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Annex

Note Verbale

The Permanent Mission of Austria to the Organization for Security and Cooperation in Europe, Vienna, presents its compliments to the Missions and Delegations of the participating States to the OSCE and to the OSCE Secretariat/Conflict Prevention Centre and has the honour, in reference to the decision No. 2/09 of 1 April 2009 of the Forum for Security Cooperation and based on the Reference Guide (FSC.DEL/142/10), to provide the reply to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security, valid as of April 2012.

The Permanent Mission of Austria to the OSCE avails itself of this opportunity to renew to all OSCE Missions, Delegations and the Conflict Prevention Centre the assurance of its highest consideration.

Vienna, 30 April 2012



To all Delegations/Permanent Missions to the OSCE
To the Conflict Prevention Centre (CPC)

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To all Delegations/Permanent Missions to the OSCE
To the Conflict Prevention Centre (CPC)

REPUBLIC OF AUSTRIA

Exchange of Information on the

OSCE Code of Conduct

on Politico-Military Aspects of Security
(submitted April 2012)

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 thirteen UN counter-terrorism Conventions. Austria has signed and ratified all relevant UN counter-terrorism instruments 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 the relations between the Member States of the EU, extradition ("surrender") with regard 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 by 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, Germany and Spain in November 2006 and meanwhile has 14 European states as signatories.

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?

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 against 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 Criminal Code not related to terrorism have to be followed.

According to sec 278d of the 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 an 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 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 endangers 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 institution or system to a high degree, as far as the destruction brings 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 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 to 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 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 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 (Bundesgesetz für Auslieferung und Rechtshilfe) 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 reasonable 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 Framework Decision 2008/919/JHA to amend the Framework Decision 2002/457/JI sec 278e on training for terrorist purposes was introduced into the Austrian Criminal Code.

For the purpose of ensuring that immigrants and asylum seekers have not engaged in terrorist activities, Austria relies on the Aliens Police Act (Fremdenpolizeigesetz) 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.

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 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" (Assistenzeinsätze), 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 preventatively secure legal interests. Protection of constitutional institutions and ensuring their capacity to function is one priority.

In order to act preventatively, the security agencies are in charge of monitoring groups and communities regarding their structures in place and developments in their surrounding. 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, phonographs and observation. In general, security agencies are tasked to carry out the threat analysis.

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, which is directly applicable to EU Member States. The obligations under UNSCR 1373 (2001) have been implemented through Council Regulation (EC) No. 2580/2001, which is likewise directly applicable to EU Member States, and through a national law called "Foreign Exchange Act" ("Devisengesetz").

In August 2006, the Federal Agency for State Protection and Counter Terrorism (BVT) of the Federal Ministry of the Interior installed a special group that exclusively deals with countering terrorism financing. This group works closely with the Austrian Financial Intelligence Unit. On 1 January 2008, the third EU Directive on Money Laundering was implemented into national legislation, including important provisions on the prevention of terrorism financing. In training modules 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 Criminal Code, 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.

— Border controls;

In accordance with the Schengen Agreement, 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 (Schengener Grenzkodex – 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 Frontex Joint Operations, temporary “guest officers” from other EU Member States are installed in support to the Austrian border control officers. This mechanism for exchange of information has proven very valuable. The European External Border Agency Frontex coordinates the cooperation of the individual EU Member States at the EU external borders and arranges trainings for the national border security officers.

In some countries, Austria has installed document advisors with 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 order to detect the physical cross-border transportation of currency and bearer negotiable instruments that are related to money laundering or terrorist financing, Austria applies Regulation (EC) No. 1889/2005 by which a declaration system at the external border of the European Union is required concerning bearer negotiable instruments or currency with a threshold of 10.000 € or more.

— Travel document security

On June 16th 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 (see below).

On the 28th of 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".

Since 2006 Austria also offers children's passports with chips additionally to the already existing children passports without a chip (optional under the age of 12 years).

Since the 30th of 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 the 15th of June 2009 new addition of children in parent's passport are not allowed.

Since the 15th of June 2009 passports for children under the age of 12 years with an integrated chip are mandatory.

On 15th of June 2012 existing addition of children in parent's passport become invalid.

Austria's ID cards are currently not equipped with an electronic chip but otherwise fulfil the relevant ICAO specifications. The new residence permit card will have a contactless chip according to the relevant EU standards and will have 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 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 in 2011; the system will go operational in the mid-2012.

