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Annexes

Note Verbale

The Permanent Mission of the Republic of Austria to the Organization for Security and Co-operation in Europe, Vienna, presents its compliments to the Missions and Delegations of the participating States to the OSCE and to the OSCE Secretariat and has the honour, in reference to decision No. 2/09 of 1 April 2009 of the Forum for Security Co-operation, to provide herewith the annual reply of Austria to the Questionnaire on the Conduct of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Austria to the OSCE, Vienna, avails itself of this opportunity to renew to the Missions and Delegations of the participating States to the OSCE and to the OSCE Secretariat the assurances of its highest consideration.

Vienna, 16 April 2018



**To the
Missions and Delegations to the OSCE and the
OSCE General Secretariat
Vienna**

REPUBLIC OF AUSTRIA

Exchange of Information on the OSCE

Code of Conduct on

Politico-Military Aspects of Security

(submitted April 2018)

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

Austria has signed, ratified and implemented all 16 universal UN counter-terrorism conventions and protocols except for the 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation and the 2010 Protocol Supplementary to the Convention for the Unlawful Seizure of Aircraft.

Austria is party to the Council of Europe's Convention on Extradition of 1957, the second additional protocol thereto, and to the European Convention on the Suppression of Terrorism. It also signed the Protocol to the European Convention on the Suppression of Terrorism.

In May 2005 Austria signed the Council of Europe's Convention on the Prevention of Terrorism. After ratification the Convention entered into force on 1 April 2010.

In June 2012 Austria ratified the Council of Europe's Convention on Cybercrime, which entered into force for Austria on 1 October 2012.

The European Union has signed the Additional Protocol to the Council of Europe's Convention on the Prevention of Terrorism. Once the European Union has become a party to the Additional Protocol, Austria, as a Member State of the European Union, will be bound by the Protocol in its entirety.

In the relations between the Member States of the EU, extradition ("surrender") due to terrorist activities takes place on the basis of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States which entered into force 7 August 2002.

The EU Council Framework Decision 2002/475/JHA of 13 June 2004 on combating terrorism entered into force 22 June 2002.

The EU Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism entered into force on 9 December 2008. European Union Member States are obliged to implement the Council Framework Decision since 9 December 2010.

Concerning sub-regional initiatives, Austria, Belgium, Luxemburg, the Netherlands, Germany, France and Spain signed a Treaty on strengthening transnational cooperation, especially in countering terrorism, organized crime and illegal migration, on 27 May 2005 in the German city of Prüm. The Treaty entered into force between Austria, Belgium, France, Germany, Luxembourg, the Netherlands and Spain in November 2006.

In addition, the law on police cooperation and the EU-police cooperation law are relevant in this context, since they regulate the cooperation between different Austrian security authorities and the cooperation with security authorities in EU member states, with EUROPOL as well as other states.

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

Austria is state party to the International Convention for the Suppression of Acts of Nuclear Terrorism (Federal Law Gazette Vol. III No. 77/2007; competent national authority: Federal Agency for State Protection and Counter Terrorism (Bundesamt für Verfassungsschutz und Terrorismusbekämpfung/BVT); became effective on 17 February 2016; see Art. 25: “upon deposit of the instrument of ratification, acceptance, approval and accession with the Secretary General of the United Nations”).

Section 278b § 3 of the Austrian Criminal Code (CC) defines a terrorist association as a union of more than two people, where no particular organisation or hierarchy is required, for a longer time period aiming at the commitment of terrorist offences listed in sec 278c CC by one or more members of the association. According to § 1 leg cit the leader of a terrorist association is punishable by a deprivation of liberty from five up to 15 years, the leader of such an association which confines itself to threaten with terrorist offences is punishable by a deprivation of liberty from one up to ten years. According to § 2 leg cit the participation in a terrorist association is punishable by a deprivation of liberty from one up to ten years.

Sec 278c CC lists offences;

1. murder (sect.75),
2. bodily injuries under sections 84 to 87,
3. extortionate kidnapping (sect. 102),
4. gross intimidation (sect. 106),
5. dangerous threat (sect. 107 § 2),
6. gross damage to property (sect. 126) and damaging of data (sect. 126a) if thereby a danger to the life of another person or a danger to the property of another person to a large extent can be caused,
7. intentional offences that constitute danger to public safety (sects. 169, 171, 173, 175, 176, 177a, 177b, 178) or intentional infringement of environment (sect. 180),
8. hijacking (sect. 185),
9. intentional danger to the safety of aviation (sect. 186) or
10. a criminal offence punishable under section 50 of the Weapons Act 1996 or section 7 of the War Material Act,

if the offence is appropriate to cause a severe interference with the public life or such an interference for a longer time or to cause a severe damage to the economic life being committed with the intent to intimidate people in a serious manner or to force public authorities or an international FATF/ME(2009)2 281 organization to an action, permission or omission or to convulse or destroy the basic political, constitutional, economic or social structures of a state or an international organization which are to be qualified as terrorist offences when being committed with terrorist intention.

According to § 2 leg cit those offences shall be punished pursuant to the law applicable to the offence mentioned there and the maximum penalty is to be raised by half of the penalty being prescribed respectively but shall not exceed 20 years. According to § 3 leg cit offences are not qualified as terrorist offences insofar as the offence is directed to the establishment or reestablishment of a democratic and constitutional order or the exercise or observation of human rights. In such a case provisions of the Austrian Criminal Code not related to terrorism have to be followed.

According to sec 278d of the Austrian Criminal Code financing of terrorism to provide or collect assets of property in order to be used to commit one of the listed offences;

1. of a hijacking (sect. 185) or an intentional danger to the safety of aviation (sect. 186),
 2. of an extortionate kidnapping (sect. 102), or the threat of it,
 3. of an attack on life and limb or the freedom of a person protected by international law or a violent attack on an apartment, the official premises or the means of transportation of such a person which is appropriate to expose this person to a danger to life and limb or freedom or a threat with it;
 4. of an intentional endangering by nuclear energy or ionized radiation (sect. 171) or a threat with it, of a unlawful use of nuclear materials or radioactive substances (sect. 177b), of any other criminal offence to obtain nuclear materials or radioactive substances or of the threat to commit a theft or robbery of nuclear materials or radioactive substances aiming to force another person to an action, permission or omission;
 5. of a considerable attack on life and limb of another person on an airport serving the international civil aviation, of a destruction or considerable damaging of such an airport or a civil aircraft being on it or an interruption of the services on the airport, so far as the offence is committed by the use of a weapon or other device and is appropriate to endanger the security of the airport;
 6. of a criminal offence committed in a way mentioned in sects. 185 or 186 against a vessel or a fixed platform, against a person being on board of a vessel or a fixed platform or against the cargo loaded on a ship or an equipment of the ship;
 7. of the transportation of a blasting composition or another deadly device in a public place, to a governmental or public institution or a public traffic system or services of supply or of the operation of these means aiming to cause the death or a grievous bodily injury of another person or the destruction of the place, institution or system to a high degree, as far as the destruction is appropriate to bring about a considerable economic damage;
 8. of a criminal offence which shall cause the death or a grievous bodily injury of a civil person or another person not being actively involved in the hostilities of an armed conflict
1. if this act is aimed by its nature and its circumstances at threatening a group of the population or forcing a government or an international organization to an action or omission is punishable by deprivation of liberty from one to five years.

The Act on reform of the Austrian Criminal Code of Procedure (CCP) Federal Gazette Nr I 19/2004 entered into force 1 January 2008 and provided for a reform of the criminal proceeding in regard of the pre-trial investigation phase. Sec 110 CCP provides for the freezing of assets within the disposition of a terrorist group as well as the freezing of funds collected or provided for the financing of terrorist acts. Therefore, the freezing of assets is admissible if measures according to sec 20 Austrian CC confiscations of profits, 20b forfeiture CC or 26 confiscations CC need to be secured.

Special investigating measures may be admissible in order to facilitate investigation of terrorist offences. According to sec 131 § 2 CCP covered investigation may be conducted for a longer time period if the detection or prevention of a criminal association (sec 278 CC), criminal organisation (sec 278a CC) or terrorist association (sec 278b CC) would be otherwise significantly hampered. According to sec 135 § 3 CCP the surveillance of messages is amongst others admissible in order to detect or prevent offences in connection with a criminal or terrorist association or criminal organisation if otherwise the investigation would be significantly hampered. According to sec 136 CCP optical and acoustic surveillance of persons is amongst others admissible if clarifying a crime to be punished with a prison sentence exceeding 10 years or the crimes of forming a criminal organisation or terrorist association (sec 278a and 278b CC) or of criminal acts planned or committed in connection with such an organisation or association would otherwise be futile or significantly hampered and either the person to be kept under surveillance him/herself is urgently suspicious of committing the aforementioned crime or it can be assumed that the person urgently suspicious of committing an aforementioned crime will get in contact with the person kept under surveillance. Public safety must be in serious danger if such a measure is to be used for preventive purposes. Furthermore according to sec 141 § 3 CCP the comparison of data (including data which may be requested by court, public prosecution or the criminal police according as well as data on persons who received goods or services from specific companies or who are members of organisations of private law or legal entities of private or public law) – whereby sensitive data must not be used.

In order to protect the economy including the financial sector and to prevent money laundering, all occupational groups which could be possible targets for money launderers are within the scope of our anti-money-laundering and combating the financing of terrorism (AML/CFT) system and are therefore also subject to reporting requirements. In accordance with the Financial Action Task Force (FATF), the entire financial sector (all credit and financial institutions, all life insurance companies and all investment services providers), lawyers, notaries, auditors, external accountants, tax advisors, casinos, real estate agents, and all dealers where cash payments in an amount of 15.000 € or more are made are obliged to comply with all AML/CFT obligations (including customer due diligence, reporting obligations, identifying the beneficial owner etc.) and are supervised or monitored for compliance.

The Austrian Financial Investigation Unit (AFIU) was established in 1994 within the Austrian Ministry of the Interior, and has meanwhile become part of the "Bundeskriminalamt Österreich" (Criminal Intelligence Service Austria) and is primarily responsible for money laundering offences.

The AFIU is a law enforcement authority, capable of conducting all sorts of investigations, such as surveillance, interrogations, wire-tapping, search of premises, issuing warrants of arrest, etc. In case of reasonable suspicion, the reporting institutions have to provide the

AFIU, upon demand, with all information required to investigate and prosecute money laundering and terrorist financing.

Section 178d of the Austrian Penal Code criminalises “financing of terrorism” and subjects it to up to 5 years in jail. Section 110 of the Austrian Code of Criminal Procedure provides for the freezing of assets within the disposition of a terrorist group as well as the freezing of funds collected or provided for the financing of terrorist acts.

Austria’s extradition practice is based on the Federal Extradition and Mutual Legal Assistance Act of 4 December 1979 (Federal Law Gazette No. 529/1979), which allows for the extradition of suspected or convicted terrorists on the basis of reciprocity even in the absence of an applicable treaty.

In the relations between the Member States of the EU, extradition (“surrender”) with regard to terrorist activities takes place on the basis of Sections 2 – 38 of the Austrian Act on Judicial Cooperation in Criminal Matters with the Member States of the EU (EU-JZG) (Federal Law Gazette I nr. 36/2004 in the versions Federal Law Gazette I nr. 164/2004, 38/2007 and 112/2007), which implements Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States into Austrian law.

Besides the general provisions in the Austrian Criminal Code criminalising offences in particular sec 278b, 278c and 278d of the Austrian Criminal Code shall be mentioned, which provide for the criminalisation of the leading of and participation in a terrorist association, state terrorist criminal offences and the financing of terrorism. The amendment of the Criminal Code 2002 (Federal Law Gazette I Nr 2002/134) incorporated these provisions into the Criminal Code.

Section 20 § 3 (confiscation of profits) of the Austrian Criminal Code provides for the possibility of condemnation to payment of an amount of money fixed by court corresponding to economic benefits of a perpetrator which were gained during the period of their membership in a criminal organisation (sec 278a CC) or in a terrorist group (sec 278b CC), if there is obvious suspicion that these profits derive from offences and their legal acquisition cannot be made credible. Sec 20b (forfeiture) CC provides for the forfeiture of property being at the disposal of a criminal organisation or a terrorist group or which has been provided or collected as a means for financing terrorism.

In order to meet the obligations of the Council of Europe Convention on the Prevention of Terrorism and of the EU Council Framework Decision 2008/919/JHA to amend the Framework Decision 2002/457/JI sec 278e on training for terrorist purposes was introduced into the CC.

For the purpose of ensuring that immigrants and asylum seekers have not engaged in terrorist activities, Austria relies on the Aliens Police Act of 2005 (Federal Law Gazette I No. 2005/100) and on a special screening process for nationals of certain countries. The Aliens Police Act regulates the entry, stay and residence of foreigners. It does not directly list terrorist offences. Instead, it includes the provision of posing a threat to public order and safety, which under § 21 will lead to the denial of a visa and under § 60, entails a ban on residence. In accordance with the relevant UN resolutions and other international legal instruments, the Austrian authorities may issue visas for nationals of certain states only upon

explicit authorization by the Ministry of the Interior. These individuals are subject to additional scrutiny when entering Austrian territory.

Changes to the Citizenship Law (1985):

Due to the introduction of a new provision for withdrawal in the Citizenship Law of 1985, it is possible for an Austrian authority to withdraw an Austrian citizen's citizenship, if said citizen willingly plays an active part in combat operations in a foreign country for a weaponized group within a militarized conflict. A person cannot be stateless after withdrawal of the Austrian citizenship, therefore this legislation only applies to people with dual citizenship. This change has been operative since January 1 2015 (BGBl.I Nr. 104/2014).

Changes to the Law on Border Control (GrekoG):

Due to a change in the Law on Border Control, border control agents can now review whether minors have the necessary consent for a border crossing from a representative legally in charge of their care and upbringing, so long as law enforcement agents have reasonable doubt regarding the existence of such a consent or if there are indications that the minor is intending to take part in or support combat actions abroad. Until such doubts are cleared up, security agents are empowered to prohibit the minor's exit and to confiscate their travel documents. This change has been operative since January 1 2015 (BGBl.I Nr. 104/2014).

Furthermore, law enforcement agents are empowered to refuse border crossing to all those persons whose travel documents (i.e. passport, identity card, alien passport) have already been withdrawn or who did not receive permission for the issue of such documents. This change has been operative since January 1 2015 (BGBl.I Nr. 104/2014).

Decree of a Political Symbol Law:

Due to the decree of a new political symbol law, the use and dissemination of symbols associated with the group Islamic State (IS), the group Al Qaeda, or the partner or follow-on organizations of these two groups or groups, who are associated with them, were prohibited in accordance with administrative penal law. This change has been operative since January 1 2015 (BGBl.I Nr. 103/2014).

