



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Denmark

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

5427000

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	113740000000
Regional / entity level	

3) Per capita GDP (in €)

40492

4) Average gross annual salary (in €)

48307

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

745,660

Please indicate the sources for the questions 1 to 4

- 1) Statistics Denmark
- 2) Statistics Denmark
- 3) Statistics Denmark
- 4) Statistics Denmark

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

183000000

7) Please specify

The annual approved budget allocated to all courts is exclusive of free process, legal aid and compensation.

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	129817880
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	13746211
Annual public budget allocated to justice expenses	<input type="checkbox"/> Yes	
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	31529115
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1475203
Other (please specify):	<input checked="" type="checkbox"/> Yes	6490894

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

On average the annual increase has been, in fixed prices, 1,6%.

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions? Please specify:

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

51699166

12) Total annual approved budget allocated to the whole justice system (in €)

240009502

13) Total annual approved public budget allocated to legal aid (in €)

2869941

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount		

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

The inspection body is the General Auditing Bureau of Denmark.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Regarding question 8 other is specified as office supplies, conveyance and postage.

Regarding question 12 - The total annual budget allocated to the courts is 240 009 502 Euro. This amount includes the budget to the courts, free process, compensations, the Court Administration and the Appeals Permission Board.

Q13. LA budget corresponds only to civil cases

The budget of the prosecution system is under the police and therefore not included in the budget to the whole justice system.

Please indicate the sources for the questions 6, 7, 13 et 16

6) The Danish Court Administration

13) The Danish Court Administration

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

The court decides on the matter.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

If yes, please specify:

The court decides on the matter.

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	N.A.
Criminal cases	N.A.
Other than criminal cases	N.A.

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by

a free of charge (or financed by public budget) lawyer?

- Yes
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?			
for other than criminal cases?		X	see comment

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

Most private insurances covers legal expenses.

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	yes	no
criminal cases?		

	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Regarding Q24. The total number of legal aid cases decided by the regional offices under the Ministry of Interior (statsamter) is 10183, but there are no available statistics of the number of cases granted with legal aid by the regional offices. The Civil Affairs Agency (the authority of appeal) granted legal aid in 588 cases.

In general it should be noted that the Danish Administration of Justice Act part 31 regarding legal aid has been reformed with effect from 1st of January 2007.

Regarding Q26 (2006)/242.000 DKK for singles and 307.000 DKK for cohabitant couples. The limits are raised by 42.000 DKK for each child.

Please indicate the sources for the questions 24 and 26

Civil Affairs Agency

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

- | | | |
|--|---|--|
| legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> yes | www.retsinfo.dk |
| case-law of the higher court/s? | <input checked="" type="checkbox"/> yes | www.hoejesteret.dk
www.vestrelandsret.dk
www.oestrelandsret.dk |
| other documents (for example forms)? | <input checked="" type="checkbox"/> yes | www.domstol.dk |

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes

No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes
 No

If yes, please specify:

The police are obliged to inform victims of crimes about the possibility to claim compensation.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 private fund?

If yes, which kind of cases does this procedure concern?

All cases where a person has suffered personal injury due to a violation of the Danish Criminal Act committed on Danish territory.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

In 2006 the state has recovered 8.2% of the awarded compensations including interests.

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

In cases of serious crimes victims have a right to free assistance from a lawyer. The police are obliged to inform the victims about the possibility to have a lawyer. The police or the public prosecutor are also obliged to inform the victim of certain decisions in the procedure, eg. when the trial will take place. If a victim is expected to be heard during the trial the victim also has the right to a special contact at the police or at the public prosecutor. If the victim must be showed special amount of considerations when the victim is going to be heard in court, the police or the public prosecutor must contact the court beforehand.

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

The victim can appeal the local prosecutor's decision to the State Prosecutor.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

The Director of Public Prosecution establishes tariffs concerning compensation.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

The internet site to find the surveys is www.domstol.dk

The title is "Brugerundersøgelse 2005" (User Survey 2005)

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input checked="" type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

Yes

No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input type="checkbox"/>	<input type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

N.A.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	24
Specialised first instance courts (legal entities)	1
All the courts (geographic locations)	30

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

The Danish court reform is put into force on January 1st 2007. The reform entails a reduction of the first instance courts from 82 to 24, among other things.

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	24
a dismissal	24
a robbery	24

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Please indicate the sources for the question 45

45) The Danish Court Administration

3. 1. 2. Judges, courts staff**49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)**

359

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	0
if possible, in full time equivalent	0

51) Please specify (answer only if the information has changed compared to the previous evaluation round):**52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):****53) Does your judicial system include trial by jury with the participation of citizens?** Yes No

If yes, for which type of case(s)?

