

Justice system

1. Could you elaborate on any major development as regards justice system in Denmark since the transmission of your written contribution or is there anything you would like to add?
2. Could you elaborate on the state of play as regards the resources of the judiciary? What are the budgetary resources allocations to the Danish courts in 2022? Is the National Courts Administration involved in the process? Are any measures envisaged to increase the human resources/posts for judges?

Could you please provide the key elements of this reply in writing (notably the statistical data, figures related to the multiannual framework etc)?

The budgetary resources allocated to the Danish courts in 2022 are DKK 1,911.5 million according to the annual budget for 2022.

If you include the budgetary resources to the National Courts Administration, The Appeals Permission Board, and The Danish Registration Court there are allocated DKK 2,123.0 million in total to the Danish judiciary in 2022.

The budgetary resources allocated to the Danish courts in 2022 includes a prioritization of DKK 47.5 million to address the caseload partly due to the COVID-19 pandemic and to limit an increase in the processing time of criminal cases in the courts.

The prioritization should be seen in light of the judiciary receives further funding of DKK 13.3 million annually in the period 2021-2023 to address needs related to the COVID-19 pandemic.

Furthermore, the Danish courts have received further funds in 2022 to develop a new IT system for the Danish courts proceeding of criminal and probate cases.

It is worth to note that there is a multiannual agreement on the financing of the Danish judicial system for the years 2019-2022. The agreement expires at the end of 2022.

It is crucial that a new agreement on the financing of the Danish judicial system for the years 2023-2026 among other things address the challenges regarding the length of the processing time for cases at the courts.

We are currently clarifying the specific framework for a new agreement on the financing for the years 2023-2026.

The National Courts Administration is involved in the process of the budgetary resource allocations to the Danish courts and is in an ongoing dialogue with the Ministry of Justice regarding needs for further funding.

3. [for NCA only]

4. [for NCA only]

5. [for NCA only]

6. Availability of electronic means for submitting a case and following the stages of proceedings online, particularly in administrative cases;

- b. Digital solutions to conduct and follow criminal court proceedings;
- c. Publication of judgments online and arrangements for their machine-readability;
- d. Procedural rules for digital tools for civil, administrative or criminal proceedings.

5. In the written contribution, you referred to an agreement on the financing of the Prison and Probation Service for the years 2022-2025. Could you please elaborate in how that agreement will contribute to reducing the processing time of criminal cases?

Could you please provide a link to the agreement

Link to the agreement in Danish: [Aftale om kriminalforsorgens økonomi 2022-2025 \(justitsministeriet.dk\)](#). See page 23 for more on processing time.

6. In the written contribution, you referred to a new proposal with additional initiatives aiming to streamline the processing of criminal cases in Denmark and to further improve investigations, which should be tabled in Parliament in April 2022. Could you please elaborate on how that agreement will contribute to streamlining the processing time of criminal cases?

Could you please provide a link or the title of the initiative (to allow identification once tabled)

The draft legislative proposal's official title in Danish is "Forslag til lov om ændring af straffeloven, retsplejeloven og forskellige andre love (Effektivisering af straffesagskæden og af nævnsprocessen m.v. i Ungdomskriminalitetsnævnet, øget adgang til videregivelse og optagelse af fotos og forbedring af politiets muligheder for efterforskning m.v.)". The proposal has been in public consultation from 3 March 2022 to 31 March 2022 at the moment and may be accessed here: [Høringsdetaljer - Høringsportalen \(hoeringsportalen.dk\)](#). The proposal is expected to be tabled in Parliament on 27 April 2022.

7. Could you explain what has been the impact of the COVID-19 pandemic on the functioning of the justice system in the past year? Is any data collected on this (e.g., regarding caseload)? Has the Ministry taken specific actions to address the challenges to the judiciary related to the pandemic?

During the meeting, additional funds for 2021 and 2022 for coping with increased caseload due to pandemic were mentioned. Could you please provide some details on those allocations (e.g. figures)?

As mentioned in question 2, the Danish Government prioritized DKK 25.0 million in 2021 and DKK 47.5 million in 2022 in order to address the caseload partly due to the COVID-19 pandemic and to limit an increase in the processing time of criminal cases in the courts.