Changes to the Law on Chemicals (1996):

Due to changes to the Law on Chemicals from 1996, the anonymous purchase of certain chemicals, who also find uses in private, will be made illegal to prevent the abuse of precursor chemicals for the production of explosives, particularly through private consumers (members of the general public), through the introduction of a prohibition of delivery and restrictions.

Furthermore, a focal point will be created within the Federal Criminal Agency to which commercial agents are obliged to report regarding suspicious transactions with precursor chemicals for explosives, as well as their loss and theft will be introduced, to prevent the illegal production of explosives and permit investigations. These changes were decided in the Federal Council on December 10, 2014 and should be released in the federal law bulletin within the next few days.

Development of a Political Symbol Description Regulation:

Based on the Political Symbol Law, a new regulation is currently being developed by the minister for internal affairs, regarding the description of symbols whose use is prohibited (Political Symbol Description Regulation). Considering the prohibition of the use of symbols of groups who are committing crimes against humanity and genocide, this new regulation

aims to prevent the spread of symbols of certain terrorist organizations within Austria. (BGBl. II Nr. 23/2015).

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The tasks of the Federal Armed Forces are (directly and finally) defined within the Federal Constitutional Law (Article 79). According to this provision the Federal Armed Forces' first and foremost task is the country's military defence. Other tasks laid down in the Constitution include the so-called "assistance missions", which consist in "the protection of the constitutionally established institutions and their capacity to operate as well as the population's democratic freedoms", "the maintenance of order and security inside the country in general" and "assistance in the case of natural catastrophes and disasters of exceptional magnitude". In general, these tasks may only be fulfilled in assistance and upon request of a civil authority. Due to this necessary request by the competent civil authority the Federal Armed Forces have only a very limited role in preventing and combating terrorism.

Based on the security police law, the Federal Ministry of the Interior and its Federal Agency for State Protection and Counter Terrorism (Bundesamt für Verfassungsschutz und Terrorismusbekämpfung/BVT) assess threats to public safety and have to counter threats and preventative secure legal interests. The protection of constitutional institutions and to ensure their capacity to function is one priority.

In order to act preventatively, the security agencies are in charge of monitoring groupings and communities regarding their structures in place and developments in their surroundings. They are also in charge of assessing whether a group constitutes a major threat to public security. The security police law provides for advanced threat analysis. In this context, security agencies have authorized competences such as concealed investigations, the (concealed) use of image recording devices and phonographs and observation. In general, security agencies are tasked to carry out the threat analysis.

On the basis of a discussion and evaluation process that lasted almost two years and was carried out transparently and comprehensively, a new legal basis was approved for the Austrian state protection authorities. This new State Protection Law, which entered into force on 1 July 2016, puts the necessary tasks and competencies of the state protection authorities in adequate relation to effective legal protection.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

— Financing of terrorism;

Money or value transfer services are regulated. Banking businesses in Austria require a banking licence. Thus, providers of such services are subject to the full set of AML/CFT legislation applicable to credit and financial institutions as mentioned above.

The obligations under FATF Special Recommendation VII, which was developed with the objective of preventing terrorists and other criminals from having unfettered access to wire transfers for moving their funds was implemented through Regulation (EC) No. 1781/2006,

which is directly applicable in all EU Member States and requires financial institutions to ensure that all wire transfers are accompanied by "complete information on the payer".

The obligation to freeze funds or other assets under UNSCR 1267 (1999) has been implemented through Council Regulation (EC) No. 881/2002, amended by Council Regulation (EU) 2016/363 in order to take into account UNSCR 2253 (2015), which is directly applicable to EU Member States. The obligations under UNSCR 1373 (2001) have been implemented through Council Regulation (EC) No. 2580/2001, also directly applicable to EU Member States, and through a national law called "Foreign Exchange Act".

In August 2006, the Federal Agency for State Protection and Counter Terrorism (BVT) of the Austrian Federal Ministry of Interior installed a special group that exclusively deals with countering terrorism financing. This group works closely with the Austrian Financial Intelligence Unit. In 2008, the third EU Directive on Money Laundering was implemented into national legislation, including important provisions on the prevention of terrorism financing. In trainings for the private sector, reference is always made to the Austrian legal framework as well as to the guidelines issued by the Financial Action Task Force (FATF).

In addition to existing relevant provisions of the EC, the law on governing banking institutions and the law on surveillance of insurance institutions, in 2010 the law on sanctions entered into force. This law regulates the freezing of assets in connection with UN- or EU-sanctions. The Federal Ministry of the Interior and the BVT analyse different methods of financing of terrorism (such as NPO's, cash courier etc.) and act in cases of requests from the AFIU. There exists a well-established cooperation with the compliance departments of financial institutions seated in Austria. Based on a judicial request this allows for access to information on financial transactions:

- Reduction of measures for the identification of customers (Financial Supervision Authority regulation regarding the identification of members of savings associations (Savings Association Regulation – Sparvereinsverordnung, SpVV), Federal Law Gazette Vol. II No. 62/2015
- Federal Act on alternative means of financing (Alternative Financing Act – Alternativfinanzierungsgesetz, AltFG) – Obligations for issuing bodies as well as operators of internet platforms ("crowdfunding") regarding the financing of terrorism (sec. 4, para. 5 and sec. 5 para. 1 (2)), Federal Law Gazette Vol. I No. 114/2015)
- Insurance Supervision Act 2016, Federal Law Gazette Vol. I No. 34/2015 – Implementation of various provisions on the prevention of financing of terrorism; according to the explanatory notes, these have, however, remained largely unchanged in comparison to the inoperative Insurance Supervision Act 1978 (see explanatory notes on bill 354, p. 11 et seqq.)

— Border controls;

In accordance with the Schengen Agreement, in Austria border controls are carried out according to the regulation EG Nr. 562/2006 of the European Parliament and of the Council of the European Union from 15 March 2006 on the Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

The elimination of the border control as control filter is compensated by the police through other means in mobile form (compensatory measures). These measures are carried out in the entire federal territory and at the major traffic routes (road and railway) in particular.

Within the framework of Joint operation “Air Borders” Austria is hosting guest officers from other EU-Member states. The exchange of information is done on a regular monthly basis in FRAN (Frontex Risk analysis Network) and EDF (European document Fraud).

In some countries, Austria has installed document advisors at Austrian Embassies and/or Consulates as well as at airports in order to support the staff of airlines in document screening and verification of individuals.

Further legal regulations – besides the Schengen Borders Code – for the border control are „Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)“, the regulation (EC) No. 767/2008 of the European Parliament and of the Council of the European Union from 9 July 2008 regarding the Visa Information System (VIS) and the data exchange between the member states on visa for a short-term entry (VIS-VO). National regulations that are considered as well are the security police law, the law on border control, the aliens’ police law 2005, the regulation on the enforcement for aliens’ police, the law on police cooperation and appropriate bilateral agreements.

Austria has initiated bilateral agreements with neighbouring countries with regard to police cooperation, which provide for the establishment of police cooperation centres. Furthermore, there is cross-border cooperation in the fields of security police, criminal and border police.

In the face of continually strong migration flows, Austria introduced temporary border controls on 16 September 2015 (until 10th of May 2018). As a result, border controls are possible at any time in response to the situation at all land and air border crossing points. Crossing of the border is permitted only at border crossing points.

As part of the operations of EU border management agency Frontex, Austrian police officers participated in several Joint Operations in 2017:

- “Focal Points Land 2017”: 19 officers were deployed to assist in border security in Bulgaria, Greece, Hungary and Poland.
- “Flexible Operation at Land Border Western Balkan 2017“: In total 60 officers were deployed to assist in border surveillance at the Hungarian-Serbian land border
“TRITON 2017“: 17 officers were deployed to assist in registration/fingerprinting, further 6 officers for Debriefings and 4 officers with the profile of document experts at the sea borders in Italy.
- “POSEIDON Sea 2017”: 24 officers were deployed for registration/fingerprinting, 12 officers as document experts, 8 officers to assist in border surveillance equipped with a thermo vision van and 1 officer as Frontex Support Officer to the island of Lesbos in Greece.
- “Flexible Operational Activities - South Eastern 2017”: 27 officers were deployed to Greece and further 53 officers were deployed to Bulgaria to assist in border surveillance at the land borders to Turkey.
- With regard to “Air border activities” Austria deployed in total 24 officers to airports Czech Republic, Portugal, Switzerland, Netherlands, Greece, Cyprus, Ukraine,

Albania, Serbia, Slovakia, Belgium, Sweden, Finland, France, Republic of Moldova and Georgia. Furthermore the Vienna International Airport hosted 20 guest officers from several Member States during the Joint Operations “FOCAL POINTS Air 2017”, “ALEXIS 2017” and “VEGA Children 2017”.

- From January to March 2017 and from September to December 2017 nine Austrian document advisors were deployed to international airports in 3rd countries. From April to August only eight document advisors were deployed to international airports in 3rd countries.
- In 2017 the Federal Ministry of the Interior posted Austrian police officers to FYROM and Serbia to assist in activities aimed at reinforced security of the external EU border.

— Travel document security;

On 16 June 2006 Austria started issuing electronic passports with an integrated chip. The biographic data and the picture of the passport holder were printed in the passport booklet and securely stored on the chip according to ICAO Doc 9303. Passports for children under the age of 12 years didn't have an integrated chip at the beginning.

On 28 August 2006 Austria also switched to electronic passports for diplomatic, service and alien's passports as well as for "travel documents according to the convention of 28 July 1951".

On 26 October, 2006 Austria also offered children's passports with chips additionally to the already existing children passports without a chip (optional under the age of 12 years).

Since 30 March 2009 Austria is issuing electronic passports with two fingerprints (2nd biometric identifier) stored on the chip as images according to ICAO Doc 9303. Exemption: Persons under the age of 12 years and persons who are physically unable to enrol fingerprints.

Since 15 June 2010 passports for children under the age of 12 years with an integrated chip are mandatory.

From 15th of June 2012 on all existing entries of children in one of its parent's passports became invalid by law.

Austrian ID cards are currently not equipped with an electronic chip but otherwise fulfil the relevant ICAO specifications. The residence permit card has a contactless chip according to the relevant EU standards as well as the face and two fingerprints stored on the chip as a biometric identifier.

All Documents are personalized in the secure facility of the Austrian State Printing House and shipped directly from there. The responsibility of the Ministry of Interior is to make sure that these processes are secure, that they have a legal framework and that they are improved constantly. The Austrian State Printing House is closely involved in the developments of secure documents on the ICAO and the EU level to ensure maximum standard compliance.

Austria became a PKD Member; the system became operational at the end of 2012.

Lost and stolen passports are reported to national and international databases, e.g. the Interpol database.

If an individual is suspected of being a member of a terrorist organization, Austrian passport law provides the possibility to refuse a passport application or to cancel a passport after an administrative procedure.

In 2014 Austria introduced a national database, where personal data of all inhabitants of Austria are stored. The passport authorities, who have access to this database, are able to check the claimed identity better. This database is in addition to the already existing databases for id-documents and citizens home addresses.

— Container and supply chain security

The Federal Ministry of the Interior and the BVT offer specific transport surveillance services (mostly for trucks). In the context of terrorism no specific threats to transport security have been detected so far.

— Security of radioactive sources;

The Federal Law for a Nonnuclear Austria entered into force on 14 August 1999. This law stipulates that it is prohibited to produce, stock, transport, test or use nuclear weapons. Likewise it is prohibited to build facilities with the aim of production of energy through nuclear fission. Furthermore, Austria has ratified the Agreement on physical protection of nuclear material. In the Federal Law of the establishment of a security control system, the security of nuclear material and facilities and the export control to guarantee peaceful utilization of nuclear energy implemented adequate legal regulations for the security of nuclear material. The law on the protection against radiation as well as the CC contain relevant additional provisions.

— Use of the Internet and other information networks for terrorist purposes;

The BMI/BVT generates information through open sources analysis and use of specific open data bases. It participates in international projects that serve the monitoring and the exchange of experiences in this field, e.g. “Check the Web” by EUROPOL.

Amendment of sec. 283 Penal Code (StGB) (see Federal Law Gazette Vol. I No. 1123/2015), in order to be able to define a group on the basis of positive and negative features (e.g. “All Swiss are bad” or “Everyone who is not Swiss is bad”): The purpose of this amendment is to make it possible to include “infidels” and “foreigners” in the groups worthy of protection. Furthermore, a standard definition of “public” was introduced for the basic element of crime (“public in a way that it becomes accessible to many people”), and the constituent element of “broad public” was introduced as qualifying element (see explanatory notes on bill 689, p. 41 et seqq).

— Legal co-operation including extradition;

The security police law entitles the security agencies to demand information from departments of the area municipalities and other statutory corporations which is needed for certain missions.

Territorial cooperation:

The article 22 of the Federal Constitution Law obliges all agencies of the government, the Länder and the municipalities to mutual administrative assistance within their constitutional sphere of action.

The security police law entitles the security agencies to demand information from departments of the municipalities and other statutory corporations which is needed for certain missions.

International co-operation:

The international police co-operation operates on the basis of the police cooperation law and serves the purpose of security police, criminal police, travel documents unit, aliens' police and border control. The international police cooperation contains international administrative assistance and the intervention of security agencies and their departments abroad as well as foreign security agencies and their departments in the federal territory.

— Safe havens and shelter to terrorists and terrorist organizations.

In the procedure of granting the right of asylum, the person applying for asylum should be checked on a terroristic background. It cannot be ruled out that criminals or terrorist use such procedures and gain asylum. Until now such cases have not emerged. The Federal Ministry of the Interior and the BVT cooperate closely with other ministries and institutions in order to prevent terrorist groups from spreading their ideological messages.

Within the Federal Ministry of the Interior, there is close cooperation between the BVT and the Criminal Intelligence Service (Bundeskriminalamt). Furthermore, the BVT also carries out prevention programmes in close cooperation with prisons. The Federal Ministry for Family and Youth – in cooperation with the Federal Ministry of Interior – runs an Information Centre on Extremism, including a hotline.

2. Stationing of armed forces on foreign territory

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

Any deployment of Austrian troops abroad is regulated by the “Federal Constitutional Law on Cooperation and Solidarity in Deploying Units and Individuals Abroad”, adopted in 1997. According to its provisions, the possibility of deploying military (as well as civilian) personnel abroad is limited to peace operations in the framework of an international organisation, measures of humanitarian assistance (including disaster relief), search and rescue missions and training purposes. Decisions on deployments in the framework of peace operations have to be taken unanimously by the Council of Ministers (the Federal Government) and need to be approved, before the planned deployment actually takes place, by a majority decision of the Main Committee of Parliament. Simplified procedures of decision and approval apply to humanitarian missions, search and rescue operations and training activities. The law also specifically mentions that decisions on all deployments must take into account Austria's obligations under international law as well as the principles of the UN Charter and the Helsinki Final Act.

