

DENMARK

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1. Consumer policy institutions

1.1. MINISTRY RESPONSIBLE FOR CONSUMER POLICY

In Denmark the Ministry responsible for consumer policy, consumer protection and consumer affairs is the Ministry of Industry, Business and Financial Affairs. Focus is placed on consumers in a broad sense and on ensuring the rights and safety of consumers. In addition to the department, the Ministry includes seven agencies and a number of other institutions. It is the responsibility of the department to assist the Minister in developing, formulating and implementing policies.

The Ministry is responsible for a number of policy areas which are important for the general business environment, including business regulation, Intellectual Property Rights, competition policy, the financial sector, the construction sector, shipping, general product safety and consumer protection and regulation. The Danish Competition and Consumer Authority is an authority under the Ministry of Industry, Business and Financial Affairs. The principal aims of the Authority are to create well-functioning markets growth and increased consumer welfare.

The Ministry of Justice is also responsible for EU and national legislation protecting consumer interests.

In relation to issues of consumer interests, the Ministry of Justice is responsible for legislation in the areas of private and family law including registration of property, contract law, property law and insurance law, including The Sale of Goods Act.

- **Ministry of Industry, Business and Financial Affairs**
Address: Slotsholmsgade 10-12, DK-1216 Copenhagen K
Tel: + 45 33 92 33 50
E-mail: em@em.dk
Website: www.em.dk
- **Danish Competition and Consumer Authority**
Address: Carl Jacobsens Vej 35, 2500 Valby
Tel: +45 41 71 50 00
E-mail: kfst@kfst.dk
Website: www.kfst.dk
- **The Danish Financial Supervisory Authority**
Address: Århusgade 110, DK 2100 Copenhagen Ø
Tel: +45 33 55 82 82
E-mail: Finanstilsynet@fnet.dk
Website: www.finanstilsynet.dk
- **The Danish Safety Technology Authority**
Address: Esbjerg Brygge 30, 6700 Esbjerg
Tel: +45 33 73 20 00
E-mail: sik@sik.dk
Website: www.sik.dk

- **Ministry of Justice**

Address: Slotsholmsgade 10, DK-1216 Copenhagen K

Tel: + 45 72 26 84 00

E-mail: jm@jm.dk

Website: www.justitsministeriet.dk

1.2. PUBLIC AGENCIES

In Denmark there is no fully public funded research organisations, observatories or advocacy policies dedicated to general consumer affairs, but there is a number of relevant other authorities, bodies and organisations, cf sections 1.3, 1.4, 1.5 and 1.7.

The Authority responsible for the application of the following directives:

Directives	Public Enforcement Agencies
Directive 84/450/EEC	*
Directive 85/577/EEC	*
Directive 87/102/EEC	* and (*)
Directive 93/13/EEC	* and (*)
Directive 90/314/EEC	*
Directive 94/47/EC	*
Directive 97/7/EC	*
Directive 97/55/CEE	*
Directive 98/6/EC	*
Directive 1999/44/EC	*
Directive 2002/65/EC	* and (*)
	* The Danish Consumer Ombudsman <i>Address:</i> Carl Jacobsens Vej 35, DK-2500 Valby <i>Tel:</i> + 45 41 71 51 51 <i>E-mail:</i> Forbrugerombudsmanden@forbrugerombudsmanden.dk <i>Website:</i> www.forbrugerombudsmanden.dk
	(*) The Danish Financial Supervisory Authority <i>Address:</i> Århusgade 110, DK 2100 København Ø <i>Tel:</i> +45 33 55 82 82 <i>E-mail:</i> Finanstilsynet@ftnet.dk <i>Website:</i> www.finanstilsynet.dk

1.3. NATIONAL CONSUMER ORGANISATIONS

The Danish Consumer Council is the most well established consumer organisation in Denmark. The Consumer Council is an umbrella organisation including 28 national member organisations.

The Danish Consumer Council represents the interests of consumers and is independent of public authorities and commercial interests. The Consumer Council represents the consumers in councils, on boards and committees and vis-à-vis the Government and the Parliament.

It has an extensive dialogue with the business community. This contact has among other things led to the establishment of several private complaint boards covering sectors such as insurance, banking and investments, travel and construction.

Through the international consumer organization, Consumers International, the Danish Consumer Council works to further consumer interests at the global level in the UN, WHO and WTO.

Danish Consumer Council

Address: Fiolstræde 17, Postbox 2188, DK-1017 Copenhagen K

Tel: + 45 77 41 77 41

E-mail: fbr@fbr.dk

Website: www.taenk.dk

1.4. NATIONAL COUNCILS/ASSEMBLIES OF CONSUMER ORGANISATIONS AND OTHER STAKEHOLDERS

Please cf section 1.3.

1.5. CONSUMER MEDIA

The Danish Competition and Consumer Authority provides a website offering information of interest for the consumer. The web site offers a wide range of information on consumer rights as well as tests carried out by the authority.

