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**COVER NOTE**

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from:	Ms Gabriela Kopinits, (Attaché for Judicial Affairs), Permanent Representation of Austria to the European Union
date of receipt:	20 January 2012
to:	General Secretariat of the Council of the European Union Mr Rafael Fernández-Pita y González, Director-General of DG H – Justice and Home Affairs
Subject:	Implementation by Austria of Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union

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Sir,

The Permanent Representation of Austria to the European Union herewith forwards information from the Austrian Federal Ministry of Justice concerning implementation of Council Framework Decision 2008/909/JHA of 27 November 2008.

(Complimentary close).

(s.) Gabriela Kopinits

  

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Vienna, 19 January 2012

**Implementation by Austria of Council Framework**

**Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union**

**– Competent authorities and declarations**

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**I. Article 2 (Determination of the competent authorities):**

**1. Competent authorities for incoming requests:**

The competent authorities for incoming requests for enforcement are the regional courts. The certificate must be forwarded, together with the necessary documentation, to the regional court within whose district the sentenced person lives or is permanently resident. If the sentenced person is in judicial custody in Austria, it is the place of custody that prevails. Should it not prove possible under these provisions to determine the competence of a particular court, it is the Vienna regional criminal court that is competent.

**List of names and addresses of competent regional courts**

In order to ascertain the geographical coverage of the regional courts listed below, reference should be made to the European judicial atlas on the website of the European Judicial Network (<http://www.ejn.crimjust.europa.eu>).

<b>1. Landesgericht Eisenstadt</b>	Wiener Straße 9 7000 Eisenstadt Tel: +43/2682/701 Fax: +43/2682/701-444 lgeisenstadt.praesidium@justiz.gv.at
<b>2. Landesgericht Feldkirch</b>	Schillerstraße 1 6800 Feldkirch Tel: +43/5522/302-0 Fax: +43/5522-31779 lgfeldkirch.praesidium@justiz.gv.at
<b>3. Landesgericht für Strafsachen Graz</b>	C. v. Hötzendorfstraße 41 8010 Graz Tel: +43/316/8047 Fax: +43/316-5600 lgstrafsachengraz.praesidium@justiz.gv.at
<b>4. Landesgericht Innsbruck</b>	Maximilianstraße 4 6020 Innsbruck Tel: +43/512/5930-0 Fax: +43/512-582286 lginnsbruck.praesidium@justiz.gv.at

<b>5. Landesgericht Klagenfurt</b>	Dobernigstraße 2 9020 Klagenfurt Tel: +43/463/5840-0 Fax: +43/4635840-300 lgklagenfurt.praesidium@justiz.gv.at
<b>6. Landesgericht Korneuburg</b>	Hauptplatz 18 2100 Korneuburg Tel: +43/2262/799-0 Fax: +43/2262/799-275 lgkorneuburg.praesidium@justiz.gv.at
<b>7. Landesgericht Krems an der Donau</b>	Josef Wichner Straße 2 3500 Krems Tel: +43/2732/809-0 Fax: +43/2732/809-401 lgkrems.praesidium@justiz.gv.at
<b>8. Landesgericht Leoben</b>	Justizzentrum Leoben Dr. Hanns-Groß-Straße 7 8700 Leoben Tel: +43/3842/404-0 Fax: +433842/404-1035 lgleoben.praesidium@justiz.gv.at
<b>9. Landesgericht Linz</b>	Fadingerstraße 2 4020 Linz Tel: +43/5 7601-21 Fax: +43/5 7601-2930 lglinz.praesidium@justiz.gv.at

<b>10. Landesgericht Ried im Innkreis</b>	Bahnhofstraße 56 4910 Ried im Innkreis Tel: +43/5 7601-25 Fax: +43/5 7601-1188 lgried.praesidium@justiz.gv.at
<b>11. Landesgericht Salzburg</b>	Rudolfsplatz 2 5020 Salzburg Tel: +43/5 7601-233 Fax: +43/5 7601-1201 lgsalzburg.praesidium@justiz.gv.at
<b>12. Landesgericht St. Pölten</b>	Schießstattring 6 3100 St. Pölten Tel: +43/2742/809 Fax: +43/2742-79566 lgstpoelten.praesidium@justiz.gv.at
<b>13. Landesgericht Steyr</b>	Spitalskystraße 1 4400 Steyr Tel: +43/5 7601-26 Fax: +43/5 7601-1188 lgsteyr.praesidium@justiz.gv.at
<b>14. Landesgericht Wels</b>	Maria-Theresien-Straße 12 4600 Wels Tel: +43/5 7601-24 Fax: +43/5 7601-1188 lgwels.praesidium@justiz.gv.at

<b>15. Landesgericht für Strafsachen Wien</b>	Landesgerichtsstraße 11 1082 Wien Tel: +43/1/40127 Fax: +43/4025904 lgstrafsachenwien.praesidium@justiz.gv.at
<b>16. Landesgericht Wiener Neustadt</b>	Maria-Theresien-Ring 5 2700 Wiener Neustadt Tel: +43/2622/21510 Serie Fax: +43/2622/21510-272 oder 276 lgwienerneustadt.praesidium@justiz.gv.at

## 2. Competent authority for outgoing requests:

The competent authority for outgoing requests to obtain enforcement is the Federal Ministry of Justice.

## **II. Article 4(7)(a):**

Austria hereby declares that in its relations with those Member States that have given the same notification, its prior consent under Article 4(1)(c) is not required for the forwarding of the judgment and the certificate, if the sentenced person lives in and has been legally residing continuously for at least five years in Austria and will retain a permanent right of residence in Austria.

**III. Article 7(4) (Double criminality):**

Austria hereby declares that it will not apply Article 7(1).

**IV. Article 23(1) (Languages):**

The certificate must be accompanied by a translation into German. Certificates in other languages will be accepted on a basis of reciprocity, i.e. on condition that the Member State concerned also, when it is the executing State, accepts certificates in German.

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