Since 1995 Austria has been participating in NATO's Partnership for Peace programme. In this context, Austria has also signed the „Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces“ (PfP-SOFA), which entered into force on 2 September 1998 (Federal Law Gazette, Vol. III, No. 136/1998). The agreement forms the basis for the legal status of troops from partner countries sent to another partner country to engage in PfP activities. Austria has also signed a number of bi- and multilateral agreements with other states, which regulate, among others, the legal status of troops abroad.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

Austria has been a longstanding advocate for disarmament, arms control, non-proliferation and confidence- and security-building measures, and attaches particular importance to the implementation of such instruments and commitments by as many states as possible. It consequently seeks to further this aim in bi- and multilateral fora. Numerous initiatives have been undertaken in this regard.

At the national level, Austria has a wide range of legislative measures in place to ensure compliance with its international commitments in the field of arms control, disarmament, non-proliferation and confidence- and security building. Relevant national legislation also includes policy areas such as Austria's neutrality and "nuclear-free" status. As an EU Member State, Austria also supports and implements any of the EU positions and regulations.

3.2 Provide information on how your State pursues arms control, disarmament and confidence - and security-building measures with a view to enhancing security and stability in the OSCE area.

Disarmament, arms control, non-proliferation and confidence- and security-building measures, are key elements to enhancing security and stability in the OSCE area and beyond. Therefore, Austria has continuously supported initiatives aimed at the universalisation of international treaties in different fields.

As a longstanding advocate of nuclear disarmament and non-proliferation of nuclear weapons, Austria fully supports the NPT and emphasizes the importance of the implementation of the conclusions and recommendations for follow-on actions adopted by the 2010 Review Conference. Austria also underscores its firm commitment with respect to the 1995 principles and objectives for nuclear non-proliferation and disarmament and the practical steps agreed to at the 2000 Review Conference.

In particular, Austria underscores the importance of the recognition of "the catastrophic humanitarian consequences of any use of nuclear weapons" and "the need for all States at all times to comply with applicable international law, including international humanitarian law", as contained in the conclusions and recommendations for follow-on actions of the NPT 2010 Final Document. On the occasion of the Vienna Conference on the Humanitarian Impact of

Nuclear Weapons held on December 8 and 9, 2014, in which delegations from 158 States participated, Austria pledged to present the findings of the conference to the NPT Review Conference 2015 and other relevant fora, called on all States Parties to the NPT to urgent and full implementation of Article VI in particular by identifying and pursuing effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons, and called on all nuclear weapons possessor states to take concrete interim measures to reduce the risk of nuclear weapon detonations. On the occasion of the 2015 NPT Review Conference Austria played an important role as the coordinator of the humanitarian group representing 159 States and as the originator of the humanitarian pledge endorsed to date by 126 States.

The early entry into force of the Comprehensive Test Ban Treaty (CTBT) is a top priority. Austria sees the CTBT as a key non-proliferation and disarmament instrument. Austria actively supports universalization efforts and considers the ratification of the remaining Annex 2 states to be of particular importance.

Austria supports the universal implementation of the UN-resolution 1540 to reinforce the collective efforts to eliminate nuclear weapons.

Austria is party to the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC) and supports the universalization and full implementation of the two treaties.

Austria continues its efforts against Antipersonnel Mines (APM) by seeking to promote the universality of the AP-Mine-Ban Convention. Austria is also active in the promotion of the Convention on Cluster Munitions, which entered into force on 1 August 2010. Both conventions are important steps for the strengthening of international humanitarian law and an important contribution to the protection of civilians in armed conflicts. On small arms and light weapons (SALW), Austria co-authored together with Belgium and Germany a working paper on the implications of new developments in SALW manufacturing, technology and design for the effective marking, record-keeping and tracing of SALW for the 2015 expert meeting under the United Nations Programme of Action on SALW. Also, Austria continued to contribute to international projects aiming specifically at improving standards of physical security and stockpile management of SALW in a number of countries, among them OSCE member States. Furthermore, Austria was actively engaged in the initiative to better protect civilians from the use of explosive weapons in populated areas, hosting an international expert meeting together with OCHA in Vienna in September 2015.

Austria ratified the Arms Trade Treaty on June 3, 2014. Austria will remain actively engaged in implementing the Arms Trade Treaty and making it as universally applicable as possible.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The role of the executive, including the head of state and/or government, as well as key governmental security and defence advisory bodies;

According to the Austrian constitution, the Austrian Armed Forces (AAF) are part of the Austrian public administration. The constitutional regulations concerning public administration thus also apply to the AAF (principle of rule of law).

The Federal President is the Commander-in-Chief of the AAF (Art. 80 Federal Constitutional Law). The Supreme Command of the AAF is divided between the Federal President and the Federal Minister of Defence. The Minister of Defence holds the command authority over the AAF.

Institutions and procedures ensuring democratic oversight and public scrutiny;

Legislation related to defence matters is the responsibility of the Federal State. Parliament discusses defence issues at its National Defence Committee, a special parliamentary body with competence for examining legislative proposals in the defence sector, and at plenary meetings.

Moreover, Parliament exercises political control over governmental action: It may address queries concerning governmental action (i.e. the action of each member of government and of the public institutions under their authority) to government or to individual ministers. Parliament may also express itself on how to conduct governmental action by means of a resolution. Furthermore, Parliament may establish investigating committees to conduct enquiries on governmental action. The two military intelligence services are subject to parliamentary control within the Permanent Subcommittee of the National Defence Committee mentioned above.

Checks and balances and chain of command in relation to democratic accountability and transparency;

Austria's constitution regarding the armed forces is characterised by a far-reaching integration into the administrative apparatus of the state. The armed forces are thus a complex organ of the public administration, which is shown not only by a systematic definition of its set-up and tasks under constitutional law but also by the fact that it is subject to the command authority of some of the highest administrative organs. Being part of the public administration, the armed forces are also subject to the control mechanism established by constitutional law.

The control organs include in particular the Constitutional Court and Administrative Court (Articles 130 to 148 of the Federal Constitution), the Court of Audit (Articles 121 to 128 of the Federal Constitution), nine Administrative Courts of the Land, the Federal Court of Administration and the Federal Financial Court (Articles 129 to 136 of the Federal Constitution) the Ombudsman Board (Articles 148a to 148j loc. cit.) and the Data Protection Commission (section 35 et seq. of the Data Protection Act). Moreover, a Parliamentary Armed Forces Complaints Commission has been established under Section 4 of the Military Service Act 2001, whose first and foremost task is to make recommendations for dealing with complaints brought before the Federal Minister of Defence; the Commission is also entitled to review ex officio suspected deficiencies and grievances in the military service.

In the military field, two Austrian intelligence agencies are operating which are both part of the Austrian Armed Forces. The "Heeres-Nachrichtenamt" is a strategic foreign intelligence agency which procures information on regions, countries and organizations. The

“Abwehramt” is a military intelligence agency which provides counterintelligence services for the Austrian Armed Forces. Its task is to gather and evaluate information about activities endangering or directed against the Austrian Armed Forces and military security, e.g. activities against military personnel, military secrets, military compounds and military goods.

In civil affairs the “Federal Agency for State Protection and Counter Terrorism” (BVT) with its nine regional “Offices for State Protection and Counter Terrorism” is the civil intelligence service and law enforcement agency. In organisational matters the Agency is part of the Ministry of Interior and is entrusted with competences in the field of counter-terrorism, counter-espionage and non-proliferation. The Agency is also responsible for personal and physical security of high ranking officials and international institutions.

In a democratic constitutional state, as outlined in the Austrian federal constitution, the state monopoly on the legitimate use of force draws its legitimation out of its function to ensure the legislation. This exercise is carried out through the executive authority of security. A democratic political control of the constitutional proceedings is carried out in Austria through following institutions/organizations:

- parliament (committees, in particular committees for the Interior and for Human Rights)
- public attorney’s office
- ordinary courts
- nine Administrative Courts of the Land;
- Federal Court of Administration;
- Federal Financial Court;
- Austrian Ombudsman Board (AOB) – its task is to monitor the public administration and to assess whether the administration is acting within the law and complies with human rights standards. In that regard the AOB is entitled to undertake, on its own initiative, inquiries on suspected deficiencies and grievances in federal administration and make recommendations for dealing with complaints brought before the authorities. Furthermore the AOB deals with complaints brought before itself to the extent, that the applicants are personally affected and provided that no other remedies are available. The AOB consists of three members, who are elected for a term of six years by the Austrian Parliament. The legal regulations are found in Article 148a to 148j of the Austrian Federal Constitution and in the Federal Law on the Austrian Ombudsman Board (Volksanwaltschaftsgesetz 1982).
- disciplinary commissions (Disciplinary Commission, Disciplinary Supreme Commission, with judicial guarantees)
- With the entry into force of the Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK) as of 1 January 2010, the Federal Bureau for Internal Affairs (BIA) was transformed into the BAK. The BAK is an institution of the Austrian Federal Ministry of the Interior. Organizationally speaking, it is, de jure, established outside the Directorate-General for Public Security and has nationwide jurisdiction in
 - the prevention of and the fight against corruption,

- the close cooperation with the Public Prosecutor's Office for White-Collar Crime and Corruption (WKStA) and
- security police and criminal police cooperation with foreign and international anti-corruption institutions.

Corruption is a complex phenomenon which has to be tackled in a holistic way.

According to its legal mandate, the BAK follows a 4-pillar approach.

- **Prevention** – includes, inter alia, the analysis of corruption phenomena and the development of adequate preventive measures.
- **Education** – through information transfer as well as educational and awareness raising campaigns.
- **Law enforcement** – i.e. security police and criminal police investigations.
- **Cooperation** – with national and international institutions working in the field of preventing and combating corruption, as well as exchange of best practices.

Regarding the admission to the police it has to be pointed out that in the Austrian public administration and therefore also in the service of the executive authority applicants with Austria's nationality regardless of their ethnic origin will be affiliated if the designated selection procedures (education, health, record) are passed.

The admissions take place in accordance with existing legal regulations of the federal constitution, the law on tender, the public service law for civil servants and the federal Equal Treatment Act.

Relationship between defence policy and the military posture;

Austria's defence policy is an integral element of its comprehensive national security provisions. In conjunction with its foreign policy and domestic security policy, these serve to

- maintain full national sovereignty and integrity,
- protect constitutional institutions and critical infrastructure,
- protect the population, e.g. by way of disaster relief,
- support the national capacity to act in crisis situations of strategic magnitude,
- contribute to crisis management on the basis of solidarity and
- contribute militarily, on the basis of solidarity, to the EU's security policy activities.

Furthermore, the AAF play an important role in the maintenance of domestic security. They must be able to cope with any tasks that may arise when civilian authorities request assistance, e.g. in the areas of law enforcement, disaster relief and the protection of critical infrastructure.

The AAF will have at least 12,500 soldiers available for national disaster relief tasks at all times. On the international level, Austria will provide at least 1,100 soldiers for crisis management operations in a wide spectrum of tasks.

Planning and accounting processes in the defence sector;

The Austrian Ministry of Defence (MoD) has introduced a guideline for the defence planning process detailing the force planning and procurement process. The planning and procurement process is accompanied by an internal controlling as well as an audit process. Besides that and

according to the parliamentary and democratic values, the AAF are also regularly verified by the Austrian Court of Audit.

The overall force planning is based on the Austrian National Security Strategy (ANSS). According to the ANSS Austria, upholding its neutral status, will, “craft its security policy predominantly within UN, EU, OSCE, in its partnerships with NATO and within the Council of Europe”. Austria continues to base its security policy on firm values and principles, seeking to preserve and promote peace, stability and freedom on the basis of strict respect of international law in general and most specifically of the UN Charter and the key international instruments on the protection of human rights and basic freedoms. The political commitments laid down in documents such as the Helsinki Final Act and subsequent core CSCE/OSCE documents as well as in the NATO/PfP Framework Document and the EAPC Basic Document further guide Austria’s security policy. Austria believes that these commitments and values need to be continuously developed and strengthened.

The Austrian 2016 political guidance states that the AAF will face the following challenges: operating in a changed and more complex security environment, with growing terrorist and hybrid threats; supporting the civilian authorities and security organisations in managing an increasing irregular migration challenge; responding to more frequent natural disasters due to climate change; and recruiting enough qualified and capable personnel.

For the planning period up to 2020, Austria will continue to implement its defence plans, which are derived from the ANSS and subordinate documents. The challenges highlighted in the 2016 political guidance led to the cessation of the critical defence budget cuts of recent years and the introduction of the National Defence Plan 21.1. This latter plan was based on the budgetary framework 2017-2020 which has had an overall nominal increase of the defence budget that allowed improvements of the capabilities of the AAF, including strengthening the Rapid Deployable Units (RDUs). The further development of the AAF will be based on the new budgetary framework 2018-2022.

Comprehensive regulations in specific areas define the development of the AAF in further detail. In this respect, detailed procurement and investment programmes are issued annually for the capability and force development as well as the procurement process.

Figures on the defence budget and expenditures;

In the context of government budget cuts, not only the military sector is affected, almost all Austrian Ministries have had to make substantial savings. The MOD has announced an austerity package, which also includes cuts in investment, in personnel costs and in operating costs.

AUT’s economy grew by 1.1% in 2015, by 1.5% in 2016, by 2.6% in 2017 and will be estimated 2.4% in 2018 and 2.3% in 2019. The inflation rate was 1.4% in 2015, 1.2% in 2016, 2.0% in 2017, and will be estimated 1.7% in 2018 and 1.8% in 2019.

The annual ratio of the defence budget (exclusive pensions) to the GDP is as follows (in million €):

	2017	2018	2019	2020	2021	2022
GDP	369.465	386.732	402.205	414.271	426.699	439.500
Budget	2,211	2,258	2,288	2,423	2,148	2,192
% GDP	0.62	0.58	0.57	0.58	0.50	0.50

- Source from GDP data EU-Commission, autumn 2017.
- 2017 budget annual report.
- 2018 and 2019; budget statement.
- 2020 till 2022; budgetary framework.

The budgetary framework for defence 2018/2019 – 2022 will be decided by the parliament in spring 2018. In total, the figures of the budgetary framework 2018/2019 – 2022 will increase and certain budgetary regulations will be adapted in order to support the National Defence plan 21.1.

The budgetary framework encompasses:

The continuation of a special investment programme out of the plan AAF 2018 of € 82 million, 2019 € 87 million and 2020 € 93 million.

- About € 100 million may be credited to the defence budget out of the remaining infrastructure sale.

Restructuring, modernization and privatization programmes in the defence sector

The President of Austria is the Commander-in-Chief of the AAF and executive power is exercised by the Minister of Defence (MoD). The MoD is responsible for strategic level defence and operations planning, which includes management of personnel, equipment, armaments, finances, infrastructure, medical care and research and technology.

