



THE NEW DANISH ACT ON COURT FEES HAS ENTERED INTO FORCE

22 October 2021

Introduction

The Danish Parliament adopted a new bill on court fees (“Act”) on 8 March 2021. The Act came into force on 1 October 2021 and amends the former Act on court fees from 1969. The main purpose of the amendments in the Act is to simplify the rules on civil court fees to make it easier for citizens and authorities to understand and apply the rules. This entails, among others, that significant changes to the calculation of court fees have been made. The most significant amendments are described in more detail below.

The Act can be read [here](#).

Amendments of Payable Court Fees for Civil Proceedings at first instance

The Act amends the size of court fees to be paid at the time the proceedings are initiated as well as prior to the oral hearing. Whereas the court fees, according to the former rules, were calculated as a percentage of the value of the case - irrespective of whether it was the initial court fee or the court fee prior to the oral hearing – the new Act stipulates that the court fees will be based on predetermined fixed fees, which thus makes the court fees easier to determine prior to initiating court proceedings.

Court Fees when Civil Proceedings are initiated

When civil proceedings are initiated, the plaintiff must pay a court fee of DKK 1,500 regardless of the value of the case. If the value of the case does not exceed DKK 100,000, or if the case value cannot be determined, the court fee to be paid is DKK 750.

Court Fees prior to the Oral Hearing

With the new Act, the court fees payable prior to the oral hearing is based on fixed rates depending on the value of the case as illustrated in the table below. If the initial court fee was DKK 750, no court fee shall be paid prior to the oral hearing.

Value of the matter (DKK)	Listing fee (DKK)
100.001-250.000	3.000
250.001-500.000	8.000
500.001-1.000.000	14.000
1.000.001-2.000.000	35.000
2.000.001-3.000.000	60.000
3.000.001-4.000.000	85.000
4.000.001-5.000.000	110.000
5.000.001-6.000.000	135.000
Above 6.000.000	160.000

These amendments are significant because the former rules entailed that the court fees (both the initial court fee and the court fee prior to the oral hearing) were calculated on a fixed amount plus a 1.2% of the value of the case. In addition, the new Act indirectly entails that the plaintiffs and courts avoid the issue of determining the exact value of the case prior to the proceedings being initiated, which makes the process of initiating civil court cases less complicated as well as more effective.

Overall, the new Act makes it less costly to initiate civil proceedings and particularly in terms of disputes with a large case value, as the majority of the court fees first have to be paid prior to the oral hearing and thus not when the case is initiated. For instance, in a civil case with a case value of DKK 20,000,000, the court fee payable when the proceeding is initiated amounts to DKK 1,500 and DKK 160,000 prior to the oral hearing.

Although the new rules entail a minor increase in the total amount of court fees to be paid (the court fees could not exceed DKK 150,000 previously), the majority of the court fees shall only be paid prior to the oral hearing and thus only in the event, that the case has not been withdrawn, dismissed or settled before such point in time.

Another notable amendment compared to the former rules is, that the liability to pay the court fee prior to the oral hearing ceases if the court no later than two weeks before the oral hearing is notified that the proceeding has been withdrawn/settled. In the former rules, the court had to be notified hereof six weeks before the oral hearing.

Amendments to certain types of Court Fees

With the Act, certain types of court fees will be increased. This concerns fees payable in connection with the cases at the bailiff court, where the court fee is now DKK 750 compared to the former rules, where the court fee was fixed at DKK 300 with additional fees of DKK 400 in some cases.

On the other hand, certain court fees have been removed. This concerns fees which were former payable in connection with bankruptcy petitions (only in the event of the debtor's own petition), initiation of reconstruction proceedings as well as court fee related to the processing of an estate of a deceased person without actual administration.

Our Comments

The main purpose of the Act has been to simplify the rules on court fees in order to make the rules easier to apply and the court fees easier to determine. In our assessment, this purpose has been fulfilled with the application of the new court fees both in terms of how these are calculated and to what extent and when they must be paid.

In addition, the new Act makes it less costly to initiate civil proceedings, as the majority of the court fees first have to be paid prior to the oral hearing instead of at the time of the initiation of the proceedings. The new fee structure does for the same reason encourage the parties to seek an amicable solution before the case is in fact brought before the court at the oral hearing. This also follows from the extended possibility to withdraw the case prior to the oral hearing without having to pay the court fees.

Finally, we assess that the new Act will lead to an increase of civil cases being initiated with the purpose of interrupting the statute of limitations or as an additional means of pressure given the lower cost associated herewith.

If you have any questions or require further information regarding any of the above, please do not hesitate to contact us:



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