

Annex 2 [Note verbale reference: CU 2023/225/DTA/CEB/CSS]

“Progress made and challenges encountered in implementing resolution 9/1”

States parties are invited to provide relevant information in line with paragraph 25 of resolution 9/1, entitled Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery, in which the Conference:

*[Requested] the secretariat to submit to the Conference of the States Parties at its tenth session a report on **progress made and challenges encountered in implementing [resolution 9/1]**¹.*

A. Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: Denmark

Government Agency: The Danish Ministry of Justice

Department: Criminal Law

[Redacted contact information]

B. Questions

1. Progress made

Please describe the measures or steps your country has taken (or is planning to take, together with the related appropriate time frame) to implement operative paragraphs 1 to 21 of resolution 9/1. *Please state the relevant operative paragraphs in your answer.*

Concerning paragraph 11. Reaffirms States parties’ commitment to making efforts in international cooperation and taking appropriate measures to enhance beneficial ownership transparency by ensuring that adequate, accurate and timely beneficial ownership information is available and accessible to competent authorities and by promoting beneficial ownership disclosures and transparency, such as through appropriate registries, where consistent with

¹ Please note that the secretariat has collected information on the implementation of paragraphs 22 and 23 of resolution 9/1 separately.

the fundamental principles of domestic legal systems, and encourages States parties to take such measures also during times of emergencies and crisis response and recovery;

The National Special Crime Unit (SCU) investigate complex crime which is often international. The Danish Police cooperate with police departments in other countries regarding investigations and exchange of information and evidence.

The Danish authorities has a public system for companies which shows the ownership and managing roles of any Danish company.

Concerning paragraph 12. Calls upon States parties to investigate and prosecute offences established in accordance with the Convention against Corruption that result in unfair commercial practices, such as price gouging and the manipulation of the prices of essential goods and services or bids, especially those needed to respond during times of emergencies and crisis;

The SCU work in close cooperation with the Danish Competition Authority to investigate violations of the Danish Competition act such as cartel formation, price agreements and market sharing.

Concerning paragraph 13. Encourages States parties to reinforce and enhance inter-agency cooperation at all levels to prevent individuals and companies, other legal entities, and systems used to transfer money, as well as non-regulated or unregistered financial or commercial or non-commercial entities at serious risk of being abused for corruption and money-laundering, from committing or being used to facilitate acts of corruption, including during times of emergencies and crisis response and recovery, and to encourage and support companies and financial institutions in this regard, including to make better use of resources already expended;

In the Danish Money Laundering Act a cash ban at DKK 20.000 was implemented in July 2021. This means that it is forbidden for Danish companies to receive cash-amounts bigger than DKK 20.000 in at trade to prevent money laundering.

Concerning paragraph 16. Notes with appreciation the important role of civil society, academia, the private sector and the media in identifying, detecting and reporting on cases of corruption and, in this regard, urges States parties to take appropriate measures, within their means and in accordance with the fundamental principles of domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations, community-based organizations and the private sector, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption, including during times of emergencies and crisis response and recovery, encourages States parties to respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning

corruption, which may be subject to certain restrictions, such as are provided for by law and are necessary for respect of the rights or reputations of others and for the protection of national security, public order or public health or morals, and also encourages States parties to consider inviting those individuals and groups to contribute to the development and implementation of technical assistance programmes, upon request and based on the needs identified for the implementation of the provisions of the Convention against Corruption, and making efforts so that the conditions are present for their effective contribution to achieving the objectives of the Convention, including the ability to operate independently and without fear of reprisal because of their efforts in that regard, in accordance with domestic law and their respective applicable international obligations;

In Denmark we have a National Whistleblower arrangement online. At whistleblower.dk citizens can report various breaches of EU law, serious breaches of the law and other serious matters that they have become aware through their work.

Although the scheme has been established by the Danish Data Protection Authority, it is not only GDPR and data protection matters that people can report. For example, it can also be bribery, wiretapping, fraud, harassment and other serious matters.

Concerning paragraph 18. Encourages States parties to, as appropriate and in accordance with domestic law and their respective applicable international obligations, develop and strengthen the use of reliable, high-quality, timely and effective electronic communication channels that enable anti-corruption bodies, supreme audit institutions and other relevant entities to rapidly share timely information at the national and international levels through existing mechanisms, including those of the International Criminal Police Organization (INTERPOL), and consider accepting electronic copies in the sending and receiving of mutual legal assistance requests, including during times of emergencies and crisis response and recovery, and notes the new Global Operational Network of Anti-Corruption Law Enforcement Authorities, which aims to develop a quick, agile and efficient tool for combating cross-border corruption offences, strengthen communication exchange and peer learning between competent anti-corruption law enforcement authorities and complement and coordinate with existing and efficient tools for international cooperation;

The SCU collaborate with several international organizations, for example Interpol, Europol and Eurojust, which results in speedy exchange of information that maybe vital for the investigation of the corruption cases in Denmark or other countries.

Concerning paragraph 21. Recalls article 43 of the Convention against Corruption, in which States parties are mandated to cooperate in criminal matters and, where appropriate and consistent with their domestic legal systems, consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption, also recalls article 46 of the Convention, in which States parties are mandated to afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the Convention, through central authorities, and urges States parties to assist one another, including through joint or parallel

investigations and bilateral sharing of capacity and expertise, where appropriate, through INTERPOL, including during times of emergencies and crisis response and recovery;

Each MLA to the SCU is handled efficiently and professional by experienced prosecutors and investigators, and NSCU aims to take immediate action to each request if there is legal ground for law enforcement or other legal actions.

2. Challenges encountered

Please describe any challenges your country has encountered in implementing operative paragraphs 1 to 21 of resolution 9/1 regarding strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery. *Please state the relevant operative paragraphs in your answer.*