The courts were provided DKK 7.0 million in 2020 in order to reduce the backlog of cases due to the lockdown of the courts in the spring of 2020.

In addition, the courts receive further funding of DKK 13.3 million annually in the period 2021-2023 to cope with the increased caseload due to the COVID-19 pandemic.

Furthermore, the courts were provided DKK 25,8 million in 2021 to establish and operate temporary courtrooms to meet the authorities' requirements for distance between those present and other direct infection control measures.

8. What is the state of play on the work of the pre-legislative committee reviewing the existing legal aid system?

9. In the written contribution, you referred to a new Court Fees Act, which came into force on 1 October 2021. The stated purpose of the Act is to simplify the rules on court fees and to incentivize settlements. Could you please elaborate on the background for the modifications and how the new law aims to achieve its objectives?

10. The Act on Administration of Justice includes a rule that defendants in criminal case cannot choose a certain defence lawyer, if the choice will result in a delay of the proceedings, which has been expanded with an amendment from December 2021. Could you please elaborate on the previous situation, the background of the need for this amendment and how the rights of the defendants are safeguarded?

Could you please provide in writing/confirm the correctness of the main elements relating to:

i) which types of criminal proceedings has the possibility to restrict the choice of a lawyer been expanded?;

According to the preparatory works to section 735, para. 3, no. 2, of the Act on Administration of Justice dangerous crimes committed against another individual include:

- **Cases of violence, threats etc. against civil servants (Section 119-121 of the Danish Criminal Code)**
- **Cases of violence, threats etc. against witnesses or their next of kin (Section 123 of the Danish Criminal Code)**
- **Cases of arson (Section 180-182 of the Danish Criminal Code)**
- **Cases of incest (Section 210 of the Danish Criminal Code)**
- **Cases of neglect or degrading treatment of a spouse, children etc. (Section 213 of the Danish Criminal Code)**
- **Cases of evasion from custody [/Child abduction] (Section 215 of the Danish Criminal Code)**
- **Cases of sending a child abroad to conditions that bring the health and development of the child into serious danger (Section 215 a of the Danish Criminal Code)**
- **Cases of sexual crime (Part 24 of the Danish Criminal Code)**

- Cases of crimes against life and body (Part 25 of the Danish Criminal Code)
- Cases of crimes against the liberty of the individual (Part 26 of the Danish Criminal Code)
- Cases of threats that are likely to cause serious fear for the life, health or well-being of oneself or others (Section 266 of the Danish Criminal Code)
- Cases of public statements seeking to generate acts of violence or vandalism (Section 266 a of the Danish Criminal Code)
- Cases of robbery (Section 288 of the Danish Criminal Code)

The previously prioritized cases included:

- Cases of violence, including cases of a subsequent offence of violence (Section 244 of the Danish Criminal Code), violence against civil servants (Section 119 (1) of the Danish Criminal Code), violence against witnesses (Section 123 of the Danish Criminal Code), gross violence (Section 245 and 245 a of the Danish Criminal Code), particularly gross violence (Section 246 of the Danish Criminal Code).
- Cases of rape (Section 216 and section 225, cf. 216 of the Danish Criminal Code).
- Weapons cases, including illegal possession of a knife in a publicly accessible place (Section 1 of the Knife Act) and illegal possession of firearms in particularly aggravating circumstances in a publicly accessible place (Section 192 a (1) (1), cf. (3) of the Danish Criminal Code).

ii) it is understood that the deadline of two weeks applies from the date of a scheduled hearing; what is the deadline of three weeks counted from?

According to the preparatory works a request to appoint a certain defence lawyer should not be met if the participation of that particular defence lawyer is expected to delay the proceedings by more than 2-3 weeks compared to appointing another defence lawyer. 3 weeks applies if the criminal case has not been scheduled, and 2 weeks applies if the defence lawyer cannot attend the suggested dates by the court.

The 2 or 3 weeks are not applied from a specific date but is an assessment made by the court of how long a delay the appointment of the defence lawyer requested by the defendant would result in compared to appointing another defence lawyer. As an example, if the given case requires only one court session, and the court has suggested court dates in the beginning of April in a given year, which another defence lawyer would be able to attend, and the defence lawyer, the defendant has requested, cannot participate on these court dates but only on suggested court dates in May in the same year, the court should deny the request by the defendant. If another defence lawyer would not be able to participate on court dates earlier than 10 days before the defence lawyer requested by the defendant would be able to attend, the court should accept the request of the defendant.

iii) the decision to restrict the representation by a certain lawyer can be subject to an appeal: i) during the ongoing criminal proceeding or ii) as an appeal to the second instance (i.e. after the sentencing)?

