

Denmark

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The Danish government decided to close down most of the public sector as well as significant parts of the private sector in Denmark starting from 12 March 2020. On this background, the Courts of Denmark implemented emergency procedures taking effect from 13 March 2020. Most judges and other court personnel have since then been working from their homes, and it appears that the courts have been able to uphold several of their important judicial and administrative functions. Thus, they have to a large extent held preparatory meetings in civil cases via telephone or using online/video technology. Furthermore, in matters of a “critical nature” physical meetings have been upheld, including certain preliminary statutory meetings in criminal cases, decisions on coercive criminal justice measures and certain enforcement cases.

However, the Danish courts have also to a very large extent postponed court hearings (in particular, main hearings/trials) in the following types of cases:

- Most criminal cases, including several criminal trials already started
- Most civil trials, including those already started. In the appeals courts, several cases have been decided on a written basis (instead of the usual oral hearing).
- Enforcement cases, except for the most urgent ones

Last week, the Danish government decided to re-open some parts of both the public and private sector. On this background, the Courts of Denmark issued a press release on 17 April 2020 stating that the courts will gradually re-open from 27 April 2020 with (expectedly) a 75 % efficiency to start with. The press release also emphasized that civil and criminal cases will be prioritized.

There is currently a public debate about how the Danish courts can “catch up” on this case-load. Suggestions (from lawyers, mainly) include the scheduling of court hearings outside usual court hours (evenings and weekends and even in the month of July, which is a holiday month for most judges). It remains to be seen what the Danish courts will do in this regard.