



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

## 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

5475797

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

	Amount
State level	119870000000
Regional / entity level	

##### 3) Per capita GDP (in €)

42577

##### 4) Average gross annual salary (in €)

47769

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

743

#### Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Question 1, 2, 3, and 4: Statistics Denmark

### 1. 2. Budgetary data concerning judicial system

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

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

228761776

##### 7) Please specify

All courts: 24 district courts, Eastern High Court, Western High Court, Supreme Court, Maritime and Commercial Court, The Land Registration Court, The Court of the Faroe Islands and The Courts of Greenland. In addition the budget includes expenses for layjudges, witness and interpreters.

##### 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 or indicate NA

**(not available) in case that the information cannot be supplied****Please provide comments to explain the data provided under question 8:**

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	146325706
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	14158815
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	8788694
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	40376850
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	2018842
Other (please specify):	<input checked="" type="checkbox"/> Yes	10767160

## Comment :

The annual public budget allocated to computerisation includes investments in a new digital system to land registration.

**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):

The budget has increased around 27 million Euros since 2006 due to implementing in new jurisdictions and some other reforms and due to increased investments in a new technology.

**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 Euros)**

101000000

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

**Please provide information concerning the budgetary elements that included in the whole justice system budget:**

Amount 1521000

Comment :

The figure includes the police and the prison service that is all under the Ministry of Justice.

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

**Please provide comments to explain the figure provided under question 13:**

Amount 76433980

Comment :

- civil cases 40,3 million Euros
- criminal cases 36,3 million Euros

**14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	36339165	42585797

Comment :

**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 €)**

**Please provide comments to explain the figure provided under question 16:**

Amount

Comment :

**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:**

	budget	budget	of the budget among the individual courts	budget at a national level
Ministry of Justice	Yes	No	No	No

Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	Yes	No	Yes	Yes
Courts	No	No	No	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

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

The General Auditing Bureau of Denmark.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- 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

**Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.**

The Court Administration

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	No	No

#### 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:

If a party is granted legal aid in a case before the court, the party is inter alia exonerated from paying court fees.

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

- Yes  
 No

#### 24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	NA
in criminal cases	NA
Other than criminal cases	3443

Comment :

Regarding Q23: Legal aid can be granted for the fees that are related to cases before the bailiff's court.

#### 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:**

	Yes	Amount in €
for criminal cases		
for other than criminal cases?	X	

Comment :

Q 26:

Regarding for criminal cases: See the answer to question 25

Regarding for other than criminal cases (2008):

Singles: 256000 DKK

Couples living together: 325000 DKK

The limits are raised by 44000 DKK for every child

**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

Please provide comments to explain the answer under question 27:

The following, inter alia, is taken into account when deciding to grant or refuse legal aid:

- the importance of the case to the applicant
- the prospects of the court sustaining the applicant's claim
- the value of the case
- the estimated legal costs, and
- the possibility of referring the case to a private complaints board

However, in family cases - where the decision for granting or refusing legal aid is taken by the court - legal aid is granted in all cases, if the parties meet the income requirements, see question 26, unless it is evident that the court will not sustain the applicant's claim.

**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 cover legal expenses.

Legal aid cannot be granted to persons, who have an insurance (for instance a legal aid insurance) that covers the costs of the case concerned. The insurance company decides whether the insurance covers the costs of the case concerned.



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

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

**You can indicate below:**

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

Question 30:

Regarding criminal cases: see the answer to Q25

Regarding other than criminal cases: In general, the losing party bears the legal costs. However, the court can decide that each party bears his or her own cost partly or entirely.

**Please indicate the sources for answering the questions 24 and 26**

Question 26: The Danish Ministry of Justice.

## 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:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.retsinformation.dk   |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es):                    | <input checked="" type="checkbox"/> Yes | www.hoejesteret.dk;<br>www.vestrelandsret.dk;<br>www.oestrelandsret.dk |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es):              | <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:

Every person filing a report of crime to the police receives a folder describing rights and obligations. This information includes information on how to file a claim for compensation, on the possibility of being represented by a lawyer during court proceedings and on the possibility of receiving further information and support from the police or from the Danish Victim Association ("Offerrådgivningen"). The folder can also be found on the internet.

