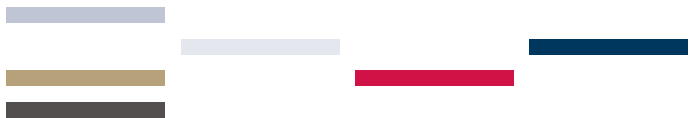




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# Are you at risk of breaking the law?

- Espionage against Danish research





# The espionage threat

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Denmark is among the world leaders within a number of areas, which means that Danish research institutions and tech companies are attractive espionage targets for foreign states. PET assesses that foreign non-like-minded states are particularly interested in Danish research and innovation within quantum technology, biotechnology, energy technology, AI, space technology and robotics.

Foreign intelligence services have a long history of exploiting the open aca-

demic system to build networks of confidential contacts and sources. PET assesses that foreign intelligence services are actively attempting to build contacts within research communities in Denmark.

In Denmark, the transfer of various types of knowledge, technology and know-how is considered *unwanted*. Much of this transfer is not regulated by provisions in the Danish Criminal Code, but it is unwanted out of consideration for the security political inter-



ests of Denmark and its allied. It is always a good idea to familiarize yourself with your institution's guidelines. This guide only describes situations covered by the Danish Criminal Code, i.e. *illegal* transfer of knowledge.

Researchers, administrative staff and management are all obvious targets, and it is therefore important that you are aware of whom you share information with as you risk breaking Danish law. This applies regardless of whether your contact with foreign states takes

place through your research, or you are a foreign researcher in Denmark.

It is possible to obtain further advice on how to handle the espionage threat from the local security organization at your research institution. If you suspect that or are in doubt as to whether someone is seeking to exploit your knowledge, you should contact PET on [pet@pet.dk](mailto:pet@pet.dk) or your local security organization.



# Can it affect you?

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If you either work for or in any other way assist a foreign state with clandestinely obtaining information concerning Denmark or Danish interests, you may be punished for being involved in espionage activities. This also applies if you, as a foreign citizen, collaborate with your native country in this way.

Espionage is a violation of Sections 107 and 108 of the Danish Criminal Code.

The provisions of the Danish Criminal Code covering espionage include not

only the *collection* and *transfer* of state and military secrets, but also other information concerning, for example, trade policies and supply-related matters, critical technologies, critical infrastructure and information on specific individuals.

Depending on the circumstances, other types of *assistance* may also be covered by the espionage provisions. For example, if you act as intermediary on behalf of a foreign intelligence service by establishing contact with someone

## THE ESPIONAGE PROVISIONS OF THE DANISH CRIMINAL CODE

**§ 107.** Any person who, being in the service of any foreign power or organization or for the use of persons engaged in such service, inquires into or gives information on matters which should be kept secret for reasons of state or public interests in Denmark shall, whether or not the information is correct, be guilty of espionage and liable to imprisonment for any term not exceeding 16 years.

*Subsection (2).* If the information is of the nature indicated in Section 109 of this Act, or if the act is committed in time of war or enemy occupation, the penalty may be increased to imprisonment for life.

**§ 108.** Any person who, by any act other than those covered by Section 107 of this Act, enables or assists the intelligence service of a foreign state to operate directly or indirectly within the territory of the Danish state, including collusion to carry out interference activities aimed at affecting decision-making or public opinion formation, shall be liable to imprisonment for a term not exceeding six years.

*Subsection (2).* If the information concerns military affairs or if the act is committed during war or enemy occupation, the penalty may be increased to imprisonment for a term not exceeding 12 years. The same applies if the interference activities under subsection (1) are carried out in connection with the elections and referendums covered by section 116.

whom the foreign state is interested in, renting accommodation (cover address) or buying a mobile phone.

It does not matter if the transfer or assistance takes place regularly or it is a one-off occurrence. However, this may play a role in connection with the subsequent sentencing.

It should also be noted that not only intelligence services are covered by the espionage provisions. Espionage carried out on behalf of other foreign authorities and organizations may also be a punishable offence, if the collection of information takes place clandestinely on behalf of a foreign state.



# If you work with dual-use technology etc.

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If you work with products and technologies that can be used in both a military and civilian context (dual use), you should be aware of the current export control regulations. Among other things, they include sensors and lasers, programs and software and products that can be used for manufacturing weapons of mass destruction. In addition, the transfer of knowledge related to dual-use products etc. (technical as-

sistance) may - in certain cases - also be covered by the export control regulations.

Moreover, when purchasing or selling products for your research, you must be aware of the import and export ban to and from certain countries. For example, countries such as Russia, Iran and North Korea are subject to a number of international sanctions.



## FOR MORE INFORMATION

- PET: Assessment of the espionage threat to Denmark, the Faroe Islands and Greenland
- PET: Goods and technology from Denmark may end up with the Russian military
- The Danish Business Authority website on export control
- EU sanctions map



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