms) registered at an address other than the location of your place of business.

If your place(s) of business is/are not in the CVR register as production units, it/they cannot be registered in the Nutrition Base!

You should update your production units yourself at www.virk.dk/p-enhedsloesningen. For this you need a Digital Signature/NemID. It is free of charge and can be ordered at www.virk.dk.

WHAT ARE THE RULES IF I HAVE MORE THAN ONE PLACE OF BUSINESS?

All places of business must be registered in the Nutrition Base.

This means that a person or an undertaking operating a food business from more than one place of business must ensure that all places of business are registered in the Nutrition Base.

EXAMPLES:

1. A person *owns two businesses from where food/drinks are sold/served*. The person must register two places of business in the Nutrition Base, i.e. have two nutrition letters.
2. A company *operates a chain of businesses*. The company must register each of these places of business in the Nutrition Base, i.e. have a nutrition letter for each place of business.
3. An *I/S (limited partnership) operates its business and restaurant at different places of business*. All the partners in the I/S must each be registered in the Nutrition Base with the two places of business.

WHAT ARE THE RULES IF I MOVE TO NEW PREMISES OR EXPAND MY BUSINESS?

If you move to new premises or buy a new business, you must register the new place of business in the Nutrition Base.

NB!

Your registration in the Nutrition Base will always only apply to the places of business which are currently registered!

WHICH REQUIREMENTS MUST I MEET TO REGISTER IN THE NUTRITION **BASE**?

CONDITIONS

Not everyone can be registered in the Nutrition Base.

TO BE REGISTERED YOU MUST MEET ONE OF THE FOLLOWING CONDITIONS:

- have passed the nutrition test,
- have a qualification mentioned in the box on the right, or
- have registered in the Nutrition Base on the basis of one of the following transition schemes:
 - managed a food outlet, had a nutrition letter for restaurant or managed a specific restaurant on 1 July 2005, or
 - operated a catering business or food wholesaler on 1 May 2007.

IF YOU HAVE COMPLETED A QUALIFICATION AS ONE OF THE FOLLOWING, YOU NEED NOT TAKE THE NUTRITION TEST:

- 1) Retail butcher with underlying special course in retailing, delicatessen, fish and game, or butchery
- 2) Baker
- 3) Confectioner
- 4) Chocolate and assistant confectioner
- 5) Fresh goods assistant
- 6) Chef, "smørrebrødsjomfru", caterer etc. (gastronome courses)
- 7) Waiter
- 8) Sales assistant
- 9) Shop assistant
- 10) Hotel and leisure assistant
- 11) Nutrients assistant
- 12) Dairyman, dairy technologist or dairy engineer
- 13) Receptionist
- 14) Catering manager
- 15) Cafeteria and canteen assistant
- 16) Service economist specialising in hotel and restaurant management
- 17) Bachelor degree in nutrition and health
- 18) Masters degree in nutritional science
- 19) Nutrition technician
- 20) Master brewer or diploma in brewery from Den Skandinaviske Bryggerhøjskole ApS
- 21) Passed goods carrier test



NB!

If you have a *foreign qualification*, which corresponds to the approved qualifications, or which you believe offers the required qualifications, you can apply to have this approved.

When submitting the registration form to the Danish Commerce and Companies Agency you should enclose a translation of your exam certificate, apprenticeship, etc. A translation is not, however, necessary if the exam certificate is in Swedish, Norwegian or English.

SPECIAL RULES FOR COMPANIES

If a company is to be registered in the Nutrition Base, someone from the management must meet the conditions regarding the nutrition test, qualifications etc. The management of the company in this context need not be the registered management of the company as long as it is someone who takes part in the daily management.

NB!

Companies have a duty to delete people from the Nutrition Base if they no longer work for the company. Companies must do this within four weeks from termination of employment!

The company has a total of six months to register a new person who meets the conditions regarding the nutrition test, qualifications etc.



PHOTO: COLOURBOX

WHAT DO I HAVE TO DO TO BE REGISTERED?