**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	Yes	Yes	Yes	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	Yes	Yes	Yes	No
Ethnic minorities	No	No	No	No
Disabled persons	No	No	No	No
Juvenile offenders	Yes	Yes	Yes	No
Other	No	No	No	No

Comment :

**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?  
 a private fund?

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

The procedure concerns all cases where a person has suffered person injury due to a violation of the Danish Criminal Code.

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

- Yes  
 No

If yes, please specify:

In 2008 the recovery rate was 2,5 %.

**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 victim about the possibility of having a lawyer. The police or the prosecutor are also obliged to inform the victim of certain decisions in the procedure e.g. 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 prosecution service. The prosecutor must show considerations to the victim.

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

Yes

No

If yes, please specify:

The victim may appeal the prosecutor's decision to the public 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 determines the compensation tariffs in criminal cases.

**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:

Title: "User survey" ("Brugerundersøgelsen"). One version of the survey is aimed at citizens and one version is aimed at "professional" users, ex. lawyers.

The website to find the surveys: [www.domstol.dk](http://www.domstol.dk)

**42) If possible, please specify:**

| | | |

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	Yes	No
Surveys at court level	Yes	Yes

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

Yes

No

**44) If yes, please specify:**

**Please give elements of information concerning the efficiency of this complaint procedure:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external organisations (e.g. Ombudsman)	No	No

Comment :

Complaints against judges etc. can be submitted to the president of the court concerned or to the Special Court of Indictment Revision, which deals with, inter alia, complaints against judges and deputy judges. There is no time limit to respond or the time limit for dealing with such complaints.

### 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. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.**

	Total number
First instance courts of general jurisdiction	24
Specialised first instance Courts (legal entities)	0
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	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 in 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.

**48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	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 been changed since the previous evaluation cycle):**

**Please indicate the sources for answering the questions 45 and 48:**

The Court Administration

##### 3. 1. 2. Judges, courts staff

**49) Number of professional judges sitting in courts**

**(please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)**

**Please provide comments to explain the answer under question 49:**

Number

.

380

Comment :

In total there are 380 professional judges sitting in the Danish Courts. As read from the Danish Administration of Justice Act § 2, the judges are distributed as the following:

19 judges at the Supreme Court, 61 judges at the High Court of Western Denmark and 39 judges at the High Court of Eastern Denmark, 252 judges at the 24 District Courts, 4 judges at the Courts of Greenland and the Faroe Islands and 5 judges at the Maritime and Commercial Court.

**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 provide comments to explain the answer under question 50:**

**52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).**

**Please provide comments to explain the answer under question 52:**

	Yes	Number
Do you have non-professional judges?	X	

Comment :

Yes, in 2008, lay judges appeared in a total of 14.383 cases. Two lay judges appeared in each case which means that a total of 28.766 lay judges appeared. It is important however to notice that each lay judge appears approximately 3 or 4 times in different cases.

**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, in which the prosecution claims a punishment beyond a fine, two lay judges participate. The same applies to cases, which supposedly have a special vital importance for the accused or in which the public has a special interest.

In criminal cases, in which the prosecution claims more than 4 years of imprisonment, a placement of the accused in an institution or the trial concerns a political violation of the law, a jury participates in the trial.

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

NA

**55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.**

**Please provide comments to explain the answer under question 55:**

Number  . 2500

Comment :

It is difficult to indicate the exact number of non-judge employees working in the courts. Approximately 2500 people are employed at the courts, whereof 1300 are clerks.

**56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

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

Comment :

**57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:**

The two employments at the Danish Courts most similar to "Rechtspfleger" are deputy judges and judge assistants.

The deputy judges follow a 3 year training program in order to progress towards becoming a temporary judge at the High Court, finally a judge. As a deputy judge you are responsible for a

number of tasks which do not relate to the exercising of proper jurisdiction, such as enforcement and registration cases.

A judge assistant also appears in court for cases concerning enforcement, registration etc, and they are responsible for much of the administrative work concerning the courts.

As for appointed judges, deputy judges and judge assistants they are independent in the sense that they are not under control of the Ministry of Justice. This is secured through the Danish Constitution § 64.

