

KICK OFF MEETING QUESTIONS

10 February 2023

Anti-Corruption

Ministry of the Interior

1. Could you please inform on the follow up to the recommendation of the 2022 Rule of Law Report on political party financing? Could you please provide details on the state of play of the planned reform of the Political Party Funding Law? Are there any new elements envisaged than those mentioned on the 2022 Rule of Law Report? Is it planned to take on board the recommendations of GRECO in this regard? What is the state of play of this initiative and the timing for its adoption?

Could you please share with us information on the OSCE observers' visit in Denmark at the occasion of the general elections 2022? What was specifically the purpose of the visit? What were the recommendations? Could you please share the OSCE report when you receive it?

We have not yet received any recommendations or the final report from the OSCE election observers, who observed the election for Parliament on 1 November 2022. We have made a note to forward the report and recommendation, once the OSCE's publishes it.

Prior to the visit, a Needs Assessment Mission Report was written and published. The report is publicly available here: <https://www.osce.org/odihr/elections/denmark/529506>. The stated purpose of the visit was to assess the regulation of the campaign, its conduct, including the participation

Ministry of Justice

2. Have there been any activities of the Anti-corruption Forum since 2021? How do you assess the cooperation of various authorities as regards the fight against corruption?

3. Since the last report, have there been any changes to the strategic oversight on anti-corruption policies both as regards the prevention and repressive side?
4. What has been the impact of the reform creating replacements of SOIK, namely the National Special Crime Unit (SCU) and the State Prosecutor for Special Crime (SPSCU)? Have there been any practical implementation issues in this regard?
5. Are there any plans to address the overall reporting on corruption-related cases going beyond bribery?
6. Could you please inform on the follow up to recommendation on revolving doors and asset declarations in the 2022 Rule of Law Report? 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?
7. 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?
8. Could you please give us a state of play on the rules of behaviour and ethical standards, especially regarding ministers, parliamentarians and top executive functions?
9. Could you provide an update on the measures related to the regulation of lobbying, including its transparency, also in view of the recommendation in the 2022 Rule of Law Report? Are there any plans to introduce new rules/legislation as regards lobbying?
10. Could you highlight any measures or good practices you have put in place to assist the application of the legislation transposing the Whistleblowers directive (e.g. specification of procedures, designation of authorities, training, awareness raising, guidelines etc)?

Ministry of Justice: Q10/11: Could you please share information on the guidelines with regard to the whistleblowing system? It was mentioned during the country mission that there were 3 types of guidelines addressed to: whistleblowers, companies and public authorities – have they been developed/issued in 2022? Could you please share a link to the guidelines?

Could you please share data/statistics on the functioning of the whistleblowing system?

“In relation to the mentioned guidelines:

The Ministry of Justice has published the following three guidelines regarding the Danish Whistleblower Act:

- Guideline no. 9248 of 16 December 2021 for whistleblowers (“Vejledning for whistleblowere”),
- Guideline no. 9249 of 16 December 2021 for public authorities (“Vejledning om whistleblowerordninger på offentlige arbejdspladser”) and
- Guideline no. 9250 of 16 December 2021 for private companies (“Vejledning om whistleblowerordninger på private arbejdspladser”).

The above-mentioned three guidelines are published on the Ministry of Justice’s website:

<https://www.justitsministeriet.dk/temaer/whistleblowing/>.

All three guidelines were published in December 2021.

In relation to data/statistics on the functioning of the whistleblower channels:

Statistics on the Ministry of Justice’s whistleblower channel are available on the Ministry’s website: <https://www.justitsministeriet.dk/ministeriet/whistleblowerordning/statistik-vedroerende-whistleblowerordningen-i-justitsministeriets-departement/> (only available in Danish)

According to the statistics regarding the year 2022, the Ministry of Justice received two reports to the whistleblower channel. Both reports were rejected as they did not fall within the scope of the whistleblower channel.

Statistics on the National Whistleblower Scheme are available on the Danish Data Protection Agency's website: <https://whistleblower.dk/om-ordningen/whistleblowerordningen-i-tal> (only available in Danish)

The statistics among other things include information about numbers of received reports, whether the reports fell within the scope of the whistleblower channel, how the reports were handled generally, themes of the handled reports etc.

The National Whistleblower Scheme received 116 reports from 16 December 2021 to 31 December 2022.

Generally, statistics concerning public authorities' whistleblower channels are available on the website of the public authority in question."

