

[Home](#) > ... > [Taking Legal Action](#) > [Mediation](#) > [Mediation In EU Countries](#) > Denmark

Mediation in EU countries

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Denmark



Denmark

In Denmark it is possible to call on the services of a mediator on a private basis. Mediation on a private basis is not regulated by law and the costs have to be borne by the parties. In addition there is the possibility under the law of mediation in civil cases before a district court, High Court, or the Maritime and Commercial Court, and of conflict resolution in criminal cases (see below).

Mediation in civil cases

Chapter 27 of the Administration of Justice Act sets out rules on court mediation in civil cases pending before a district court, a High Court or the Maritime and Commercial Court.

At the parties' request the court can appoint a court mediator to help the parties themselves reach an agreed settlement to a dispute between the parties (court mediation).

The aim of the procedure is to give the parties in cases brought before the courts an opportunity, if they so wish, to seek to resolve the dispute in some other way than through the traditional conciliation procedure in court, which is based on the rules of the law as it stands, or through a court judgment. Court mediation can give an opportunity to reach an agreed settlement of the dispute; this is seen as more satisfactory for both parties, since a mediated settlement can give them a greater degree of influence over the course of events and can take account of their underlying interests, needs and future.

A mediator can be a judge or an officer of the court in question who is designated to serve as a mediator, or a lawyer who has been approved by the Court Administration to serve as a mediator in the High Court district concerned.

The mediator determines the course of the mediation in consultation with the parties. With the parties' agreement the mediator can hold meetings with them individually.

Each party bears his or her own court mediation costs, unless they agree otherwise.

If mediation leads to an agreed settlement, a formal record of it can be drawn up, after which the case can be dismissed.

Under § 478(1)(2) of the Administration of Justice Act execution can be enforced on the basis of a conciliation settlement before the courts or other authorities where the law allows execution of court decisions to be enforced.

Under § 478(1)(4) execution can also be enforced on the basis of a written out-of-court conciliation settlement concerning unpaid debts if the settlement explicitly provides that it can serve as the basis for execution.

The Administration of Justice Act can be found on the website [Information about the law](#).

Mediation in criminal cases

Act No 467 of 12 June 2009 on conflict resolution councils in connection with crimes, which comes into force on 1 January 2010, introduces a permanent, nationwide system for conflict resolution in criminal cases.

The Police Commissioner for each police district establishes a conflict resolution council, where the victim and the offender together with a neutral mediator can meet following a crime.

Mediation in a conflict resolution council can only take place if the parties agree to participate. Children and young people under 18, however, can participate only with the agreement of their legal guardian. Mediation in a conflict resolution council can only take place if the offender has substantially admitted to the crime.

The mediator fixes the conduct of a conflict resolution council after discussion with the parties. During conflict resolution the mediator will help the parties to discuss the crime and can help them to formulate any agreements they may wish to conclude.

Mediation in a conflict resolution council is not a substitute for punishment or any other legal consequence of the crime.

The Act on conflict resolution councils in connection with crimes can be found on the website [Information about the law](#).

Who can you contact?

In civil cases you can contact the court dealing with the case. The address and telephone number etc. of the court in question can be found via the website of the [Domstolsstyrelsen \(Court Administration\)](#).

In criminal cases you can contact the police district dealing with the case. The address and telephone number etc. of the police district in question can be found via the website of the [Danish National Police](#).

In what areas can mediation be used/is mediation most used?

Please see above.

Are there special rules that have to be followed?

Please see above.

Information and training

Please see above.

Expenditure on mediation

Please see above.

Is it possible to enforce an agreement entered into in the context of mediation?

Please see above.

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