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

Austria prepares a national database, where personal data of all inhabitants of Austria are stored. This will be an addition to the already existing databases for id-documents and citizens home addresses.

The Federal Ministry of the Interior and the BVT offer specific transport surveillance (mostly for trucks) services. 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's 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 Criminal Code contain additional relevant 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 data bases. It participates in international projects that serve the monitoring and the exchange of experiences in this field. For example the Programme „Check the Web“ by EUROPOL.

— Legal co-operation including extradition;

The security police law entitles the security agencies to demand information from departments of 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 the international administrative assistance and the intervention of security agencies and their departments abroad as well as foreign security agencies and their departments on the federal territory. International administrative assistance involves security agencies and security organisations.

— 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. BMI/ BVT cooperate closely with other ministries and institutions in order to prevent terrorist groups from spreading their ideological messages.

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 arms control, disarmament and confidence- and security-building, and attaches particular importance to the implementation of such 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.

In the field of conventional weapons Austria is currently playing an active role in the promotion of the Convention on Cluster Munitions, which entered into force on 1 August 2010. Austria supports further universalisation efforts of this Convention.

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.

Arms control, disarmament and confidence-building are key elements to enhancing security and stability in the OSCE area and beyond. To that effect Austria has launched numerous initiatives aimed at the universalisation of international treaties in different fields.

Austria has been a longstanding advocate of nuclear disarmament and prevention of the proliferation of nuclear weapons. An early entry into force of the Comprehensive Test Ban Treaty (CTBT) is a top priority for Austria and would be an important confidence- and security-building measure which could facilitate reductions in strategic and non-strategic nuclear weapons as well as changes of strategic doctrines. Austria is especially dedicated to increase the number of States adhering to the CTBT.

Austria continues its efforts against Anti-Personal Mines (APM) by seeking to promote the universality of the Ottawa-Convention. Since 1999 Austria has provided considerable financial means for demining projects. South Eastern Europe, African regions and Afghanistan have been priority regions for such projects.

As a member of the Executive Council of the Chemical Weapons Convention (CWC) in the period from 2008 to 2010 Austria has paid particular attention to extending the circle of state parties and to speed up the implementation of the Convention by its signatories.

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 defence constitution the Austrian Armed Forces (AAF – “Österreichisches Bundesheer”) 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 (Oberbefehlshaber) of the AAF (Art. 80 Federal Constitutional law). The authority to dispose (Verfügungsbefugnis) of the AAF is divided between the Federal President and the Minister of Defence and Sports. The power of order (Befehlsgewalt) over the AAF is given to the Minister of Defence and Sports.

- Institutions and procedures ensuring democratic oversight and public scrutiny;

Legislation related to defence matters is the responsibility of the Federal State. Parliament can discuss 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 (Verfassungs- und Verwaltungsgerichtshof; Articles 130 to 148 of the Federal Constitution), the Court of Audit (Rechnungshof; Articles 121 to 128 of the Federal Constitution), the Independent Administrative Tribunals (Unabhängige Verwaltungssenate; Articles 129a and 129b of the Federal Constitution), the Ombudsman Board (Volksanwaltschaft; Articles 148a to 148j loc. cit.) and the Data Protection Commission (Datenschutzkommission; 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 AAF. 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.

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 Service Powers Act installs a representative for legal protection who is authorised to examine the lawfulness of measures of the intelligence agencies.

In civil affairs the "Federal Agency for State Protection and Counter Terrorism" (BVT: Bundesamt für Verfassungsschutz und Terrorismusbekämpfung) 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
- independent administration senate
- advisory committee on Human Rights – the task of the advisory committee on Human Rights is to advise the Minister of the Interior regarding the ensuring of Human Rights as well as to aid the consequent and systematic orientation of security executive authorities on Human Rights by surveillance and accompanying inspections. The advisory committee on Human Rights makes visits to places of stoppage, identifies shortcomings and proposes concrete solutions. Raids, major events and specific campaigns are well accompanied and checked. The legal regulations for the advisory committee on Human Rights is found in §§ 15a - c of the security policy law (SPG). With § 15a SPG a clause of the constitution has found entry in the SPG. By this means the advisory committee on Human Rights as an assigned institution to ensure basic rights has a maximum institutional guarantee and can assure the autonomy and independence of its members of staff. Through BGBl. I Nr. 2/2008 the clause of the constitution was concealed and arranged to an ordinary law.
- disciplinary commissions (Disciplinary Commission, Disciplinary Supreme Commission, with judicial guarantees)
- The Office for internal affairs (BIA) as an organisational unit which is independent, and unbound to directives. It leads security police and criminal police investigations against "internal wrongdoers". This means receipt and inspection of accusations and complaints against civil servants of the Federal Ministry of the Interior and subordinated departments that can be assigned to the field of malpractice in office (§§ 302-313 StGB). The BIA is also in charge of investigations regarding public servants of other Ministries and territorial authorities when these are in charge of task in the