The defendant can appeal the court's decision to deny the requested defence lawyer to the Special Court of Indictment and Revision within a week after the decision, cf. Section 737 (1) of the Act on Administration of Justice.

The Special Court of Indictment and Revision is a special court that inter alia processes requests for a new trial in criminal cases, dismissal and disciplinary cases relating to judges and other jurists employed by the courts, and it processes cases in which the defence lawyer has been excluded from a criminal case. The Special Court of Indictment and Revision is composed by 5 judges, inter alia one judge from the Supreme Court, High Courts and District Courts, respectively. The secretariat of the Special Court of Indictment and Revision is placed under the Supreme Court. The decision by the court to deny the requested lawyer is thus subject to an appeal to a second instance during the ongoing criminal proceeding.

Anti-Corruption

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Ministry of Justice

11. Could you elaborate on how the collaboration between different authorities within the Anti-corruption Forum functions in practice and how this collaboration has been affected by the pandemic?

Could you provide further information on the Anti-corruption Forum (members, date of establishment, function, meetings, reporting)? Has there been any other activity different than meetings (none in 2021) that the Forum was active on (consultations ect.)?

The Anti-Corruption Forum was established in 2014 by the Ministry of Justice with a view to ensure coordination and information sharing among all relevant authorities in connection to the fight against bribery and corruption.

The Anti-Corruption Forum has no independent authority and consists of representatives of the Ministry of Justice, the Director for Public Prosecutions, the State Prosecutor for Special Crime, the Ministry of Employment, the Ministry of Foreign Affairs, the Ministry of Finance, Danish Employee and Competence Agency, the Ministry of Industry, Business and Financial Affairs, the Danish Business Authority, the Danish Financial Supervisory Authority (FSA), the Danish Competition and Consumer Authority, Denmark's Export Credit Agency (ECA), and the Investment Fund for Developing Countries (IFU).

The Anti-Corruption Forum meets on ad hoc basis, whenever a more large-scaled need for coordination or communication regarding anticorruption has occurred. The Ministry of Justice manages the secretary functions of the forum. The latest meeting in the Anti-Corruption Forum took place on May 27, 2015.

There have not been any other activities different than meetings within the Anti-Corruption Forum.

Whenever a need for coordination or communication regarding anticorruption has occurred the Ministry of Justice has reached out to the relevant members of the forum on an ad hoc basis.

12. Are there any further changes to the strategic oversight on anti-corruption policies both as regards the prevention and repressive side?

Could you please further elaborate on the changes in the investigative and prosecution framework, namely the repartition of the previous competences of SOIK? What was the aim of this reform? Could you provide the reference to the legal act that it was based on?

With the new multi-annual financial framework for the police and prosecution service 2021-2023 the government and a broad majority of the Danish Parliament (Folketing) decided to establish the Special Crime Unit (SCU). SCU was established on 1st January 2022 (see attached legal act no. 2601 of 28. December 2021) and aims to strengthen efforts against the most complex cases of economic and organized crime. SCU is organised like a regular Police District with both an investigative and prosecution framework.

Due to the need for special competencies in the cases that are investigated and prosecuted by SCU, a State Prosecutor for Special Crime Unit (SPSCU) has also been established to among other things supervise SCU's complex criminal proceedings, legality control and conduct appeals before the High Courts.

SCU and SPSCU has replaced SOIK.

13. Could you please provide an update on the rules concerning reporting conflict of interest by the Ministers? Is there any change on the rules regarding parliamentarians in terms of the definition of conflicts of interest and the need for mechanisms to report them?

Could you please provide an update on the rules concerning reporting conflict of interest by the ministers? It was mentioned during the country visits that those rules were stricter than the general framework relating to all civil servants – could you please elaborate on that? Have there been any cases with regard to irregularities in this regard for both ministers and parliamentarians?