Website: www.forbrug.dk

The Consumer Council issues a monthly periodical, "Tænk", which contains general information on consumer issues as well as specific information concerning tests carried out by the council itself.

Website: www.taenk.dk

1.6. REDRESS BODIES: COURTS AND ADRS

There are no main courts that are specifically responsible for hearing consumer cases.

The Centre for Complaint Resolution (Center for Klageløsning) and the Consumer Complaints Board (Forbrugerklagenævnet) are the main ADR bodies.

The Ministry of Economic and Business Affairs has approved the following complaint boards under the ADR directive.

- The Disciplinary Board
- Appeals Board for cars
- Appeals Board for Bus, Train and Metro
- Appeals Board for the Energy Sector
- Board of Appeal for Holiday Homes
- Appeals Board for Finance Companies
- Appeals Board for Investment Companies

- Appeals Board for Insurance
- Appeals Board for Hotels, Restaurants and Tourism
- Appeals Board for Driving Instructions
- Appeals Board for Technical Installations
- The Resident's Complaint Board
- Construction Industry Appeals Board
- Appeals Board for Finance Companies
- The Disciplinary and Appeals Board for Appointed Building Experts
- Road Safety and Transport Agency (vehicle inspection)
- Craft Sector Appeals Board
- The Housing Rental Board
- Property Brokerage Appeals Board
- Package Travel Appeals Board
- Parking Appeals Board
- The Danish Maritime Authority
- Telecommunications Board
- The Danish Transport and Construction Agency (airline passengers)
- The Danish Transport and Construction Agency (mail)

Centre for Complaint Resolution and Consumer Complaints Board

Address: Nævnenes Hus, Toldboden 2, DK-8800 Viborg

Tel: +45 7240 5600

E-mail: nh@naevneneshus.dk

Website: naevneneshus.dk

1.7. EUROPEAN CONSUMER CENTRE

Forbruger Europa (Consumer Europe) gives advice in connection with cross-border trade within the EU. It informs consumers of their rights and obligations and helps them as consumers to exploit the benefits of the single market. Consumer Europe is funded by the European Commission and the Danish Competition and Consumer Authority.

European Consumer Centre Denmark, Forbruger Europa

Address: Carl Jacobsens Vej 35, DK-2500 Valby

Tel: +45 41 71 52 00

E-mail: info@forbrugereuropa.dk

Website: www.consumereurope.dk

1.8. SELF OR CO-REGULATION

In Denmark, self-regulation is seen as an efficient and flexible alternative to regulation. Particularly because it can be targeted at specific problems or areas that need regulation and be tailor-made to suit the sector that needs to be regulated. A successful example of self-regulation in Denmark is the guidelines on advertising of alcoholic beverages. Representatives from industry, wholesale and retailers, consumers and the government set up the guidelines as an alternative to legislation. And a committee set up by business and consumer organisations enforces the guidelines.

2. Consumer policies

2.1. CONSUMER PROTECTION LEGISLATION

The main national consumer protection legislation outside the scope of the acquis is:

- Juridisk rådgivning (Act on Legal counselling)
- Køb af fast ejendom (Act on purchase of property)
- Tobaksreklamelov (Act on tobacco advertising)

A translated list of regulation relevant to consumer protection can be found at: www.consumereurope.dk/menu/laws

2.2. CONSUMER ORGANISATIONS

There is no specific national policy to consumer organisations in terms of how the organisation should be structured or as to what level certain issues should be dealt with. The largest consumer organisation, the Consumer Council, receives 65 per cent of its annual income from the Danish Government. Dansk Varefakta (DV) is a private organisation which is partly funded by the Danish Government. DV carries out impartial inspections of the quality and safety of goods sold in retail.

2.3. ENFORCEMENT/REDRESS

- **Centre for Complaint Resolution (Center for Klageløsning) and the Consumer Complaints Board (Forbrugerklagenævnet)**

The Consumer Complaints Board deals with complaints from private consumers concerning goods, labour or services provided by businesses. Complaints can be lodged against traders that are established in Denmark. They can also be lodged against foreign traders if the case is more associated to Denmark than the country of establishment or if the trader agrees to have the case handled in Denmark.

Certain goods and services are exempt from the Board's jurisdiction under these regulations. These are: Health services, education offered by public authorities and purchase of real estate.. Maximum and minimum limits have also been specified under which the price of the goods or service must be at least 1.050 DKK (680 DKK for shoes and clothes) and no more than 100.000 DKK. All complaints must start with mediation at the Centre for Complaint Resolution. It costs a fee of 100 DKK for consumers to submit a complaint here. If the case is not solved by mediation the consumer can, for a fee of additionally 400 DKK, submit the case to the Consumer Complaints Board. The fee of 400 DKK will be refunded if the consumer wins the case or the Board is not competent to handle the case. The trader pays a fee of 1.000 DKK if the case is settled at the Consumer Complaints Board and a fee of 6.000 DKK if the consumer wins the case by Board decision.

When the Board has made a decision, the matter may be brought to court by either party.