field of security management or criminal police. In particular cases the BIA is in charge of other similar affairs (e.g. investigations of other grave violation of the official duty such as sexual harassment through superior or colleagues). The BIA has furthermore established itself as specialised agency for the investigation of corruption cases in other areas and fields. If required relevant investigations in other government departments, in magistrate of cities, areas and districts, in townships as well as in the private sector (keyword: "private sector corruption") are undertaken.

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 hired 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;

The main objective of the AUT Defence Policy is to ensure military capabilities for maintaining AUT's sovereignty and, at the request of civil authorities, to protect the constitutional institutions, its critical infrastructure, and the population.

For tasks inside AUT at least 10.000 soldiers, an equivalent of about 2 brigades, will be available at all times and at least 1.100 soldiers should be available for international crisis management operations. These figures are currently under political consideration.

— Planning and accounting processes in the defence sector;

On 20th of January 2011 the Minister of Defence and Sports (MoDS) signed a guideline for the defence planning process. This guideline complements a guideline signed in 2010, detailing the procurement process. The following planning documents detail the planning and accounting processes:

- The Military Strategic Concept 2006 defining the overall objectives and framework for the AAF 2010 is still valid, but will have to be revised due to the change in financial and personnel resources provided to the MoDS.
- The Situation Report 2009 gives an estimate of the achievement of the objectives which were set for the end of 2009.
- The Planning Guidance 2011-2016 defines the development of the respective plans and programs by the MoDS within the given budgetary and personnel framework.
- A new Armed Forces Plan will contain the development of the AAF in further detail. The detailed realisation programme and the outlook for the years 2012-2017 have been issued on the 21st of December 2011. They serve as basis for the further realisation.
- The "Guideline on the Implementation of the Contribution of the AAF to the Consolidation of the Federal Budget", published in December 2010 and updated in March 2011, details the changes for the further development of the AAF.
- All the new documents take into account the recommendations of the AAF Reform Commission and the results of the Advisory Evaluation Committee on the

implementation of the transformation to the AAF 2010, the latter met in 2009/2010. These recommendations and results remain valid in principle and have to be seen in close conjunction with the personnel and budgetary set-up.

— Figures on the defence budget and expenditures;

The key to future budgets will be to increase AUT efforts to maintain good economic conditions and a high employment level, a considerable tax reduction as well as an augmentation of expenditure for science, research and development.

Further aspects are notable reductions in the public sector by decreasing the number of civil servants.

The consequence for the AAF is a further reduction of staff as well as – forced by the decreasing defence budget – a further delay and reduction of investment programs.

AUT's economy shrank by 3,8 % in 2009 and grew by 2,3 % in 2010 and 3,1 % in 2011. It is estimated so far that the economy will grow by 0,4 % in 2012. The inflation rate was 0,5 % in 2009, 1,9 % in 2010, 3,3 % in 2011 and is expected to be about 2,4 % in 2012 and 2 % in 2013.

The development of the ratio between the defence budget (exclusive pensions) and GDP is as follows (in million €):

	2009	2010	2011	2012*
GDP**	274.820	286.200	301.310	307.870
Budget	2.006	2.028	2.043	2.103
% GDP	0,73	0,71	0,68	0,68

* estimated

** Source from GDP data WIFO, Statistics AUT, March 2012

The budget for 2013 will be agreed in autumn 2012.

The budgetary framework for defence and sports for 2012 – 2015 was agreed by the parliament in spring 2011 in a total sum (part for Directorate General V – Sports is included). A prediction for the development of the base defence budgets (sports excluded) till 2015 can only be estimated (2013 und 2014 approx. € 2.030 millions and 2015 approx. € 1.960 millions).

The new budgetary framework for defence and sports 2013 – 2016 will be decided in May 2012 also in a total sum. The new framework will foresee further reductions of the defence budget.

The consolidation of the public budget with the decrease of the defence budget has led to a declining of the ratio and a declining of the budget in real terms.