It should be stressed that the rules on conflicts of interest in the Public Administration Act also applies to ministers. Thus, the rules for ministers are not narrower in scope. The guidelines in the so-called ministerial handbook are in fact stricter.

All new ministers receive a ministerial handbook, which contains the relevant regulation regarding governmental work. Among other things, the handbook contains guidance on rules on conflicts of interest in the Public Administration Act. It follows from handbook's guidelines on conflicts of interest, that ministers are obliged to contact the Prime Minister's Office in order to have a matter officially transferred to another minister in all cases where questions can be raised about a minister's integrity. This also applies if

there is legally no conflict of interest according to the rules in the Public Administration Act. In this regard, the guidelines refer to a circular letter sent by the Prime Minister's Office in May 2005 to all ministries, which contain information on how to act in cases of a conflict of interests involving a minister.

In Denmark's experience, the rules on conflicts of interest in the Public Administration Act and the guidelines for ministers are generally adhered to.

The rules on conflicts of interest in the Public Administration Act do not apply to Members of Parliament.

14. [written reply] Could you please provide details on the planned reform of the Political Party Funding Law? What modifications are envisaged? What is the state of play of this initiative and the timing for its adoption?

The following reply was sent separately on 4 April:

"The negotiations will concern criminalization of the possibility to circumvent the rule for parties to disclose the name and address of donors who donate above a certain threshold (approximately 3.000 EURO in 2022). The circumvention is done by making several donations below the threshold, which add up to a sum above the threshold, through different companies owned fully or partially by the same person.

Due to the confidential nature of such political negotiations, the Danish Government is unable to elaborate further on potential elements in the negotiations.

The negotiations have currently been postponed until after the referendum."

15. Could you please give us a state of play on the rules of behaviour and ethical standards, especially regarding ministers, parliamentarians and top executive?

What is the verification mechanism on the rules of behaviour and ethical standards, especially regarding ministers, parliamentarians and top executive?

The primary integrity-related rules are legally sanctioned for ministers and top executives. This is true for the rules on conflicts of interest, confidentiality and gifts.

Lack of compliance with the aforementioned rules can entail a violation of the Criminal Code, and can therefore be sanctioned.

For ministers, a violation of the rules can, in some cases, be sanctioned in accordance with Section 5 of the Ministerial Accountability Act. It should also be emphasized that any misconduct will be subject to scrutiny from the Parliament, the press and the public at large, as well as political responsibility.

16. Do you plan any additional measures to strengthen monitoring and verification of asset declarations?

Could you provide any information on the functioning (also statistics, if available) of the current system regarding asset declarations? How does currently the monitoring and verification of those declarations work?

Since 2005, all ministers have been obliged to declare their financial interests based on a standard form, which is published. Although the scheme is not statutory, successive governments have complied with the regime as if it was mandatory. The ministers' declarations of their financial interests are updated annually by request of the Prime Minister's Office. The latest update was published in October 2021.

Although the obligation for ministers to declare their financial interests is not legally sanctioned, it must be emphasized that any misconduct will be subject to scrutiny from the Parliament, the press and the public at large, as well as political responsibility.

17. Could you provide an update on the measures related to the regulation of lobbying, including its transparency?

Could you provide the current rules in place to regulate lobbying activities? Have there been any cases of breach of the current rules?

There has not been taking any measures related to the regulation of lobbying etc. since "The Rule of Law Report 2021". Therefore, there are (still) no general rules or guidelines specifically on how civil servants, Ministers or special advisors should interact with lobbyists.

Lobbying is not regarded as a problem in Denmark.

One reason for this is the fact, that the Danish system is based on a high grade of trust.

Another reason is our principles of transparency e.g. the Public Administration Act and the Public Access to Information Act provides the right to access public documents. The Public Administration Act also specifies a number of situations where public employees may not be involved in handling a particular case.

18. Are there any plans to put forward legislation on revolving doors? Could you please provide an update on the rules concerning the post-employment rules and cooling-off periods for Ministers? Are you aware of any unaddressed case on revolving doors reported?

What are the current rules on revolving doors and the post-employment limitations? Have there been any corruption-related cases?

There are currently no plans for introducing legislation on revolving doors.

