

## ***The Arbitration Act No. 181 of 24 May 1972 - Denmark***

- **Section 1**

1. Where the parties to a dispute have agreed to arbitrate, a court action shall be dismissed upon request.
2. An agreement to arbitrate is void when the dispute, according to its nature, cannot be submitted to arbitration or when the agreement provides a composition of the arbitration tribunal or a procedure which does not offer the necessary safeguards of the rights of the parties or one of them.

- **Section 2**

1. Where a court action has been brought subsequent to the dispute having been submitted to an arbitration tribunal, the court shall not rule whether the dispute, wholly or in part, comes under the jurisdiction of the arbitration tribunal. This provision obtains only until the arbitration tribunal has rendered its decision and may be disregarded on strong grounds.
2. A dispute is deemed to be submitted to arbitration at the time when one of the parties has requested that arbitrators be appointed or, where arbitrators have been appointed in advance, has submitted his statement of claim to the arbitration tribunal.

- **Section 3**

Upon request the courts shall render assistance in the carrying out of an arbitration. Assistance shall, inter alia, be rendered in the following situations:

1. Where the number of arbitrators, the procedures for their election, or the place of arbitration has not been agreed upon and no agreement can be reached, the requisite decision shall be rendered by the court, to the extent possible in accordance with common usage in the particular field.
2. If a party fails to appoint his arbitrator or arbitrators, the court shall make the appointment. The same rule applies where lack of agreement prevents the appointment of a sole arbitrator or of the chairman of the arbitration tribunal.

- **Section 4**

Any objection to the capacity of an arbitrator may as soon as he has been appointed be ruled upon by a court upon the request of one of the parties.

- **Section 5**

Upon the request of an arbitration tribunal the courts shall render assistance in the taking of evidence under the rules of the Administration of Justice Act.

- **Section 6**

Upon the request of one of the parties a court shall rule upon an arbitration tribunal's fixing of its fee.

- **Section 7**

An arbitral award is void, wholly or in part, when

1. the arbitration agreement is void,
2. the composition of the arbitration tribunal or its hearing of the case has not

offered the necessary safeguards of the right of the parties or one of them, or has not been in accordance with the rules governing the arbitration and the deviation therefrom may have had a major influence upon the decision,

3. the arbitration tribunal has acted outside its jurisdiction, or
4. the award violates fundamental principles of law.

• **Section 8**

1. Decisions under Sections 3, 4, and 6 shall be rendered by the court before which an action should have been brought, had there been no agreement to arbitrate or, failing any venue, by the Maritime and Commercial Court of Copenhagen.
2. Requests under Sections 3, 4, and 6 shall be filed in writing with the court. The party shall at the same time serve notice of the request on the other party and send a copy to the arbitration tribunal or to the arbitrators, should the tribunal not yet have constituted itself or should it have been dissolved. In the situation mentioned in Section 4, a copy of the request shall, furthermore, be forwarded to whatever third party or institution may have appointed the arbitrator in question.
3. The court fixes a time limit within which the other party or, as the case may be, other parties involved may submit a written reply. The court may order an oral hearing. The decision is rendered by way of an order. In the instances mentioned in Section 3 the decision is final.
4. A request under Section 4 or 6 shall be made with all convenient speed after the arbitrator in question has been appointed or after the arbitration tribunal has fixed its fee.

• **Section 9**

1. The awards of Danish arbitration tribunals may be enforced under the rules of the Administration of Justice Act on the enforcement of judgments. The days of grace before the expiry of which execution cannot be levied run from the service of the award.
2. A request for enforcement shall be submitted to the bailiff. The request shall be in writing and a copy of the award as well as of the agreement to arbitrate, should it be in writing, shall be attached.
3. Objections to the validity of an award made in connection with the enforcement, shall be ruled upon by the bailiff. The bailiff may, however, refer the claimant to ordinary proceedings, should he find that the objection cannot be ruled upon as the case stands.
4. Where an award has been submitted to another arbitration tribunal or to a court to obtain a ruling on the validity of the award - cf. Section 7 - the bailiff shall decide whether enforcement shall be proceeded with or postponed and, in this connection, whether enforcement or postponement shall be conditioned upon the giving of security.

• **Section 10**

1. The Minister of Justice may determine under which conditions binding effect may be conferred upon foreign arbitral awards in this country. The Minister of Justice may, furthermore, on condition of reciprocity provide for the enforcement of such awards.
2. The Minister of Justice may give rules on international arbitration.