To accommodate the National Defence Plan 21.1, inter alia, the Ministry of Defence (MoD) structure and the overall AAF structure were modified. The MoD - the Directorate General Sports was shifted to the Ministry of Public Service and Sports by 8 January 2018 (excluding the Military Sports Division in the MoD and the Armed Forces Military Sports Centre) - is now organised in three General Directorates and one Defence Staff Directorate General. With the same date, a Secretary General was implemented within the MoD (like in other ministries) placed directly under the authority of the Minister of Defence and superior to the CHOD, to all Directors General and all directly subordinate commands, agencies and organisations to the MoD and has a coordinating role. The AAF is now organised in four component commands (Land Forces Command, Air Forces Command, Logistics Command, Communications and Information Systems & Cyber Defence Command).

The formation of the Land Forces Command and the Air Forces Command caused the Joint Forces Command to be dissolved and the respective tasks integrated into the new command

structures. The previous four land brigades have been reorganised into two commands and two brigades. The provincial military commands now have greater operational importance: in addition to the existing reserve elements (one infantry battalion and one engineer company), one regular infantry battalion has been subordinated to each command in order to improve its capabilities related to security operations, training, and reserve forces. This involves the creation of 3 infantry battalions.

- 1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

Doctrine, strategy, national legal framework of decision-making process (security policy guidelines and procedures);

Pursuant to section 7 § 1 of the Austrian Military Service Act of 2001, the Federal Government determines the fundamental issues concerning the organisation of the armed forces, armament, deployment and designation of troops. The financial resources provided for national defence are laid down in the Federal Finance Act.

In March 2011 the Federal Government agreed on a new security strategy, which was adopted by Parliament in July 2013. This strategy takes into account and makes reference to the changes in the emerging security challenges and Austria's security environment following the enlargement of the European Union (EU) and NATO, the ratification of the Treaty of Lisbon as well as relevant UN concepts.

Austria's security policy is based on the Austrian constitution and its neutrality law, the pillars of the Charter of the United Nations and the Common Security and Defence Policy of the EU. It is supported by the principles of comprehensive and preventive security, human security and European solidarity.

The Austrian Defence Policy was released by the Federal Government in November 2014 after reaching a consensus in the National Security Council. The Defence Policy adopts and specifies the guidelines of the Austrian Security Strategy within a military dimension. It sets the framework for a modern and up to date concept of defence.

A central element within the legal and political framework of the decision-making process is the National Security Council (NSC). This is comprised of key government decision-makers, the parliament and provinces coordinated by the Federal Chancellery, where the Secretariat of the NSC is located. The NSC's functions are to advise and coordinate fundamental issues relevant to the national security of Austria. In cases of emergency the NSC may decide on concrete actions to adequately address a crisis.

The new governments program 2017-2022 foresees the possible development of a new entity, the Federal Security Council (Bundessicherheitsrat). It is envisaged that this element could act and coordinate within the framework of the crisis management structure and in cooperation with the parliament to handle complex disruptions within the public sector.

Enhancement of institutional crisis management capacity, contribution to prevention of conflicts, peace-building, peace-enforcement, post-conflict stabilization and development;

Austria continues to maintain a comprehensive approach to its security and defence policy in accordance with its constitution, which is based on neutrality and it is harmonised with Austria's internal, foreign and development policies. Austria's main defence policy objectives

remain unchanged: provision of military capability to maintain Austria's sovereignty and territorial integrity; military assistance to the civil authorities; and participation in crisis management missions abroad. The Austrian Armed Forces (AAF) should be able to provide and sustain contributions to international crisis management operations within the framework of the UN, EU, NATO, and OSCE, preferably under a UN mandate. Austria's level of ambition for crisis management operations is a minimum (on average) of 1,100 military personnel and up to 100 experts. The (new) Government Programme 2017-2022 states the political intent to increase the national participation with military personnel.

The core of the AAFs level of ambition for participation in international crisis management operations comprises either one battalion-sized infantry task group with combat support and combat service support or two sustainable infantry battalions including multinational elements in two separate areas of operation.

The overall Austrian level of ambition is unchanged. The authorised wartime strength of the AAF is at least 55,000 personnel (the new Government Programme 2017-2022 foresees a strength of at least 55.000 personnel), based on general mobilisation.

Austria currently declares the forces set out below constitutes the national pool of deployable forces on which Austria will be able to draw, on a case-by-case basis, for NATO-led operations, EU-led crisis management operations, and UN missions as well as for cooperation with NATO under the umbrella of Training and Exercises.

UNIT
1 Medium Infantry Battalion
1 Light Infantry Battalion
1 ISTAR Close Reconnaissance Company
1 Heavy Infantry Company
1 Brigade-Level Land Command and Control Capability
1 CBRN Multifunctional Company
1 Military Police Platoon
1 ISTAR HUMINT Team
1 CIMIC Team
1 One Ops and plans Team, 2 Tactical PSYOPS Teams, and 1 Combat Camera Team
1 Military Training Team
1 Military Observation Team
1 Operational Liaison and Reconnaissance Team
1 Disaster Relief Unit
1 Medium Transport Company
1 Special Operations Task Group
1 Military Engineering General Support Company
1 Water Purification Platoon*
1 EOD Platoon (reinforced with a Mine Clearing Element) [†]
1 Fixed Wing Aeromedical Evacuation Aircraft
1 Rotary Wing Aeromedical Evacuation Aircraft [‡]

* Part of the CBRN multifunctional company.

[†] Mine Clearing Element personnel figures included but not organic to this unit (will have to be attached).

[‡] The same platforms are used for transport.

UNIT
1 Medical Liaison Unit, and Surgical Team
Headquarters Augmentees
1 Geospatial Support Team

Adherence to pertinent international obligations, initiation or promotion of advanced global and regional security undertakings;

Austria is a member of the United Nations, the Organisation for Security and Co-operation in Europe, the European Union and Partner of NATO in its Partnership for Peace Programme. Additionally, Austria co-operates closely with its neighbours and intends to further intensify these efforts within a regional setting.

Austria sees a primary responsibility for global security within the framework of the United Nations. Missions abroad ought to be politically legitimised through a UN mandate, although the Austrian constitution would allow for partaking in missions based on the mandate of an international organisation, the OSCE or an EU decision.

The mutual assistance clause, which was newly specified in the Treaty of Lisbon and based on Article 51 of the UN Charter, takes into account the specific character of the security and defence policy of Austria.

National traditions and/or subregional security co-operation;

Austria's security policy is based on the constitutional principle of permanent neutrality, which is an integral part of its identity. Meanwhile, Austria hosts the seats of the United Nations and the Organisation for Security and Co-operation in Europe and is involved in international, regional and sub-regional networks.

Specifically in the context of military capability development, Austria is interested in elaborating formats and possibilities for enhanced co-operation, mainly in a regional context (e.g. Central European Defence Cooperation – CEDC).

Operations in Southeast and Eastern Europe as well as the Middle East and Northern Africa will continue to be of top priority for Austria given its geopolitical situation, the security policy relevance these regions have for Austria and the expertise and network of relations it has acquired. Depending on international developments, commitment may have to be adapted or even extended, e.g. from the Balkans to the Danube and Black Sea region or to parts of the Middle East or Northern Africa. Austria's engagement in Africa is guided by the Austrian Africa Policy, which underlines Austria's responsibility for stability and security in the Sub-Saharan region.

Multilateral co-operation, indivisible security, international transparency, and arms control;

In the spirit of solidarity, Austria provides capabilities for adequate contributions to international crisis management operations in the framework of the UN, EU, NATO and OSCE, based on its constitution, relevant constitutional laws and the respective chapters of the Lisbon treaty, preferably with a UN mandate.

In addition, Austria participates in different kinds of agreements, conventions and initiatives in the field of arms control, non-proliferation and confidence and security building measures in the framework of the EU, the UN and the OSCE.

Contribution to international peace and constabulary missions.

Currently, the AAF participate in two NATO-led operations (KFOR and RSM), two UN-led operations (UNIFIL and MINUSMA), two EU-led operations (ALTHEA and SOPHIA), and in several smaller UN-, EU- and OSCE-led training, observer and monitoring missions, often with only one or some officers participating.

AUT contingents are deployed to:

KFOR:

The AUT contribution in the actual operation phase DETERRENT PRESENCE includes up to 600 troops:

- Staff personnel to HQ KFOR and HQ MNBG W
- 1 Recce Coy with 2 Recce Plt
- 2 Inf Coy
- 1 IMP Plt
- Staff personnel and 1 Transport Unit to JLSG

ALTHEA:

The AUT contribution includes up to 400 troops:

- Staff personnel to EU STAFF GROUP in the EU OHQ at SHAPE, EUCE at JFC NAPLES and FHQ in SARAJEVO
- HQ MNBN in Camp BUTMIR (CB)
- 1 Inf Coy since jul16 up to sep17
- 1 Inf Coy held in Austria (IR-Coy) at 4 days NTM starting 15sep17
- 3 LOT
- 1 ROLE1 MEDICAL FACILITY
- starting 01 apr17:
 - 2 for 1 Medium Transport Helicopters AB 212 for MEDEVAC/CASEVAC
 - 2 for 1 PC6 for Tactical Air Transport
 - 1 Medium Transport Helicopter S70 at 3days NTM held in Austria

AUTCON ORF (Operational Reserve Forces for the Western Balkans):

The AUT contribution includes:

- HQ, HQCoy, 2 InfCoy, up to 470 troops

The heavy equipment is pre-deployed within the AOR (FC PRIZREN).

Since 1 Jul 17 Austria has taken over the lead of the ORF-Bn for one year.

UNIFIL:

The AUT contribution includes up to 250 troops

- Staff personnel to HQ/UNIFIL.
- 1 Force Multi Role Logistic Unit (maintenance, storage, fuel-support, firefighting brigade and transportation within UNIFIL AOO)

UNFICYP:

Up to 8 staff personnel can be deployed.

MINURSO:

Up to 15 military observers can be deployed.

MINUSMA:

Up to 15 staff personnel and military observers can be deployed.

UNTSO:

Up to 14 staff personnel and military observers can be deployed.

EUMM GEORGIA:

Up to 5 military observers can be deployed.

EUTM MLI:

Up to 20 staff personnel, trainers and force protection personnel can be deployed.

EUNAVFOR MED Operation Sophia:

Up to 30 personnel (staff and boarding-team) can be deployed.

RSM AFG:

Up to 20 (staff and training personnel) can be deployed.

OSCE SMM Ukraine:

Up to 20 Monitoring Officers can be deployed.

OSCE Moldova:

Up to 10 experts can be deployed on a temporary basis.

RACVIAC:

Up to 2 staff personnel and specialists can be deployed.

Participation of the Federal Ministry of the Interior:

EUMM Georgia

Up to 3 police officers can be deployed

Rule of Law Mission in Kosovo (EULEX Kosovo).

Up to 10 police officers can be deployed

EUPOL Coordination Office for Palestinian Police Support (EUPOL COPPS Palestine)

Up to 2 police officers can be deployed

EU Border Assistance Mission (EUBAM Rafah) Up to 2 police officers can be deployed

EU Advisory Mission to the Ukraine (EUAM Ukraine)

Up to 5 police officers can be deployed

EU Integrated Border Management Mission (EUBAM Libya)

Up to 5 police officers can be deployed

United Nations Mission on Kosovo

1 Police Officer

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

In accordance with the principles of a democratic state governed by the rule of law enshrined in the Austrian Federal Constitution, democratic political control of the security forces is entrusted above all to the following institutions;

- parliament (legislative prerogatives incl. adoption of the federal budget, control of the executive branch through instruments such as the approval of international treaties, interpellation of members of government, commissions of enquiry, no confidence motions)
- the ordinary judiciary (civilian and criminal courts)
- the Constitutional Court and the Administrative Court
- Federal Court of Administration
- the Public Audit Office
- the Ombudsman Board
- the Data Protection Commission

For the Federal Ministry of Interior the civil control is supported by the Legal Protection Commissioner and the Federal Anti-Corruption Bureau.

- Through the new State Protection Act the Federal Ministry of the Interior provided for the instalment of a Legal Protection Commissioner (Rechtsschutzbeauftragter, RSB) regulated in sec 91a to b SPG and sec 14 to 17 PStSG (State Protection Act). The RSB is an independent expert appointed by the President of the Republic for a period of five years. Its mission is to examine investigative measures implemented by the National Security Authorities. This counters the deficiency of remedies against such measures which are often carried out without knowledge of the people affected. In some cases investigative measures have to be authorised by a Legal Protection Senate (sec. 14, para. 3 PStSG).
- With the entry into force of the Federal Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK) as of 1 January 2010, the Federal Bureau for Internal Affairs (BIA) was transformed into the BAK. The BAK is an institution of the Austrian Federal Ministry of the Interior. Organizationally speaking, it is, de jure, established outside the Directorate-General for Public Security and has nationwide jurisdiction in
 - the prevention of and the fight against corruption,

- the close cooperation with the Public Prosecutor's Office for White-Collar Crime and Corruption (WKStA) and
- security police and criminal police cooperation with foreign and international anti-corruption institutions.

Corruption is a complex phenomenon which has to be tackled in a holistic way. According to its legal mandate, the BAK follows a 4-pillar approach.

- **Prevention** – includes, inter alia, the analysis of corruption phenomena and the development of adequate preventive measures.
- **Education** – through information transfer as well as educational and awareness raising campaigns.
- **Law enforcement** – i.e. security police and criminal police investigations.
- **Cooperation** – with national and international institutions working in the field of preventing and combating corruption, as well as exchange of best practices.

Furthermore, measures for the protection of constitutional institutions/bodies and their capacity to act are controlled by the Permanent Subcommittee of the Committee for Internal Affairs (Rules of Procedures Act GOG-NR, sec. 31).

On 16 November 2001, a law on the formation of the National Security Council entered into force. This Council, chaired by the Federal Chancellor, must be heard in all fundamental matters of foreign, security and defence policy. It advises the Federal Government and the individual Federal Ministers. Its other members include the Vice-Chancellor, the Federal Minister for European and International Affairs, the Federal Minister of Defence, the Federal Minister of Interior, the Federal Minister of Constitutional Affairs, Reforms, Deregulation and Justice and representatives of the political parties. Moreover, several senior civil servants participate in the National Security Council as advisors: a representative from the President's Office, a representative from the Presidency of the Governors of the "Länder", the Secretary General for European and International Affairs, the Chief of Defence, the Director General for Public Security and respectively one civil servant appointed by the Federal Chancellor, the Vice-Chancellor, the Federal Minister for European and International Affairs and the Federal Minister of Defence.

For the purpose of reviewing the measures for the safeguard of constitutionally established agencies and their operative capacity, as well as for the purpose of reviewing intelligence measures to secure the country's military defence, the Austrian Constitution provides for two standing sub-committees of the Austrian Parliament.

