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Rigsadvokatmeddelelsen, afsnittet: Overførsel af retsforfølgning i Norden

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1. Indledning

Afsnittet om overførsel af retsforfølgning i Norden beskriver behandlingen af overførsel af straffesager mellem to nordiske lande (Danmark, Sverige, Norge, Finland og Island).

En anmodning om overførsel af retsforfølgning til et andet nordisk land kan blandt andet være relevant i en straffesag, hvis den sigtede har fast bopæl i et andet nordisk land, og retsforfølgningen mest hensigtsmæssigt finder sted i dette land, f.eks. fordi bevisførelsen i sagen ikke nødvendiggør, at sagen føres i det land, hvor sagen er opstået. Det kan være i tilståelsessager eller i sager, hvor sagens vidner og andre hovedbeviser befinder sig i det andet land.

Fremsendelse af en anmodning om overførsel af retsforfølgning kan endvidere være et alternativ til udlevering i sager, hvor der ikke vurderes at være grundlag for en udleveringsbegæring, f.eks. fordi betingelserne for at kunne udstede en arrestordre ikke er opfyldt.

2. Retsgrundlag

Rigsadvokaterne i de nordiske lande (Danmark, Sverige, Norge, Finland og Island) har den 9. juni 2025 indgået en aftale om overførsel af retsforfølgning mellem de nordiske lande. Denne aftale erstatter en tidligere aftale af 6. februar 1970 mellem de nordiske Rigsadvokater, med senere tilføjelser.

Aftalen af 9. juni 2025 gælder mellem Danmark og alle de øvrige nordiske lande. Aftalen er ikke en bindende juridisk international aftale, men er udtryk for en fælles forståelse mellem de nordiske anklagemyndigheder for, hvordan disse sager bør behandles på den mest hensigtsmæssige og smidige måde mellem myndighederne i de nordiske lande.

Danmark, Sverige og Norge har endvidere tiltrådt Europarådets konvention af 15. maj 1972 om overførsel af retsforfølgning i straffesager. Aftalen af 9. juni 2025 indgået mellem de nordiske Rigsadvokater supplerer således konventionen i disse sager mellem Danmark og Sverige eller Norge.

Mellem Danmark og Island eller Finland gælder der ikke et egentligt retsgrundlag vedrørende overførsel af retsforfølgning. Disse sager reguleres således alene ved aftalen af 9. juni 2025 indgået mellem de nordiske Rigsadvokater.

3. Sagsproces

3.1. Anmodninger om overførsel af retsforfølgning fra Danmark til et andet nordisk land

Den lokale anklagemyndighed er udpeget som kompetent myndighed til at sende anmodninger om overførsel af retsforfølgning til de andre nordiske lande. Det er således den lokale anklagemyndighed, der bestemmer, om en dansk straffesag, skal søges overført til et andet nordisk land.

Den lokale anklagemyndighed udarbejder og sender anmodningen direkte til den udenlandske myndighed, der er kompetent til at modtage den danske anmodning.

En anmodning til et andet nordisk land om overførsel af retsforfølgning udarbejdes, som udgangspunkt, på en særlig attest, der findes som bilag til aftalen af 9. juni 2025 indgået mellem de nordiske Rigsadvokater. Attesten kan findes i Polsas.

Attesten skal udarbejdes på, eller oversættes til et sprog, som det anmodede land accepterer.

Som udgangspunkt vedlægges alle sagens akter til anmodningen. Hvis der indledningsvist alene fremsendes en del af sagens akter, skal der endvidere udarbejdes og vedlægges en oversigt over alle sagens bilag. De bilag der vedlægges anmodningen, skal være udarbejdet på, eller oversat til et sprog, som det anmodede land accepterer.

I aftalen af 9. juni 2025 indgået mellem de nordiske Rigsadvokater fremgår der oplysninger om, hvilke myndigheder der er kompetente til at sende og modtage anmodninger (bilag II), samt hvilke sprog landene accepterer at modtage anmodninger og akter på (bilag III). Alle bilagene findes i afsnit 4 nedenfor.

3.1.1. Mulighed for indledende drøftelse

Det er muligt, før der fremsendes en formel anmodning, at kontakte den kompetente myndighed i et andet nordisk land for en uformel drøftelse af muligheden for en overførsel af retsforfølgning af en sag (Consultation). Det kan være relevant, hvis der er tvivl, om det/de omhandlede forhold også er strafbare i det andet nordiske land, eller hvis der ønskes en forhåndstilkendegivelse fra den kompetente myndighed i et andet nordisk land om vurderingen af muligheden eller hensigtsmæssigheden af en overførsel af den konkrete sag.

