

**BY ORDER OF THE
COMMANDER US AIR FORCES IN EUROPE
(USAFE)**

**USAREUR Reg550-43/
CINCUSNAVEUR Instruction 5840.26A/
USAFE Instruction 51-708**



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Law

**REGULATIONS ON PERSONAL PROPERTY,
LOCAL CURRENCY MEDICAL CARE AND
MOTOR VEHICLES FOR US PERSONNEL IN
DENMARK**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFPD 51-7, *International Law*. **It establishes prohibitions** concerning the disposition of duty-free personal property, and the acquisition and disposition of local currency except as provided in this instruction. **It outlines requirements** concerning the registration of firearms, and licensing of drivers and provides a basis for punitive action under the Uniform Code of Military Justice (UCMJ) for military personnel or administrative action, to include possible revocation of all duty-free privileges for military and civilian personnel. **This instruction applies** to United States Air Force, Army, Navy, Marine Corps and National Guard units and military and civilian personnel and their dependents in Denmark except those assigned or attached to diplomatic and consular offices and Security Assistance Organizations (SAO), who are governed by appropriate embassy directives. **Certain provisions of this instruction are punitive. Violations of the specific prohibitions** in paragraphs and related paragraphs 2.1, 4.1, 5.1, and 6.1 and 6.3. of this instruction by military personnel may result in prosecution under Uniform Code of Military Justice (UCMJ) Article 92(1) and/or Article 134. Civilian personnel are subject to disciplinary action (including loss of logistic support privileges) for violations of these paragraphs according to applicable service instructions on civilian misconduct and adverse administrative actions. Civilians may also be subject to criminal prosecution by the host nation for violation of host nation laws.

SUMMARY OF REVISIONS

Changed to properly identify current agreements and dates; adds USEUCOM directive reference. **Responsibilities** (Paragraph 1): Changed to correctly identify the USCR and USDR and assigns responsibilities as directed by paragraph 4b of USEUCOM Directive 45-7. **Personal Property and Customs** (Paragraph 2): Added language regarding customs consequences for military persons contemplating retirement or separation in country. Added a paragraph which specifically recognizes tax/duty free purchases through recognized in country military sales channels. Changed to clarify that transfer of tax/duty

free items to another “entitled” person is permitted without tax consequences. Clarifies that valuation at the time of sale to non-entitled persons is under Danish customs instructions. Added paragraph to clarify aiding a person to circumvent the instruction is prohibited. **Currency** (Paragraph 3): Simplified to basic elements of import and export. Updates amounts of currency consistent with current Danish law. **Privately Owned Firearms** (Paragraph 4.1): Changed to be consistent with current practice concerning the importation of privately owned firearms. Clarifies that although import duties and taxes are waived, other fees and restrictions exist. **Operation of POVs** (Paragraph 6.3.1): Changed to reflect current blood alcohol level of 0.50. **Medical Services** (Paragraph 7): Changed to inform members of no fee basis. Deleted all references to medical support through the 7240th ABS in Oslo; no longer in existence and no physician at the 426th ABS in Stavanger. **DELETIONS**: The 1983 regulations had the following section which was completely deleted in the proposed instruction for the following reasons: **Radio and Television Sets** (Paragraph 10, 1983 Reg): Deleted as current agreements set out a complete exemption for the radio and TV taxes. A margin bar indicates revisions from the previous edition.

1. Responsibilities.

1.1. US Country Representative (USCR). The USCR, Denmark also performs the duties of the US Defense Representative (USDR). The USCR, Denmark is responsible for ensuring implementation of and compliance with this instruction, conducting an annual review of the instruction and drafting changes to the instruction as needed. The USCR, Denmark, is authorized to issue supplementary instructions when considered necessary or desirable to disseminate more detailed guidance or to impose additional restrictions. The USDR, Denmark is responsible for coordinating changes to the instruction with the Chief of Mission.

1.2. Supplements. US military commanders are authorized to issue supplementary instructions to this instruction when considered necessary or desirable to disseminate more detailed guidance or to impose additional restrictions. No supplement may be issued which will relax restrictions or procedures set out in this instruction. Proposed supplements are to be coordinated with the USCR, Denmark, before implementation.