You can be registered in the Nutrition Base in two ways:

- you can register yourself on the internet at www.virk.dk/naeringsbasen, or
- you can send a registration form to the Commerce and Companies Agency. The registration form can be found in www.virk.dk/naeringsbasen.

No matter how you register, you will receive a confirmation, once you have been registered. You will not receive a nutrition letter on paper – the proof that you are entitled to operate your food business is that you have been registered in the Nutrition Base. You can check your details at www.virk.dk/naeringsbasen.

Registration must be done no later than four weeks after proper notification to the Danish Commerce and Companies Agency, otherwise the notified matters will be considered as registered in the Nutrition Base. However, the four week limit may be extended once under special circumstances.

With a Digital Signature/NemID you can also change your details in the Nutrition Base yourself. If you want to notify changes by letter, you should use a different form from the application form - a changes form.

NB!

If you register via the internet, registration is immediate. Therefore, you can start your food outlet as soon as you have finished typing in your details.



PHOTO: COLOURBOX

The internet solution

You will have to use your Digital Signature/NemID to register information about your food wholesale business. Anyone can use their own Digital Signature/NemID and make registrations for you. This may be, for example your accountant or lawyer.

DIGITAL SIGNATURE/NEMID

The Digital Signature/NemID is free of charge and you can order it through the link “Digital Signature/NemID” at www.virk.dk.

Internet registration only takes a few minutes. You must start at www.virk.dk/naeringsbasen. Here you click on the field “Bliv optaget i Næringsbasen” and follow the instructions on the page.

If in doubt, click on the field “Guide” to learn more.

NB!

If you can't find the address of your undertaking, even though you have entered your CVR no. (business registration number), this may be because the CVR register has not received the address of your business.

You can check your details at www.cvr.dk. The address of your outlet should be linked to a production unit. You must update information about your production unit at www.virk.dk/p-enhedsloesningen.

Registration form on paper

You can also have your outlet registered in the Nutrition Base by sending a registration form to the Commerce and Companies Agency.

You can download the form from www.virk.dk/naeringsbasen or by contacting the Commerce and Companies Agency. See information about address, email and telephone number at the back of this booklet.

NB!

If you send a form to the Commerce and Companies Agency, it may take up to four weeks before you are registered in the Nutrition Base. You may not start your food outlet before it has been registered in the Nutrition Base.

NB! DO YOU SERVE ALCOHOL?

Registration in the Nutrition Base allows you to serve food, coffee, soft drinks etc., but not beer, wine or alcohol!

If you want to serve beer, wine and alcohol, you will also need a liquor license which you can apply for through the local authority authorised to issue liquor licenses.

The Act on Restaurants lays down further requirements on obtaining a liquor license.

WHAT IS THE NUTRITION TEST?

THE PURPOSE OF THE TEST IS TO ENSURE THAT ANYONE WANTING TO BE REGISTERED IN THE NUTRITION BASE KNOWS ABOUT THE MOST IMPORTANT RULES FOR BEING ENTITLED TO OPERATE A FOOD BUSINESS.

WHO HAS TO PASS THE NUTRITION TEST?

People with relevant educational qualifications do not have to take the nutrition test, see chapter 5.

For owner-operated undertakings, the owner of the undertaking must be registered in the Nutrition Base and must pass the nutrition test. You cannot have someone else take the test for you, even an employee.

For partnerships (I/S and K/S), all liable partners (interessenter and komplementarer) must be registered in the Nutrition Base. They must also meet the test requirements.

For companies (A/S and ApS), the company should be registered in the Nutrition Base. This is done by a member of management who registers as the person responsible for the nutrition letter. Therefore, this person must pass the test. This does not necessarily have to be a member of the registered management.

For associations, only one person from the management of the association has to register in the Nutrition Base and pass the nutrition test.

WHAT IS THE NUTRITION TEST ALL ABOUT?

The nutrition test contains a number of questions on important areas relating to operating a food business.

The questions deal with rules about

- tax and duties and deposits on packaging
- health and safety
- food legislation.

NB!

There are 25 questions in the test and you have to answer at least 20 correctly.

