

Joint Interpretative Declaration

Upon signature of the Treaty between the Republic of Austria and the People's Republic of China on Mutual Legal Assistance in Criminal Matters, the Republic of Austria and the People's Republic of China stressed that each country enjoys the right to determine its legal system at its own discretion and to cooperate with other countries on the basis of equality and mutual benefit. The difference of legal systems shall not constitute obstacles to the cooperation between the two countries. In this spirit, the Republic of Austria has informed the People's Republic of China that Article 85 of the Austrian Constitution abolishes the death penalty. Therefore, in application of Article 2 paragraph 1 sub-paragraph (b) of the Treaty, the Republic of Austria can only provide legal assistance in any case that could involve the death penalty according to Chinese law if the People's Republic of China provides appropriate assurance that the information or evidence obtained from the Republic of Austria will not be used for imposing the death penalty. The People's Republic of China has taken note of this information and concurs with the understanding of the Republic of Austria of this provision of the Treaty.

For the Republic of Austria:

For the People's Republic of China: