

The Danish Court Fees Act¹ (extracts)

TITLE I

Court fees for civil actions in the first instance etc.

Part 1 – Civil actions

1.—(1) An amount of DKK 500 is payable on commencing proceedings. Notwithstanding the aforementioned, no court fee is payable in actions initiated on the basis of a money claim filed in pursuance of section 477f, 1st sentence, of the Danish Administration of Justice Act².

(2) In actions concerning money or money's worth at a value in excess of DKK 50,000, an additional amount of DKK 250 is payable on commencing proceedings plus 1.2% of the part of the value exceeding DKK 50,000.

(3) The total payment to be made under subsections 1 and 2 above cannot exceed DKK 75,000. In actions concerning the exercise of authority or matters that are subject to section 327(1) (i) or (ii), the total payment provided for under subsections 1 and 2 cannot exceed DKK 2,000.

2.—(1) In actions concerning money or money's worth in which the value exceeds DKK 50,000, a fee is payable for the trial or for the written consideration replacing the trial.

(2) The fee payable under in subsection 1 constitutes DKK 750 plus 1.2% of the part of the value exceeding DKK 50,000.

(3) The fee payable under subsection 1 cannot exceed DKK 75,000. In actions concerning the exercise of authority or matters that are subject to section 327(1)(i) or (ii), the fee payable under subsection 1 cannot exceed DKK 2,000.

(4) The fee payable under subsection 1 shall be paid at the time of fixing the date for trial, however, not earlier than 3 months prior to the trial. If the court receives notification of the lapse of the case not later than 6 weeks before the trial, the fee payable under subsection 1 will lapse.

(5) In actions that are decided without an oral hearing, the fee payable under subsection 1 shall be paid once a decision is made to commence written consideration of the matter. If the Court receives notification of the lapse of the case prior to the closing submission, the fee payable under subsection 1 will lapse.

(6) In actions that are closed without judgment, either by default judgment or by a party acknowledging the claim, one third will be repaid, however, not less than DKK 500 of the fee set out in subsection 1.

3.—(1) The value of the action is determined on the basis of the claim in the writ. When fixing the fee according to section 2, the value of the action, however, will be determined on the basis of the claim at the time where the fee is to be paid, cf. section 2(4) and (5). If an action is concerned with several claims, the value of the action is the total value of such claims; also if the action is initiated by several plaintiffs or against several defendants. Interest and costs are not included.

(2) If the claim concerns a payment to be paid an indefinite number of times, the value is calculated by multiplying the annual payments by 10, cf. subsection 3. If the claim concerns a payment to be paid a definite number of times, the value is calculated by multiplying the individual payment by the number of times the payment must be made. The value cannot exceed the annual payments multiplied by 10, cf. subsection 3. If the payments are not identical, the calculation will be based on payments made during the year preceding the initiation of the action.

(4) In the event that the value of the action cannot be determined on the basis of the claim set out in the writ, the plaintiff must make an estimate as accurately as possible. The authority assessing the fee will, if necessary, set a discretionary fee.

¹ Lovbekendtgørelse 2006-09-08 nr. 936 om retsafgifter

² Retsplejeloven

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(5) If the claim is increased, the fee will be recalculated based on the increased claim.

4.—(1) Notwithstanding sections 1-3, the fee always constitutes DKK 400 payable on commencing proceedings in actions concerning:

- 1) restrictive covenants and partial rights of use or enjoyment for which no consideration is paid;
- 2) cancellation of securities or restrictive covenants, rights of use or enjoyment and rentcharges;
- 3) judgment to determine ownership; or
- 4) presumption of death.

(2) If an action is concerned with claims subject to subsection 1 as well as claims not subject to subsection 1, the court fee shall be paid in accordance with sections 1-3.

5.—(1) (Repealed)

6.—(1) Third party actions and third party intervention actions according to section 251 of the Administration of Justice Act are regarded as independent actions. No fee is payable for intervention in actions in pursuance of section 252 of the Administration of Justice Act.

7.—(1) If the defendant requests that an independent judgment be given, such request will be regarded as a separate action.

(2) This does not apply in instances where the defendant in a matter concerning patent infringement submits a claim to have the patent declared null and void.

8.—(1) If a case is dismissed on the grounds of the Court's incompetence, no new fee will be payable provided that the case is initiated again not later than 3 months after the dismissal. This is also true if the case is withdrawn on the same grounds or if both parties fail to appear. In such instance, the period stated above is calculated from the day on which the case was last set down for trial.

