



Council of the
European Union

Brussels, 8 March 2016
(OR. en)

8184/2/15
REV 2

COPEN 95
EUROJUST 78
EJN 35

NOTE

From:	Mr Franz Wirtenberger, Legal Adviser, Permanent Representation of Austria to the European Union
On:	10 March 2015
To:	Mr Rafael Fernández-Pita y González, Director-General, Council of the European Union

Subject:	EU Convention on Mutual Assistance in Criminal Matters between the Member States of the EU and the Protocol to that Convention
	- Ratification by Austria

Dear Sir,

As you will be aware, in 2005 Austria ratified the 2000 EU Convention on Mutual Assistance in Criminal Matters between the Member States of the EU and the 2001 Protocol to that Convention (Austrian Federal Law Gazette, part III, nr. 65 and 66/2005).

The statement on Article 24, which was amended previously (BGBl. III No 167/2013), has recently again be amended. The text of this statement as it currently reads, which has not yet been published in the Federal Law Gazette, is set out in the Annex, together with the other statements by Austria.

(Complimentary close)

(s.) Franz Wirtenberger

BGBL. III - Published on 11 May 2005 - No 65

**Statements by the Republic of Austria on the
Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member
States of the EU**

Re Article 1(5) of the Protocol

In accordance with Article 1(5) Austria states that it makes the execution of requests under Article 1 dependent on the same conditions as it applies in respect of requests for search and seizure.

Re Article 2(4) of the Protocol

In accordance with Article 2(4) Austria states that it makes the execution of requests under Article 2 dependent on the same conditions as it applies in respect of requests for search and seizure.

Re Article 24(1) of the Convention:

Austria declares in accordance with Article 24(1) that the authorities competent for the application of the Convention are those already indicated in the statement concerning Article 24 of the European Convention of 20 April 1959 on Mutual Assistance in Criminal Matters, and names:

- 1) as the competent administrative authorities within the meaning of Article 3(1): the district administrative authority having territorial jurisdiction (district chief officers' department or body of a city with a status of its own); however, in matters falling within the remit of the Land police departments in a local authority area in respect of which the Land police department is also the security authority of first instance, the Land police department and the district fiscal authority (tax and customs offices) shall be the competent administrative authorities;

- 2) as the competent central authority within the meaning of Article 6(2) and (8): the Federal Ministry of Justice;
- 3) as the competent authorities within the meaning of Article 6(5):
 1. for requests under Article 12: the public prosecutor's office in whose jurisdiction the border is expected to be crossed or from whose jurisdiction the controlled delivery is to start;
 2. for requests under Article 13: the public prosecutor's office having territorial jurisdiction;
 3. for requests under Article 14: the public prosecutor's office from whose jurisdiction the operation is expected to be launched;
- 4) as the competent administrative authorities within the meaning of Article 6(6): the district administrative authority having territorial jurisdiction (district chief officers' department or body of a city with a status of its own); however, in matters falling within the remit of the Land police departments in a local authority area in respect of which the Land police department is also the security authority of first instance, the Land police department and the district fiscal authority (tax and customs offices) shall be the competent administrative authorities;
- 5) as the competent authority within the meaning of Articles 18 and 19 and Article 20(1), (2), (3) and (5): the public prosecutor's office having territorial jurisdiction;
- 6) as the competent authority for the notification within the meaning of Article 20(2): SIRENE Austria.

Re Article 27(5) of the Convention:

Austria declares, in accordance with Article 27(5), that it will apply this Convention in its relations with Member States which have made the same declaration, until the Convention enters into force.