Therefore, there are no rules concerning post-employment and cooling-off periods for Ministers. Thus, Ministers can move directly into a new position after leaving public office, but the general rule of confidentiality do apply – also after leaving public office.

The Employee and Competence Agency is not aware of any unaddressed case concerning revolving doors.

There are many reasons why Denmark does not have rules regarding revolving doors and cooling-off periods.

Firstly, as mentioned in the Danish contribution to the 2021 Rule of Law Report: “Written follow-up questions”, the Danish Parliament considered a proposal for a motion to establish a working group with a view to preparing possible models for rules regarding “revolving doors” in 2016.

The motion became void due to the principle of discontinuity (The Danish Constitution art. 41, section 4), which means that any motions that are not finally passed by the end of the Parliament’s year will automatically become void.

The motion was not presented again.

There is currently no politically focus on legislation on revolving doors and cooling-off periods.

Secondly, the exchange of knowledge between the political sector and the private sector is considered to be of high importance in Denmark.

Thirdly, Denmark has rules on the duty of confidentiality and bribery that ensures and sustains integrity. The rules also applies after termination. Lack of compliance with the rules will entail a violation of the Criminal Code and can be sanctioned. The rules ensure the safeguarding of confidential information when moving from the public sector to a position in the private sector.

19. Is there any initial feedback on the functioning in practice of the new legislation on whistle-blowers? In the 2021 Rule of Law report there is a mention that a development of a specific IT tool in this regard is expected by the end of 2021. What is the state of play in this regard? Is there any information of the practice in using this tool?

Could you provide a link/reference to the new law concerning whistle-blowers? Is there any initial feedback on its functioning in practice? What is the state of play in terms of development of the IT tool in this regard? Is there any information of the practice in using this tool? Could you elaborate on additional funds that were foreseen for the development of this tool? Could you elaborate on the guidance, as referred in the written input, provided with respect to the new rules on whistle-blowers (is this guidance a public document? Can it be shared?)?

With regard to 2021, could you elaborate on the functioning of the different channels? Do you have any statistics on how many corruption cases were reported through these channels in 2021?

The Danish Whistleblower Act is available (only in Danish) on Retsinformation (<https://www.retsinformation.dk/eli/ta/2021/1436>), which is an official database for all acts adopted by the Danish parliament and all regulations issued by the ministries and central state authorities. There are three guides – two focused on private and public organisations and one focused on whistleblowers – which are also available on Retsinformation in a print-friendly edition, while the public publications of the guides are available on the Ministry of Justice's website (<https://www.justitsministeriet.dk/temaer/whistleblowing/>). The guides were made with the involvement of key stakeholders from relevant authorities, unions and organisations. Regarding the functioning in practice of the new legislation on whistleblowers, no study has been carried out on whether there has been an increase in the number of reports.

To technically support the implementation of the legislation in governmental authorities, The Agency for Governmental IT Services (“Statens It”) has developed ‘Statens Whistleblowersystem’ (also called “SWS”), which is based on the standard whistleblower system ‘Global Leaks’. SWS has been rolled out step by step and the implementation is not yet completed.

By 17 March 2022, the Danish Data Protection Agency (“Datatilsynet”), which operates the general external reporting channel available for all whistleblowers, published a statistic concerning the activity of the channel since 17 December 2021. The activity has been as follows:

- The channel has received 22 reports
- 8 of the reports are still being processed
- 3 out of 14 closed cases have been handed over to another competent supervisory authority
- 7 cases have been closed because they were not within the scope of the Danish Whistleblower Act, while 4 cases were closed due to other reasons
- Moreover, a number of potential whistleblowers have been guided orally or in writing.

Moreover, the Danish Data Protection Agency has noted that a relative number of the reports and inquiries concern GDPR, which probably is caused by the agency’s primary activities in relation to GDPR. The agency is continuously informing about the fact that the external channel is open to reports and inquiries to a wide range of serious breaches of national law and Union law and other serious matters and not only to issues concerning GDPR.

20. In addition to what is explained in your written input, is there anything you would like to add with regards to the functioning of the different channels? Do you have any statistics on how many corruption cases were reported through these channels?

Financial Supervisory Authority

Could you explain the role of the Financial Supervisory Authority in general and in particular in relation to tackling corruption? Have there been any guidance, manuals, instructions on ethical conduct and financial aspects issued by the Financial Supervisory Authority that would have relevance also to anti-corruption?