Til brug for denne drøftelse kan attesten, der er udarbejdet som bilag til aftalen af 9. juni 2025 indgået mellem de nordiske Rigsadvokater, benyttes. Det markeres i så fald under attestens første punkt, at der er tale om en indledende drøftelse (Consultation) og ikke en egentlig anmodning. Det er i denne situation ikke nødvendigt at vedlægge nogle af sagens akter. Attesten (og eventuelle bilag) skal være udarbejdet på, eller oversat til et sprog, som det anmodede land accepterer.

3.2. Anmodninger om overførsel af retsforfølgning fra et andet nordisk land til Danmark

Den lokale anklagemyndighed er udpeget som kompetent myndighed til at modtage anmodninger om overførsel af retsforfølgning fra de andre nordiske lande. Det er den lokale anklagemyndighed, der bestemmer, om det kan accepteres, at en straffesag fra et andet nordisk land skal overføres til Danmark.

Den lokale anklagemyndig skal straks bekræfte modtagelsen af anmodningen over for den anmodende myndighed, og skal snarest muligt træffe beslutning om, hvorvidt anmodningen imødekommes, og meddele den anmodende myndighed om beslutningen.

Vær opmærksom på at attesten i bilag I i aftalen mellem de nordiske Rigsadvokater både kan anvendes til en egentlig anmodning om overførsel af retsforfølgning, samt en uformel drøftelse af muligheden for en overførsel af retsforfølgning af en sag (Consultation). Dette fremgår af attestens første punkt.

Relevante hensyn til brug for beslutning

En anmodning fra Sverige eller Norge er omfattet af Europarådets konvention af 15. maj 1972 om overførsel af retsforfølgning i straffesager. Beslutningen om accept eller afslag på en anmodning fra Sverige eller Norge skal træffes på baggrund af bestemmelserne i konventionens artikel 10 og 11.

En anmodning fra Finland eller Island er alene omfattet af Aftalen af 9. juni 2025 indgået mellem de nordiske Rigsadvokater. Beslutningen om accept eller afslag på en anmodning fra Finland eller Island skal træffes på baggrund af hensynene beskrevet i artikel 3 i den nordiske Rigsadvokataftale.

Hensynene beskrevet i artikel 3, bør dog indgå i beslutningen om accept eller afslag på anmodninger fra alle de nordiske lande.

4. Regler og bilag

Internationale konventioner og aftaler

- Aftale om overførsel af retsforfølgning mellem de nordiske lande indgået den 9. juni 2025 mellem Rigsadvokaterne i de nordiske lande.

Med bilag:

Bilag I – attest

Bilag II - kompetente myndigheder

Bilag III - accepterede sprog

NB: attesten (bilag I) findes endvidere i Polsas.

- Den Europarådets konvention af 15. maj 1972 om overførsel af retsforfølgning i straffesager (engelsk).

Danske love

-Lov nr. 252 af 12. juni 1975 om overførsel til andet land af retsforfølgning i straffesager (med Europarådets konvention af 15. maj 1972 på dansk)

Bilag

Bilag 1 - Nordisk overførselsaftale af 9. juni 2025, med bilag.

The Prosecutors General and Directors of Public Prosecutions of the Nordic Countries have 9th June 2025 agreed on the following agreement

Agreement on the transfer of criminal proceedings between the Nordic countries

Chapter 1: General

Article 1: Scope

This agreement contains guiding principles that supplement existing international instruments and aims at facilitating and improving cooperation regarding the transfer of proceedings between the Nordic countries.

This agreement replaces the agreement of 6th of February 1970 with later amendments.

Article 2: Definitions

Requesting authority means the authority competent according to national legislation to issue a request for the transfer of proceedings. The competent requesting authorities are set out in Annex II.

Requested authority means the authority competent according to national legislation to take a decision on a request for the transfer of proceedings. The competent requested authorities are set out in Annex II.

Article 3: Criteria for the transfer of proceedings

When a transfer of proceedings is considered, the authorities shall take into account the efficient and proper administration of justice, including proportionality, and give due consideration to the interests of the victim(s) and the suspect(s) or accused person(s). The authorities shall give special consideration to the needs of child victims/suspects and other particularly vulnerable individuals.

