

November 2005

DENMARK

(a)	Registrations no.	DK/1
(b)	Date	28 October 1982
(c)	Author(ity)	Supreme Court (Højesteret)
(d)	Parties	Den Czekoslovakiske Socialistiske Republikks Ambassade (Embassy of The Socialist Republic of Czechoslovakia) vs. Jens Nielsen Bygge-Entrepriser (private construction company)
(e)	Points of law	The embassy had entered into a contract with a private contractor agreeing that any dispute between the embassy and the contractor should be settled in a Danish court of law. Upon the termination of the agreed work, the contractor initiated legal proceedings against the embassy for the payment of additional work related to the contract. The Court established that the embassy was a legal entity against which legal actions could be brought, and that the payment for the additional work of the contractor was in accordance with the agreed contract. According to the findings of the Court neither the provisions of the Vienna Convention on Diplomatic Relations nor the rules of public international law on State immunity provided immunity in relation to proceedings based on a contract governed by private law including a clause which determined that disputes were to be settled in a Danish court of law
(f)	Classification no.	0.b.1, 1.b, 2.c
(g)	Source(s)	Published in full text in the Danish law review "Ugeskrift for Retsvæsen", 1982, page 1128.
(h)	Additional information	The ruling of the Supreme Court affirmed the ruling of the Eastern High Court (Østre Landsret) on 23 June 1982.
(i)	Full text –extracts – translation – summaries/	

(a)	Registrations no.	DK/2
(b)	Date	9 March 1992
(c)	Author(ity)	Supreme Court (Højesteret)
(d)	Parties	Den Franske Republik (France) vs. Intra ApS (company)
(e)	Points of law	The French embassy had concluded a contract with a private company concerning the lease of office space for its trade department. Based on the disagreement which followed the private company's announcement of its intention to raise the rent, the private company initiated legal proceedings against the Embassy. The French State raised objections and claimed jurisdictional immunity from further proceedings in the Danish courts. The Court established that the leasing contract was governed by private law and that the rules of public international law concerning State immunity did not exempt foreign states for legal actions concerning such matters in Denmark.
(f)	Classification no.	0.b.1, 1.b, 2.c
(g)	Source(s)	Published in full text in the Danish law review "Ugeskrift for Retsvæsen", 1992, page 453.
(h)	Additional information	The ruling of the Supreme Court affirmed the ruling of the Eastern High Court (Østre Landsret) on 26 November 1990.
(i)	Full text – extracts – translation – summaries	

(a)	Registrations no.	DK/3
(b)	Date	19 May 1993
(c)	Author(ity)	Eastern High Court (Østre Landsret)
(d)	Parties	Italien (The Italian Stat) vs. Amaliegade 21 A-D (privately owned property company)
(e)	Points of law	<p>The Italian Embassy had built a garage in the courtyard of the private residence of the Italian ambassador, which the residence shared with the privately owned adjoining house. According to the public registration (tinglysning) from 1924 governing the relationship between the two neighbouring buildings regarding their common courtyard, new buildings could not be constructed without the consent of both parties. The garage was built without the consent of the property company.</p> <p>The City Court of Copenhagen rejected the legal action brought before the court by the private company stating that according to the customs and principles of public international law on State immunity the Italian State has immunity before a Danish court and that the provisions of the registration from 1924 on the common courtyard could not lead to a cessation of State immunity. However, on appeal the Eastern High Court rejected the decision of the City Court stating that the provisions of the registration was governed by the rules of private law and that the principles of state immunity did not exempt foreign states for legal actions in such matters. Consequently, the Italian State was ordered by the Court to pull down the garage.</p>
(f)	Classification no.	0.b.1, 1.b, 2.b
(g)	Source(s)	A summary of the case is published in the Danish law review "Ugeskrift for Retsvæsen", 1994 B, page 213.
(h)	Additional information	
(i)	Full text –extracts – translation – summaries	

(a)	Registrations no.	DK/4
(b)	Date	5 March 1999
(c)	Author(ity)	Supreme Court (Højesteret)
(d)	Parties	Pakistans Ambassade (Pakistan) vs. Shah Travel ved Hermunir Hussein Shah (private travel agency)
(e)	Points of law	<p>A travel agency initiated legal proceedings against the Embassy of Pakistan claiming payment of 6 airplane tickets in total value of DKK 30,000. The tickets were booked for a member of the Embassy staff and his family, and subsequently used. However, the Embassy held the opinion that the tickets had already been cancelled. Since the legal action was brought against the Embassy as such, and not against any individual member of the Pakistani representation the Court established that the appropriate rules governing the matter were those of State immunity and not the provisions in the Vienna Convention on Diplomatic Relations.</p> <p>The Court established that the dispute concerning a commercial transaction was governed by private law and that the provisions of public international law concerning state immunity did not apply to the Pakistani State in the matter under consideration.</p>
(f)	Classification no.	0.b.3, 1.b, 2.c
(g)	Source(s)	Published in full text in the Danish law review "Ugeskrift for Retsvæsen", 1999, page 939.
(h)	Additional information	The ruling of the Supreme Court affirmed the ruling of the Eastern High Court (Østre Landsret) on 7 April 1998.
(i)	Full text –extracts – translation – summaries	