9.—(1) No court fee is payable if a case is resumed.

(2) If the court withdraws a case in pursuance of section 361 of the Administration of Justice Act, a request may be submitted for recovery of the court fee.

10.—(1) If a case is remitted for new consideration in a lower court, no fee is payable for such new consideration.

11.—(1) The court fee becomes payable:

- 1) For writs and other pleadings concerning matters in respect of which a court fee is payable: upon filing;
- 2) For pleadings presented in court concerning matters in respect of which a court fee is payable: upon presentation;
- 3) For claims presented orally in court concerning matters in respect of which a court fee is payable: upon presentation;
- 4) For the consideration of a petition to have a case resumed: upon submission of the petition to have the case resumed.

12.—(1) No court fee is payable for cases concerning:

- 1) Denial of voting rights to the Folketinget as well as to regional and municipal councils³;
- 2) adoption;
- 3) marriage or child custody;
- 4) paternity;

³ Regionale råd og kommunalbestyrelser

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- 5) guardianship;
- 6) trial for administrative imprisonment;
- 7) upholding of attachment and injunction if a main claim has been initiated.

(2) No fee is payable for cases initiated pursuant to section 49 of the Danish Rent Act⁴ and cases regarding Parts II-V of the Danish Act on Temporary Adjustment of Housing Conditions⁵.

13.—(1) No court fee is payable by:

- 1) a state civil servant initiating an action according to orders;
- 2) a party eligible for court fee exemption in pursuance of section 331(1)(i) of the Administration of Justice Act;
- 3) a party with legal expenses insurance or other insurance that covers the legal costs of the case, and that meets the financial conditions stipulated in section 325 of the Administration of Justice Act.

(2) If the counterparty is ordered to pay legal costs, such party shall in the instances set out in subsection 1(i) pay a court fee in accordance with the provisions set out above unless outweighed by special circumstances. The value of the subject-matter is determined by the court. The court fee becomes payable once the court has made its decision.

Part 2 - The taking of evidence etc.

14.—(1). As regards the taking of evidence, including the submission of a question to the opinion of experts appointed by the court, irrespective of whether the taking of evidence is to be effected in Denmark or abroad, a fee of DKK 400 is payable, unless the taking of evidence is effected during or in connection with an action initiated in Denmark.

Such fee is also payable for the consideration of applications submitted under section 5 of the Danish Arbitration Act⁶.

(2) No court fee is payable for captain's protests.

15.—(1). The provisions set out in Part 1 are applicable subject to any relaxation required.

TITLE II

Court fees payable for enforcement proceedings and auctions

Part 2 a - Money claims

15a.—(1). As regards money claims, a court fee of DKK 400 plus the amounts set out in subsections 2-4 is payable.

(2) An additional sum of DKK 300 is payable if the creditor requests that execution be levied without renewed request, where no objections are made by the debtor, but not that the hearing of the case be initiated based on the money claim without the filing of a writ, where objections are made by the debtor. No court fee is payable under the 1st sentence in the event that the case is closed without enforcement proceedings being initiated in pursuance of section 477e(2), 2nd sentence, of the Administration of Justice Act. The court fee payable under the 1st sentence lapses in the instances set out in section 16(6).

(3) An additional sum of DKK 100 is payable if the creditor requests that the hearing of the case be initiated based on the money claim without the submission of a writ, where objections are made by the debtor, but not that execution be levied with-

⁴ Lejeloven

⁵ Lov om midlertidig regulering af boligforholdene

⁶ Voldgiftsloven

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out renewed request, where no objections are made by the debtor. No court fee is payable under the 1st sentence in the event that the case is closed without a court hearing being initiated in pursuance of section 477f, 1st sentence, of the Administration of Justice Act.

(4) An additional sum of DKK 300 is payable if the creditor requests that execution be levied without renewed request, where no objections are made by the debtor, but not that the hearing of the case be initiated based on the money claim without the filing of a writ, where objections are made by the debtor. In the event that enforcement proceedings are initiated in pursuance of section 477e(2), 2nd sentence, the court fee payable under the 1st sentence shall not be payable in the instances listed in section 16(6). In the event that the hearing of the case is initiated in pursuance of section 477f, 2nd sentence, the part of the court fee provided for in the 1st sentence exceeding DKK 100 shall not be payable. No court fee is payable under the 1st sentence in the event that the case is closed without enforcement proceedings being initiated in pursuance of section 477e(2), 2nd sentence, of the Administration of Justice Act, or initiation of the hearing of the case in pursuance of section 477f, 1st sentence.