In criminal cases.

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)**

1424

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes

non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars Yes

staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes

technical staff Yes

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Q49) The Danish Court Administration

Q50) The Danish Court Administration

Q53) The Danish Court Administration

Q55) The Danish Court Administration

3. 1. 3. Prosecutors**57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)**

560

58) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

Some police officers conduct cases pertaining to minor offences in court.

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

Please indicate the sources for the questions 57 and 59

Q57) The Ministry of Justice

Q59) N/A

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

Other is the Danish Court Administration

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms				

	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

The Court Administration
St. Kongensgade 1-3
1264 København K
Denmark

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

Q62) The Danish Court Administration
Q63) The Danish Court Administration
Q64) The Danish Court Administration

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
 No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

The Danish Court Administration produces an annual report concerning cases that involve violent behaviour and rape.

68) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

Please specify:

The individual courts are measured by an annual report.

69) Concerning court activities, have you defined performance indicators?

- Yes
 No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
 Length of proceedings (timeframes)
 Closed cases
 Pending cases and backlogs
 Productivity of judges and court staff
 Percentage of cases that are treated by a single sitting judge
 The enforcement of penal decisions
 Satisfaction of employees of the courts
 Satisfaction of clients (regarding the services delivered by the courts)
 Judicial and organisational quality of the courts
 The costs of the judicial procedures
 Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes
 No

72) Are there performance targets defined at the level of the courts?

- Yes
 No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court)
 other

Please specify

The court presidents together with the Danish Court Administration.

74) Please specify the main targets applied:**75) Which authority is responsible for the evaluation of the performances of the courts:**

- the High Council of judiciary
 the Ministry of Justice
 an Inspection authority
 the Supreme Court
 an external audit body
 other?

Other, please specify:

The Danish Court Administration.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

Yes

No

If yes, please specify:

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

Yes

No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

civil cases?

criminal cases?

administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

Yes

No

If yes, please specify:

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

The Danish Court Administration yearly visits the courts.

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

The Danish Director of Public Prosecutions monitors the functioning of the prosecution services e.g. by monitoring the number of cases received by the prosecution services, and the number of charges presented before the courts.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Please indicate the sources for the the question 70,71, 72 and 76

- Q70) The Danish Court Administration
Q71) The Danish Court Administration
Q72) The Danish Court Administration
Q76) The Danish Court Administration

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

26

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

If possible, number of successful challenges (in a year):

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	2	0	1	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	3	0	0	0

Please indicate the sources for the questions 82 and 84

- 82) The Danish Court Administration
 84) The Ministry of Justice

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?

If yes, please specify:

In civil cases emergency interim proceedings can be used, and in cases regarding custody of a child the judge can take a provisional decision on the right to control and care for the child. In criminal cases there are specific procedures for urgent matters as regards the investigations of the police.

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

A special simplified procedure for civil small-claims cases, i.e. claims of less than DKK 50000 (6705 €), will come into force on January 1st 2008.

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

The court can conclude agreements with the parties during the preliminary hearing concerning the further processing of the case. Furthermore, the court can appoint the time and date of the hearing.

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil,				

commercial and administrative law cases (1-7)	N/A	N/A	N/A	N/A
1 Civil (and commercial) litigious cases*	26678	63171	62427	28036
2 Civil (and commercial) non-litigious cases*	12959	69537	67649	15149
3 Enforcement cases	28649	187518	189357	28728
4 Land registry cases**	N/A	3322420	3315403	N/A
5 Business register cases**	N/A	N/A	N/A	N/A
6 Administrative law cases	N/A	N/A	5465	1986
7 Other	N/A	N/A	1338	617
Total criminal cases (8+9)	21368	115791	113206	23290
8 Criminal cases (severe criminal offences)	3646	15506	15068	3980
9 Misdemeanour cases (minor offences)	17722	100285	98138	19310

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

Because of different divisions in the civil cases it is not possible to indicate a figur for the total of civil cases.

The business register cases belong under the Danish Commerce and Companies Agency.

