



Denmark: Implementation of the Representative Actions Directive

Act on Access to Representative Actions for the Protection of the Collective Interests of Consumers (Lov om adgang til anlæggelse af gruppesøgsmål til beskyttelse af forbrugernes kollektive interesser, LOV nr 406 af 25/04/2023)

Denmark transposed the Directive through a dedicated statute adopted by the Folketing (*Parliament*) on 20 April 2023, given royal assent on 25 April 2023, and in force from 25 June 2023. The Ministry of Industry, Business and Financial Affairs is the competent authority, with the Competition and Consumer Authority serving as the national contact point and administrator of the list of qualified entities.

Rather than consolidating the new rules with the pre-existing collective action framework in Chapter 23a of the Administration of Justice Act, Denmark maintained both instruments in parallel, complementing and strengthening the existing mechanism. Where a claim falls within the scope of both, the bringing party may decide which instrument to proceed under. Before the Act, the Consumer Ombudsman had been the sole publicly authorised group representative; the Act extended standing to a wider class of approved bodies, which are non-profit, independent authorities or organisations active in consumer protection for at least twelve months. Entities approved in other Member States are automatically recognised, and Danish consumers may opt into proceedings brought in other Member States where affected. The material scope covers breaches of the Annex I consumer law instruments.

Admissibility requires that claims are essentially similar, that Danish courts hold jurisdiction, and that collective action represents the best available procedural option. For **injunctive and declaratory** relief, consumer opt-in is not required. **Redress** actions operate on an opt-in basis, with a narrow possibility to permit opt-out proceedings for small claims under the Administration of Justice Act. Third-party funding is permitted, subject to conflict of interest safeguards, while court approval is required for any settlement. Punitive damages are unavailable, and individual limitation periods are suspended until at least one year after final resolution of the action.

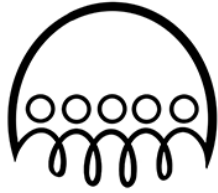
For official texts:

Implementation Act (LOV nr 406 af 25/04/2023): <https://www.retsinformation.dk/eli/lta/2023/406>;
Administration of Justice Act (consolidated): <https://www.retsinformation.dk/eli/lta/2024/250>

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OBSERVATOIRE DES ACTIONS DE GROUPE
et autres Actions Collectives

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