### 3. 1. 3. Prosecutors

**58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

Number  . 607

Comment :

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

Yes

No

If yes, please specify:

**60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

**Please provide comments to explain the answer under question 60:**

Number NA

Comment :

### 3. 1. 4. Court budget and new technologies

**61) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	No	Yes
Court administrative director	No	No	Yes	Yes
Head of the court clerk office	No	No	Yes	Yes
Other	No	No	No	Yes

**62) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the



**different authorities responsible for the budget process in the court**

Other: The Court Administration

**63) 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	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

**64) 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	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

**65) 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	Yes	No	No	No
Special Website	Yes	No	No	No
Other electronic communication facilities	Yes	No	No	No

**66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- Yes  
 No

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

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

**You can indicate below:**

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

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Monitoring and evaluation

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

- Yes  
 No

**68) 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 Court Administration composes an annual report concerning cases that involve violent behaviour and rape.

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

- Yes  
 No

Please specify:

Each court is measured by an annual report.

**70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?**

- Yes  
 No

**71) Please select the 4 main performance and quality indicators that is 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  
 enforcement of penal decisions  
 satisfaction of employees of the courts

- satisfaction of clients (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

**72) Are there performance targets defined for individual judges (if no go to question 74) ?**

- 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

If other, please specify:

**74) Are there performance targets defined at the level of the courts (if no go to question 77)?**

- Yes
- No

**75) 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

If other, please specify:

The Danish Court Administration together with the court presidents.

**76) Please specify the main targets applied**

**77) Which authority is responsible for the evaluation of the performances of the courts:**

- High Council of judiciary
- Ministry of justice

- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

The Danish Court Administration

**78) 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:

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

- Yes
- No

**80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:**

- civil cases?
- criminal cases?
- administrative cases?

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

- Yes
- No

If yes, please specify:

**82) 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 Court Administration yearly visits the courts.

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

Yes

No

If yes, please specify:

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your court monitoring and evaluation system**

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**84) 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)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

**85) 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):

**86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).**

	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	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	2	0

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

- civil cases?  
 criminal cases?  
 administrative cases?

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.

**88) Are there simplified procedures for:**

- civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

**89) 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 administration of legal acts regulates the processing of cases. It is not possible for lawyers to conclude agreements, which go against this regulation.

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

**90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	104990	3117753	3103306	133458
1 Civil (and commercial) litigious cases*	31285	59670	58366	32873
2 Civil (and commercial) non-litigious cases*	3584	5049	5174	3458
3 Enforcement cases	66449	349894	324256	92051
4 Land registry cases**		2554595	2569037	
5 Business register cases**	3672	11513	8937	5076
6 Administrative law cases				
7 Other		137037	137536	
Total criminal cases (8+9)	33441	135640	131474	37606
8 Criminal cases (severe criminal offences)	11245	54291	51948	13588
9 Misdemeanour and / or minor offences cases	22196	81349	79526	24018

**91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):**

Pending cases horizontal will not match as a sum of civil cases due to the fact that pending cases are not registered for land registration plus 7. others above.

Re 1: Sum of cases from District Courts: All civil cases from District Courts minus cases covered under 2 and 1st instance cases from the 2 High Courts.

Re 2: All cases are from District Courts.

Re 3: Enforcement cases include forced sales.

Re 4: Land Registration

Re 8: Everything that is not covered by 9 below.

**92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 91.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	1768	5998	5679	2159
1 Civil (and commercial) litigious cases*	1768	5998	5679	2159
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	894	6860	6788	999
8 Criminal cases (Severe criminal offences)	894	6860	6788	999
9 Misdemeanour and/or minor offences cases				

Comment :

Due to lack of information on pending cases at High courts the overall figures of both civil cases and criminal cases on pending cases do not add up.

Re 1: Consist of cases from District Courts to High Courts plus second instance cases from High Courts and Commercial and Maritime Court.

Re 2-7: Cannot be identified

Re 8: Consist of cases from District Courts to High Courts plus second instance cases from High Courts to Supreme Court

Re 9: Cannot be identified

**93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**



**Please check the consistency of data as mentioned under question 88.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)				
1 Civil (and commercial) litigious cases*	463	257	319	446
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases		55		
7 Other		68		
Total criminal cases (8+9)	40	59	47	65
8 Criminal cases (severe criminal offences)	40	59	47	65
9 Misdemeanour cases (minor offences)				

Comment :

All data in table 93 are taken from the Supreme Court's Annual Account statement.