The two standing sub-committees are entitled to request all relevant information and insight into relevant documents. This does not apply to information and documents whose disclosure would endanger national security or the safety of individuals. Section 57 of the Austrian Military Powers Act installs a representative for legal protection, who is authorised to examine the lawfulness of measures of the intelligence agencies.

Austria's constitutional framework does not foresee a role or mission for private military and security companies (PMSC) for our countries military defence. In case of receiving services from private sector e.g. PMSC, these would be subordinated under proper democratic political control in order to ensure that they act solely within Austria's constitutional framework.

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The compliance with regulations through civil servants is regardless of the responsibility under criminal law, ensured through the public services law and the disciplinary laws. A violation of official duties through a civil servant will be punished by disciplinary-judicial measures. The penalty depends on the severity of the violation of official duties and can lead to dismissal.

For contract agents there is the possibility of admonition as well as the possibility of termination of the service through suspension or dismissal for violation of official duties.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

Under Article 79 of the Austrian Constitution, the Federal Armed Forces' first and foremost task is the „country's military defence“. Other tasks laid down in the Constitution include the “protection of the constitutionally established institutions as well as their capacity to operate and the population's democratic freedoms”, „the maintenance of order and security inside the country in general“, „rendering assistance in the case of natural catastrophes and disasters of exceptional magnitude“. Additional tasks are stipulated by federal constitutional law. The only constitutional law enacted so far in that respect is the „Federal Constitutional Law on Cooperation and Solidarity When Despatching Units and Individuals Abroad“ (KSE-BVG) (Federal Law Gazette Vol. I, No. 38/1997).

The powers of military organs are extensively regulated in the “Military Powers Act” (Militärbefugnisgesetz), which entered into force on 1 July 2001 (Federal Law Gazette, Vol. I, No. 86/2000). This Act covers in a comprehensive way inter alia requests for information, control of persons, instructions to leave a certain place, body search, entering premises, seizure of property, use of weapons and data processing.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Pursuant to section 10 of the Military Service Act 2001, Federal Law Gazette Vol. I, No. 146/2001, all male Austrian nationals between the age of 17 and 50 are liable for military service (this liability ends for officers, non-commissioned officers, and staff with special skills at the age of 65). Pursuant to section 11 of the Military Service Act 2001 compulsory military service means the duty to appear before a draft board and to participate in the necessary physical and psychological evaluation, the duty to serve in the Austrian Armed Forces, the duty to fulfil the obligations as member of the „militia“ (reserve) and the duty to notify the military authorities of facts with relevance to the service in the military e.g. change of residence etc.

Section 12 of the Military Service Act 2001 divides the Austrian territory into recruitment areas in order to facilitate the registration, evaluation and induction of persons liable for

military service. These areas correspond to the territories of the nine Austrian Federal Provinces. Pursuant to section 13 of the Military Service Act 2001 a military command is to be established for each recruitment area, which is responsible for the recruitment of conscripts.

The particulars and other relevant data of persons liable for military service (i.e. name, date and place of birth, place of residence etc.) must, upon request, be communicated to the respective military command by the competent civilian administrative authorities.

After their registration, conscripts are subjected to an evaluation procedure in the year in which they attain the age of 18. Pursuant to section 17 § 1 of the Military Service Act 2001 the examination may only be carried out by evaluation centres (draft boards), which - according to section 15 § 2 of the Military Service Act 2001 - consist of an officer (superior), a doctor and a psychologist. The purpose of the examination is to determine whether a person liable for military service has the physical and mental fitness required for military service. The evaluation procedure usually lasts for 1 1/2 days and is concluded by a written decision declaring him „FIT“, „UNFIT“ or „TEMPORARILY UNFIT“ for military service.

Pursuant to section 9 of the Austrian Military Service Act 2001 only Austrian nationals that have attained the age of 18 (on a voluntary basis this is possible also after having attained the age of 17) and whose physical and mental fitness for military service has been established by the decision „FIT FOR MILITARY SERVICE“ may be called up for military service. Under section 24 of the Military Service Act they are called-up for national service in accordance with military interests by means of a decree in the form of a draft notice (or where military conditions so require, also by a general announcement by the Federal Minister of Defence). The draft notice essentially states the type and duration of the military service to be rendered, as well as the place and time at which the person concerned is to report for duty.

Persons liable for military service are assigned to the individual units by taking into account their aptitudes and military requirements and in the absence of any military requirements to the contrary, also by taking into account their profession and other certified expert knowledge, the place of residence, and any wishes regarding the place of duty, type of force and date of call-up.

The induction into the Austrian armed forces occurs at 00.00 hrs of the day stated in the draft notice, even if a draftee fails to comply with it.

For the admission to the police it has to be pointed out that in the Austrian public administration and therefore also in the service of the executive authority applicants with Austrian nationality regardless of their ethnic origin will be affiliated if the designated selection procedures (education, health, record) are passed.

The admissions take place in accordance with existing legal regulations of the federal constitution, the law on tender, the public service law for civil servants and the federal Equal Treatment Act.

Recruitment and call up for voluntary military service:

Female Citizens as well as male citizens liable and not unfit for military service may volunteer for a kind of military service called “training service,” in order to prepare them for a career as an officer, a non-commissioned officer or a member of a unit of the Forces for International Operations. The period of this service can range from a minimum of twelve

months up to four years. If imperative military interests so require and upon the written consent of the person concerned, this training service may be extended by a period of up to two years. Personnel applying for this service have to pass an aptitude test including a special medical check-up, a psychological screening and a physical fitness test conducted by the Armed Forces Personnel Agency. Call-up of these personnel is similar to compulsory military service, procedures for the subsequent different employments are numerous and varying.

The admission in the service of the executive authority takes place within the framework of a comprehensive admission procedure. After applying for free positions, the applicants must undergo a security check and a medical examination; complete a written acceptance test as well as an admission interview and athletic test.

3.2 What kind of exemptions or alternatives to military service does your State have?

Under Article 9a § 3 of the Constitution every male citizen is liable for general military service. According to Article 9a § 4 of the Constitution, any person who has refused to fulfil the compulsory military service and has been dispensed from it, is obliged to render an alternative (civilian) service.

The detailed provisions governing military service are regulated in the Military Service Act 2001 and those governing the civilian alternative service in the Civilian Alternative Service Act 1986 Federal Law Gazette No. 679/1986.

Exemption from the duty to undergo an evaluation procedure:

All persons liable for military service must in any event undergo an evaluation procedure unless they are exempt by law from doing so. Pursuant to section 18 § 3 of the Military Service Act 2001, the following members of a legally recognised church or religious community are exempt from this duty:

- Ordained priests
- Persons who have completed their theological studies and are now engaged in spiritual welfare work for the church or teach theology in schools
- Monks
- Students of theology preparing for the priesthood

Exclusion from the call-up for military service:

Pursuant to section 25 of the Military Service Act 2001 the following persons are excluded from the call-up for military service:

- Persons liable for military service on whom a prison sentence has been imposed and who have been granted a postponement or interruption of serving their sentence, are excluded during the period of postponement or interruption.
- Persons liable for military service that are imprisoned or otherwise detained by order of a public authority are excluded during the period of imprisonment or detainment.
- Persons liable for military service who fulfil the exemption requirements of p. 18 § 3 of the Military Service Act 2001 unless they have expressly agreed to the call-up.
- Persons liable for military service excluded due to international law obligations unless they have expressly agreed to the call-up.

Moreover, persons liable for military service who have rendered at least two years of service in development assistance abroad, are also exempt from the call-up for military service, unless they have expressly agreed to the call-up.

Exemption from compulsory military service:

Pursuant to section 26 § 1 of the Military Service Act 2001, persons liable for military service are exempt from compulsory military service:

- ex-officio, if and as long as military considerations or other public interests, in particular overall economic or family policy interests, so require, and
- upon their request, if and as long as economic and family interests, that are to be especially taken into account, so require.

Postponement of basic military service:

Unless military interests require otherwise, section 26 § 3 of the Military Service Act 2001 provides for the postponement of basic military service upon a request by persons declared fit for military service, if

- they were attending school or university or were receiving other preparatory professional training at the beginning of the calendar year during which the induction procedure declaring them fit for the first time or fit again after being found „temporarily unfit“ or „unfit“ began.
- they were not called-up for compulsory military service at a certain date within one year after they were in a position to render basic military service, and they would be put at a severe disadvantage as a result of an interruption of their educational or university training or other preparatory professional training.

A postponement may in any case be granted until they have completed their respective training but must not exceed the date of 15 September of the calendar year during which they attain the age of 28.

Duty to render alternative service (civilian alternative service) for conscientious objectors:

The constitutional provision of section 2 § 1 of the Civilian Alternative Service Act in the current version gives all persons liable to military service a subjective right guaranteed by constitutional law to refuse military service for reasons of conscience, requiring them at the same time to render alternative service („civilian alternative service“).

According to this provision, persons liable to military service who within the meaning of the Military Service Act have been found fit for the first time may declare:

- that they are unable to comply with their duty to render military service because - apart from acting in self-defence or assisting in an emergency - they refuse to use arms against other people for reasons of conscience and would thus be faced with a moral dilemma in the military service, and
- therefore wish to render civilian alternative service.

The right to submit a declaration to that effect is at any rate guaranteed for at least six months following the completion of the pre-induction procedure during which the person liable to military service was for the first time found fit to render such service. In addition, he may submit his declaration until the second day prior to being called-up for compulsory military service. Civilian alternative service lasts for nine months.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

Administrative Courts

Since January 1, 2014 exist nine “Administrative Courts of the Land”, one for each of the nine Länder as well as an Administrative Court of the Federation, to be named “Federal Court of Administration” and an Administrative Court of the Federation for Finance to be named “Federal Financial Court”.

All disciplinary actions or measures under the relevant provisions of the service law must be issued in the form of administrative decisions. All soldiers (conscripts as well as civil servants) now have the possibility to challenge any decision in disciplinary proceedings before the Federal Court of Administration. Also any other decision in administrative proceedings (i.e. ordering a transfer or qualified change of assignment) may now be challenged before these administrative courts, depending on the subject matter before an “Administrative Court of the Land” or the “Federal Court of Administration” or the “Federal Financial Court”.

The Administrative Courts also replace the former “Independent Administrative Tribunals” and therefore have the competence to judge on complaints from persons who claim an infringement of their rights by a measure of direct coercion.

Appeals to the Constitutional Court or to the Administrative Court

After exhaustion of available remedies, which include the above-mentioned “Administrative Courts”, the final decision can in certain cases be challenged by an appeal against that decision with the Constitutional Court or with the Administrative Court. If the appeal is granted, the impugned judgement is repealed.

Grounds for exemption from Punishment under the Code of Military Offences:

Competence for penalising criminal offences committed by soldiers lies with the general courts of criminal justice. In addition to the penal laws applicable to all citizens, the Code of Military Offences also contains provisions governing a number of other offences, including court sentences for violations of the military duty to obey.

Any conflict between the soldier's duty to obey, on the one hand, and his or her rights and the obligation to observe the general penal laws, on the other, is avoided with the possibility of exemption from punishment explicitly listed in section 17 of Code of Military Offences. A violation of the duty to obey is not liable to punishment under the Code if the instruction constitutes a violation of human dignity; if it is issued by an incompetent person or agency; if it is invalidated by another instruction; if it is rendered redundant by a change of situation and if obeying the instruction would entail a significant drawback; if it is entirely unrelated to national service; or if it orders the perpetration of a criminal offence.

Offences which are committed by superiors or subordinates in violation of the rights of other soldiers are also subject to special punishment under the Code of Military Offences.

Issuance of instructions in writing:

A part from the right to refuse to obey an instruction if one of the reasons above applies, a subordinate is also entitled to request a written version of an oral instruction prior to its execution if the instruction relates to facts, news or projects of military relevance, or if he or she has raised objections to the instruction which were not considered. A superior is obliged to comply with such a request unless this is not feasible for service-related reasons.

Regular complaints:

Under the general service regulations for the Armed Forces, every soldier has the right to complain orally or in writing about any defects or flaws, in particular any injustice or interference with service competences, affecting him or her in the performance of national service.

Regular complaints must be addressed to the competent superior, who is obliged to deal with them expeditiously, however no more than six weeks later. If the complaint is about the superior to whom it would normally be addressed, it may be submitted to the next higher superior. No superior is authorised to deal himself with an ordinary complaint directed against him. If an ordinary complaint is incompletely or not at all granted or dealt with in due time, it may be submitted to the next higher superior within a specified time.

Extraordinary complaint:

A soldier may also lodge a grievance in the form of an extraordinary complaint to the Parliamentary Armed Forces Complaints Commission at the Federal Ministry of Defence. Extraordinary complaints filed with the competent national service authority must be forwarded, without delay or compliance with official channels, to the Parliamentary Armed Forces Complaints Commission.

The Parliamentary Armed Forces Commission for Complaints has been established under a constitutional provision of the Military Service Act and is composed of three chairpersons appointed by the Federal Parliament and six members nominated by the political parties in relation to their number of seats in the Main Committee of the Parliament.

Advisory members of the Commission are the Inspector General of the Armed Forces and a civil servant nominated by the Federal Minister of Defence. The tasks of the Parliamentary Armed Forces Complaints Commission are to receive, examine and decide on a recommendation to settle extraordinary complaints from persons who are: undergoing voluntary pre-induction or voluntary military training, liable to pre-induction or national service, soldiers, or members of the militia or reserve who are liable to further service after completion of basic national service.

The Commission is also competent to perform ex-officio examinations of suspected flaws and grievances of national service operations. The Commission is authorised to conduct any investigations required under its mandate directly at the site of the grievance, if necessary, and to obtain all relevant information from the competent authorities.

By March 1 the Parliamentary Armed Forces Complaints Commission submits an annual report on its activities and recommendations for the previous year, which must be presented every other year to Parliament by the Federal Minister of Defence along with a statement on the recommendations contained in the report.

Complaints to the Ombudsman Board:

In addition, soldiers, as all other citizens, have the right to complain about alleged grievances in the federal administration to the Ombudsman Board, established under a constitutional law, to the extent that they are personally affected and provided that no other remedies are available. The Ombudsman Board is obliged to examine each and every complaint that is submitted to it and to inform the appellant about the result of the examination and about the measures taken, if any.

Reports:

In conformity with the General Service Regulations, every soldier is obliged to report to his or her superior, without an invitation, any facts, events, news or projects that are relevant to the service operation, in order to enable the superior to take the necessary measures.

Requests:

Every soldier has the right to submit, orally or in writing, requests to his or her superior (starting at the level of unit commander). Such requests must list specific reasons. Report meetings during which requests or complaints may be submitted orally are held daily by service units and occasionally by superior command units. Requests or complaints may also be presented in a personal interview which must be granted by the superior subject to service schedules.

