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If my claim (from another country) is to be considered in this country

Content provided by:
Denmark



Denmark

Which authority decides on a claim for compensation in cross-border cases?

The Danish Criminal Injuries Compensation Board

- Address: Toldboden 2, 2. sal DK-8800 Viborg
- Email: Erstatningsnaevnet@erstatningsnaevnet.dk
- Tel.: +45 33 92 33 34
- Website: <http://www.erstatningsnaevnet.dk/da/GlobalMenu/english.aspx>

Can I send my claim directly to the deciding authority in this country even in cross-border cases (without having to go via the assisting authority in my home country)?

It is not a requirement that the application be sent via the assisting authority. The application can be sent directly to the decision-making authority in this country (the Danish Criminal Injuries Compensation Board), which will then send the application to the police in the district where the criminal case was investigated. The application can also be sent directly to the police.

In which language(s) do the compensation authorities accept the: claim? supporting documents?

All documents sent are accepted in both Danish and English. However, the Danish Criminal Injuries Compensation Board would prefer that all documents be translated into Danish as far as possible.

Denmark has entered into a language convention with the Nordic countries of Finland, Iceland, Norway and Sweden, in accordance with which citizens of these countries have the right to use their own language in another Nordic country. The languages covered by the convention are Danish, Finnish, Icelandic, Norwegian and Swedish.

If the compensation authority translates the claim/supporting documents from another EU country, who pays for this?

The Danish police pays for the translation of documents in compensation cases.

Are there administrative or other charges to be paid in this country for

processing my claim (received from another EU country)? If so, how can I pay these?

No.

If I need to be present during the procedure and/or when my claim is being decided upon, can I be reimbursed for my travelling costs? How can I claim them? Who do I have to contact?

The consideration of a case takes place on a written basis. As the applicant, you need not therefore be present either during the Danish Criminal Injuries Compensation Board's consideration of the case, or when the Board takes a decision.

Is an interpreter provided, in case I have to be personally present?

As the consideration of a case takes place on a written basis, the questions of personal attendance and assistance with interpreting are not relevant.

Will medical certificates, given by doctors in my country of residence, be accepted or recognised – or will my health/injury have to be examined by your own medical experts?

There is no requirement for medical assessments and examinations to be undertaken by doctors in this country. As a general rule, the Danish Criminal Injuries Compensation Board accepts all medical certificates.

Will I be reimbursed for my travelling costs, if I have to undergo a medical examination in this country?

There is normally no need for medical examinations in this country if you live in another EU country, as the examination can take place in your country of residence.

Expenditure for travelling to and from treatment can be covered as an expense connected with recuperation.

How long does it take approximately to get a decision on compensation from the authority/body?

The case consideration time on the part of the Danish Criminal Injuries Compensation Board can vary considerably from case to case. This is due, among other things, to the need to obtain additional information for the case from, depending on the specific circumstances, the police, doctors or other authorities; likewise, in cases where there is a question of permanent injury or loss of earning capacity, the case may need to be submitted to Labour Market Insurance (*Arbejdsmarkedets Erhvervssikring*), which may result in the case consideration time being extended.

More than 50% of the new cases received by the Danish Criminal Injuries Compensation Board are processed within 50 days in accordance with a particularly rapid procedure used in uncomplicated cases. These include cases where there is a final judgement regarding both the question of guilt and the amount of compensation.

If the case cannot be settled using this particularly rapid procedure, the ordinary case processing time on the part of the Danish Criminal Injuries Compensation Board is currently up to 18 months from when the Board receives a new application for compensation.

You can expedite the consideration of your case by submitting evidence of your claims to the Board. The documentation may consist of, for example, receipts for the purchase of medicines, medical certificates for the

period of illness or a declaration from your employer regarding lost income as a result of the injury.

In which language will I receive the decision on my claim?

The Danish Criminal Injuries Compensation Board prepares all decisions in Danish. You then have the opportunity to have the decision translated by the assisting authority in your home country

If I am not satisfied with the decision, how can I challenge it?

You cannot approach other authorities to appeal against the decision of the Danish Criminal Injuries Compensation Board. If you want to change the decision, you must first contact the Danish Criminal Injuries Compensation Board and explain why you do not agree with the decision. The Board will then assess whether there is a basis for reopening the examination of the case. The criterion is usually that the applicant have provided new and relevant information that is important for the outcome of the case.

If the Danish Criminal Injuries Compensation Board upholds its decision, you can have the decision of the Danish Criminal Injuries Compensation Board reviewed by the courts.

You can also appeal to the Parliamentary Ombudsman.

Can I get legal aid (help from a lawyer) under the other country's rules?

The consideration of cases is organised in such a way that you generally do not need legal assistance, but there is the option of this using the regulations in this country. In special cases, the Danish Criminal Injuries Compensation Board may decide that the applicant must fully or partially meet the expenses incurred by him or her in connection with the proceedings before the Board.

There is no requirement that any legal aid or access to a lawyer should be provided by a lawyer or legal aid organisation in this country.

Are there any victim support organisations in this country that can help me claim compensation in a cross-border case?

- Hjælp Voldsofre (Rådhusstræde 7, 1. sal, DK-8900 Randers C, email: voldsofre@voldsofre.dk)
- Offerrådgivningen (Vesterballevej 5, DK-7000 Fredericia, email: info@offerraadgivning.dk)

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