(5). No court fee is payable under subsections 1-4 in the event that the service of the money claim is omitted due to the fact that execution ruled out according to section 490 of the Administration of Justice Act, and the creditor has requested that service be omitted according to section 477d(1) of the Administration of Justice Act.

15b.-(1). The provisions set out in Part 1 are applicable subject to any relaxation required.

Part 3 - Enforcement proceedings

16.-(1). As regards execution and attachment of goods, a base fee of DKK 300 is payable. In the event that the claim exceeds DKK 3,000, an additional ½% base fee is payable on the excess amount.

(2). When enforcement is initiated on the basis of a money claim in pursuance of section 477e(2), 2nd sentence, of the Administration of Justice Act, only the base fee is payable provided that the applicant files a new application concerning the claim with the same enforcement court or the enforcement court in a different district more than three months after the enforcement court has provided the money claim with an endorsement to the effect that no objections have been made in due time, cf. section 477e(2), 1st sentence, of the Administration of Justice Act.

(3). When a request is made for execution under section 42 of the Danish Credit Agreements Act⁷ to be levied immediately in conjunction with recovery proceedings, a court fee is payable as provided in subsection 1, 2nd sentence.

(4). When an application at the same time requests that attachment be levied based on a lien against the same debtor for several claims, the claims will be added prior to calculating the court fee.

(5). In the event that a creditor files a request for attachment for the same claim with several debtors, the court fee will be calculated separately for each debtor. This does not apply where the debtors are co-habiting spouses, or where the petition concerns real property owned jointly by the debtors.

(6). No court fee is payable where the enforcement court with reference to section 490(1) of the Administration of Justice Act denies to levy execution or if execution is dismissed in pursuance of sections 16-16a, 31, 171 and 207(1) of the Danish Bankruptcy Act⁸.

17.-(1). A base fee of DKK 300 is payable on the following proceedings:

- 1) Proceedings concerning the enforcement of a judgment not for money;
- 2) possession proceedings without the ordinary basis of execution;
- 3) proceedings concerning the granting of an injunction;

⁷ Kreditaftaleloven

⁸ Konkursloven

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4) proceedings concerning the preservation of evidence in the event of infringement of intellectual property rights etc.

(2). The provision set out in section 16(5) is equally applicable.

17a.—(1). With respect to the proceedings listed in sections 16 and 17, an additional court fee of DKK 400 is payable in the event that the proceedings are to be effected wholly or partly outside the court's offices or the debtor is arraigned by the police.

(2). In the event that an applicant at the same time requests that one of the legal proceedings provided for in subsection 1 be made with the same debtor with respect to several claims, only one additional court fee is payable. When a request is made for execution under section 42 of the Danish Credit Agreements Act to be levied immediately in conjunction with recovery proceedings subject to an additional fee, no additional fee is payable. When a request is made for the granting of an injunction and the preservation of evidence to be performed at the same time, only one additional fee is payable.

(3). The provision set out in section 16(5) is equally applicable.

(4). No court fee is payable if the enforcement court rejects to execute proceedings outside the court's offices or to allow the debtor to be brought before the police.

18.—(1). As regards the proceedings provided for in sections 16 and 17, the court fee is payable once the first application concerning the claim is filed with the enforcement court. The court fee provided for in section 17a becomes payable once the first application is filed with the enforcement court for the execution of legal proceedings.

(2). The Ministry of Justice determines when the court fee becomes payable for execution levied in pursuance of the Danish Act on Collection of Direct and Indirect Taxes etc.⁹

19.—(1). A new court fee is payable for other proceedings than the levy of attachment based on a lien, when the applicant more than 3 months after the court fee became payable, files a new application concerning the claim with the same enforcement court or with an enforcement court in a different district.

20.—(1). No court fee is payable in respect of enforcement proceedings concerning:

- 1) fines, seized assets and legal costs in criminal cases collected by the public authorities;
- 2) taxes and legal costs charged by the courts;
- 3) claims due to a party eligible for court fee exemption in pursuance of section 331(1)(i) of the Administration of Justice Act;
- 4) claims due to a party covered by a legal expenses insurance or other insurance that covers the legal costs of the enforcement case and that meets the financial conditions stipulated in section 325 of the Administration of Justice Act.
- 5) claims conferred on a state civil servant under an action initiated by him according to order;
- 6) civil claims determined under a public criminal case;
- 7) child custody and child contact;
- 8) issue of a conveyance issued under a charging order.

