
Practical Guide for EU, EEA and Swiss Lawyers on Service and Establishment

DENMARK

SEPTEMBER 2018

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If an error is identified, please bring it to the attention of the CCBE which will correct it, where appropriate.

Structure	Information received
1. Establishment	
1.1. Registration with Host Bar	<p>A lawyer will need to register with the Danish Bar and Law Society. The person needs:</p> <ul style="list-style-type: none">• a certificate proving the lawyers registration at the lawyers home-bar or bar society/proof that the person is indeed a lawyer. This certificate must be no older than 3 months• to provide the Danish Bar and Law Society with information on possible membership of a lawyers-organization at home• to provide the Danish Bar with a certificate of good standing from home-bar, including information on gross disciplinary sanctions• to provide the Danish Bar and Law Society with documentation of existing professional indemnity insurance. The lawyer can choose to continue with his home-country insurance – if this one is considered fulfilling according to the Danish standards. The lawyers insurance company will need to fill out a detailed questionnaire to ensure the insurance correspond with Danish rules. Alternatively, the lawyer can obtain a Danish insurance and provide the Danish Bar with documentation hereof• copy of passport or similar ID• an address somewhere in Denmark <p>Registration with the Danish Bar and Law Society is mandatory, see § 2 (1) of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747.</p> <p>There is no registration fee.</p> <p>The annual membership fee is 6.500 DKKR ex VAT (8.125 DKKR including VAT).</p> <p>It is mandatory for all lawyers in Denmark to have insurance, see Bye-Laws of the Danish Bar and Law Society Bye-Law 61</p>

	<p>and 62.</p> <p>To become registered in Denmark, you must send the following documentation to the Danish Bar and Law Society:</p> <ul style="list-style-type: none"> • copy of e.g. passport or health insurance card • copy of the license to practice law from the home-country, including a Certificate of Good Standing from the Bar and Law Society • date of university degree in law • documentation of fulfilling the Danish requirements of insurance and guarantee • contact information in Denmark.
1.2. Title	<p>The lawyer must practice under his/hers home-title.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - § 1 (1) of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747.
1.3. Salaried practice	<p>A foreign lawyer can be the employee of either a law firm or another lawyer.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - § 1 of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747
1.4. Legal Form and Shareholding	<p>The same rules apply for foreign lawyers as for Danish lawyers: no MDPs, no ABSs and limited ownership of non-lawyers (10%).</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - § 13 (2) of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747 refers to §§ 124-127 of the Administration of Justice Act
1.5. Joint Practice	<p>The same rules apply for foreign lawyers as for Danish lawyers. Please see above.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - § 13 (1) of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747
1.6. Areas of Activity	<p>The lawyer can carry out all tasks that normally may be involved with working as a lawyer, including advising clients and also represent clients in front of courts. As for the High Court and Supreme Court there are certain requirements the lawyer must meet, in order to obtain right to appear. Also, there are certain cases where Danish laws demands that a lawyer can only appear for the court, if he/she works in conjunction with a Danish lawyer who has the right to appear for that specific court.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - § 4 of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747
1.7. Practice Rules	<p>Please see question no. 1.6.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - § 4 of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747