The Danish Ministry of Industry, Business and Financial Affairs can inform the Commission that the tasks of the Danish Financial Supervisory Authority (DFSA) is to supervise financial institutions and the securities markets in Denmark. Anti-corruption and measures targeted public authorities is not a task of the DFSA. The DFSA supervises whether the financial obliged entities complies with the requirements in the Anti-Money Laundering Directive (AMLD4) including with regard to politically exposed persons (PEPs).

21. Could you elaborate on how the collaboration within different authorities, including within the Anti-corruption Forum, functions in practice and how it has been affected by the pandemic? Have specific challenges been identified in the fight against corruption?
22. Among the mechanisms established to promote integrity and to prevent corruption within national authorities, are there supervisory and sanctioning mechanisms in place? Could you elaborate on this matter with respect to the guidance, manuals, instructions on ethical conduct and financial aspects issued by the Financial Supervisory Authority?
23. Could you elaborate on developments over the past year with respect to reports to the police, criminal investigations, court cases and convictions in money laundering?

The Employee and Competence Agency

24. Could you elaborate on how the collaboration within different authorities, including within the Anti-corruption Forum, functions in practice and how it has been affected by the pandemic? Have specific challenges been identified regarding the fight against corruption?

Could you elaborate on the role of the Employee and Competence Agency in activities related to anti-corruption?

The Danish Employee and Competence Agency has no general knowledge on the collaboration within different authorities including the Anti-corruption Forum, since the last meeting in the Anti-corruption Forum was in 2015.

The Danish Employee and Competence Agency has no general knowledge on how it has been affected by the pandemic or knowledge on specific challenges regarding the fight against corruption.

25. Among the mechanisms established to promote integrity and prevent corruption within national authorities, have any supervisory and/or sanctioning mechanisms been put in place to ensure follow-up? Could you elaborate on this matter with respect to the code of conduct for officials in the public sector?

Could you elaborate on the monitoring and verification mechanism foreseen for integrity and prevention of corruption standards?

There has not been introduced any general supervisory and/or sanctioning mechanisms amongst the mechanisms established to promote integrity and prevent corruption to ensure follow-up. However, in addition to the criminal rule on corruption, we have “code of conduct” and “Code VII”, which applies to all civil servants.

Furthermore, civil servants have freedom of expression and rules on public access to documents securing transparency in the public sector.

Also a whistleblowing system covering all the ministries and underlying boards was established 1st of November (just before the pandemic). Thus securing a safe way for civil servants to expose and prevent breaches of the law that are harmful to the public interest and in safeguarding the welfare of society.

The Employee and Competence Agency published in 2018 an e-learning course on “code of conduct”, that is available to all state employees.

Media Pluralism

Ministry of Justice and/or Ministry of Culture:

26. In your opinion, what is the overall situation of the press in Denmark and, more general, the challenges that the media sector is facing? What legal safeguards to ensure editorial independence of media are in place?

27. Could you please share your experience with the involvement of stakeholders in the legislative process?

Ministry of Justice

28. Could you elaborate on the recent amendment of the Criminal Code making it an aggravating circumstance when a threat is aimed at preventing the victim from making use of their freedom of speech ?

29. Could you provide an update on the negotiations on the possible revision of the Access to Public Administration Files Act?

Ministry of Culture

30. Could you elaborate on the rules regulating media concentration and on any recent action in this area?

31. Could you provide us with information on specific legal provisions for companies in the media sector (other than licensing), including as regards company operation, capital entry requirements and corporate governance?

32. Would you have any updates concerning COVID-19 related financial or other support to the media sector and journalists during the last year?

33. Could you elaborate on the ongoing preparations for a new media agreement package in Denmark (content and timeline)?

Checks and balances

34. If possible, could you please elaborate on the state of play of the inquiry on the culling of all mink in Denmark? Have any other commissions of scrutiny been established? What has been the experience of the new type of commissions of scrutiny?

35. [written reply] Could you briefly describe the state of play on the law prohibiting the receipt of donations from certain natural and legal persons? Has a list of prohibited donors been published or is it planned in the future? What legal safeguards do exist for the entities and individuals on the list?