Requests must be dealt with by the superior after a thorough examination. If the matter is not within his purview, the superior must immediately transmit the request along with his comments to the competent authority. If a request is not approved, a reason for that decision must be provided. If a request is rejected or insufficiently granted, the soldier has the right to submit the request to the officer who is superior to the one having competence for dealing with the request.

Soldiers' representatives and personnel representatives are authorised within their statutory scope of action to submit requests and complaints. They may be asked by soldiers to offer assistance in drafting requests and complaints and to be present during personal talks.

Interferences in the subjective rights of the civil servants or the applicants are just allowed on the base of legal regulations. The violation of subjective rights of the civil servant can be enforced by the person concerned in the proceedings of the civil servant law through a formal declaratory procedure in writing. Moreover the civil servant and the applicant as person concerned can enforce a possible claim of occurred claims through civil liability in front of an ordinary court

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

With the current law (Military Service Act 2001, Code of Military Offences, Civilian Alternative Service Act) and the relevant ordinances (General Service Regulations), decrees (Code of Conduct for Soldiers) and training instructions, the prerequisites of the OSCE Code of Conduct are generally considered to be fully complied with.

Moreover, legal advisers are embedded at the **Land** Forces Command, the **Logistics** Command, the nine Provincial Military Commands, the Austrian Strategic Intelligence Agency and the Armed Forces Security Agency of the AAF. Legal teachers are embedded at the three main AAF training institutions, namely the National Defence Academy, the Theresian Military Academy and the NCO and Warrant Officer Academy.

In order to ensure availability and dissemination of international humanitarian law, the Ministry of Defence created a compilation of the relevant legally binding documents and distributed it among the legal advisers and legal teachers of the AAF, as well as the concerned legal consultants of the Ministry of Defence and Sports.

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

International humanitarian law and other international rules, conventions and commitments concerning armed conflicts are related to the respective level part of curricula of Officers' and NCO's courses. Conscripts are informed about international humanitarian law during basic training. Subsequently, international humanitarian law and other international rules, conventions and commitments concerning armed conflicts are elements of further training of Officers and NCO's. During pre-deployment training forces get additional education and practical training in relevant contents. All these contents are also included in various regulations throughout the AAF.

International humanitarian law and other international rules, conventions and commitments governing armed conflict is communicated at a higher level during basic training to legally trained civil personnel of AAF.

The Ministry of Defence is co-organising and conducting two training courses supporting the implementation of regulations, principles and decisions regarding international humanitarian law.

The first course, "International Law for Military Legal Advisers", is held on a biannual basis by the Austrian Ministry of Defence under the auspices of the European Security and Defence College (ESDC), and supported by the International Committee of the Red Cross (ICRC). This course is open to legal advisers of the Armed Forces or of the Ministry of Defence of Austria and other European States. The course is divided into three parts, namely "International Operational Law", "International Humanitarian Law" and an "Extended

Practical Exercise”. Among other issues, the question of accountability of individuals with regard to national and international criminal law and national disciplinary regulations is covered in this course.

The second course, “Protection of Civilians in Armed Conflict”, is held on a yearly basis in cooperation with the Ministry of the Interior, the Ministry of European and International Affairs and the Austrian Study Center for Peace and Conflict Resolution and is open to national as well as international military personnel. Within the context of international operations, participants are also taught and trained in fundamentals concerning legal and personal responsibility in cases of violations of international provisions to ensure awareness of individual accountability and compliance with national and international criminal law.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Trough relevant ordinances (General Service Regulations), decrees (Code of Conduct for Soldiers) and training instructions military personnel is made aware in particular to limit military actions in a way not to harm the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity. Austrian military personnel are aware of their personal responsibility and accountability for all actions during military service in national and international duties.

Concerning the Armed Forces, a Parliamentary Armed Forces Commission for Complaints has been established under Section 4 of the Military Service Act 2001, whose first and foremost task is to make recommendations for dealing with complaints brought before the Federal Minister of Defence. Furthermore, the Commission is also entitled to undertake, on its own initiative, inquiries on suspected deficiencies and grievances regarding national service.

Concerning the police a Legal Protection Commissioner (Rechtsschutzbeauftragter, RSB) was installed to examine and in certain cases to authorize investigative measures implemented by the National Security Authorities (as explained under Section II 2.1). At the same time the Austrian legal framework provides with several possibilities to challenge illegal administrative decisions and law enforcement actions. Such cases can be brought before the administrative courts and under certain conditions before the Constitutional Court and the Administrative Court. Furthermore the Austrian Ombudsman Board is entitled to undertake, on its own initiative, inquiries on suspected deficiencies and grievances regarding the police as well as national service and make recommendations for dealing with complaints brought before the authorities or before the AOB itself

Further the Federal Bureau of Anti-Corruption (BAK) of the Ministry of Interior leads security police and criminal police investigations against “internal wrongdoers”.The BAK is an institution of the Austrian Federal Ministry of the Interior. Organizationally speaking, it is, de jure, established outside the Directorate-General for Public Security and has nationwide jurisdiction in

- the prevention of and the fight against corruption,

- the close cooperation with the Public Prosecutor's Office for White-Collar Crime and Corruption (WKStA) and
- security police and criminal police cooperation with foreign and international anti-corruption institutions.

Corruption is a complex phenomenon which has to be tackled in a holistic way. According to its legal mandate, the BAK follows a 4-pillar approach.

- **Prevention** – includes, inter alia, the analysis of corruption phenomena and the development of adequate preventive measures.
- **Education** – through information transfer as well as educational and awareness raising campaigns.
- **Law enforcement** – i.e. security police and criminal police investigations.
- **Cooperation** – with national and international institutions working in the field of preventing and combating corruption, as well as exchange of best practices.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

Under the Federal Constitution Act and the Military Service Act 2001, all members of the Federal Armed Forces generally have the same civic rights as all other citizens.

At the same time, section 43 of the Military Service Act 2001 provides that the members of armed forces must refrain from any partisan political activity during the duty hours and within the area of national service, such as promoting the aims and objectives of a political party or in an election campaign, or the organisation of meetings and rallies on military premises. Section 43 § 3 of the Military Service Act 2001 prohibits soldiers from taking part in public meetings, manifestations or demonstrations while in uniform.

In the field of basic rights, there are legal restrictions on the right to freedom of expression regarding the duty to preserve official confidentiality and military secrets. Finally, the rights of soldiers are limited by such duties as provided for by laws and ordinances and specifically necessitated by the peculiarities of a military service operation.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

The basic document that sets the foundations for Austria's defence policy and doctrine is the Austrian Security Strategy, which was adopted by Parliament in July 2013. The Austrian Security Strategy ensures due diligence by legal experts with regard to constitutional as well as international law. In many cases (where security policy is concerned in a general sense) experts are consulted not only from the Ministry of Defence but also from other government agencies such as the Federal Chancellery, the Federal Ministry for Europe, Integration and Foreign Affairs and the Federal Ministry of the Interior.

The dispositions of the "Federal Constitutional Law on Cooperation and Solidarity in Deploying Units and Individuals Abroad" regarding the necessity of troop deployments abroad to be undertaken in accordance with international law as well as the principles of the

UN Charter and the Helsinki Final Act have already been mentioned in the answer to question 2.1. Section I.

Furthermore, the structures of democratic control referred to in the answer to question 2.1. of Section II can also be considered as important guarantors for the consistency of national defence policy and doctrine with international law.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

The implementation of relevant provisions of the Code of Conduct is pursued by the respective Federal Ministries. These Ministries are providing information according to their public policy information on defence and security policy issues through their press and public division on a regularly basis. This is done by press releases or by posting relevant information on the internet homepages of these Ministries, whereas requests for additional information could be made by everyone;

<http://www.bmeia.gv.at/aussenministerium/aktuelles/presseaussendungen.html>

http://www.bmlv.gv.at/journalist/pa_menu.php

<http://www.bka.gv.at/site/4115/default.aspx>

http://www.bmi.gv.at/cms/bmi_presse/

http://www.bmi.gv.at/cms/bmi_service/

<http://www.bmj.gv.at/buergerinfo/index.php?nav=68>

In addition, public broadcasting stations and selected newspaper are contracted to publish changes and updates on national regulations and laws. Among those also information on national policies related to provisions of the Code of Conduct is provided to the public.

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

(See answer 1.3 of the same section)

1.3 How does your State ensure public access to information related to your State's armed forces?

Public access to information on the Austrian Armed Forces is ensured by the fact that all politically or legally relevant documents and decisions are published and easily made available. This is achieved by using different modes to provide related information;

Internet: www.bmlvs.gv.at

Newspaper: "DER SOLDAT", www.dersoldat.at

Periodika: "TRUPPENDIENST" and "ÖMZ-Österreichische Militärische Zeitschrift"

Events: Presentation of the Austrian Armed Forces on National Holiday 26 October as well as open days at barracks

Seminars: Regular presentation and discussion of military related topics at National Defence Academy and National Military Academy

In addition the Ministry of Defence is providing videos, leaflets as well as posters on military activities and missions. Finally military officers are visiting on request schools and provide information on the military system in Austria.

The rules concerning the access to classified information received by Austria from international organizations and other states are contained in the “Law on Information Security”. It restricts the information access to public officials and other persons if they need access to enable them to fulfil their official duties or for an activity in the public interest (“need to know principle”). The law does not apply in relation to the Austrian Parliament, which has its internal procedures for the protection of classified documents. It stipulates that the Austrian classification has to guarantee the level of protection envisaged by international organizations or other states and would not provide a basis for a higher classification.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

Austrian Federal Ministry for Europe, Integration and European Affairs

Unit II.7.a – Military Affairs and non-military Security Affairs in the framework of the OSCE

BMEIA, Pestalozzigasse 2, A-1010 Wien

Tel.: +43 (0)5 01150-4310, E-mail: abtII7@bmeia.gv.at

Annex I: List of international agreements and arrangements

Please indicate if your State is party to the following universal and regional legal instruments relevant to preventing and combating terrorism and related co-operation in criminal matters. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g. undergoing inter-ministerial coordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc).

	Name of the treaty	Party by: ratification P(R) , accession P(a) , succession P(s) , acceptance P(A) , approval P(AA) , or Not party	Law and date of ratification, accession, succession, acceptance, or approval
Universal legal instruments			
1	Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)	a	07.02.1974 BGBl. Nr. 247/1974
2	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	R	11.02.1974 BGBl. Nr. 249/1974
3	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)	R	11.02.1974 BGBl. Nr. 248/1974
4	Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)	a	03.08. 1977 BGBl. Nr. 488/1977
5	International Convention against the Taking of Hostages (1979)	R	22.08.1986 BGBl. Nr. 600/1986
6	Convention on the Physical Protection of Nuclear Material (1979)	R	22.12.1988 BGBl. Nr. 53/1989
7	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988)	R	28.12.1989 BGBl. Nr. 63/1990
8	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	R	28.12.1989 BGBl. Nr. 406/1992
9	Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)	a	28.12.1989 BGBl. Nr. 406/1992
10	Convention on the Marking of Plastic Explosives	R	31.05.1999

	for the Purpose of Detection (1991)		BGBI. III Nr. 135/1999
11	International Convention for the Suppression of Terrorist Bombings (1997)	R	06.09.2000 BGBI. III Nr. 168/2001
12	International Convention for the Suppression of the Financing of Terrorism (1999)	R	15.04.2002 BGBI. Nr. 77/2007
13	International Convention for the Suppression of Acts of Nuclear Terrorism (2005)	R	14.09.2006 BGBI. III Nr. 77/2007
14	Amendment to the Convention on the Physical Protection of Nuclear Material (2005)	R	18.09.2006
15	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)	R	18.06. 2010 BGBI. III Nr. 85/2010
16	Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005)	R	18.06. 2010 BGBI. III Nr. 85/2010
17	Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)	Not party	
18	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)	Not party	
19	The United Nations Convention Against Transnational Organized Crime (2000)	R	23.09.2004 BGBL. III Nr. 84/2005
The Council of Europe legal instruments			
20	European Convention on the Suppression of Terrorism (1977) CETS No: 090	R	04.08.1978 BGBI. Nr. 446/1978
21	Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190	Not party	Signed on 15.5. 2003
22	Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196	R	15.12. 2009 BGBL. III Nr. 34/2010
23	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) CETS No: 198	Not party	Signed on 16.05. 2005
24	European Convention on Extradition (1957) CETS No: 024	R	21.05.1969 BGBI. Nr. 320/1969
25	Additional Protocol to the European Convention on Extradition (1975) CETS No: 086	Not party	
26	Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098	R	02.05.1983 BGBI. Nr. 297/1983
27	European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030	R	02.10.1968 BGBL. Nr. 41/1969

28	Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099	R	02.05.1983 BGBl. Nr. 296/1983
29	Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182	Not party	Signed on 20.09.2012
30	European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETS No: 073	R	01.04.1980 BGBl. Nr. 250/1980
31	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141	R	07.07.1997 BGBl. III Nr.153/1997
32	Convention on Cybercrime (2001) CETS No: 185	R	13.06.2012 BGBl. III Nr.140/2012
Please list below any other regional, sub-regional or bi-lateral agreements or arrangements relevant to preventing and combating terrorism and related co-operation in criminal matters, to which your country is a party.			

Bilateral Treaties

Arbeitsübereinkommen zur Bekämpfung von Terrorismus und Drogenhandel zwischen dem österreichischen Bundesminister für Inneres und dem ägyptischen Minister des Inneren

Land

Ägypten

Ort d. Unterzeichnung

Wien

Datum d. Unterzeichnung

26.02.1988

In-Kraft

26.02.1988

BGBl. Nr.

nicht kundgem.

Abkommen zwischen der Österreichischen Bundesregierung und dem Ministerrat der Republik Albanien über die polizeiliche Zusammenarbeit

Land

Albanien

Ort d. Unterzeichnung

Tirana

Datum d. Unterzeichnung

29.06.2007

In-Kraft

01.02.2008

BGBl. Nr.

[III 134/2007](#)**Abkommen über die polizeiliche Zusammenarbeit zwischen der Bundesministerin für Inneres der Republik Österreich und dem Minister für Innere Angelegenheiten der Republik Aserbaidschan**

Land

Aserbaidschan

Gegenstand

Polizeibehörden

Ort d. Unterzeichnung

Wien

Datum d. Unterzeichnung

14.07.2005

In-Kraft

01.01.2006

BGBl. Nr.

[III 44/2006](#)**Abkommen zwischen dem Bundesministerium für Inneres der Republik Österreich und dem Sicherheitsministerium von Bosnien und Herzegowina über die polizeiliche Zusammenarbeit**

Land

Bosnien und Herzegowina

Gegenstand

Polizeibehörden

Ort d. Unterzeichnung

Wien

Datum d. Unterzeichnung

05.05.2006

In-Kraft

01.09.2007

BGBl. Nr.

