

Please find my response to the raised questions below.

I will try to answer the raised questions even though going to court to challenge the decision made by the Environmental Appeals Board was not an option because by the time the Danish Ombudsman had made his decision to not engage the six month grace period for going to court had expired.

Also bear with me as I am not and does not claim to be trained in law.

It is very important to understand that when an individual decides to challenge the Environmental Appeals Board in court he or she will be up against unlimited resources from the Danish State Attorney with more than 600 employees. Keeping that in mind the individual cannot expect to win his case with the assistance from any general law firm. The individual will have to engage with a high profiled law firm and may be facing an hourly charge of around 2.500 DKK. One can see that such charge easily amounts to 250.000 DKK or even more.

In a letter to the Danish Parliament an extreme case is referenced. Here an individual spend 15 mio. DKK during a 7 year trial in 2 courts and won in both courts but was only awarded half the amount in costs. Luckily this particular individual had an insurance that covered his loss but this is not usual for normal persons like me. In the letter the following conclusion is made with respect to chances to win against the Attorney General.

1. You must be able to afford to take your case through all courts.
2. You must have the time, the strength and psychological power to go through a year long court case.
3. You have know everything about all possible past court cases more or less by heart.
4. You must have access to all archived material.

1. What would have been the cost for you to appeal the decision of the Environmental Appeals Board in court (e.g. court filing fees etc)? Would you have been required to be represented by a lawyer? If so, would you have been eligible for legal aid or other legal assistance?

As mentioned above the cost could easily amount to 250.000 DKK. It is a general saying among Danish lawyers that showing up in a court room without a lawyer is "suicide". There is a theoretical possibility to apply for a so called "free process". But the court will set a maximum amount making it impossible to engage a proper lawyer. On the other hand if you are granted a "free process" in case of a lost case the awarded costs would be covered by the Danish state.

2. If you had appealed the decision of the Environmental Appeals Board in court and lost, what is the possible amount, if any, of costs that might have been

awarded against you? If costs may indeed have been awarded against you, please provide some examples of the amounts of recent costs awards in similar cases.

Yes, I have found one case where the individual who lost the case had to pay 100.000 DKK to the Environmental Appeals Board. I have tried to get in contact the person in question to get information about how much he paid his lawyer but I have not received an answer. Unfortunately there is no free access to rulings made by Danish courts. The current plans for such database will not be realized until 2020 at the earliest. Searching the Internet for examples of awarded cost reveals costs in the range of 20.000 DKK to 350.000 DKK although there seems to be a tendency for the High Court to lower awarded costs awarded by the lower courts.

3. If you had appealed the decision of the Environmental Appeals Board in court and lost, could you then appeal that first court decision to a higher court? If yes, could the higher court also have awarded costs against you and if so, what are some examples of recent costs awards ordered by the higher court in similar cases?

The answer is yes to all questions. The higher court have the possibility to both raise and lower the awarded costs.

I hope this answers you questions.

Best Regards
John Damm Sørensen