

# European Chief Prosecutor Criticised Amendment of Austrian Criminal Procedure Code



## News

Cornelia Riehle

On 14 June 2024, in the aftermath of a ruling by the Austrian Constitutional Court, the Austrian Ministry of Justice proposed an amendment to the Austrian code of criminal procedure making the seizure of data and data storage devices a prerogative of the police. At the end of June 2024, European Chief Prosecutor *Laura Kövesi* published a [statement](#) on the proposal for the amendment to the Austrian code of criminal procedure.

According to the EPPO, the envisaged change in Austria would undermine the competences of the European Delegated Prosecutors as outlined in the EPPO Regulation. Under the EPPO Regulation, European Delegated Prosecutors must be able to undertake investigative measures themselves or to instruct the competent national authorities accordingly. For offences with a maximum penalty of at least four years of imprisonment, European Delegated Prosecutors themselves must be able to order searches of computer systems as well as obtain the production of stored computer data in their original or another specified form or request such investigative measures from the court. In her statement, *Kövesi* emphasized that alterations to this competence would have a negative impact on the independence, effectiveness, and expediency of EPPO investigations in Austria as well as on cross-border investigations involving Austria. The entire EPPO zone would be affected.

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