



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from :	Danish delegation
to :	Working Party on Legal Data Processing
Subject :	Latest developments in Denmark with regard to the computerised provision of legal data

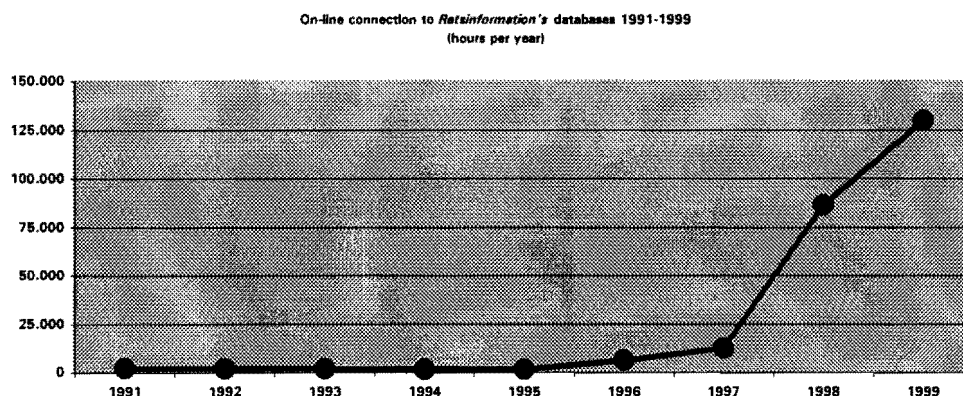
1. The state legal information system "*Retsinformation*" contains all legal provisions in force on 1 January 1985 (laws, orders and circulars) and all legal provisions adopted or issued since. Legal provisions which were in force on 1 January 1985 but have since lapsed or been repealed are still accessible in the database.

Retsinformation also contains the proceedings of the Danish Parliament, proposals for laws and decisions, reports etc. from the 1985-86 parliamentary session onwards.

Finally, *Retsinformation* contains the basic administrative decisions, although it has not yet been possible to set up databases for judicial decisions.

Retsinformation's databases have been available on the Internet to subscribers since 1997, and since 1 January 1998 have been freely available to the public at <http://www.retsinfo.dk>.

Trend in the use of Retsinformation in terms of on-line connection to the databases:



On the basis of the trend in the first four months of this year, a further doubling of use is expected in 2000.

2. The registration of rights in immovable property (land registration) is or will be computerised in Denmark. The register records rights of ownership (conveyances and other title deeds), rights of usufruct, servitudes and other encumbrances as well as mortgages (including mortgage deeds registered to the mortgagor and distraints). One of the registry's tasks, whether registration is by manual or computerised means, is to provide information on the rights registered. The land registration system is therefore an important legal information system.

Apart from registration of rights in immovable property, there is also computerised registration of rights in respect of vehicles and the registration of mortgages on personal property, marriage contracts etc in the personal register. The information set out below concerns only the registration of rights in immovable property.

The current Danish rules on land registration date from the adoption of the Registration of Property Act 1927. Registration is effected by the judge of the district court within whose jurisdiction the property is situated. Documented rights are entered in the land register, which contains a page for each item of property, on which all rights must be briefly recorded. There is a file for each item of property, containing copies of the registered documents. As a rule, all rights must be registered in order to obtain protection vis-à-vis claim holders and creditors. The state guarantees that people can have confidence in the land register as the registered rights have been through a judicial scrutiny process in connection with registration. Rights are made public through publication in the Registry Gazette, which is a part of the Official Gazette, and may be inspected at land registry offices.

In 1978 the Ministry of Justice set up a working party to look into computerising the registration system. Following the working party's preliminary findings the project was put on ice, as it was thought advisable to await further developments in the data processing sector. As the sector developed, work was taken up again in the mid 80s, and in 1987 the working party issued report 1093 on computerisation of the registration system. The working party recommended a pilot project to identify the problems that a country-wide land registration system might entail. The pilot project was launched in April 1987 and was carried out at the Brøndbyerne court.

The pilot project was a success, and in April 1989 report 1177 on computerised land registration at national level was issued. The report recommended a complete switchover to a computerised system. This has not yet been fully achieved, since converting manual land registries is a huge task (report 1093/1987 mentioned approximately 4 billion entries). By the end of March this year about 91% of properties in Denmark had been electronically registered, corresponding to 71 of the 83 court districts. The switchover should be complete by the end of this year.

The computerised land registration system developed in Denmark is based on the registration regulations dating from 1927. Computerisation did not involve any amendment to the basic rules or to the method of registration as such. Title to property must therefore still be supplied in the form of paper documents, with copies for the files, and the menus and screen displays in the registration system are designed to resemble the manual register. However, a special feature of computerised registration is that it is possible to make a fair copy of pages in the electronic register, so that encumbrances can be listed in order of priority.

The second-generation registration system, which will have to wait until the switchover is complete, will probably involve "paperless" registration and electronic deeds; this depends however on legislation on digital signatures.

From the technical point of view, the centralised/decentralised model was chosen for the land registration system. Registration takes place on a local server, which is fed via terminal emulators from individual workstations at the workplace. The local server contains the original land register. Each night, data from the local land registers is copied to a central system, from which external users can access the day-old land registers from all court

districts where registration is computerised. There are legal limits on who can access the land registration system.

In Denmark it has been traditional to pay a fee set by the tax authorities for information from the land registers. Consultation of the land registration system is therefore subject to a charge.

3. The companies register contains information on businesses which, under the legislation on business activity, must be reported to the Registrar of Companies.

Businesses registered with the Registrar of Companies can register changes in information on-line.

Information on businesses registered with the Registrar of Companies is, with some exceptions, publicly available. Anyone with a computer fulfilling the Registrar's requirements can, after entering into an agreement which set out the terms of connection, have access to the Registrar's computerised information system. Those without access to that computerised information system can obtain transcripts of information from the Registrar.

The provision of information registered with the Registrar of Companies is subject to a charge. This applies both to information which users themselves obtain from the Registrar's computerised information system and to transcripts of information provided by the Registrar.