Re 1: Pending cases prime and ultimo 2008 only includes cases where the whole case is appealed, not a minor decisions in a case that is appealed. 1 above is all appeal cases (including minor decisions in a case) from which 6, administrative cases have been deducted as administrative cases has its own category. Pending ultimo does not measure up as definitions of incoming and resolved cases are different from the definitions used on pending cases.

Pending cases are found as residuals.

**94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	1915	5427	4836	2530
Employment dismissal cases*				
Robbery cases				
Intentional homicide				

**95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the tale. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 92:**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	15	NA	153 days	3 months	8 months
Employment dismissal cases*					
Robbery cases					
Intentional homicide					

Comment :

The 15 % is found as the sum of these cases from the two High Courts as percentage of number of cases resolved at District Courts.

**96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:****97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.****98) 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 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:

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

- Yes
- No

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.

**100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:**

	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 legal situation	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
Total number of 1st instance criminal cases	589959					561012

Comment :

The data includes traffic offences. In 589959 cases the police have accused a person in a criminal case and handed the case over to the public prosecutor. In 561012 cases formal charges were brought before the court.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- 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 answering the questions 90 to 95 and 100:**

Question 90 - 95: The Court Administration

Question 100: The Director of Public Prosecutions.

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recruitment, nomination and promotion

##### 101) 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

Other, please specify:

After having completed a 3 year mandatory training program, and afterwards gaining some working experience it is possible to achieve employment as a temporary judge. Temporary judges stay at the High Court for at least 9 months after which an evaluation of their performance is made. When a judge is to be employed, the broadly composed independent Judicial Appointments Council makes recommendations to the Minister of Justice on the appointment of all judges. The candidates must:

- have Danish nationality (art. 39, par. 4, of the EC-treaty exempts public employment from the right of the free movement, and this is taken to include employment as a judge),
- have a Danish law degree (cand.jur.),
- have a clean record and a good reputation,
- for employment as a supreme court judge, participate in the deliberation of at least 4 cases on a trial basis, and normally have had recognised employment as a lawyer for more than 3 years.

##### 102) 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?

##### 103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

Yes, the Judicial Appointments Council is also responsible for the promotion of judges, cf. the Danish Administration of Justice Act § 43 a.

##### 104) Which procedures and criteria are used for promoting judges? Please specify.

##### 105) 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

Other, please specify:

**106) 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?

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

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:  
Regarding Q 106 and 107: The competent authority is the Ministry of Justice.

**108) 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.

**109) Is the mandate given for an undetermined period for judges?**

- Yes
- No

Are there exceptions? Please specify:

**110) Is there a probation period for judges? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for judges		

**111) Is the mandate given for an undetermined period for prosecutors?**

- Yes
- No

Are there exceptions? Please specify:

**112) Is there a probation period for prosecutors? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for prosecutors		

**113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?**

**Please specify the length**

for judges?

Yes

The maximum age for a judge is 70

for prosecutors?

Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- 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

Regarding Q 102 please see answer to Q 101

Regarding Q110: No, there isn't a proper probation period, but in order to achieve the possibility of being appointed judge you have to have been employed as a temporary judge for at least 9 months at the High Court.

5. 1. 2. Training

**114) 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)
- In-service training for the use of computer facilities in the court

**115) Frequency of the training of judges**

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	Yes
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	Yes	Yes
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	No	Yes

**116) Nature of the training of prosecutors. Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (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)

**117) Frequency of the training of prosecutors**

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	No	Yes	No
Specialised in-service training (specialised public prosecutor)	No	Yes	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	Yes	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in 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 has been implemented over the last two years

After completion of the 3-year initial training programme, the majority of prosecutorial training (incl. managerial training) is voluntary and can be undertaken by the prosecutor as and when needed.

The Director of Public Prosecutions offers a catalogue of some 25 different short-term courses covering a wide range of topics ranging from rhetorics and media-training to tax evasion and human rights in a criminal justice perspective.

External training is also offered - mainly focussing on managerial training.

On average the intent is that each prosecutor should engage in training activities for 5 days a year.

**5. 2. Practice of the profession****5. 2. 1. Salaries**

**118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 118:**

	Gross annual salary (€)	Net annual salary (€)

First instance professional judge at the beginning of his/her career	78348	
Judge of the Supreme Court or the Highest Appellate Court	109212	
Public prosecutor at the beginning of his/her career	49998	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	184830	

**Comment :**

Regarding judges the gross annual salary is excl. additional benefits.