11. 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 [to the extent the Authority exercises any competences or activities related to anticorruption]

12. Could you elaborate on how the collaboration on anticorruption related activities within different authorities functions in practice? Have specific challenges been identified in the fight against corruption?
13. 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?
14. Could you elaborate on developments over the past year with respect to reports to the police, criminal investigations, court cases and convictions in corruption-related cases?

The Employee and Competence Agency

15. Could you elaborate on how the collaboration on anticorruption related activities within different authorities functions in practice? Have specific challenges been identified regarding the fight against corruption?
16. 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?

Media Pluralism

Ministry of Justice and/or Ministry of Culture:

17. In your opinion, what is the overall situation of the press in Denmark in 2023 and, more generally, the challenges that the media sector is facing?
18. Are there any developments on legal safeguards or incidents regarding editorial independence?
19. Could you please elaborate on any developments regarding the national action plan on safety of journalists launched in June 2022?

Ministry of Justice

20. Could you provide an update on the preparations of the possible revision of the Access to Public Administration Files Act, also in view of the recommendation in the 2022 Rule of

Law Report? Specifically, are there any reflections on limiting the grounds for rejection of disclosure requests?

We would be grateful if the respective Ministries could let us know about the new “Media Agreement”, once concluded by the new government, in addition to information about the work of the expert committee regarding preparations for a possible revision of the Access to Public Administration Files Act and the other expert committee which will look at the need for a media ombudsperson. The representatives could not give any precise timeline in the meeting regarding these elements but something may happen before the summer.

Ministry of Culture: “The new government have decided to complete the former government Political Media Agreement with adjustments. This process is going on right now. There is no deadline for this process which involves political negotiations. We expect a new Political Media Agreement before summer 2023.”

Ministry of Justice: “As mentioned, the newly formed Government of Denmark announced in December 2022 that it wishes to establish an expert committee to prepare a proposal for a revised Access to Public Administrations Files Act, that will give the public better opportunities for insight into political decision-making processes.

As also mentioned, the Ministry of Justice is not able to provide further information at this point but it will be forwarded when available.”

21. Would you be able to report on the practical application of the amended Danish Criminal Code, which now makes it an aggravated circumstance when a threat is aimed at preventing the victim from making use of their freedom of speech?
22. Are there any developments concerning strategic litigation against public participation (SLAPP) or defamation cases involving journalists?

Ministry of Culture

23. Does the media sector still face economic consequences stemming from the COVID-19 pandemic?
24. Are there any updates regarding the rules regulating media concentration or specific legal provisions for companies in the media sector (other than licensing), including as regards company operation, capital entry requirements and corporate governance?
25. Could you please elaborate on whether the plan to examine the future role of the Danish Press Council and a possible creation of a new media ombudsperson to support it, as envisaged by the previous government in the context of the political Media Agreement, is retained? If so, are there any developments with this regard?
26. Is the plan to financially strengthen Danmarks Radio (DR) envisaged in the Media Agreement, retained? If so, could you please elaborate on any developments with this regard?
27. Could you please elaborate on whether the plan to study possibilities to update the current framework for media responsibility to fit the digital media reality, including responsibilities of influencers over the content they upload online, as envisaged in the Media Agreement, is retained? If so, are there any developments with this regard?

Justice system

Ministry of Justice

28. What are the measures taken thus far to ensure adequate human and financial resources for the justice system in the next multiannual framework, in view also of the recommendation in the 2022 Rule of Law Report? What measures are still envisaged and what is their timeline?
29. In September 2022, the Ministry of Justice announced setting up a new committee headed by the (then) Supreme Court President Thomas Rørdam to support the political

negotiations on the Danish courts. What is the mandate of the committee, the timelines of its work and the expected deliverables?

1) We would be grateful to receive the mandate of the Rørdam committee (or a link thereto), information about the members (or member organisations) as well as the prospective timelines for its deliverable(s).

Hereby follows a link to the mandate of the committee with information about members of the committee and prospective timelines for the deliverables: [Kommissorium for udvalg for forberedelse af ny flerårssaftale for domstolene](#). The committee's work is expected to be finally reported in the summer of 2023.

2) We understood that, in parallel, the Ministry of Justice and the Ministry of Finance are jointly looking into the question of the possible additional resources for the judiciary. Could you please confirm this and our understanding that the delivery of their findings is also expected in June (similar to the Rørdam committee)?

