

**Austrian Reply
to the Questionnaire
“On ways to improve international co-operation in the criminal field”
CCPE-Bu (2006) 06**

by Ernst Eugen FABRIZY

According to Austrian law in force mutual assistance in the criminal law field has to be demanded and granted not by the public prosecutor, but by the judge. Thus international co-operation between prosecution offices plays a minor role in Austria. This will change fundamentally in the year 2008, when the new Code of Criminal Procedure will come into force: according to the new law the public prosecutor will have the competence for mutual assistance.

Since the Austrian prosecution offices do not have much experience with international co-operation up to now, I am not able to give examples of typical positive and negative cases. I just like to mention the outstanding case of an Austrian banker charged of abuse of power which caused a damage of € 1,4 billions, who had been surrendered by France recently through the intervention of Eurojust, which procured for the contacts with the French authorities professionally.