1.3. Other Directives. Nothing in this instruction is intended to conflict with or relax policies and procedures established in other directives which are applicable to respective members of the individual armed services.

2. Acquisition And Disposal Of Personal Property And Customs Control.

2.1. General . All personnel are subject to Danish customs restrictions. Personnel contemplating retirement or separation from military duty in Denmark should be aware that all custom entry requirements (including payment of duties and taxes) remain the responsibility of the member and is a personal matter between the member and the Government of Denmark.

2.1.1. Import of Household Goods. Permanently assigned personnel may import into Denmark household goods for the duration of their tour. These imports are considered temporarily duty and tax-free imports. All such items must be for the personal use of the assigned personnel or their dependents.

2.1.2. Other Goods. Other than goods obtained through recognized military sales channels, all goods imported into the country by US personnel on an individual basis are subject to Danish

import directives and duties and must be processed by application through the NATO headquarters.

2.1.3. In Country Purchases. Authorized US personnel may purchase duty/tax free goods through recognized military sales channels (US/NATO/Danish military exchanges, commissaries, or ship's store) within Denmark and may obtain after point of purchase refunds of value added taxes paid within Denmark during their tour of duty. For motor vehicles, see paragraph 6 of this instruction.

2.1.4. Export. Duty/tax free items imported or acquired during a tour of duty by authorized personnel must be exported from Denmark upon departure from Denmark or upon completion of the tour of duty, transferred to another individual authorized the same duty/tax free privilege, or disposed of according to paragraph 2.1.5. below.

2.1.5. Disposal. Duty/tax free items imported or acquired during a tour of duty by authorized personnel and their dependents, regardless of the method or place of acquisition of such property or the length of time the property has been in the possession of the authorized person, will not be sold, traded, conveyed, or otherwise transferred to persons in Denmark not entitled to the same duty/tax free privilege except as permitted by this instruction. Duty/tax free items include items for which tax relief was obtained subsequent to the point of sale. Duty/tax free property shall not be disposed of to non-entitled persons by sale, barter, gift, conveyance or any other manner of transfer until Danish duties and taxes have been paid. Valuation at the time of disposal shall be determined by Danish customs valuation regulations. In disposing of any personal property, regardless of origin, personnel are prohibited from advertising before the general public or advertising in any manner that could be considered sensational. Local US service commanders may establish further specific guidelines for appropriate advertising.

2.1.6. Military Post Office (MPO) or Air Post Office (APO) Customs Requirements. Danish authorities may exercise customs controls and impose duties on personal parcels received through any MPO or APO in Denmark. Personnel will comply with applicable US and Danish laws pertaining to customs controls and duties on personal property received through any MPO or APO in Denmark.

2.1.7. Aiding. No person authorized to import or purchase goods duty/tax free may aid or abet any other person in obtaining and/or transferring duty/tax free goods in contravention of this instruction.

3. Currency.

3.1. US and Danish Currency . US currency may be used on the Danish economy; however, it is normally economically advantageous to exchange US currency for Danish currency and use the Danish currency on the local economy.

3.1.1. Import. There are no restrictions on import of foreign or Danish currency.

3.1.2. Export. For currency purposes, US personnel are considered nonresident in Denmark. Any financial account in a Danish bank is registered as a foreign kroner account. No restrictions exist on taking money out of the se accounts or Denmark. The seller must report single transactions of more than 40,000 Danish Kroner to the National Bank of Denmark. Single transactions for less than that amount are not required to be reported.

4. Weapons.

4.1. Control of Firearms and Other Weapons. Personnel may import duty-free privately owned firearms into Denmark as part of their household goods. Although Danish import taxes on firearms are waived, other fees and restrictions exist. The provisions of Danish law shall apply to the registration, possession, and carrying of privately owned arms and ammunition. All privately owned firearms and ammunition must be registered with the local police. All firearms imported duty-free must be exported from Denmark upon departure from Denmark or upon completion of the tour of duty. The USCR may prescribe further controls for firearms, ammunition, and other dangerous weapons. Violations of these laws and regulations shall subject offenders to disciplinary and administrative action.