As stated in the government's platform, the government has a clear goal of reducing the processing times in the courts.

As part of the preparatory work for a new multiannual agreement, resources available to the courts and the question of possible additional resources for the courts are being examined. To ensure the best possible foundation for a new multiannual agreement for the courts, the government has also appointed a committee with former Supreme Court President Thomas Rørdam as chairman, which will qualify proposals for specific measures that can ease the pressure on the courts.

In connection with the committee's work, there will be a close involvement of the political parties in the Folketing. The ambition is to negotiate a solid new multiannual agreement in 2023 with the political parties that can take effect on January 1, 2024.

3) We understand that there is a working group in the Ministry of Justice examining the fall in the number of civil cases. Could you please elaborate on the mandate of the working group, the background for its establishment and when it is expected to present its findings/conclude its work?

Since May 2020, the Danish Advisory Council on Judicial Procedure has been conducting an examination to determine whether the decrease in the number of civil cases before the courts gives cause for changes to the civil justice system. The Council has been requested to expedite the reporting of topics relevant to a new multiannual agreement for the courts. The Council is expected to report on these topics by the end of March 2023.

4) The Copenhagen District Court issued the below press release. As discussed during the meeting, could you please confirm that even if the new Financial Law is passed with allocations not significantly changing compared to 2022 levels, the situation at that court will not change in terms of staffing and the communicated hiring freeze?

<https://www.domstol.dk/koebenhavn/aktuelt/2023/1/sagsbehandlingstiderne-ved-koebenhavns-byret-stiger/>

The Danish parliament has passed a temporary appropriation act for 2023 and as such the government has not yet determined the financial framework for the courts in 2023. As part of the proposal for the 2023 finance act, the government will decide on the financial framework for the courts in 2023. We will return in writing when the government has presented the proposal for the 2023 finance act.”

30. In the written contribution, you referred to prosecutors being included in the collective labour agreement 2021 for academic staff employed by the State, which provides that prosecutors are covered by the Salaried Employees Act (funktionærloven) when it comes to dismissals; you also mentioned a change on the prosecutors’ career policy. What are the applicable safeguards to dismissal under those rules, what were the previous rules and what was the background for the change?
31. In the written contribution, you referred to a new proposal adopted by the Danish Parliament in June 2022 (consisting of three main initiatives aiming to reduce the processing time in criminal cases across the criminal justice system) and the agreement on the financing of the Prison and Probation Service for the years 2022-2025. Could you please elaborate on how these are expected to contribute to reducing the processing time of criminal cases?

1) In the contribution to the 2022 Rule of Law Report, the Government referred to a number of laws:

"In April 2021, the government of the time put forward a legislative proposal in order to streamline the processing of criminal cases in Denmark. The proposal was adopted by the Danish Parliament in June 2021 and entered into force on 1 July 2021. The law consists of eight main initiatives aiming to reduce processing time in criminal cases across the criminal justice system. Likewise, in April 2022, the government at the time put forward a new proposal with additional initiatives aiming to further streamline the processing of criminal cases in Denmark and to further improve investigation. The proposal was adopted by the Danish Parliament in June 2022 and entered into force on 1 July 2022. The law consists of three main initiatives aiming to reduce the processing time in criminal cases across the criminal justice system."

Has there been any evaluation or is any envisaged to what extent the measures passed have contributed to the stated objective of a more efficient processing of criminal cases?

"There is a strong focus on reducing the processing time for criminal cases. The processing time for criminal cases is continuously measured and evaluated with the aim of making the process more effective. A BI-report tracking the processing time across the criminal justice system is produced monthly by the Ministry of Justice and is frequently discussed with the authorities.

In regards to the political set goals for the processing time for criminal cases these are also reported to the Ministry of Justice by the authorities on a quarterly basis.

However, it would be methodologically difficult to carry out proper impact assessments of legislative changes aimed at improving the efficiency of the criminal justice chain. One reason for this is that it would be difficult to isolate the impact of individual initiatives on case processing times from the range of factors that otherwise influence the development, such as the development in types of criminality, external shocks as the COVID-19 pandemic etc. Furthermore, implementation of changes in general takes time, so the effect on case processing time can only be meaningfully measured after new measures have been allowed to work over time."

2) In the past week, the so-called VVV case qualification was replaced, as we understand, by cases with priority focused on (physical) harm to individuals. Could you please elaborate on this modification and the background that has led to it?