20a.—(1). (Repealed)

Part 4 - Auction

21.—(1). A court fee is payable in accordance with the provisions set out in this Part 4 for auctions held by the enforcement court.

⁹ Lov om inddrivelse af skatter og afgifter mv.

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22.—(1). A court fee is payable in the amount of DKK 800 for the consideration of an application for an auction for real property, a registered vessel or aircraft with chattels. No court fee is payable for applications for other auctions in pursuance of section 576 of the Administration of Justice Act.

(2). An additional court fee of ½% is payable in respect of a forced sale of the assets specified in subsection 1 and of 1% for a voluntary auction. If another auction is held in pursuance of section 576 of the Administration of Justice Act, a court fee is payable only for the tender price etc. at which the property is sold.

(3). A fee is payable according to the provisions of subsections 1 and 2 for auctions concerning breach.

23.—(1). A court fee in the amount of DKK 300 is payable for the consideration of an application for forced sale of assets, instruments of debt and other claims.

(2). An additional court fee of 1% is payable in respect of an auction for the assets specified in subsection 1.

24.—(1). The fees fixed in sections 22(2) and 23(2) are calculated on the basis of the tender price with the addition of the costs that the buyer according to the terms of the auction is liable to pay as well as with the addition of any civil law encumbrances and obligations, tax arrears etc. that the buyer is liable to pay or undertake outside the scope of the tender price under the terms of the auction. Periodic payments are capitalised in accordance with the rules of the legislation governing stamp duty.

25.—(1). The court fee provided for in sections 22(2) and 23(2) becomes payable at the close of the auction.

26.—(1). The provision set out in section 13(1)(ii) also applies to the fees provided for in sections 22(1) and 23(1) provided that free legal aid has been granted for an auction.

26a.—(1). The court fee provided for in section 22(1) will not be payable if an application for auction cannot be considered on the grounds of the provision contained in section 560(2) of the Administration of Justice Act.

(2). The fee provided for in sections 22(2) and 23(2) will not be payable if the auction is cancelled, for instance by agreement between the interested parties, or due to an error committed on the part of the enforcement court.

TITLE V

Appeal fees

Part 9 – Appeal of judgments

50.—(1). Court fees are payable on civil law appeals in accordance with Title I based on the claim in the appeals case. Section 2(6) does not apply.

(2). The court fee payable under sections 1 or 4 for High Court appeals of judgments amounts to at least DKK 750. The fee is increased by 50% for Supreme Court appeals of judgments, and the court fee payable under sections 1 or 4 amounts to at least DKK 1,500.

51.—(1). No court fee is payable for appeals of judgments in the cases specified in section 12(1)(i)-(vi).

(2). The provisions set out in section 13 are also applicable to appeals of judgments.

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52.—(1). In the event of remission of a case to a lower court, the appeals fee will be reimbursed.

53.—(1). (Repealed)

Part 10

Appeal of orders

54.—(1). A court fee of DKK 400 is payable for appealing orders to the High Court and DKK 750 for appealing orders to the Supreme Court.

55.—(1). No court fee is payable for appeals of orders lodged by:

- 1) parties to an action eligible for court fee exemption under section 12(1)(i)-(vi);
- 2) parties eligible for court fee exemption under section 13(1);
- 3) the prosecution service and persons charged in a public criminal case;
- 4) court appointed defence counsel and lawyers in matters concerning consideration.

56.—(1). (Repealed)

57.—(1). In the event that an order or a decision appealed is reversed by the court or authority in question, the court fee paid shall be repaid. In the event that the court in its order or decision finds wholly or partly in favour of the appellant, the court fee paid shall be repaid.

Part 11 - New hearing and extraordinary appeal

58.—(1). The court fee payable for the consideration of a petition for a new hearing of a case or an extraordinary appeal of a judgment in pursuance of section 399 of the Administration of Justice Act amounts to DKK 1,500. No court fee is payable if a party is eligible for free legal aid to lodge a petition for a new hearing of a case. The court fee shall be repaid if the petition is complied with. No court fee is payable for the new hearing or appeal of the case as such.