The authorities shall in particular take into account the following criteria when considering whether to request or accept the transfer of proceedings:

1. one or more suspects or accused persons are nationals of or reside in the requested country;
2. one or more suspects or accused persons are serving or are about to serve a sentence involving deprivation of liberty in the requested country;
3. there are ongoing proceedings for the same or other offences against the suspect or accused person in the requested country;
4. the presence of the suspect or the accused can be ensured in the requested country but not in the requesting country;
5. most of the evidence relevant to the investigation is located in the requested country;
6. one or more victims or witnesses reside in the requested country.

Chapter 2: Procedure

Article 4: Consultation

Consultations between the requesting and the requested authority may take place before a request for the transfer of criminal proceedings is issued, in particular to assess dual criminality and whether the transfer would serve the interests of efficient and proper administration of justice, including whether it is proportionate.

Consultations may be initiated by both the requesting and requested authorities.

The form (Annex I) may be used and may also be accompanied by additional documentation.

Article 5: Requesting the transfer

When issuing a request for the transfer of proceedings, the requesting authority shall as a rule use the form (Annex I). The request shall be accompanied by the documents in the investigation file. If not all documents are forwarded, an index of the file shall be enclosed.

The requesting authority shall transmit the request for the transfer of criminal proceedings directly to the requested authority (Annex II).

Article 6: Language and translation

The completed form and enclosed documents shall be issued in or translated into the official language(s) of the requested country or any other language accepted by the requested country (Annex III).

Article 7: Informing the requesting authority

The requested authority shall immediately send an acknowledgment of receipt of the request and shall inform the requesting authority about the decision on the request without undue delay.

The requested authority shall inform the requesting authority about the outcome of the case if so requested in the form or otherwise.

Article 8: Withdrawal and revocation

The requesting authority may withdraw the request before having received the requested authority's decision.

The requested authority may revoke its consent if changed circumstances so justifies.

The transfer may be revoked if the requesting and the requested authorities so agree.

If the requested country has gathered investigation material and the transfer is revoked, the requested authority shall inform the requesting authority of the new material.

Parties to the case who have been informed about the request for or decision on the transfer should be informed about the decisions made in accordance with this Article.

Article 9: Means of communication

The request and accompanying material shall be sent by post or any other means of communication accepted by the requested country.

Article 10: Coercive measures

The requesting authority shall inform the requested authority about all coercive measures taken in the case.

The requesting and requested authorities may consult about possible actions to be taken with regard to the coercive measures.

Chapter 3: Final Provisions

Article 11: Relations to other agreements

The provisions of this agreement may not be applied should they be in conflict with national legislation or mandatory provisions of other legal instruments on the transfer of proceedings binding on the parties.

Article 12: Amendments to the agreement and annexes

Amendments shall be agreed upon by the Prosecutors General and Directors of Public Prosecutions.

Updates of the annexes may be decided upon by representatives designated by the Prosecutors General and Directors of Public Prosecutions.

Turku 9th June 2025



Jan Reckendorff, Denmark



Sigríður J. Friðjónsdóttir, Iceland



Katarina Johansson Welin, Sweden



Jørn Sigurd Maurud, Norway



Ari-Pekka Koivisto, Finland

ANNEXES:

- I The form
- II Competent authorities
- III Languages

ANNEX I - FORM

REQUEST FOR THE TRANSFER OF PROCEEDINGS IN CRIMINAL MATTERS

This request for the transfer of proceedings in criminal matters has been issued by a competent judicial authority in Denmark, Finland, Iceland, Norway or Sweden according to the agreement on the transfer of proceedings in criminal matters between the Nordic countries/Transfer of criminal proceedings between the Nordic countries from 9.6.2025.