4.1.1. Pistols. Only pistols up to 9mm in bore may be imported. An individual possessing a pistol must complete a registration application, pay applicable fees, store the pistol at an authorized location (such as Headquarters Joint Command Northeast (JCNE)), and be a member in good standing of a host country shooting club. If a pistol enters Denmark in an individual's household goods and the owner is not a member of a shooting club, the owner must store the pistol in a weapons depot (such as at JCNE) for the duration of his or her assignment in Denmark.

4.1.2. Rifles. An individual possessing a rifle must complete a registration application with the local police and pay applicable fees. If the owner is a member of a shooting club and the rifle will not be used for hunting, the application fee is waived. To obtain a Danish hunting license, the owner must possess a valid stateside hunting license.

4.1.3. Shotguns. An owner of a shotgun does not have to complete an application for registration, but is required to obtain a Danish hunting license. If a hunting license is not obtained, the owner may not possess the shotgun in Denmark. See paragraph 4.1.2. on obtaining a hunting license.

4.2. Further Controls. Commanders may prescribe further controls as required for firearms, ammunition, and other dangerous weapons.

5. Rationed Items.

5.1. Tobacco and Alcoholic Items, General. The Danish Government controls the importation, acquisition and sale of duty/tax free alcoholic beverages and duty/tax free tobacco products on a rationed basis. In addition, US military directives may establish other controls. Personnel will comply with US military directives and Danish laws pertaining to the importation, acquisition and disposal of duty/tax free alcoholic beverages and tobacco products in Denmark. Additionally, the rules in paragraph 2.1.5. apply to the disposal of duty/tax-free alcoholic beverages and tobacco products in Denmark.

6. Importation, Operation And Control Of Privately Owned Motor Vehicles (POV).

6.1. Importation, Acquisition, Transfer, and Disposal of Motor Vehicles. Personnel assigned to NATO duty in Denmark shall not acquire, import, transfer or in any other way, dispose of a motor vehicle, except as follows:

6.1.1. NATO SOFA . All terms of the NATO SOFA will be adhered to.

6.1.2. Vehicle Importation/Purchase. US personnel entitled to motor vehicles free of duties and taxes under Annex A to the Supplementary Agreement, may acquire such vehicles by temporary importation, purchase from another entitled person or purchase on the Danish domestic market.

Entitled personnel may own at any one time one duty free vehicle. A replacement vehicle may be imported or purchased free of tax and duty, if the Danish customs or police authorities certify that the previous vehicle has been destroyed (scrapped), or customs duty has been paid, or that it has been irrevocably stolen. Furthermore, a vehicle may be replaced at an interval of not less than 12 months by further temporary importation or purchase free of tax and duty, if the previous vehicle has been exported and the Danish license plates returned, or it has been sold with Danish taxes and duties paid. In exceptional circumstances, this 12-month retention ruling given above may be waived.

6.1.3. Dependent. A Denmark residing dependent of US personnel assigned to NATO duty in Denmark may also import or purchase free of tax and duty one motor vehicle for private noncommercial use, subject to the rules in 6.1.2. The exercise of this privilege is limited to one dependent per family.

6.1.4. Restrictions. Duty and tax free motor vehicles are for personal use only by entitled US personnel and their dependents; such vehicles cannot be loaned out to or driven by other persons. Duty and tax free motor vehicles cannot be used for any business, economic or financial activity in Denmark including use of the vehicle for hire or rent. Violations of these restrictions may subject the owner to payment of Danish duties and taxes.

6.1.5. Sham Transactions. No person shall buy a duty and tax free motor vehicle unless the purpose of the transaction is to enable the member to use the motor vehicle. Sham transactions, which result in the nonpayment of taxes otherwise due and owed to the Danish government, are strictly forbidden. No one may sell or dispose of a motor vehicle unless all applicable Danish taxes and duties are paid and the Danish authorities are notified unless the vehicle is sold to a car dealer or exported; in such cases, proof of sale or export must be presented to Danish customs. Violation of this restriction shall subject the offender to disciplinary action and loss of privileges.