Regarding public prosecutor of the Supreme Court or the Highest Appellate Court the gross annual salary mentioned is the maximum salary. The salary depends on which function you as prosecutor fulfill. The salary can also depend on the length of service. We don't have a average salary for the public prosecutor in the Supreme Court. The salary is between 101936 and 184830 Euros.

**119) Do judges and public prosecutors have additional benefits?**

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	No
Housing	No	No
Other financial benefit	Yes	No

**120) If other financial benefit, please specify:**

Additional chief benefit.

**121) Can judges combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	No	No
Other function	Yes	No	No

**122) If other function, please specify:**

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

**123) Can prosecutors combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No



Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	Yes	No	No
Consultant	Yes	No	No
Cultural function	Yes	No	No
Other function	Yes	No	No

**124) If other function, please specify:**

Prosecutors can in general combine their work with any other function that does not compromise the esteem and integrity deriving from their role as prosecutors.

**125) 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 answering the question 118**

The Court Administration and the Ministry of Justice

**5. 2. 2. Disciplinary procedures****126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

Regarding prosecutors: The Ministry of Justice

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

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

Regarding prosecutors: The Ministry of Justice

Regarding judges: The court president can reprimand the judge in question. The Special Court of Indictment and Revisions can reprimand and also find the judge in question. Ultimately the Special Court of Indictment and Revisions can dismiss the judge in question.

**128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors
Total number (1+2+3+4)	91	2
1. Breach of professional ethics	NA	1

2. Professional inadequacy	NA	
3. Criminal offence	NA	1
4. Other	NA	

Comment :

Total number of complaints against judges: 91 (84 of these were dismissed, 1 of these resulted in disapproval or suspension, 6 of these were resolved in a different way)

- Breach of professional ethics: NA
- Professional inadequacy: NA
- Criminal offence: NA
- Other: NA

**129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 129**

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

Comment :

See response to Q 128

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- 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

**130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).**

5331

**131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.**

- Yes  
 No  
 Not applicable

**132) Number of legal advisors. If there is no data available, please indicate it (NA)**

NA

**133) Do lawyers have a monopoly of representation in (multiple options are possible):**

- 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 and others can under certain circumstances represent, cf. Section 260 of the Danish Administration of Justice Act. From January 1st 2008 anyone can represent in cases under app. 7000 euro.

Regarding administrative cases:

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

**134) Is the lawyer profession organised through?**

- a national bar?  
 a regional bar?  
 a local bar?

Please specify:

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

**Please indicate the source for answering the questions 130 and 132:**

The Danish Bar and Law Society

### 6. 1. 2. Training

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

Yes

No

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

Yes

No

**137) 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

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

Yes

No

Please provide comments to explain the answer under question 138

**139) Are lawyers fees**

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

## 6. 2. Evaluation

### 6. 2. 1. Complaints and sanctions

**140) Have quality standards been formulated for lawyers?**

- Yes
- No

**141) 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.

**142) 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.

**143) Which authority is responsible for disciplinary procedures**

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

Please specify:

**144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 141:**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				742

Comment :  
 A total of 891 cases have so far been brought before the Disciplinary Board in 2009.

**145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 145:**

	reprimand	suspension	removal	fine	other

Annual number	26	2		190	
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Comment :

The Danish Bar and Law Society is not able to provide these data until the end of 2009.

**You can indicate below:**

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

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**146) Does the legal system provide for mediation procedures? If no go to question 151**

Yes

No

**147) If applicable, please specify, by type of cases, the organisation of mediation**

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	No	No	Yes	No
Family law cases (ex. Divorce)	Yes	No	Yes	Yes	No
Administrative cases	Yes	No	No	No	No
Employment dismissals	Yes	No	No	No	No
Criminal cases	No	No	No	No	No

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

Yes

No

If yes, please specify:

Mediation procedures offered by the courts are free of charge.

**149) Number of accredited mediators. If there is no data available, please indicate it (NA)**

NA

**150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

civil cases?  Yes

family cases?  Yes

administrative cases?  Yes

employment dismissals?  Yes

criminal cases?  Yes

**Please indicate the source for answering the question 150:**

The Danish Ministry of Justice and the Department of Family Affairs.

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

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

The Danish Arbitration Act is based on the UNCITRAL Model Law on International Commercial Arbitration.

