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from: Dr Dieter BÖHMDORFER, Federal Minister for Justice, Republic of Austria  
date: 11 May 2004  
to: Mr Charles ELSEN, Director-General, DG H, General Secretariat of the Council  
Subject: European arrest warrant  
- Notifications and declarations by the Republic of Austria

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Sir,

Please find enclosed the notifications and declarations submitted by the Republic of Austria in accordance with the Council Framework Decision on the European arrest warrant and the surrender procedures between Member States.

Austria's National Council (*Nationalrat*) adopted the Federal Law on judicial cooperation in criminal matters with the Member States of the European Union on 25 March 2004. With the Federal Council's (*Bundesrat*) decision on 16 April 2004 not to object to it, the law, which will have the effect of introducing the European arrest warrant in Austria, will **enter into force on 1 May 2004**.

I take this opportunity, Sir, to express the assurance of my highest consideration.

(s.) Dieter BÖHMDORFER

From 1 May 2004, Austria will apply the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18 July 2002, p. 1) in its relations with those Member States which have already transposed it.

Austria would refer to the declaration it made in respect of Article 32 of the Framework Decision when the latter was adopted.

### **Re Article 6 of the Framework Decision**

#### **Competent issuing judicial authority**

The regional and district courts (*Landes- und Bezirksgerichte*) are competent to issue a European arrest warrant for the purpose of conducting a criminal prosecution or executing a custodial sentence or a preventive detention order.

#### **Competent executing judicial authority**

The examining magistrate of the regional court with territorial jurisdiction is competent to execute a European arrest warrant and conduct the surrender procedure. An appeal against the decision of the examining magistrate on the execution of a European arrest warrant may be lodged with the competent higher regional court (*Oberlandesgericht*).

### **Re Article 7(1) of the Framework Decision**

The Federal Ministry of Justice (*Bundesministerium für Justiz*) and the Federal Ministry of the Interior's Directorate-General for Public Security (*Bundesministerium für Inneres, Generaldirektion für die öffentliche Sicherheit*), Federal Criminal Police Office (*Bundeskriminalamt*) are the central authorities to assist the competent judicial authorities.

The addresses are as follows:

Bundesministerium für Justiz  
Abteilung IV 1  
Museumstraße 7  
1070 Wien  
Österreich  
**Tel:** +43-1-52 1 52-0  
**Fax:** +43-1-52 1 52-2500  
**e-mail:** [kzl.F@bmj.gv.at](mailto:kzl.F@bmj.gv.at)

Bundesministerium für Inneres  
Generaldirektion für die öffentliche Sicherheit  
Bundeskriminalamt - SIRENE Österreich  
Josef Holaubek Platz 1  
1090 Wien  
Österreich  
**Tel:** +43-1-24836-85280  
**Fax:** +43-1-315 28 54  
**e-mail:** [bmi-ii-bk-spoc@bmi.gv.at](mailto:bmi-ii-bk-spoc@bmi.gv.at)

### **Re Article 8(2) of the Framework Decision**

The Republic of Austria accepts a European arrest warrant in any official language of those Member States which accept European arrest warrants in German issued by Austrian courts.

### **Re Article 25(2) of the Framework Decision**

The Federal Minister of Justice decides on the transit of persons through the territory of the Republic of Austria to another Member State on the basis of a request submitted in advance. He therefore has jurisdiction for the receipt of transit requests and the necessary documentation, as well as any other official correspondence relating to transit requests.

### **Re Article 27(1) of the Framework Decision**

Austria declares that in its relations with other Member States that have made the same declaration, consent is presumed to have been given for the prosecution, sentencing or detention with a view to the carrying out of a custodial sentence or detention order for an offence committed prior to his or her surrender, other than that for which he or she was surrendered, unless in a particular case the executing judicial authority states otherwise in its decision on surrender.

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