

AUSTRIA

National Procedures for Mutual Assistance in Criminal Matters

Updated on 27/02/2021

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| The Central Authority responsible for MLA | Federal Ministry of Justice Department V 1 Museumstrasse 7, 1070 Wien, Austria Tel: ++43/1/52152-2226 Fax: ++43/52152-2500 E-mail: : team.s@bmj.gv.at According to Austrian legislation the public prosecution service is competent to carry out requests for Mutual Legal Assistance. |
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| If different from the Central Authority, the authority to which the request should be sent: | Name of the institution Address Telephone Fax E-mail |
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| Channels of communication for the request of MLA: (through diplomatic channels or other): In case of urgency (Art 15.2) direct transmission (link to contact details of competent authorities) or other | Following Art 15 of the European Convention on Mutual Assistance in Criminal Matters. |
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| Means of communication (eg. by post, fax, e-mail ¹): | Austrian judicial authorities accept any means of communication that are capable of producing written records and allow to establish the authenticity of the document. |
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| Language requirements: | Requests for Mutual Legal Assistance and the relevant documents have to be accompanied by a translation into German, English or French language |
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¹ Please indicate if encryption or electronic signature is required.

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| <p>Double criminality requirement, if applicable:</p> | <p>According to the Austrian reservation to Article 1 para 1 of the European Convention on Mutual Legal Assistance in 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. Under the rules of the 2nd Additional Protocol Austria, however, is also able to render mutual legal assistance in proceedings brought by the administrative authorities in respect of acts which are punishable under the national law of the requesting or the requested Party by virtue of being infringements of the rules of law, where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters.</p> |
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| <p>Limitation of use of evidence obtained:</p> | |
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| <p>Other relevant information: (e.g. documentation required for special types of assistance)</p> | |
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| <p>Links to national legislation, national guides on procedure:</p> | <p>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.</p> <p>The Austrian legislation can be found at www.bka.ris.gv.at in German language.</p> <p>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.</p> |
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| <p>Parties to the Second Additional Protocol:</p> <p>Channels of communication for <u>direct transmission requests</u></p> <p>(Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests)</p> | <p>Direct communication between judicial (or administrative) authorities. For judicial authorities the EJM-Atlas on www.ejm-crimjust.europa.eu can be consulted.</p> <p>A search engine for administrative authorities (“Bezirkshauptmannschaft”) can be found on https://www.help.gv.at/Portal.Node/hlpd/public/content/behoerden.html</p> |
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