The law allows for the registration of natural or legal persons, who act against or undermine fundamental freedoms and human rights, on a public prohibition list.

After a period of implementation and research, the first name was added to the list on March 23rd 2022. The decision was published in the Danish government gazette. A continuously updated list can also be viewed on the website of the Danish Immigration Service.

A reasoned decision is sent to the person concerned, if their place of residence is known. The decision to include a person on the list can be challenged in court and can be subject to complaints to the Danish Parliamentary Ombudsman. Additionally, persons registered on the list have extended access to having their case reopened and reassessed upon request.

36. A report by the Standing Orders Committee adopted in March 2021 proposed guidelines for the use of fast-track proceedings. Since the adoption of the report in July 2021, have the fast-track proceeding proposals submitted to Parliament observed these guidelines? How many fast-track proceedings have been submitted under those new guidelines? Have there been any observations in applying the guidelines?

Could you please provide an updated statistical data for the fast track proceedings up to 1 April 2022 (update of table on page 22 of the written contribution).

Could you please also specify a) the number of fast track proceedings under the new guidelines, b) how many did not comply with the guideline conditions (e.g. sunset clause or reasons for urgency) and the number of non-complying proceedings per conditions (including figures per condition).

- **¹Since the adoption of the Standing Orders Committee report in March 2021, 27 legislative drafts were presented and adopted by Parliament under the use of the fast-track proceedings.**

¹ These statistics are based on data available on the Parliament webpage ft.dk. Answers are therefore given with that uncertainty, that data is not necessarily updated.

- **The Standing Orders Committee report calls for certain requirements when fast-track proceeding is used, including:**
 - i. **The draft legislation must be provided with at sunset clause, leading the bill to automatically expire on a certain date, unless Parliament before that date has adopted a revision of the provision in question. As exemptions to the condition of a sunset clause the report stipulates, that a sunset clause is not necessary where the effect of the legislation according to its content is limited or specific weighty circumstances dictates that the legislative draft does not contain a sunset clause etc.**
 - ii. **When a hearing process due to extraordinary circumstances has not been carried out, this must be addressed to Parliament together with an explanation of the circumstances which have led to a hearing process not being carried out.**
- **Three of the abovementioned 27 legislative drafts included a sunset clause and 16 of the drafts had limited effect in other ways, including for instance an end-date for the effect of the material provisions. This means that 19 of the legislative drafts met the condition regarding sunset clause etc. with certainty. Eight drafts did not include a sunset clause and did not have limited effect in other ways. However, these drafts will still have met the condition of a sunset clause etc. if an explanation was provided to Parliament addressing specific justifications. The Ministry of Justice has not examined whether an explanation of such circumstances was provided in these eight cases. This would require of hearing of the relevant Ministries, which was not possible to complete within the timeframe presented.**
- **25 of the 27 legislative drafts went through a hearing process. One draft did not go through a hearing process but instead included an explanation of why this was the case. 26 of the legislative drafts thereby met the condition regarding hearing process with certainty. One legislative draft did not go through a hearing process and did not include an explanation of why this was the case. However, it is possible that an explanation was provided in another way, for instance in the separate letter to Parliament asking for a fast-track procedure. If the latter was the case, the condition must be regarded as met.**

37. A government report and answers from the public consultation will provide a foundation for a debate in the Parliamentary Committee of Epidemics on the need for a future potential adjustment of the Epidemic Act. What were the experiences, challenges and lessons learnt in the application of the Epidemic Act?

Could you please provide the link to the report and the public consultation

Please find the Danish governments evaluation of the authorities' experiences with the use of the new Epidemic Act at: Redegørelse til Folketinget om anvendelse af epidemiloven.pdf (windows.net)

- Please find the Danish governments evaluation of the authorities' experiences with the use of the new Epidemic Act at: [Redegørelse til Folketinget om anvendelse af epidemiloven.pdf \(windows.net\)](#)
- Please find a summary of the answers from the public consultation at: [EPI Alm.del - Bilag 344: Høringsresume \(D1990157\) \(ft.dk\)](#)
- Please find the full answers from the public consultation at: [EPI Alm.del - Bilag 344: Høringssvar samlet til EPI \(ft.dk\)](#)

Unfortunately, the documents are only available in Danish.