

Act no. 1257 of December 20, 2000

(This Act contain provisions to implement Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests (Official Journal L 166, 11/06/1998 p. 0051-0055))

We, Margrethe the Second, by the Grace of God Queen of Denmark, hereby make known:
The Folketing has passed and we have given our Royal Assent to the following Act:

Scope

1.-(1) This Act shall apply to the national rules implementing the Directives listed in the Annex to Directive 98/27/EC of the European Parliament and the Council on injunctions for the protection of consumers' interests.

(2) The Minister for Trade and Industry can lay down that the Act shall apply to Directives that are listed in the Annex mentioned in subsection (1) above after the entry into force of this Act.

(3) This Act shall apply in cases where a trader in a Member State infringes the said Directives as transposed into the internal legal order of the Member States, and the infringement has effect in another Member State.

1. Recognition of legal capacity

2. Foreign authorities and organisations entered in the list published by the Commission in the in the Official Journal of the European Community in accordance with the provisions in Directive 98/27/EC, can bring actions before the courts of law for an injunction in pursuance of the Danish Administration of Justice Act, cf. section 3 hereof.

2. Injunctions

3.-(1) Acts contrary to the Directives listed in Annex mentioned in section 1(1) as transposed into the internal legal order of the Member States can be prohibited by judgment if they infringe the collective interests of consumers. In connection with this or later provisions can be made by judgment on such measures that may be deemed necessary with a view to ensuring compliance with the injunction or restoration of state existing before the unlawful act.

(2) If it is proved or rendered probable that the trader intends to continue the act for which an injunction is sought, and the purpose would be frustrated if the foreign authority or organisation is referred to invoke its right in normal court proceedings, the enforcement court may issue an injunction in accordance with the rules in Part 57 of the Danish Administration of Justice Act.

3. Approval of authorities and organisations

4.-(1) The Minister for Trade and Industry can after consultation with the affected ministers appoint the Danish authorities and organisations who can bring actions for an injunction in other Member States for infringement of the Directives listed in the Annex mentioned in section 1(1) as transposed into the internal legal order of the Member States.

(2) After consultation with the involved ministers the Minister for Trade and Industry can lay down more specific conditions for the exercise of the legal capacity mentioned in subsection (1) above.

(3) The Minister for Trade and Industry shall inform the Commission of name of and purpose of the authorities mentioned in subsection (1) above for the purpose of admission on the list mentioned in section 2.

4. Representation

5.-(1) After consultation with the involved ministers the Minister for Trade and Industry, in pursuance of the rules on agents, can authorise Danish authorities to conduct actions according to section 3 above on behalf of the foreign authorities and organisations mentioned in section 2 above.

(2) After consultation with the involved ministers the Minister for Trade and Industry lay down more specific conditions for the exercise of the agent activity mentioned in subsection(1).

5. Entry into force

6.-This Act shall enter into force on January 1, 2001.

6. The Faroe Islands and Greenland

7.-This Act shall not extend to the Faroe Islands and Greenland; however a royal decree may be issued to the effect that the Act shall apply to the Faroe Islands and Greenland with any amendments resulting from the special Faroese and Greenland conditions.

Given at Christiansborg Castle December 20, 2000

Under Our Royal Hand and Seal

MARGRETHE R

/Pia Gjellerup