“The so-called VVV-cases (weapon, violence and rape) have previously been subject to priority by the authorities in the criminal chain (the police, the Prosecution Service, the Courts of Denmark and the Prisons and Probation Service). With the political agreement regarding the financing of the police and the Prosecution Service for the years 2021-2023 a majority of the political parties in the Danish parliament agreed to replace the former prioritising of VVV-cases with cases focused on harm to individuals (PFK). The PFK-definition include more cases than the VVV-definition e.g. homicide, arson, robbery etc. However, the PFK-definition does not include weapon felonies.

To ensure a joint prioritising of PFK-cases across the criminal chain, the Prisons and Probation Service has been prioritising PFK-cases instead of VVV-cases since 2022. Most recently, a contemporary priority model for 2023 has been agreed with the Courts of Denmark. The priority model for 2023 implies, that the courts will prioritise the most serious PFK-cases.

It is noted that the contemporary model is implemented in agreement with the courts due to their status as an independent authority.”

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

Could you please confirm that the mandate of the pre-legislative committee on legal aid still needs to be confirmed/revised and inform us once this occurs?

“The Danish Ministry of Justice can confirm, that the mandate of the pre-legislative committee on legal aid still needs to be confirmed/revised.”

33. A new Court Fees Act came into force on 1 October 2021, whose stated purpose is to simplify the rules on court fees and to incentivize settlements. Are there any indications

that the act has started to contribute to achieving its stated objectives? Is there any monitoring (or upcoming ex-post evaluation) of this in place or planned?

34. In May 2022, the then Minister of Justice (in a Ministry's press release) stated that the Government would consider proposing a change to the rules on the Minister of Justice's power of prosecution in serious criminal cases concerning state security (sections 110f and 118a of the Criminal Code) after the summer recess. Could you please update us if any further steps have been taken in this regard?
35. Is the Ministry of Justice pursuing any new developments on digitalisation of justice (i.e. changes to the legal framework)?
36. **[written reply]** Since 2018, the Act on Administration of Justice includes a rule that, in criminal cases related to certain types of offences, defendants cannot choose a certain attorney, if their request of attorney will result in a delay of the proceedings; this rule has been overall expanded to cases related to additional types of criminal offences with an amendment from December 2021. How many cases related to the choice of the attorney have been appealed to the Special Court of Indictment and Revision since December 2021?

Checks and balances

Ministry of Justice

37. **[written reply]** How many fast-track proceedings have been submitted to Parliament in the 2022-2023 parliamentary year? How many of these had a sunset clause?
38. **[written reply]** Since 13 July 2022, how many public consultations on legislative proposals took place and how many of those were shorter than four weeks?
39. On 30 June 2022, the first commission of scrutiny, set up to investigate the culling of mink, delivered its report. What were the lessons learnt in terms of operation and cooperation with the commission of scrutiny? At a press conference following the publication of the

report on 1 July 2022, the Government announced a set of measures to be implemented because of the committee's findings; what measures have been implemented since and what are the timelines for the measures still planned/being implemented?

If understood correctly, during your reply you referred to an agreement of the previous government to set up a democracy committee and the present Government having agreed to continue with that commitment. Could you please confirm/correct this understanding and provide links to the relevant statements?

"That is correct. On 3 October 2022, the former Danish government signed a political agreement containing i.a. the initiative to set up a democracy committee. The political agreement can be read here: <https://www.justitsministeriet.dk/wp-content/uploads/2022/10/Aftale-om-eftersyn-af-de-politiske-system.pdf>. On 4 October 2022, the former Danish government announced elections for the Danish Parliament. Therefore, the former government could not implement the agreement. According to p. 49 in the coalition agreement of 14 December 2022 ("Ansvar for Danmark), the current Danish government have decided to follow up the political agreement of 3 October 2022. The coalition agreement can be read on p. 49 in the political agreement: <https://www.stm.dk/media/11768/regeringsgrundlag-2022.pdf>."

40. The Coalition agreement states that the Government will set up a group of experts to carry out an analysis of the Ministry of Justice's remit and how its work can be focused on safeguarding the rules and tasks of fundamental importance to the rule of law and the stability of democracy. Can you please elaborate further on this process?
41. Is there a specific mechanism in place to monitor and/or ensure the follow-up by public authorities to final court decisions by national courts (and if yes, could you elaborate on its functioning)?