6.2. Laws and Directives. The USCR will ensure that all personnel are aware of applicable Danish laws and US military directives pertaining to the registration and operation of motor vehicles.

6.3. Operation of Privately Owned Vehicles (POV). Personnel will comply with Danish laws while operating POVs in Denmark. Denmark operates under the "International Road Sign" system that is generally used throughout Western Europe.

6.3.1. Driving While Intoxicated. Danish law prohibits any person from operating or attempting to operate a motor vehicle while under the influence of alcohol or any other intoxicating or narcotic agent. A blood-alcohol level of over 0.50 mg alcohol per cc of blood creates a presumption of intoxication. Persons convicted by a Danish court for driving or attempting to drive while intoxicated will normally lose their privilege to drive in Denmark. Additionally, the individual could receive a fine and imprisonment. Sentences of imprisonment may be increased with the seriousness of the violation. Additionally, driving while drunk is prohibited under the provisions of the UCMJ. Violations of these laws shall subject offenders to disciplinary action and loss of privileges.

6.3.2. Insurance. Third party (public liability and property damage) insurance is compulsory under Danish law. A vehicle imported or purchased tax/duty free under the NATO SOFA must be insured by, or through, a Danish insurance company before it can be registered and licensed.

6.3.3. Operator's License. US personnel assigned to units in support of NATO in Denmark and their dependents are required to have a Danish driving license. On production of a current driving

permit or license, Danish authorities will issue a Danish driving license. Personnel stationed outside Denmark are authorized to operate a POV with either a valid operator's license issued by any state of the United States of America, a valid Danish operator's license, or an international operator's license.

6.3.4. Registration. Vehicles owned by US personnel and their dependents will not be licensed to operate in Denmark until they have first been inspected and registered with the Danish Motor Vehicle Registration Office.

6.3.5. Markings. The display of any type of service insignia, emblems, stickers, or plates on a POV is prohibited unless required or permitted by Denmark law.

6.3.6. Cellular phones. Danish law prohibits the use of handheld cellular phones while operating cars, bicycles, motorbikes and other licensed vehicles.

7. Medical Services.

7.1. No Fee Basis In-hospital treatment (including maternity care and emergency services) is to be on the same no fee basis as Danish citizens.

STEPHEN C. DONNELLY, Colonel, USAF
Staff Judge Advocate

Attachment 1**GLOSSARY OF REFERENCES, ABBREVIATIONS, AND ACRONYMS*****References***

Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, 19 June 1951 (NATO Status of Forces Agreement). (4 UST 1792; 199 UNTS 64) (BGB1 1961, II, 1138, 1190)

BEK no 1132, 16 Dec 99, Section 14

EUCOM Directive 45-7, *Country Regulations*, 17 Dec 1997, HQ USEUCOM, Unit 30400, Box 1000, APO AE 09128. Last visited, 11 Sep 00, at <http://www.eucom.mil/publications/ed/ED45-7.PDF>

Protocol on the Status of International Military Headquarters Set Up Pursuant to the North Atlantic Treaty, 28 August 1952 (Paris Protocol)

Supplementary Agreement Between the Kingdom of Denmark and the Supreme Allied Commander Europe on the Special Conditions Applicable to the Establishment and Operation on Danish Territory of International Military Headquarters, 24 February 1978; Annex A to the Supplementary Agreement

Applicable Danish law; and existing US and NATO military directives

Acronyms

AAFES—Army and Air Force Exchange Service

APO/MPO—Air or Military Post Office

JCNE—Headquarters Joint Command Northeast

NATO—North Atlantic Treaty Organization

NATO SOFA—North Atlantic Treaty Organization Status of Forces Agreement

POV—Privately owned vehicle

SAO—Security Assistance Organization

UCMJ—Uniform Code of Military Justice

USCINCEUR—United States Commander in Chief Europe

USCR—United States Country Representative

USDR—United States Defense Representative

USEUCOM—United States European Command