Note that the course run by the Danish Veterinary and Food Administration (*Fødevaredirektoratet*) for a certificate in food hygiene, and the basic training course in food hygiene, are not the same as the nutrition test and therefore they do not exempt you from taking the test.

WHERE IS THE NUTRITION TEST HELD AND HOW DO I SIGN UP?

The test is held at test centres approved by the Commerce and Companies Agency. There are test centres throughout Denmark and you can find information about the nearest test centre at www.virk.dk/naeringsproeven.

At www.virk.dk/naeringsproeven there are links to the websites of the test centres. These include information on applications and on time and place for the tests. Of course you can also apply to take the test at the test centre itself.

Once you have applied to take the test, you will receive a confirmation from the test centre as well as notification of when and where the test is to take place.

FIND YOUR WAY AT WWW.VIRK.DK!

Click onto www.virk.dk/naeringsbasen.

There's information here about:

- The test
- The nearest test centre
- Times and places for the test
- Applications
- Links to test centres' own websites
- Courses to prepare you for the test, with links to the schools' own websites.

The direct link is www.virk.dk/naeringsproeven ›
Start indberetning › For ansøgere til næringsprøven ›
Kursus og prøver.

There is also teaching material for self-study at
www.virk.dk/naeringsproeven › Start indberetning ›
For ansøgere til næringsprøven › Selv-studie.

NB!

The DKK 600 payment only covers the test you have applied for. If you do not pass the test, or if you do not show up for the test, you have to apply and pay again.

You will only be entitled to have your money refunded if you cancel no less than five days before the test, or if you are ill and have a doctor's certificate or other documentation.

There is no limit on the number of attempts you can have at the test.

HOW DOES THE NUTRITION TEST PROCEED?

You should take valid ID with your picture and CPR number or other identification number with you to the test. This is usually your passport, driving license or similar. It is important that the ID carries your picture. The test centre is entitled to disqualify you from the test if you fail to show a valid ID.

Before the test starts, you will be told how the test is organised. You can ask questions if you are in doubt. Once the test is underway, it is too late to ask questions, so remember to ask before the test starts!

The test is on a computer at the test centre. You will be asked a number of questions with several answer options. The questions are designed so that you answer each question with a cross in the box by the answer you think is correct. It is possible to have questions and answer options read aloud by the computer.

HOW MUCH DOES THE NUTRITION TEST COST?

The test costs DKK 600. This amount covers the costs of holding the test.

You pay direct at the test centre and not to the Commerce and Companies Agency. You should pay when you arrive at the centre to take the test, unless you have made other arrangements with the centre.

Once the time for the test has elapsed, the test will be corrected automatically by a computer programme and you receive your result immediately.

If you have passed the test you will receive a slip which shows that you have passed the test. You will always be informed which questions you have answered incorrectly. You cannot redo the test, but you can take a new test.

As soon as you have passed the test, you can be registered in the Nutrition Base from the computer at the test centre. This requires that you know the CVR no. (business registration number) of your business. You can open your food business immediately after registration. The test centre is obligated to help you register in the Nutrition Base.

IN WHICH LANGUAGE CAN I TAKE THE TEST?

The test can be taken in Danish or English and it is now possible to have the test read aloud in Danish and English. When you take the test you can have the questions translated by an interpreter to German or French. However, this requires written notification (email or letter) to the Commerce and Companies Agency no less than two weeks prior to the test. After this, the Agency will choose an interpreter. The Agency will also pay the interpreter.

NB!

You cannot bring your own interpreter!

CAN I GET HELP FOR THE NUTRITION TEST?

What can I bring with me?

You can take dictionaries (not electronic) in all languages to the test. No other aids are permitted.

Can I have practical help?

In general you cannot have practical help for the test.

However, there may be exceptional circumstances which mean that you need practical help during the test. For example a physical or mental disability. In these circumstances you may be permitted to take the test under special conditions such as practical help or more time to answer the questions.

The Commerce and Companies Agency decides whether you can take the test under special conditions, and what those conditions should be.

