

Federal Republic of Germany – national procedures for mutual legal assistance on laundering, search, seizure and confiscation of proceeds of crime (ETS No. 141)
Updated 21.05.2019

The information contained in this table should be updated on a yearly basis.

Procedure for search (asset-tracing) and seizure	
<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance (including freezing and seizure):</p>	<p>The Federal Office of Criminal Investigation (Bundeskriminalamt), Thaerstraße 11, D-65173 Wiesbaden, Tel. +49 / 611 / 55 – 1 31 01, Fax +49 / 611 / 55 – 1 21 41, mail@bka.bund.de</p> <p>It is designated as the central authority responsible for the transmission of requests to the authorities competent for their execution.</p>
<p>If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	
<p>Channels of communication for the request for mutual legal assistance (directly, or other):</p>	<p>Basically through the central authorities.</p> <p>An exemption is laid down in Art. 24 para 2 of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime whereupon requests or communications may be sent directly by the judicial authorities, including public prosecutors, in the event of urgency.</p> <p>According to Art. 24 para 5 requests or communications under Section 2 of this chapter, which do not involve coercive action, may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party.</p>

Means of communication (e.g. by post, fax, e-mail ¹):	<p>Generally by post.</p> <p>According to Art. 25 para 1 of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime means of telecommunications, such as telefax, may be used.</p> <p>The mean, that is chosen, should grant safety, e.g. the way through Interpol, Europol (SIENA)</p>
Language requirements:	Wherever requests and supporting documents are not drawn up in German, they shall be accompanied by a translation into German or into one of the official languages of the Council of Europe.
Double criminality requirement, if applicable:	In principle, the execution of all requests that require coercive measures or that are conducted without the knowledge of the defendant is subject to the requirement of double criminality.
Other requirements: for example a link between the proceeds and the criminal offence, or that a request for the confiscation judgment or measure will be made later, or that leave is given by a judge for the seizure of assets/goods:	
Modalities/requirements for the execution of MLA requests for investigative assistance (search, tracing, special investigative techniques), existence of a central register of real estate/ bank accounts, duration of preservation of bank data, etc.:	

¹ Please indicate if encryption or electronic signature is required.

Limitation of use of evidence obtained:	Restrictions on use of evidence may be required in particular cases.
Modalities/requirements related to the execution of provisional measures (freezing, prejudgment seizing) including lifting of these measures (possibilities to seize (im)movable properties) and applicable time limits, if any:	
Available asset management system including preservative measures, ,(for example prejudgment selling), concerning the seized goods:	
Procedure for confiscation/ Recognition of foreign decisions. Recovery of confiscated assets.	
The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for Confiscation/ recognition of foreign judgments/decisions/measures:	<p>Central contact point for the justice field: Federal Office of Justice Division III1 Adenauerallee 99-103 53113 Bonn poststelle@bfj.bund.de tel. +49 228 99410 40</p> <p>Contact point for the police (especially when urgent exchanges of information are necessary):</p> <p>The Federal Office of Criminal Investigation (Bundeskriminalamt), see above; also with a view to the transmission of requests concerning confiscation etc. under ETS 141.</p>
If different from the Central Authority, the authority to which the request should be sent (name of the	

institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for mutual legal assistance (directly, or other):	It depends on the state requesting for assistance and the channel of communication (generally diplomatic or ministerial channel) foreseen in the treaty or the German Law. For special information the Federal Office of Justice may be consulted.
Means of communication (e.g. by post, fax, e-mail ²):	Generally post or fax if urgent
Language requirements:	In general, as to incoming requests, a German translation is required. Within the scope of application of several bi- or multilateral agreements exceptions have been made.
Document requirements and modalities/requirements for the procedure of confiscation:	Cf. brochure "Asset Recovery under German Law" from the Ministry of Justice and Consumer Protection: http://star.worldbank.org/star/document/asset-recovery-under-german-law-english
Other requirements, if applicable: For example: a link between the proceeds and the criminal offence. In case of money laundering, what are the requirements for the predicate offence(s):	Cf. brochure "Asset Recovery under German Law" from the Ministry of Justice and Consumer Protection: http://star.worldbank.org/star/document/asset-recovery-under-german-law-english
Procedure /possibilities to trace assets/proceeds when a (foreign) confiscation order is already given:	Cf. brochure "Asset Recovery under German Law" from the Ministry of Justice and Consumer Protection: http://star.worldbank.org/star/document/asset-recovery-under-german-law-english

² Please indicate if encryption or electronic signature is required.

Procedure for sharing of assets, if applicable:	Cf. brochure "Asset Recovery under German Law" from the Ministry of Justice an Consumer Protection: http://star.worldbank.org/star/document/asset-recovery-under-german-law-english
Where applicable, limitations to the possibility for the requesting state to serve judicial documents directly to the persons concerned:	Cf. brochure "Asset Recovery under German Law" from the Ministry of Justice an Consumer Protection: http://star.worldbank.org/star/document/asset-recovery-under-german-law-english
Other particularly relevant information on special types of assistance	
Non Conviction Based Confiscation:	Cf. brochure "Asset Recovery under German Law" from the Ministry of Justice an Consumer Protection: http://star.worldbank.org/star/document/asset-recovery-under-german-law-english
MLA regarding liability of legal persons (criminal, civil or administrative):	Cf. brochure "Asset Recovery under German Law" from the Ministry of Justice an Consumer Protection: http://star.worldbank.org/star/document/asset-recovery-under-german-law-english
Other information (for example, extended confiscation, confiscation for the purpose of victims):	Cf. brochure "Asset Recovery under German Law" from the Ministry of Justice an Consumer Protection: http://star.worldbank.org/star/document/asset-recovery-under-german-law-english
Links to national legislation, national guides on procedure:	Cf. brochure "Asset Recovery under German Law" from the Ministry of Justice an Consumer Protection: http://star.worldbank.org/star/document/asset-recovery-under-german-law-english