

Case C-2/23

Request for a preliminary ruling

Date lodged:

3 January 2023

Referring court:

Oberlandesgericht Wien (Austria)

Date of the decision to refer:

20 December 2022

Appellants:

FL and KM Baugesellschaft m.b.H. & Co. KG
S AG

REPUBLIC OF AUSTRIA [...]

Oberlandesgericht Wien (Higher Regional Court, Vienna)

[...]

With regard to your request of 4 January 2023, we respectfully inform you that the Zentrale Staatsanwaltschaft zur Verfolgung von Wirtschaftsstrafsachen und Korruption (Central Public Prosecutor's Office for Combating Economic Crimes and Corruption) is, with respect to the present criminal proceedings, the competent public prosecutor's office which is leading the investigation.

It decides whether charges should be brought against a particular person, whether the prosecution should be withdrawn or whether the proceedings should be discontinued [...].

It has the power of appeal, is also a party to the appeal proceedings before the Higher Regional Court, Vienna, and, although the Strafprozessordnung (Austrian Code of Criminal Procedure) does not contain a formal concept of a 'party', is to be regarded as a party to the proceedings for the purposes of your request.

[...]

Mr DI MK is the first accused person listed in the register in the present criminal proceedings, but is not involved in the present appeal proceedings before the referring Higher Regional Court, Vienna.

The criminal proceedings are brought against approximately 850 accused persons in total.

The parties to the main proceedings are correctly named.

1. FL and KM Baugesellschaft m.b.H.& Co.KG

2. S AG

Those two associations, named as parties in the request for a preliminary ruling, are also accused persons in the criminal proceedings and, as appellants, parties to the appeal proceedings before the Higher Regional Court, Vienna.

[...]