No later than two weeks prior to the test, you can send your application to take the test under special conditions to naeringsret@eogs.dk or to the Commerce and Companies Agency, Kampmannsgade 1, 1780 Copenhagen V, Denmark.

The application should include your name, CPR no. or other identification number, as well as the circumstances which mean you need to take the test under special conditions.

You should take your permit to the test. The test centre should also be notified about the permit when you apply to take the test, so that the necessary preparations can be made.

CAN I HAVE TRAINING BEFORE I TAKE THE NUTRITION TEST?

Before you apply to take the test, you can complete a short training course which focuses on the requirements to operate your business.

Training is organised to give you insight into the important areas in running a food business.

Training is *voluntary* and you can apply to take the test without completing the training.

WHERE AND HOW CAN I GET TRAINING?

You can receive training in two ways:

- self study on the internet - e-learning, or
- a short training course.

SELF-STUDY ON THE INTERNET

You can receive teaching from the internet and prepare for the test without having to attend a traditional school. This is a self-study course. You can decide for yourself which areas you will look at, as well as the pace and sequence.

How can I find it on the internet?

The link: www.virk.dk/naeringsproeven provides access to the teaching material under the link: Start indberetning › For ansøgere til næringsprøvet › Selvstudie.



PHOTO: COLOURBOX

What does the self-study involve?

The course is made up of modules which combine text files, cases and sound clips, etc. Therefore, it is possible to read, look at pictures and videos etc. on the topics included in the test.

Each module ends with questions and you receive feedback on your answers so that you can monitor how well you are doing. You can take the test questions as many times as you like.

What equipment do I need to take the course as self-study?

You need a computer with internet access, but you do not need special computer experience to use self-study.

What does it cost?

Use of self-study at www.virk.dk/naeringsbasen is free of charge.

COURSE AT A SCHOOL

Where are the courses held?

There is no fixed framework for who can hold courses or where. The Commerce and Companies Agency provides free teaching material and it is up to the individual training centre (school) to plan the course in more detail.

Where and how do I enrol on a course?

Schools can use www.virk.dk to advertise time and place for courses and how to enrol. See the links in the box in chapter 7.

You can also contact your own sector association, who may be able to help you.

How long is the course?

The individual school plans teaching about the rules relating to starting and operating your business. The school decides the length of the course, but the teaching material is designed to take about 3-4 days.

How much is the course?

The individual school decides the price of a course. Payment is after agreement with the school.

CAN YOU LOSE THE RIGHT TO OPERATE A FOOD BUSINESS?

Yes! One of the objectives of the Nutrition Base is to combat unfair competition and to improve food safety. Therefore, significant breaches of the relevant legislation can mean you lose your right to operate a food business.

HOW CAN YOU LOSE YOUR RIGHT TO OPERATE A FOOD BUSINESS?

You can lose your right to operate a food business in two ways:

1. The courts can suspend your right to operate a food business for a period of time.
2. The Veterinary and Food Administration (Fødevarestyrelsen) can temporarily suspend your right to operate a food business.

In both situations you cannot operate a food business, i.e. for a period you are not entitled to be registered in the Nutrition Base.

REMEMBER:

If you are deleted from the Nutrition Base - irrespective of the reason - you cannot operate a food business any longer. When the period of withdrawal of the right to operate a food business has elapsed, you can again be registered in the Nutrition Base.

DISQUALIFICATION BY THE COURTS - WHAT HAPPENS?

Register of significant breaches etc.

The authorities within food safety, deposits on packaging, occupational health and safety, taxes and duties, and the police regularly come on inspections and check whether you are complying with the rules.

If, during an inspection, they see that there are significant breaches of the legislation, these breaches will be collected in a register held by the Commerce and Companies Agency - unless the undertaking has issued a statement of exemption (see chapter 2).

The register is not public but you will be notified if something is registered about you. You can access the information registered on yourself and your own outlet at www.virk.dk/naeringsbasen by using your Digital Signature/NemID, or by writing to the Commerce and Companies Agency, Kampmannsgade 1, 1780 Copenhagen V, Denmark. You can also send an email to naeringsret@eogs.dk.