1.8. Principle of Double Deontology	<p>As an established lawyer in Denmark, he/she needs to work in accordance with regulations provided by his/hers home-bar as well as Danish rules and regulations.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - §§ 2 and 3 of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747
1.9. Disciplinary proceedings	Please see the question no. 1.1
1.10. Insurance (professional indemnity insurance, social security, etc.)	<ul style="list-style-type: none"> • Professional Indemnity Insurance: It must overall comply with the Danish rules i.e. a minimum coverage amounting to DKK 2.500.000,- However, depending on the type of cases the lawyer works with a higher coverage is usually recommended. It is also required that the insurance has a 5 years run-off cover and it must appear specifically in the insurance policy that it ist the insurance company which is liable. • Social security: N/A <p>Relevant provisions:</p> <ul style="list-style-type: none"> - § 6 of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747 and § 61 of BKG 2009-09-16 no. 907
1.11. Fees	<p>The usual Danish rules apply: There is no fixed hourly rate for all lawyers as this would violate the competition rules in Denmark. Lawyers can, however, not completely determine their own salary. They must, according to § 126 (2) of the Administration of Justice Act, only charge a "reasonable fee" for their work. The lawyer must also notify the clients (in writing) of the estimated costs for the service rendered or, if this is not possible, at least inform his/her clients about the key elements the invoice will be based on.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - § 126 (2) of the Administration of Justice Act
1.12. Continuing Legal Education	Required – 54 hours in total for a 3-year period.
1.13. Bar	<p>Relevant provision:</p> <ul style="list-style-type: none"> - § 126 (5) of the Administration of Justice Act and BKG 2007-12-12 no. 1474 changed by BKG 2010-06-25 no. 820 - The Danish Bar and Law Society, cf. § 119 (5) of the Administration of Justice Act
1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'	<p>As a main rule you must have a Danish master's degree in law in order to become a lawyer ("Advokat") in Denmark. However, applicable to persons who hold a Master's degree in law from one of the EU Member States the Minister of Justice may fix a trial period of maximum three years, during which time you shall be employed by a lawyer, e.g. as legal consultant. The trial period serves to ensure that you have the necessary knowledge of Danish procedural law and master the Danish language at a level that enables you to conduct oral proceedings in a proper manner.</p>

	<p>In cases where an already educated lawyer is practicing under his/hers home-country professional title certifies to having effectively and regularly pursued a professional activity in Denmark for a period of at least three years but who has been working with the Danish legal system for a lesser period, may, in accordance with Article 10 (3) in Directive 98/5, obtain admission to the profession of lawyer in Denmark and the right to practice such under the professional title “Advokat” without having to meet the condition of a trial period.</p> <p>An application for obtaining admission to the profession of lawyer in Denmark due to your experience with the Danish legal system or due to your activity in Denmark shall be filed with:</p> <p style="padding-left: 40px;">The Department of Civil Affairs Toldboden 2, 2. sal, DK-8800 Viborg E-mail: civilstyrelsen@civilstyrelsen.dk</p>
2. Services	
<p>2.1. Under home title & representation before courts</p>	<ul style="list-style-type: none"> • Courts and administrative authorities may require proof that you are a lawyer in your home state • When a visiting EU lawyer provides legal services subsisting in representation of clients before courts and other bodies, and where special legislation stipulates that only a lawyer may be the representative of a party, a visiting EU lawyer must appoint a Danish lawyer. The conjunction has to be agreed between you and the host state lawyer. <p>Relevant provision:</p> <ul style="list-style-type: none"> - Registration with the Danish Bar and Law Society is mandatory, see § 2 (1) of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747.
<p>2.2. Deontology</p>	<p>The visiting EU lawyer providing legal services in a host country shall observe professional rules of his home country. The Danish legal regulations are applied as subsidiary rules. However, if the visiting EU lawyer provides legal services in representation of clients before courts and other bodies, he has the same rights and duties as a Danish lawyer and professional rules of his home country are applied as subsidiary rules. The Disciplinary Board oversees the visiting lawyers the same way the Board oversees Danish lawyers.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - §§ 2 - 9 of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747 and § 130 of the Administration of Justice Act
<p>2.3. Fees</p>	<p>A lawyer’s fee for his provision of legal services shall be regulated by the lawyer’s contract between the lawyer and his client (“contractual fee”); where a lawyer’s fee is not set by a contract, it shall be governed by provisions of the Regulation herein regarding non-contractual fees.</p> <p>Cf. article 15 of the Code of Conduct for the Danish Bar and Law Society: “Information concerning the legal brief and pricing information in consumer relationships”</p>

