

Denmark – national procedures for mutual legal assistance on laundering,
search, seizure and confiscation of proceeds of crime (ETS No. 141)
Updated 11/11/2016

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

Procedure for search (asset-tracing) and seizure	
The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance (including freezing and seizure):	The Director of Public Prosecutions Frederiksholms Kanal 16 1220 København K Denmark Telephone: + 45 72 68 90 00 Fax: + 45 72 68 90 04 E-mail: rigsadvokaten@ankl.dk
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):	Directly, through diplomatic channels or through INTERPOL/SIS.
Means of communication (e.g. by post, fax, e-mail ¹):	Post, fax or encrypted e-mails
Language requirements:	In accordance with article 25 of the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Denmark has declared that requests and supporting documents from countries other than Austria, France, Germany, Ireland, Norway, Sweden or the United Kingdom must be accompanied by a translation into either Danish or one of the official languages of the

¹ Please indicate if encryption or electronic signature is required.

	Council of Europe. With regard to voluminous documents, Denmark reserves the right, as appropriate, to require a Danish translation or to have one made at the expense of the requesting party.
Double criminality requirement, if applicable:	Dual criminality is generally required for assistance that requires a court order.
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.:	
Limitation of use of evidence obtained:	It follows from basic legal principles that evidence obtained through a request for mutual legal assistance can only be used for other purposes with the consent of the Danish authorities.
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:	Decisions about seizure and orders of disclosure are made by the court upon request of the police. Decisions about seizure and orders of disclosure are made by the court in the form of an order.

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:	The Director of Public Prosecutions Frederiksholms Kanal 16 1220 København K Denmark Telephone: + 45 72 68 90 00 Fax: + 45 72 68 90 04 E-mail: rigsadvokaten@ankl.dk
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):	
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Document requirements and modalities/requirements for the procedure of confiscation:	
<p>Other requirements, if applicable:</p> <p>For example: a link between the proceeds and the criminal offence.</p> <p>In case of money laundering, what are the requirements for the predicate offence(s):</p>	<p>The proceeds of a criminal act, or a corresponding amount, may be confiscated in full or in part. A link to a criminal offence is therefore required. A basis for determining the size of the amount to be confiscated is also needed.</p> <p>However, if the basis for determination is insufficient, an amount deemed equivalent to the proceeds made may be confiscated.</p>
Procedure /possibilities to trace assets/proceeds when a (foreign) confiscation order is already given:	
Procedure for sharing of assets, if applicable:	
Where applicable, limitations to the possibility for the requesting state to serve judicial documents directly to the persons concerned:	<p>Requests made on the basis of this convention for service of judicial documents on the persons concerned must be made through the Central Authority.</p>
Other particularly relevant information on special types of assistance	

Non Conviction Based Confiscation:	
MLA regarding liability of legal persons (criminal, civil or administrative):	
Other information (for example, extended confiscation, confiscation for the purpose of victims):	If deemed necessary to prevent further offences or otherwise justified by special circumstances, confiscation be ordered on items used for or intended to be used for a criminal act; items produced through a criminal act and items otherwise involved in a criminal act. Instead of the confiscation of such items full or partial value of may be confiscated or a decision may be made about measures relating to the items to prevent further offences.
Links to national legislation, national guides on procedure:	https://www.retsinformation.dk/forms/r0710.aspx?id=2160