The purpose of the request

☐ Consultation (Article 4)

☐ Request for the transfer of proceedings

A) Countries involved

Requesting country:

Requested country:

B) Authorities involved

Requesting authority:

Requested authority:

C) Information regarding the natural or legal suspect(s) or accused person(s) if identified/known

Name(s):

Nationality(ies):

Sex:

Date of birth(s) and social security number:
(If legal person, registration number)

Address:

Telephone:
E-mail:
Language(s) which the suspect(s) understands:
Other relevant information:

D) Information regarding the victim
Name(s):
Nationality(ies):
Sex:
Date of birth(s) and social security number: (If legal person, registration number)
Address:
Telephone:
E-mail:
Language(s) which the victim understands:
Other relevant information:

E) Reason(s) for the request for the transfer of proceedings
☐ The suspected person lives in the requested state ☐ The victim lives in the requested state ☐ The offence has been committed in the requested state ☐ Other:

F) Offence(s)
Description of the offence(s) including the time, place and degree of participation in the offence(s) by the suspect:
1.
2.
3.
Legal provisions

1.
2.
3.
Date when each offence is statute-barred:
Legal provision on statute of limitation:
Other circumstances relevant to the case (optional information):

G) Information given to the parties

- ☐ The parties to the criminal case have been informed about this request as follows (who, when, how, their opinion):
- ☐ The parties of the criminal case have not been informed about this request

H) Coercive measures taken

(Seizure, detention, etc.):

I) Outcome of the case

The requesting country wishes to be informed about the outcome of the case:

- ☐ Yes
- ☐ No

J) Enclosures

The documents of the case

- ☐ Yes
- ☐ No

Criminal record(s) of the suspect(s)

- ☐ Yes
- ☐ No

Other material:

K) Contact person for consultations or regarding the status of the proceedings, results and other discussions

- ☐ Same as the requesting authority (additional contact details can be added)
- ☐ Other (contact details below)

Authority:
Name:
Post held (title/grade):
Address:
Personal telephone (country code) (area/city code):
Personal e-mail:
Office telephone (country code) (area/city code):
Office e-mail:

L) Signature of the requesting authority
Name:
Name of its representative (if different):
Post held (title/grade):
Case reference:
Office and Address:
Telephone (country code) (area/city code):
E-mail:
Date:
Signature (electronic or handwritten):

ANNEX II – COMPETENT AUTHORITIES

Denmark

Requesting authority: The district prosecution service

Requested authority: The district prosecution service in the police district where the offence has been committed or where the suspect/accused is residing. If this information is unknown, the request shall be sent to the Director of Public Prosecutions.

Finland

Requesting authority: The prosecutor

Requested authority: The Prosecution District where the offence has been committed or where the suspect/accused resides:

Prosecution districts:

- Prosecution District of Southern Finland
 - etela-suomi.syyttaja@oikeus.fi
- Prosecution District of Western Finland
 - lansi-suomi.syyttaja@oikeus.fi
- Prosecution District of Eastern Finland
 - ita-suomi.syyttaja@oikeus.fi
- Prosecution District of Northern Finland
 - pohjois-suomi.syyttaja@oikeus.fi
- Prosecution District of Åland
 - aland.aklagare@om.fi

If the competent Prosecution District is not known, contact any of the prosecutors in the EJN contact point list.

Iceland

Requesting authority: Ríkissaksóknari (The Director of Public Prosecutions), address Suðurlandsbraut 4, 6th floor, 108 Reykjavík.

Email: saksoknari@saksoknari.is

Requested authority: Ríkissaksóknari (The Director of Public Prosecutions), address Suðurlandsbraut 4, 6th floor, 108 Reykjavík.

Email: saksoknari@saksoknari.is

Additional information: Material preferably by mail.

Norway

Requesting authority: Chief of Police, which includes Prosecutors of the Police District.

Requested authority: The Chief of Police, which includes Prosecutors of the Police District where the offence has been committed or where the suspect/accused is residing. If the district is unknown, the request should be sent to the Director of Public Prosecutions.

Sweden

Requesting authority: The Public Prosecutor.

Requested authority: The Public Prosecution Office in the territory where the suspect/accused is residing. If not known, the request could be sent to the Prosecutor General's Office. EJM Atlas and EJM Contact Points can be used to locate the competent Public Prosecution Office.

ANNEX III – ACCEPTED LANGUAGES

The requesting authority may consult the requested authority regarding translations.

Denmark

Request: Danish, Norwegian, Swedish or English

Documents: Danish, Norwegian or Swedish

Finland

Request: Finnish, Swedish or English

Documents: Finnish, Swedish or English

If the documents need to be translated in the requesting country, Finland prefers the material to be translated into Finnish unless the suspect's mother tongue is Swedish.

Iceland

Request: Icelandic or English

Documents: Icelandic or English

Norway

Request: Norwegian, Danish, Swedish or English

Documents: Norwegian, Danish or Swedish

Sweden

Request: Swedish, Danish, Norwegian or English

Documents: Swedish, Danish or Norwegian