In the Danish judicial system there is no division between severe criminal offences and minor offences.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	4503	6973	7186	4230
1 Civil (and commercial) litigious cases*	N/A	N/A	N/A	N/A
2 Civil (and commercial) non-litigious cases*	N/A	N/A	N/A	N/A
3 Enforcement cases	N/A	N/A	N/A	N/A
4 Land registry cases**	N/A	N/A	N/A	N/A
5 Business register cases**	N/A	N/A	N/A	N/A
6 Administrative law cases	N/A	N/A	N/A	N/A
7 Other	N/A	N/A	N/A	N/A
Total criminal cases (8+9)	1487	3046	N/A	1384
8 Criminal cases (Severe criminal offences)	35	110	N/A	58
9 Misdemeanour cases (minor)	1452	2936	N/A	1326

offences)				
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91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	453	456	452	449
1 Civil (and commercial) litigious cases*	N/A	N/A	N/A	N/A
2 Civil (and commercial) non-litigious cases*	N/A	N/A	N/A	N/A
3 Enforcement cases	N/A	N/A	N/A	N/A
4 Land registry cases**	N/A	N/A	N/A	N/A
5 Business register cases**	N/A	N/A	N/A	N/A
6 Administrative law cases	N/A	N/A	N/A	N/A
7 Other	N/A	N/A	N/A	N/A
Total criminal cases (8+9)	N/A	128	N/A	N/A
8 Criminal cases (Severe criminal offences)	N/A	N/A	N/A	N/A
9 Misdemeanour cases (minor offences)	N/A	N/A	N/A	N/A

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	1541	5735	5465	
Employment dismissal cases				
Robbery cases				
Intentional homicide case				

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases		0	3 months	3 months	6 months
Employment dismissal cases					
Robbery cases					
Intentional homicide					

94) Where appropriate, please specify the specific procedure as regards divorce:

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

From the date of incoming cases to the date of decisions.

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

When a person claims damages following wrongful criminal charges, the prosecutor handles the case administratively. The administrative decision can subsequently be brought before the courts, in which case the prosecutor conducts the case in court.

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
--	-----------------------------------	--	---	---	--	--

			legal situation			
Total number of 1st instance criminal cases	506556					416488

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 92 to 94 and question 98

92) The Danish Court Administration

98) Statistics Denmark & the Director of Public Prosecutions, Denmark

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

102) Which procedures and criteria are used for promoting judges? (please specify).

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

In both Q104 and Q105 the responsible authority is the Ministry of Justice.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

Qualifications, experience, former carrier, references and recommendations from superiors within the

prosecution services and a personal interview.

107) Is the mandate given for an undetermined period for judges ?

- Yes
 No

Are there exceptions? Please specify:

108) Is the mandate given for an undetermined period for prosecutors?

- Yes
 No

Are there exceptions? Please specify:

109) If no, what is the length of the mandate?

Is it renewable?

for judges

yes, please
specify the
length

The maximum age for a
judge: 70 years old.

for prosecutors

yes, please
specify the
length

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

110) Nature of the training of judges.

Is it compulsory?

- Initial training
 General in-service training
 In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
 In-service training for management functions of the court (e.g. court president, court managers)

- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

112) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	91904	
Judge of the Supreme Court or the Highest Appellate Court	130341	
Public prosecutor at the beginning of his/her career	40269	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	80537-147651	

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

116) If other financial benefit, please specify:**117) Can judges combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:

E.g. as board member in different organisations etc.

119) Can prosecutors combine their work with any of the following other professions?

Teaching	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for the question 114

114) The Ministry of Justice & the Danish Court Administration.

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

Regarding judges:

Anybody, who has felt wrongly treated can file a complaint to the the local court president or to the Special Court of Indictment and Revisions.

Regarding prosecutors:

The Ministry of Justice.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

Regarding judges:

The local court president can reprimand the judge in question. The Special Court of Indictment and Revisions can reprimand and also fine the judge in question. Ultimately the Special Court of Indictment and Revisions can dismiss the judge in question.

Regarding prosecutors:

The Ministry of Justice.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)		
1. Breach of professional ethics		
2. Criminal offence		
3. Professional inadequacy		
4. Other		

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)		
1. Reprimand		
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

4891

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

N.A.

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

Regarding civil cases:

Family members can represent. From January 1st 2008 anyone can represent in cases under app. 7000 €.

Regarding administrative cases:

There is no special court for administrative cases in Denmark. Anyone can represent a client vis a vis the authorities.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

The Danish Bar and Law Society consists of a national board and 11 Local Bars.

Please indicate the source for the question 126

126: The Danish Bar and Law Society.

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
 No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
 No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

The Board of the Danish Bar and Law Society issues a guiding set of rules.

138) Is it possible to complain about :

- the performance of lawyers?
- the amount of fees?

Please specify:

The Disciplinary Board of the Danish Bar and Law Society. The lawyer can submit a ruling from the Disciplinary Board before the courts.

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				804

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	59	1	0	101	116

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

Q140) A total of 804 cases were brought in before the Disciplinary Board.

Q141 - Other)107 cases because of no breach. 9 cases because the case too old or the case was rejected.

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

- Yes
 No

If yes, please specify:

If a party is eligible for free legal aid in a proceeding before the court, the legal aid also covers the party's expenses on mediation according to the pilot scheme on court connected mediation.