[III 99/2007](#)**Abkommen zwischen der Österreichischen Bundesregierung und der Regierung der Republik Bulgarien betreffend polizeiliche Zusammenarbeit**

Land
 Bulgarien
 Ort d. Unterzeichnung
 Wien
 Datum d. Unterzeichnung
 29.05.2002
 In-Kraft
 01.08.2002
 BGBl. Nr.
[III 206/2002](#)

Vereinbarung zwischen dem Bundesminister für Inneres der Republik Österreich und dem Bundesminister des Inneren der Bundesrepublik Deutschland über die Zusammenarbeit bei der Bekämpfung des internationalen Terrorismus, der organisierten internationalen Kriminalität, des internationalen Suchtgifthandels und der unerlaubten Einreise

Land
 Deutschland
 Ort d. Unterzeichnung
 Wien
 Datum d. Unterzeichnung
 13.04.1988
 In-Kraft
 13.04.1988
 BGBl. Nr.
 nicht kundgem.

Vertrag zwischen der Republik Österreich und der Bundesrepublik Deutschland über die grenzüberschreitende Zusammenarbeit zur polizeilichen Gefahrenabwehr und in strafrechtlichen Angelegenheiten

Land
 Deutschland
 Gegenstand
 Polizeibehörden
 Ort d. Unterzeichnung
 Berlin Berlin
 Datum d. Unterzeichnung
 10.11.2003 19.12.2003
 In-Kraft
 01.12.2005
 BGBl. Nr.
[III 210/2005](#)

Vereinbarung zwischen dem Bundesminister für Inneres der Republik Österreich und dem Ministerium für Inneres der Republik Estland über die Zusammenarbeit bei der Bekämpfung der internationalen organisierten Kriminalität, des internationalen illegalen Suchtgifthandels und des internationalen Terrorismus

Land

Estland
Gegenstand
Kriminalität, Suchtgifthandel und Terrorismus
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
07.07.1998
In-Kraft
07.07.1998
BGBl. Nr.
nicht kundgem.

Abkommen zwischen der Bundesministerin für Inneres der Republik Österreich und dem Ministerium für innere Angelegenheiten von Georgien über die polizeiliche Zusammenarbeit

Land
Georgien
Gegenstand
Polizeibehörden
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
22.02.2010
In-Kraft
01.01.2011
BGBl. Nr.
[III 124/2010](#)

Übereinkommen abgeschlossen zwischen dem Bundesminister für Inneres der Republik Österreich und dem Minister für Inneres der Italienischen Republik über die Zusammenarbeit bei der Bekämpfung des internationalen Terrorismus, der organisierten internationalen Kriminalität und des internationalen illegalen Suchtgifthandels

Land
Italien
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
12.11.1986
In-Kraft
12.11.1986
BGBl. Nr.
nicht kundgem.

Vereinbarung zwischen der Österreichischen Bundesregierung und der Regierung der Italienischen Republik über die polizeiliche Zusammenarbeit

Land
Italien

Gegenstand
Grenzverkehr
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
15.12.1997
In-Kraft
01.03.2000
BGBl. Nr.
[III 52/2000](#)

Vertrag zwischen der Regierung der Republik Österreich und der Regierung der Italienischen Republik über die polizeiliche Zusammenarbeit

Land
Italien
Gegenstand
Polizeibehörden u. Zollverwaltungen
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
11.07.2014“
In Kraft

Übereinkommen zwischen dem Bundesminister für Inneres der Republik Österreich und dem Minister für Innere Angelegenheiten des Haschemitischen Königreichs Jordanien über die polizeiliche Zusammenarbeit

Land
Jordanien
Gegenstand
Sicherheits- u. Zollbehörden, Zusammenarbeit
Ort d. Unterzeichnung
Amman
Datum d. Unterzeichnung
04.10.2001
In-Kraft

Abkommen zwischen der Bundesministerin für Inneres der Republik Österreich und dem Minister für Inneres der Republik Kosovo über die polizeiliche Zusammenarbeit

Land
Kosovo, Republik
Gegenstand
Polizeibehörden
Ort d. Unterzeichnung
Pristina
Datum d. Unterzeichnung
12.08.2009
In-Kraft

01.10.2010
BGBl. Nr.
[III 65/2010](#)

Vertrag zwischen der Republik Österreich und der Republik Kroatien über die polizeiliche Zusammenarbeit

Land
Kroatien
Gegenstand
Polizeibehörden
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
14.11.2007
In-Kraft
01.10.2008
BGBl. Nr.
[III 141/2008](#)

Abkommen zwischen der Österreichischen Bundesregierung und der Regierung der Republik Lettland betreffend die polizeiliche Zusammenarbeit

Land
Lettland
Gegenstand
Polizeibehörden
Ort d. Unterzeichnung
Riga
Datum d. Unterzeichnung
20.01.2004
In-Kraft
01.04.2004
BGBl. Nr.
[III 19/2004](#)

Abkommen zwischen der Österreichischen Bundesregierung und der Regierung der Libanesischen Republik über die polizeiliche Zusammenarbeit

Land
Libanon
Ort d. Unterzeichnung
Beirut
Datum d. Unterzeichnung
10.07.2003
In-Kraft

Vertag zwischen der Republik Österreich, der Schweizerischen Eidgenossenschaft und dem Fürstentum Liechtenstein über die grenzüberschreitende polizeiliche Zusammenarbeit

Land
Liechtenstein
Gegenstand
Polizeibehörden
Ort d. Unterzeichnung
Vaduz
Datum d. Unterzeichnung
04.06.2012
In-Kraft

Abkommen zwischen dem Bundesminister für Inneres der Republik Österreich und dem Ministerium für innere Angelegenheiten der Republik Mazedonien über die polizeiliche Zusammenarbeit

Land
Mazedonien
Gegenstand
Polizeibehörden
Ort d. Unterzeichnung
Brdo-Kranj
Datum d. Unterzeichnung
25.01.2008
In-Kraft
01.01.2009
BGBl. Nr.
[III 94/2011](#)

Abkommen zwischen der Österreichischen Bundesregierung und der Regierung der Republik Moldau über die Zusammenarbeit im Bereich der Bekämpfung der Kriminalität

Land
Moldau
Gegenstand
Kriminalität, Suchtgifthandel und Terrorismus
Ort d. Unterzeichnung
Chisinau
Datum d. Unterzeichnung
25.09.2010
In-Kraft
01.02.2011
BGBl. Nr.
[III 99/2011](#)

Abkommen zwischen dem Bundesministerium für Inneres der Republik Österreich und dem Ministerium für Inneres der Republik Montenegro über die polizeiliche Zusammenarbeit

Land

Montenegro
Gegenstand
Polizeibehörden
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
11.11.2004
In-Kraft
01.03.2005
BGBl. Nr.
[III 10/2005](#)

Abkommen zwischen dem Bundesminister für Inneres der Republik Österreich und dem Minister für Innere Angelegenheit der Republik Peru über die polizeiliche Zusammenarbeit

Land
Peru
Gegenstand
Polizeibehörden
Ort d. Unterzeichnung
Lima
Datum d. Unterzeichnung
03.08.2002
In-Kraft

Abkommen zwischen der Österreichischen Bundesregierung und der Regierung der Republik Polen betreffend die Zusammenarbeit bei der Vorbeugung und Bekämpfung der Kriminalität

Land
Polen
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
10.06.2002
In-Kraft
01.12.2003
BGBl. Nr.
[III 139/2003](#)

Abkommen zwischen der Österreichischen Bundesregierung und der Regierung Rumäniens über die Zusammenarbeit bei der Bekämpfung der internationalen organisierten Kriminalität, des internationalen illegalen Suchtgifthandels, des internationalen Terrorismus sowie für sonstige Zwecke im Dienste der Strafrechtspflege

Land
Rumänien
Gegenstand
Kriminalität, Suchtgifthandel und Terrorismus
Ort d. Unterzeichnung

Bukarest
 Datum d. Unterzeichnung
 18.03.1999
 In-Kraft
 01.01.2000
 BGBl. Nr.
 nicht kundgem.

Protokoll betreffend die Zusammenarbeit zwischen dem Bundesministerium für Inneres der Republik Österreich und dem Ministerium für Verwaltung und Inneres von Rumänien im Bereich der Korruptionsbekämpfung

Land
 Rumänien
 Gegenstand
 Kriminalität, Suchtgifthandel und Terrorismus
 Ort d. Unterzeichnung
 Budapest
 Datum d. Unterzeichnung
 17.03.2005
 In-Kraft
 19.05.2005
 BGBl. Nr.

Abkommen zwischen dem Bundesministerium für Inneres der Republik Österreich und dem Ministerium für Inneres der Republik Serbien über die Zusammenarbeit bei der Bekämpfung der internationalen organisierten Kriminalität, des internationalen illegalen Suchtgifthandels und des internationalen Terrorismus

Land
 Serbien
 Gegenstand
 Terrorismus, Drogenhandel, organis. Kriminalität
 Ort d. Unterzeichnung
 Wien
 Datum d. Unterzeichnung
 11.11.2004
 In-Kraft
 01.03.2005
 BGBl. Nr.
[III 20/2005](#)

Vereinbarung zwischen dem Bundesminister für Inneres der Republik Österreich und dem Ministerium des Inneren der Slowakischen Republik über die Zusammenarbeit bei der Bekämpfung der internationalen organisierten Kriminalität, des internationalen illegalen Suchtgifthandels und des internationalen Terrorismus

Land
 Slowakei
 Ort d. Unterzeichnung
 Pressburg

Datum d. Unterzeichnung
30.06.1993
In-Kraft
30.06.1993
BGBl. Nr.
nicht kundgem.

Vertrag zwischen der Republik Österreich und der Slowakischen Republik über die polizeiliche Zusammenarbeit

Land
Slowakei
Gegenstand
Polizeibehörden
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
13.02.2004
In-Kraft
01.07.2005
BGBl. Nr.
[III 72/2005](#)

Vertrag zwischen der Republik Österreich und der Republik Slowenien über die polizeiliche Zusammenarbeit

Land
Slowenien
Ort d. Unterzeichnung
Brdo
Datum d. Unterzeichnung
28.10.2003
In-Kraft
01.05.2005
BGBl. Nr.
[III 51/2005](#)

Übereinkommen zwischen dem Bundesminister für Inneres der Republik Österreich und dem Innenminister des Königreiches Spanien über die Zusammenarbeit bei der Bekämpfung des Terrorismus, des Internationalen illegalen Suchtgifthandels und der organisierten Kriminalität

Land
Spanien
Ort d. Unterzeichnung
Madrid
Datum d. Unterzeichnung
09.07.1987
In-Kraft
09.07.1987

BGBI. Nr.
nicht kundgem.

Übereinkommen zwischen der Österreichischen Bundesregierung und der Regierung der Türkei über die Zusammenarbeit bei der Bekämpfung des internationalen illegalen Suchtgifthandels, des internationalen Terrorismus und der internationalen organisierten Kriminalität

Land
Türkei
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
11.03.1993
In-Kraft
15.07.1993
BGBI. Nr.
nicht kundgem.

Vereinbarung zwischen dem Bundesminister für Inneres der Republik Österreich und dem Ministerium für innere Angelegenheiten der Ukraine über die Zusammenarbeit bei der Bekämpfung des illegalen Suchtgifthandels und der organisierten Kriminalität

Land
Ukraine
Ort d. Unterzeichnung
Wien
Datum d. Unterzeichnung
08.09.1992
In-Kraft
08.09.1992
BGBI. Nr.
nicht kundgem.

Vertrag zwischen der Republik Österreich und der Republik Ungarn über die Zusammenarbeit bei der Vorbeugung und Bekämpfung der grenzüberschreitenden Kriminalität

Land
Ungarn
Ort d. Unterzeichnung
Heiligenkreuz
Datum d. Unterzeichnung
06.06.2004
In-Kraft
01.06.2006
BGBI. Nr.
[III 99/2006](#)

Abkommen zwischen der Österreichischen Bundesregierung und der Regierung der Republik Usbekistan über Zusammenarbeit im Sicherheitsbereich und im Kampf gegen Kriminalität

Land

Usbekistan

Ort d. Unterzeichnung

Taschkent

Datum d. Unterzeichnung

02.11.2001

In-Kraft

18.05.2002

BGBI. Nr.

[III 91/2002](#)

Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Vereinigten Staaten von Amerika über die Vertiefung der Zusammenarbeit bei der Verhinderung und Bekämpfung schwerer Straftaten (PCSC-Abkommen)

Land

Vereinigte Staaten

Ort d. Unterzeichnung

Wien

Datum d. Unterzeichnung

15.11.2010

In-Kraft

04.05.2012

BGBI. Nr.

[III 89/2012](#)

siehe auch BGBI. Nr.

[III 126/2013](#)

Durchführungsvereinbarung zur verwaltungsmäßigen und technischen Umsetzung zwischen der Österreichischen Bundesregierung und der Regierung der Vereinigten Staaten von Amerika zum Abkommen zwischen der Regierung der Republik Österreich und der Regierung der Vereinigten Staaten von Amerika über die Vertiefung der Zusammenarbeit bei der Verhinderung und Bekämpfung schwerer Straftaten für den elektronischen Austausch von daktyloskopischen Daten (ATIA-Vereinbarung)

Land

Vereinigte Staaten

Ort d. Unterzeichnung

Washington

Datum d. Unterzeichnung

13.05.2013

In-Kraft

BGBI. Nr. [III 145/2013](#)

Austria

Implementation of OSCE MC.DEC 14.05 and UNSCR 1325 on Women, Peace and Security

1. Implementation of UNSCR 1325 through Austria's National Action Plan

Austria was one of the first countries to develop a National Action Plan (NAP) on the Implementation of UN Security Council Resolution 1325 (UNSCR 1325), which was adopted in 2007. A comprehensive revision of the NAP's goals and activities aimed at implementing UNSCR 1325 and their implementation was carried out in 2011 in close cooperation with all relevant ministries and civil society. As a result of this process, a revised NAP was adopted by the Austrian Government in January 2012. The revised NAP reflects the commitment of the Austrian Government to implement UNSCR 1325 in the context of Austria's humanitarian, diplomatic, crisis management and development cooperation activities. It aims at strengthening inter-ministerial cooperation and takes account of the follow-up resolutions to UNSCR 1325 as well as the indicators that were developed by both the United Nations and the European Union to track and assess progress on the implementation of UNSCR 1325.

The most important objectives pursued by the Austrian NAP include:

- Increasing the share and representation of women in peace operations as well as enhanced consideration of the objectives defined in UNSCR 1325 in training activities for international peace operations;
- Strengthening the increased participation of women in all stages of peace processes and conflict prevention, especially by promoting local peace initiatives by women and increasing the share of women in decision-making positions in international and European organisations;
- Preventing gender-specific violence, protecting women's rights and accounting for protection and security needs of women and girls within the scope of peace support operations and humanitarian missions and in camps for refugees and internally displaced persons (IDP).