Decisions made by the Consumer Complaints Board or complaint boards approved by the Ministry of Industry, Business and Financial Affairs are enforceable on certain conditions.

If the consumer succeeds in his complaint, the board must serve the decision the trader to ensure, that the trader receives the decision. If the trader does not wish to be bound by the decision, he must inform this in writing to the court within 30 days from the serving of the decision. If the trader does so, the secretariat may bring the matter to court at the request and on behalf of the consumer. Such cases are subject to special regulations under which the consumer may receive legal aid. If the trader remains passive and doesn't act upon the serve within the time limit – or complies with the decision - the decision may be enforced by the consumer. A request from the trader of reopening the case which is received by the board within the above mentioned time limit will have delaying effect.

- **The Danish Consumer Ombudsman (Forbrugerombudsmanden)**

The definition of the Danish Consumer Ombudsman (DCO) and her field of responsibility is laid down in the Danish Marketing Practises Act. To ensure that trade, business and public enterprise of an equal status comply with the Danish Marketing Practises Act and the principles of fair marketing practises in general is one of the most important aspects of her work.

The DCO is appointed for a period of 6 years by the Minister of Industry, Business and Financial Affairs. The institution is an independent authority which means that the Ombudsman can prioritise the institution's work and activities according to resources and needs.

The DCO also supervises compliance with the Danish Act on Payments, the Act of legal Counselling, the E-commerce Act, the Ban on Tobacco Advertising Act as well as a number of civil law provisions following from other consumer protection legislation.

When the DCO seeks to induce trade and business to observe the acts under her supervision and the law in general, negotiation is her preferred means of enforcement. Consumers and their complaints often influence the course taken by the DCO when prioritising issues for further investigation; yet, the DCO also investigates matters on her own initiative.

The DCO may issue injunctions to invoke the Marketing Practices Act by bringing civil cases before the court. Further, the DCO has the authority to issue an interim injunction in situations where it is crucial to sustain a case against a trader as awaiting a court order would otherwise make the whole purpose of bringing an action for injunction fail; however, legal proceedings against the trader in question must commence no later than the next work day in order to uphold the injunction.

Violation of some of the provisions of the Danish Marketing Practises Act are punishable by fine, although a more severe penalty may be imposed for the same act under other laws. The DCO may request the police to initiate investigation and the prosecution to bring a charge against a trader. In cases of general importance, the DCO may even want to act as prosecutor herself.

The institution acts as the main national contact point for other EU-based consumer protection authorities in relation to information and enforcement activities carried out under the 2017/2394 Regulation on consumer protection cooperation.

The DCO is also one of the founding members of ICPEN, the International Consumer Protection Enforcement Network.

For more information about the Danish Consumer Ombudsman institution, please see www.consumerombudsman.dk.

- **The Danish Financial Supervisory Authority (FSA) (Finanstilsynet)**

It attends to the financial regulation in Denmark. The Danish Financial Supervisory Authority's activities take place within three core areas: supervision, regulation and information. Through its market supervision, the Supervisory Authority contributes to an efficient securities market, by counteracting, for instance, the abuse of inside information and price manipulation. *Regulation* One of the main objectives for the Danish FSA is the drafting of financial laws and the issuing of executive orders. *Information* the Danish FSA collects and publishes statistics and key figures concerning the financial sector. This allows for comparison across the entire financial sector and thus supports management, clients and investors in evaluating the risk profile of each financial undertaking.

The FSA supervise, amongst others, the observance of the following legislation; Insurance Mediation Act, Financial Business Act, Mortgage-Credit Loans and Mortgage-Credit Bonds etc. Act, Investment Associations etc. Act, Act on Measures to Prevent Money Laundering and Financing of Terrorism, Securities Trading, etc. Act, Investment Associations, etc. Act, Guarantee Fund for Non-life Insurers Act.

FSA lays down the set of rules defining fair practices within the financial sector as well as supervising the observance of the rules. In case of violation of the rules of fair practices, the FSA has authority to consider the matter. The FSA however, does not have the authority to deal with specific disputes between the businesses and the consumers.

2.4. INFORMATION AND EDUCATION

The Danish Competition and Consumer Authority offers advice on several issues. The Authority focuses on helping the consumer with advice before they make their purchase and give them legal advice as to what their rights as a consumer are, when the purchase has been made. The Authority provides a web site offering information of interest for the consumer. The web site offers a wide range of information on consumer rights.

2.5. INFORMATION GATHERING/RESEARCH

The Danish Competition and Consumer Authority has, as a part of the consumer policy office, a team of behavioural experts that conduct scientific studies on consumers to see if a new initiative in consumer policy has the desired effect on consumers. The Danish Competition and Consumer Authority regularly publishes analyses from their work on their website.

Finally, the Competition and Consumer Authority has published several publications on how consumers perceive and experience a number of aspects related to the financial sector, including but not limited to: Banks/savings banks, insurance, pension, mortgage credit and investment associations.

The publications are retrievable at:

<https://www.kfst.dk/forbrugerforhold/analyser-og-publikationer/>