144) Can you provide information about the number of accredited mediators?

- Yes
 No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

employment dismissals?

yes,
number:

criminal cases?

yes,
number:

Please indicate the source for the question 145

The Ministry of Justice

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

The Danish Arbitration Act (Act no. 553 of 24 June 2005 on Arbitration) is based on the UNCITRAL Model Law on International Commercial Arbitration.

There is in addition to this number of different tribunals concerning alternative dispute resolution, e.g. the Labour Court.

In family cases the regional state administration offers mediation.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

On 1 March 2003 a pilot scheme on court-connected mediation in civil law cases was initiated in Denmark. The pilot scheme includes four city courts and one High Court. The pilot scheme includes all civil law cases which are brought before the courts. However, it does not include such rights and obligations which are not at the parties' disposal. Both lawyers and judges are taking part as mediators in the pilot scheme on court-connected mediation. The pilot scheme on court-connected mediation in civil law cases was evaluated in March 2005. The evaluation showed that the pilot scheme was a big success. On 28 November 2007 the Minister of Justice introduced a bill on a permanent and nationwide scheme on court-connected mediation in civil law cases. According to the bill the new rules on court-connected mediation will come into force on 1 April 2008.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

251

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

Enforcement agents are member of the court staff. That is why the questions below are unanswered.

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

The Danish Court Administration

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

154) Which authority is responsible for the supervision and the control of enforcement agents:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

The local court president.

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

The court presidents together with the Danish Court Administration.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

The Danish Court Administration

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
 No

If yes, please specify:

159) Is there a system measuring the timeframes of the enforcement of decisions:

- for civil cases?
 for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- between 1 and 5 days
 between 6 and 10 days
 between 11 and 30 days
 more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

- | | |
|-------------------------------|--|
| Breach of professional ethics | <input type="checkbox"/> yes,
number: |
| Professional inadequacy | <input type="checkbox"/> yes,
number: |
| Criminal offence | <input type="checkbox"/> yes,
number: |
| Other | <input type="checkbox"/> yes,
number: |

162) Sanctions pronounced against enforcement agents:

- | | |
|------------|--|
| Reprimand | <input type="checkbox"/> yes,
number: |
| Suspension | <input type="checkbox"/> yes,
number: |
| Dismissal | <input type="checkbox"/> yes,
number: |
| Fine | <input type="checkbox"/> yes,
number: |
| Other | <input type="checkbox"/> yes,
number: |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 157 and 160

The Danish Court Administration

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

The Danish Prison and Probation Service

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | |
|---|---|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes, number: |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes, number: |
| a public one? | <input checked="" type="checkbox"/> yes, number: |
| other? | <input type="checkbox"/> yes, number and specify: |

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

To witness a will.

Please indicate the source for the question 166

The Danish Court Administration

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

Yes

No

169) Which authority is responsible for the supervision and the control of the notaries:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

The local court president is responsible for the supervision and the control of the notaries.

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

The Danish court reform:

The Danish court reform is put into force on January 1st 2007. The reform entails a number of changes:

The number of district courts is reduced from 82 to 24

Virtually all cases are tried by district courts (first tier)

Civil cases in district courts may be tried by a panel of judges or by a judge assisted by experts

The Supreme Court will only review cases of principle

What will change?

The objectives are to modernise the judicial system so as to ensure the highest possible level of professional competence, flexibility and service as well as efficient case administration. These include:

Reduced length of procedures – less vulnerability and more efficient management

Higher degree of homogeneity – less units and a greater ability to coordinate

Higher level of quality – more specialized and professional courts

The police reform:

From 1 January 2007 the number of police districts has been reduced from 54 to 12 to establish more solid and effective districts that are able to handle any given assignment. In connection with this, a great deal of the administrative assignments has been moved from the Commissioner of Police to the individual districts, thereby creating a decentralization of the decision-making process. Finally, a number of assignments that were formerly maintained by the police, although they were not considered traditional police work have now been moved to other authorities, to secure that the police resources are used as effectively as possible.

Entirely new rules on class actions enter into force on January 1st 2008 (Act no. 181 of 28 February 2007). The purpose of the new rules on class actions is to introduce a new procedure that provides extended possibilities of handling disputes concerning a large number of uniform claims more effectively. In practice, rules on class actions will allow a better (procedural) examination of uniform claims, and a large number of uniform claims in particular, than the examination provided in practice under the current rules on the joinder of causes of action (joinder), etc. Rules on class actions would also facilitate access to the courts and thereby support the enforcement of justified claims, including claims that are abandoned today due to a lack of resources.