Measures to be taken to this end include:

- Implementing a targeted staffing policy aimed at increasing the share and representation of women among the military, police and civilian personnel deployed by Austria;
- Including the content and objectives of UNSCR 1325 as an integral part of training and education activities;
- Pursuing a consistent zero-tolerance policy on sexual exploitation and abuse as well as conducting respective awareness raising and training for military, police and civilian personnel deployed by Austria;
- Continuing Austria's relevant political commitment and lobbying related to the implementation of UNSCR 1325 at international and regional levels;
- Launching specific activities and supporting projects and programmes aimed at empowering women and girls in conflict and post-conflict regions.

The implementation of the revised NAP is monitored and supervised by a working group led by the Federal Ministry for Europe, Integration and Foreign Affairs, composed of representatives of all relevant ministries and agencies as well as the Austrian Development Agency (ADA). This working group reviews the NAP's implementation and further

development and documents its findings in detailed annual implementation reports that are submitted to the Austrian Government and forwarded to the Parliament. The annual reports are prepared by the working group in consultation with civil society representatives (from non-governmental organisations, research institutions, etc.) on the basis of joint meetings held at least once a year.

The 8th annual NAP implementation report – covering the period 1 January 2016 until 31 December 2016 – was adopted by the Austrian Government on 14 July 2017 and subsequently forwarded to the Parliament for information. The implementation process is a transparent one, with the full report being published (in German language) on the website of the Federal Ministry for Europe, Integration and Foreign Affairs, where the NAP itself (in German and English language) and the previous annual reports made publicly available as the 9th annual NAP implementation report – covering the period 1 January 2017 until 31 December 2017 – is currently being prepared.

2. Implementation of UNSCR 1325 in the Austrian Armed Forces

Prevention

Specific steps have been taken by the Ministry of Defence in the field of education and training to support the implementation of the women, peace and security agenda. Following findings of a qualitative study in 2010 on the status of implementation of UNSCR 1325, Austria identified the necessity to conduct specific training for military and civilian personnel on the provisions and objectives of UNSCR 1325, including as part of the national pre-deployment training for military personnel. Since 2012 occupational training courses for military officers of the Austrian Armed Forces include a compulsory four-hour teaching unit on gender-perspectives in military operations. Additionally, a voluntary two-day in depth seminar on gender mainstreaming is offered by the Austrian Armed Forces, aiming to increase the level of knowledge. Furthermore, training contents of the UN Core Pre-Deployment Training Materials (UN CPTM) such as "Prevention of Sexual Exploitation and Abuse", "Gender Equality in Peacekeeping", "Code of Conduct", and "Child Protection" were made an integral part of Austria's national pre-deployment training for UN missions. In addition, lectures on International Humanitarian Law and Cultural Awareness are provided for peacekeeping personnel with specific mission tasks.

Within the broader context of the Protection of Civilians (PoC), Austria has multiple courses which include a special focus on UNSCR 1325, dealing with conflict-related sexual violence as well as gender-specific protection needs. A UN-certified interdisciplinary training course on PoC for operational level personnel was developed and has been conducted for the seventh time in November 2017. This course includes sessions specifically dealing with conflict-related sexual violence and gender-specific protection needs. Until November 2017, 181 national and international participants have been trained (29% female). Likewise, the Ministry of Defence hosted for the fourth time the "United Nations Comprehensive Protection of Civilians Training of Trainers Course" (UN ToT) in October 2017 to enable trainers, instructors and teachers of military units and officers from defence or security structures or civilian equivalents, to successfully plan and conduct education, training and exercises in the field of PoC including conflict-related sexual violence and gender-specific protection needs. In addition, the Ministry of Defence held, for the first time, an "interdisciplinary course for senior personnel in crisis management for

the protection of civilians in armed conflicts on a tactical level." This pilot course also included a segment specifically on UNSCR 1325 and was attended by 16 national and international participants (12.5% female).

Until end of 2017, 122 national and international participants have been trained (27% female). In 2016, the UN Tot was replaced by a "UN Integrated Protection of Civilians training materials Development Workshop" (IPOC Workshop) aiming to integrate guidance on the Protection of Civilians, Child Protection and Conflict-Related Sexual Violence in UN peacekeeping into one set of training materials. The IPOC materials thus highlight the inherent linkages between the three areas and provide a single comprehensive package to member states. 26 international PoC experts (37% female) took part in the workshop to review the contents of the draft IPOC package and validate the over-arching narrative of the training. Since 2017 Austria also hosts a Protection of Civilians on Tactical Level Course which aims to provide tactically-oriented and field-suitable measures on PoC and the implementation of UNSCR 1325 on Women, Peace and Security. 26 international PoC experts (37% female) took part in the workshop to review the contents of the draft IPOC package and validate the over-arching narrative of the training.

Participation

Austria is committed to increase the share of women in the armed forces, including in decision-making positions, as well as the number of female personnel deployed to international missions. To this end, specific measures have been taken by the Ministry of Defence to recruit and retain women in the organisation. Among others, the establishment of mentoring programmes for women and a family-friendly work environment with flexible working hours and child care arrangements have been implemented. Roughly 2.5% of the personnel within the Austrian Armed Forces are women with an average of 35 women (2.49%) a month participating in international peace operations in 2017. Austria strives for the increase of the number of Austrian women deployed to OSCE field missions as well as of the number of female military personnel participating in international peace operations.

On the occasion of the 10th anniversary of the adoption of UNSCR 1325 in October 2010 Austria committed itself to train, make available and deploy Gender Advisors to peace operations. Within a year, Austria successfully deployed the first Gender Field Advisor to the NATO-led Kosovo Force (KFOR) in 2011. The Gender Advisor acts as support and direct advisor to the commander, as well as to the rest of the operational organisation, and thereby contributes essentially to the implementation of a Gender Perspective into the planning, execution and evaluation of KFOR's operations. After a review of the operational documents, including the Operation Plan (OPLAN), Operational Orders (OPORD), and Fragmentary Orders (FRAGO), Gender Dimensions have been incorporated in all major activities of KFOR (e.g. removal of roadblocks or conduct of patrols). Furthermore, it is the task of the Gender Advisor to ensure that KFOR's strategic, operational and tactical level personnel are trained on the provisions and objectives of UNSCR 1325 as well as on ways to identify and integrate Gender Dimensions in their daily work. The Gender Advisor of KFOR has been provided by Austria on an annual basis in 2011, 2012, 2013, 2015 and 2017. In order to sustain the deployment of Gender Advisors by Austria, the Ministry of Defence continues to work on the establishment of a pool of

experts, including adequately trained and qualified Gender Advisors. Until 1st January 2018, 13 members of the Ministry of Defence/the Austrian Armed Forces had been trained as certified Gender Advisors, according to the "SWEDINT Gender (Field) Adviser Course". Moreover, two experts have undergone the "SWEDINT Gender Training of Trainers Course", which prepares instructors and trainers to plan and conduct pre-deployment training and education for troops, units and officers on gender perspectives in military operations; four experts have been trained according to the "SWEDINT Commanding Officer Seminar on Gender Perspective in Military Operations"; and two experts have been trained according to the "ESDC A Comprehensive Approach to Gender in Operations".

Activities and Engagement in International, Regional and Sub-regional Organisations

- In all bi- and multilateral contacts as well as international, regional, and sub-regional organisations, Austria is committed to promoting the implementation of the provisions and objectives of UNSCR 1325, thereby encouraging the increased involvement of women in all stages of peace processes and conflict prevention. Within the framework of the European Union (EU), Austria therefore continues to support the joint efforts to strengthen human rights and gender equality in the EU's Security and Defence Policy Missions.
- In 2017 Austria signed the voluntary „Compact between the Secretary-General of the United Nations and the Government of Austria: Commitment to eliminate sexual exploitation and abuse“. The Compact sets out a statement of commitment by the United Nations and the government of Austria, which affirms that sexual exploitation and abuse in peace operations runs counter to our common values, and pledges to take all possible measures to uphold the right of every person to be free from such deplorable acts without discrimination, with the victim being at the center of concerns. The Compact also includes specific commitments made by the United Nations and the government of Austria to ensure support and assistance to victims, to maintain efforts to prevent sexual exploitation and abuse in peace operations and to strengthen accountability measures. Austria further participated at the United Nations Defence Ministerial in Vancouver, Canada in November 2017, which addressed sexual exploitation and abuse through UN staff in peace operations. There, Austria pledged two female military observers respectively staff officers for 2018 as part of its international commitments in the context of UNSCR 1325.
- Within the framework of the NATO Partnership for Peace (PfP), Austria committed itself to the implementation of the provisions and objectives of UNSCR 1325 in NATO-led operations through the adoption of the Partnership Goal (PG) 4590 "*Gender Perspective*" in 2012. This PG foresees the continued inclusion of gender awareness in military career development and national pre-deployment, education and training and the continued provision of gender expertise in the planning, execution and evaluation phases of operations, in particular by providing gender advisors, staff officers, liaison and search officers and other related functions.
- Within the OSCE, Austria, Finland, and Turkey launched a joint initiative for the adoption of an OSCE-wide Action Plan on the Implementation of Resolution 1325 (WAP) at the OSCE Ministerial Council in Dublin in December 2012. The draft aims at

mainstreaming the resolution's contents and objectives in all relevant areas of work of the OSCE as well as promoting the development of National Actions Plans by OSCE Member States. In June 2013, Austria, together with Finland, Kazakhstan and Turkey, presented a revised version of the draft WAP. Since then Austria, has continued to promote and call for the adoption of an OSCE-wide action plan in the OSCE, including through a joint statement with Finland, Kazakhstan and Turkey at the 832th OSCE Forum for Security Cooperation (FSC) and a statement by the OSCE Men Engage Network at the 487th OSCE FSC. Moreover, Austria has made the implementation of UNSCR 1325 a priority under the Austrian OSCE Chairmanship 2017, with a specific focus on mainstreaming a gender perspective and increasing women's participation across all elements of the conflict cycle, as well as the role of the media in implementing UNSCR 1325. Among the activities on UNSCR 1325 organized and supported by the Austrian OSCE Chairmanship are an event on gender in operations, a high-level retreat on successful peace processes and inclusion of women, and a gender equality review conference, which among other topics will address ways to increase women's participation in the security sector.

- Continuing Austria's efforts to promote the implementation of UNSCR 1325, in preparation of the High-level Review on UNSCR 1325 and as a contribution to the Global Study on UNSCR 1325 and the Beijing +20 campaign of UN Women, the symposium "Enhancing Women's Share in Peace and Security" was organized. The two-day symposium, which took place in November 2014 in Vienna, brought together international experts from politics, governments, the military, academia, the media and civil society and set out to discuss major achievements, remaining challenges and emerging priorities in the implementation of UNSCR 1325, as well as providing recommendations for the way ahead. The key findings of the symposium are reflected in a policy paper, which has also been circulated as a Security Council document on 27 February 2015 under the symbol S/2015/142.
- In line with Austria's efforts to promote the implementation of UNSCR 1325, the Austrian Ministry of Defence, together with the cooperation partner "Art of Reconciliation", organized a lecture of the Nobel Peace Prize laureate Dr. Shirin Ebadi on the topic of "Women in Peace Processes" at the National Defence Academy on 23 September 2016. The event brought together national experts from politics, the military, academia and civil society. The lecture and ensuing Q&A session focused on the role of women in different cultures and societies, the rule of law, the role of the military, as well as special needs and capabilities of female refugees and migrants.

3. Other Information

- Gender equality and the empowerment of women are underlying principles of Austria's bi- and multilateral development cooperation. In terms of targeted international financing, the Austrian Development Agency (ADA) has been supporting projects and programmes abroad at different levels to strengthen the implementation of Resolution 1325 and subsequent resolutions. This included projects and programmes that supported gender mainstreaming and women's participation in political and administrative decision making processes as well as gender sensitive transitional justice processes and through specific contributions to the Justice Law and Order Sector. Moreover support was given to programs of the Women, Gender and Development

Directorate of the African Union Commission and to regional programmes in cooperation with international and local NGOs in the South Caucasus, Africa and South East Asia.

- In 2016, the Association of Austrian Peacekeepers organized the annual Blue Helmet Forum Austria (BHFA) on the topic of "Women in Peace Operations". As part one of a three-year-long series, the 2016 BHFA looked at the "Mission Experience" of military, police and civilian members of past and current peace operations. During the course of four panels, the participants of the 2016 BHFA discussed the topic of women in peace operations, covering a Historical Review and Future Challenges of Peace Operations, the Civilian and Police Perspective, the Military Perspective as well as Gender Issues in Peace Operations. The BHFA 2017 on "Women in Peace Building and Reconciliation" further discussed women's participation in economic recovery, women's role for social cohesion and women's role in achieving political legitimacy in the context of the seven-point Action Plan, the commitment of the United Nations' to improve women's situations in post-conflict countries. In four panels participants discussed the role of UNSCR 1325 for peacebuilding, the role of UN peace operations for women's peacebuilding Efforts, practical experiences of women as peacebuilders, reflected on lessons learned and presented an outlook on the way ahead.

ANNEX III: Voluntary reporting on the democratic and political control of private military and security companies

Austria mainly uses services of private military and security companies (PMSC) to meet specific logistics and support requirements. Companies wishing to establish as PMSC in Austria need to comply with the relevant legal provisions, in particular of corporate law, industry and crafts law, tax law as well as weapons law. These restrictive provisions are sufficient in order to allow the control of the registration and operation of PMSCs on Austria's territory.

Section 321 of the Austrian Criminal Code contains a definition of the crime of genocide. Furthermore the Federal Law amending the Criminal Code and the Code of Criminal Procedure, Federal Law Gazette Nr. 106/2014 incorporated all the crimes set out in the Rome Statute, including war crimes and crimes against humanity in a new section 321a – f of the Austrian Criminal Code.

In accordance with the Austrian Penal Code civilian as well as military persons may be prosecuted. Section 64 of the Austrian Penal Code also provides for the jurisdiction of Austrian Courts over certain crimes not committed on Austria's territory even if the act is not subject to prosecution in the country concerned (e.g. extortive abduction, slave trade, trafficking in human beings, organized crime, drug-related crimes, air piracy, terrorism-related crimes, genocide, war crimes, crimes against humanity, enforced disappearance and torture). According to Section 65 of the Austrian Criminal Code, Austrian courts also have jurisdiction over certain crimes committed outside Austria's territory, if the act is subject to prosecution in the country concerned and if the perpetrator is caught on Austrian territory and cannot be extradited for a reason other than the nature or feature of his act.

Austria is supporting the Montreux document since its launch in 2008 and participates regularly in the meetings of the Montreux Document Forum.