	The Code of Conduct for The Danish Bar and Law Society is available at our website: http://www.advokatsamfundet.dk/Service/English/Rules/Bye-laws.aspx
3. Acquisition of the national lawyer's title	
3.1. Via Establishment Directive	<p>See above point 1.14</p> <p>Relevant provisions:</p> <p>Three years' practice under home State professional title: see Article 10 of Directive 98/05/EC and § 11 of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747</p> <p>§§ 11 and 12 of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747:</p> <p>11: When applying for a Danish practising certificate, a lawyer practising under his home-country professional title who has effectively and regularly pursued for a period of at least three years an activity in Denmark in Danish law, including Community law, shall be exempted from the conditions set out in Article 14(1) and (3) of the Directive on recognition of professional qualifications.</p> <p>12 (1): A lawyer practising under his home-country professional title who has proven to the Ministry of Justice that he has effectively and regularly pursued a professional activity in Denmark for a period of at least three years but for a lesser period in Danish law may be granted a Danish practising certificate, without having to meet the conditions referred to in Article 14(1) and (3) of the Directive on the recognition of professional qualifications.</p> <p>(2): When assessing the lawyer's effective and regular activity as stated in subsection (1), the Ministry of Justice shall take into account the lawyer's knowledge and professional experience of Danish law and whether the lawyer has participated in courses and seminars on Danish law.</p> <p>(3): The assessment of the lawyer's effective and regular activity in Demark and the assessment of his capacity to continue the activity he has pursued here shall be carried out by means of an interview with the Ministry of Justice. During the interview, the regular and effective nature of the activity pursued shall be verified.</p>
3.2. Via Professional Qualification Directive	<p>See above point 1.14</p> <p>Pass the aptitude test (or having a period of adaption up to 3 years): see Articles 13-14 of Directive 2005/36 on recognition of professional qualifications and § 12 of BKG 2007-12-11 no. 1431 as changed by BKG 2010-06-11 no. 747</p>
4. Practicalities	
4.1. Practical information	<ul style="list-style-type: none"> • You can find information on the court system, addresses, contacts and opening hours of all Danish courts at www.domstol.dk; http://www.domstol.dk/om/otherlanguages/english/Pages/default.aspx • Contacts to and information on the organization of the Danish Bar and Law Society are available at www.advokatsamfundet.dk; http://www.advokatsamfundet.dk/Service/English.aspx • Lawyer gowns are only mandatory when serving in the courtrooms of the High Court and the Supreme Court • It is required to stand up when the judge walks in.

<p>4.2. National organisation</p>	<p>The Danish Bar and Law Society ("The Society") conjoins lawyers holding the Danish title "Advokat" authorised to practise law whether in Denmark, Greenland, The Faroe Islands or abroad. Registration with the Society is mandatory and today the Society conjoins approximately 6000 lawyers.</p> <p>The objects for which the Society is established are:</p> <ul style="list-style-type: none"> • To safeguard the independence and integrity of lawyers • To ensure and enforce the discharge of the duties and obligations of lawyers • To ensure the professional competence of lawyers; and • To work for the benefit of rule of law in Denmark <p>Further information about the Danish Bar and Law Society are available at our website: http://www.advokatsamfundet.dk/Service/English/Organization.aspx</p>
<p>4.3. Reference to national legislation with other languages available + links</p>	<p>Link to the applicable national legislation in English: http://www.advokatsamfundet.dk/Service/English/Rules/Bye-laws.aspx</p>
<p>4.4. Reference to existing national guides</p>	<p>Guides for practising in Denmark: http://www.advokatsamfundet.dk/Service/English/Practise.aspx Available in Danish and English.</p>
<p>4.5. Reference to services available for lawyers in that jurisdiction</p>	<p>The Danish Bar and Law Society offer services as:</p> <ul style="list-style-type: none"> • Access to the library in Copenhagen • Meetingrooms • Help and guidance regarding the Danish Code of Conduct
<p>4.6. Contact information</p>	<p>The Danish Bar and Law Society: Phone: + 45 33 96 97 98 E-mail: Samfund@advokatsamfundet.dk</p>