

Austria¹ – national procedures for mutual legal assistance in criminal matters

States Parties are requested to fill in this table with the necessary information and return it to the Secretariat of the PC-OC. The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance:	The competent central authority is the Federal Ministry of Justice Department IV 1 Museumstrasse 7, 1070 Wien, Austria Tel: ++43/1/52152-2226 Fax: ++43/52152-2500 Mail: kzl_f@bmj.gv.at According to Austrian legislation the public prosecution service is competent to carry out requests for Mutual Legal Assistance.
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, through diplomatic channels or other):	S. Article 15 of the European Convention on Mutual Assistance in Criminal Matters.
Means of communication (eg. by post, fax, e-mail ²):	Austrian judicial authorities accept any means of communication that are capable of producing written records and allow to establish the authenticity of the document.
Language requirements:	Requests for Mutual Legal Assistance and the relevant documents have to be accompanied by a translation into German, English or French language.
Double criminality requirement, if	According to the Austrian reservation to Article 1 para 1 of the European Convention on Mutual Legal Assistance in

¹ Updated 14 February 2014.

² Please indicate if encryption or electronic signature is required.

applicable:	Criminal Matters, ETS No. 030, Austria will only grant assistance in proceedings in respect of offences also punishable under Austrian law and the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities.
Limitation of use of evidence obtained:	In principle none. In cases of spontaneous exchange of information without prior request for Mutual Legal Assistance the use of the information transferred is limited to the purpose underlying the transmission unless the Austrian authority expresses its consent to the use of the information in other proceedings.
Other particularly relevant information (e.g. documentation required for special types of assistance):	In cases of coercive measures of search and seizure, bank information, information about bank transactions, freezing of a bank account, observation, undercover investigation, an order issued by a court of the requesting State has to be attached. If the provisions of this State do not foresee a court order for such measures the requesting authority has to indicate that the internal legal requirements for the measure sought are met according to the legislation of the requesting State.
Links to national legislation, national guides on procedure:	The main national legislation is contained in the Federal Law of December 4, 1979 on Extradition and Mutual Assistance in Criminal Matters (Extradition and Mutual Assistance Law - ARHG) that applies to all cases with non EU-Member States. The Austrian legislation can be found at www.bka.ris.gv.at in German language. General information on the Austrian judicial system can be found at the webpage of the Federal Ministry of Justice at www.bmj.gv.at – also in English language.
Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests	Though Austria is not yet a Party to the Second Additional Protocol in case of urgency a direct transmission of MLA requests to the competent Public Prosecution Service is possible according to Article 15 of the Convention. The atlas the Website of the EJN allows to identify the respective competent authority: www.ejn-crimjust.europa.eu