There is in addition to this a 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 in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

By Act no 168 of 12 March 2008 rules on court-connected mediation in civil law cases were inserted into the Danish Administration of Justice Act. The rules entered into force on 1 April 2008.



## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154**

- Yes  
 No

**153) Number of enforcement agents. If there is no data available, please indicate it (NA).**

NA

**154) Are enforcement agents (multiple options are possible):**

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

Please specify their status and powers:

Enforcement agents are members of the court staff.

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

- Yes  
 No  
 Not applicable

**156) Is the profession of enforcement agent organised by?**

- a national body?  
 a regional body?  
 a local body?  
 not applicable

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

- Yes  
 No  
 Not applicable

**158) Are enforcement fees:**

- regulated by law?  
 freely negotiated?  
 not applicable

**Please indicate the source for answering the question 153:**

8. 1. 2. Supervision

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

- Yes  
 No  
 Not applicable

**160) 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 court president

**161) Have quality standards been formulated for enforcement agents?**

- Yes  
 No  
 Not applicable

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

The court president together with the Court Administration.

**162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?**

- Yes  
 No

if yes, please specify

**163) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

**8. 1. 3. Complaints and sanctions****164) 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:

**165) 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:

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

- for civil cases?  
 for administrative cases?

**167) 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 sits:**

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

If more, please specify

**168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of disciplinary proceedings		NAP
for breach of professional ethics	<input type="checkbox"/> number:	
for professional inadequacy	<input type="checkbox"/> yes, number:	
for criminal offence	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

**169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of sanctions		NAP
Reprimand	<input type="checkbox"/> number:	
Suspension	<input type="checkbox"/> number:	
Dismissal	<input type="checkbox"/> number:	
Fine	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

**You can indicate below:**

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

**Please indicate the source for answering the questions 167, 168 and 169:**

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**170) 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 Prison and Probation Service is entrusted with the enforcement of judgements.

The mission of the Prison and Probation Service is to contribute to reducing criminality. This mission is shared by the police, the prosecution service and the courts.

The primary task of the Prison and Probation Service is to enforce (implement) sanctions:

- Custodial sentences, that is, prison sentences served in state and local prisons
- supervision activities in connection with release on parole and suspended sentences, including community service orders and electronic tagging, undertaken by the Probation Service.

Based on the above requirements of how to attain the mission, the dual primary task can be worded as follows:

- control and security
- support and motivation

The Prison and Probation Service must carry out the control necessary to enforce the punishments and motivate offenders to become law-building citizens.

**171) 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 in this chapter
- 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

**172) Do you have notaries in your country? If no go to question 177**

- Yes  
 No

**173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):**

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	
a public one?	<input type="checkbox"/> number	
other?		NA

Comment :

The function of a notary is carried out by the city courts.

**174) Do notaries have duties:**

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

Please specify:

It is the notaries function to attend or to perform acts of legal significance, which authenticate legal deeds or documents, which after the law are to be considered particularly probative.

**Please indicate the source for answering the question 173**

The administration of justice act, § 11, and the statutory order on the business of notaries, § 1.

#### 9. 1. 2. Supervision

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

- Yes  
 No

**176) 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?
- not applicable

Please specify:

The function of a notary is delegation to the judges offices and it is normally carried out by office clerks. The 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 in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

## 10. Court interpreters

### 10. 1. function

#### 10. 1. 1. Statute

**177) Is the title of court interpreter protected?**

- Yes  
 No

**178) Is the function of court interpreter regulated?**

- Yes  
 No

**179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations**

NAP

**180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?**

- Yes  
 No

If yes, please specify:

According to the Administration of justice act, § 149, the court should, whenever possible, select a state-authorized translator and interpreter. In situations, where this proves not to be possible, the court can appoint non-authorized translators.

**181) Are the courts responsible for the selection of court interpreters?**

- Yes  
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :



## 11. Functioning of justice

### 11. 1. Foreseen reforms

#### 11. 1. 1. Reforms

**182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:**

In year 2007 the Danish Court reform was put into force. The reform entails a great number of changes:

- reduction of district courts, from 82 to 24
- Virtually all cases are tried by district courts.
- Civil cases in district courts may be tried by a panel of judges or by a judge assisted by experts.
  
- The Supreme Court only review cases of principle.

The objectives of the reform:

- 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.
- to reduce 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.