Consequences of significant breaches

If you have already committed one or more significant breaches, and if these have been entered in the register and during an inspection one of the authorities mentioned above sees yet another significant breach, the authority can initiate court proceedings to disqualify you from operating a food business. The same applies if the breach is very serious.

Only the courts can decide whether someone should be disqualified from operating a food business. If this happens, the court will also decide the length of time disqualification is to last. Disqualification must be for at least one year, but up to a maximum of five years.

TEMPORARY SUSPENSION/WITHDRAWAL - WHAT HAPPENS?

The Danish Veterinary and Food Administration (Fødevarestyrelsen) can decide matters on temporary suspension/withdrawal of the right to continue operating, if:

1. During an inspection it is deemed that allowing the food business to continue its business would involve an imminent risk for food safety.

Examples:

Marketing or selling goods harmful to health, food not suitable for human consumption, contaminated food, etc.

2. The holder of the nutrition letter is flagrantly or repeatedly in breach of food legislation in such a way as to cause imminent risk that operation of the business will continue to be in breach of the food legislation.

Examples:

Serious cases of misinformation or deceit, e.g. fraudulent sell-by dates, sale of rotten food and similar.

WHAT IS A SIGNIFICANT BREACH?

If you sell/serve food directly to consumers and are fined DKK 3,000 or more, this will be deemed a significant breach and will be notified to the register.

If you operate a wholesale business and you are fined DKK 5,000 or more, this will be deemed a serious breach.

The breach must be related to your food business and it must be connected to legislation on food, deposits on packaging, occupational health and safety, or taxes and duties.

Violation of the Danish Restaurant Act will be notified irrespective of the size of the fine.



PHOTO: COLOURBOX

CAN YOU BE DELETED FROM THE NUTRITION **BASE** FOR OTHER REASONS?

CONDITIONS NO LONGER MET

The right to registration in the Nutrition Base may lapse – i.e. cease automatically – if the person registered no longer meets the conditions for being in the Nutrition Base.

OUTSTANDING PAYMENT

The right to be in the Nutrition Base will lapse if the annual payment is not made. Read more in chapter 2. You cannot continue operating your business until you pay the outstanding amount and register in the Nutrition Base.

NB!

It is illegal to operate a food business without being registered in the Nutrition Base!

CESSATION OF BUSINESS

If you deregister for VAT (moms), your registration in the Nutrition Base will lapse and thus your nutrition letter. However, if you change sector, this does not affect the Nutrition Base – in this case you must change the sector code in the CVR register yourself and ensure you are deleted from the Nutrition Base. If you are a partner (interessent/komplementar) in a partnership (I/S or K/S) and if you are deleted from the partnership's VAT (moms) registration, your registration in the Nutrition Base will lapse.

IF YOU MOVE TO A NEW PLACE OF BUSINESS

Registration in the Nutrition Base applies for a specific place of business for as long as the person registered in the Nutrition Base operates a business from this place of business. If you move to a new place of business, the new address must be registered in the Nutrition Base.

NB:

If you change the name of the place of business - perhaps merely a change of house number, your business will automatically be deleted from the Nutrition Base and therefore you must ensure that the change of address is registered in the Nutrition Base.

DO YOU SERVE ALCOHOL?

In order to obtain a liquor license you must have a nutrition letter for the specific place of business. Therefore you must apply for a new liquor license when you relocate.

YOU NO LONGER WISH TO OPERATE A FOOD BUSINESS

If you stop operating an outlet selling food, you can delete the business from the Nutrition Base yourself at www.virk.dk/naeringsbasen using your Digital Signature/NemID, or you can ask the Commerce and Companies Agency to delete it.

DO YOU WANT TO START A FOOD BUSINESS AGAIN LATER?

Then you must register in the Nutrition Base in the same way as for a new business.

OBS:

If you have passed the nutrition test once, you do not have to take it again.

If you have been subject to the special rules on operation for 1 July 2005 or 1 May 2007, and thus were exempted from test requirements, these will generally continue to apply.