Due to the acquisition of the EUROFIGHTER aircraft, the budgets for 2007 up to 2014 include the pay back rate for this system.

Additional funding in the scale of approx. € 450 millions may become available from the sale of defence infrastructure to assist with the restructuring associated with AAF 2010 (ÖBH 2010) within the next 5 years; approx. € 193 millions have already been raised.

- Restructuring, modernization and privatization programmes in the defence sector;

Austria continues to implement the recommendations of the Austrian Armed Forces (AAF 2010) Reform Commission, which were noted by the respective national political fora as central basis for the further development of the AAF.

According to the recommendations of the AAF Reform Commission, the military-strategic aims are as follows:

- Actively contribute with military means to stabilize the strategic environment of Europe in order to prevent adverse effects of crises and conflicts within conflict prevention and multinational crisis management. In short terms this means the concentration of our efforts at the Balkans and in medium terms beyond that region.
- Actively contribute with military means to the implementation and enforcement of European interests, as defined by the European Security Strategy.
- At the same time ensure the military protection of the population and their existential basis within our territory.

The Commission's report acknowledged international crisis management operations as a main mission for the AAF and recommended the reorganisation of the armed forces and the adoption of a budget structure to ensure adequate procurement funds.

The restructuring of the armed forces and the location of major commands was completed in 2010. Individual service and functional commands have been amalgamated to form a Joint Force Command supported by a Joint Service Support Command, responsible for logistics support. Air forces have also been reorganised under an Air Support Command and an Air Surveillance Command. The army structure continues to be mainly based on four brigades and nine Provincial Military Commands. The Ministry of Defence has been restructured and renamed to Ministry of Defence and Sports (MoDS), comprising of a General Staff with separate Directorates General (DG) for planning, supply and command and control, supported by an administration DG. Newly added was a DG Sports which previously resided within the Federal Chancellery.

Restructuring, modernization and privatization programmes are focused on the capability development of the AAF and are ongoing. Modernization programmes contain procurement in the domains of CIS, mobility, force protection, etc.

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 2001 the Federal Government determines fundamental issues concerning the organisation of the armed forces, weapons, 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 upon a new Security Strategy and submitted this governmental paper to the Parliament for further deliberations. This strategy takes into account the changes of, and makes reference to, the emerging security challenges and AUT's security environment after the enlargement of the European Union (EU) and NATO, the ratification of the EU Treaty of Lisbon, and to NATO's New Strategic Concept as well as to relevant UN concepts.

AUT'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 sub-committee of Defence of the Parliament will discuss the consequences concerning the required whole-of-government concepts, structures, and instruments for Austria's security policy including the main tasks and core capabilities of the AAF.

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

Together with the national tasks for the AAF, the main tasks will be to cope with international crisis management and conflict prevention or disaster relief within the framework of the EU, NATO, UN or other international organizations.

To be able to fulfil this tasks with the necessary capabilities, operational forces with rapid response capabilities have to be enhanced, slim and effective C2-structures have to be created and effective logistic and deployment capabilities are required.

Current defence planning in regard to missions abroad is based on the ability

- to provide a command and control capability for brigade-sized forces for one year.
- to deploy on short notice and sustain for 6 months one Motorised Infantry Battalion with the necessary staff and combat service support elements, one Mechanized Infanterie Coy, one Special Operations Forces Task Group Light, one CBRN Framework Coy (including water purification capability), one General Support Engineer Coy, one Cargo Truck Coy, one Military Police Platoon, one Rotary Wing Medium Transport Detachment, one Medium Reconnaissance Coy, one EOD Platoon, one CIMIC Team, three Tactical PSYOPS Teams, one ISTAR HUMINT and Counter-Intelligence Team, one Military Observation Team and one Military Training Team, one Liaison and Reconnaissance Team for high intensity scenarios as well as humanitarian assistance.
- to deploy, and sustain indefinitely, one further Motorised Infantry Battalion based on professional soldiers and volunteer reserve soldiers for stabilisation and reconstruction operations in low intensity scenarios.

- to deploy, and sustain indefinitely, one further Infantry Battalion, based on professional soldiers and volunteer reserve soldiers for peacekeeping operations (a peacekeeping battalion is currently serving with UNDOF).

In addition, AUT will retain the capability to fulfil the national tasks (military air traffic control and to deploy the equivalent of two brigades for tasks within its borders).

Defence planning beyond 2016 in regard to missions abroad is depending on the personnel and budgetary set-up and is under consideration.

The ambition of today's AAF concerning international operations will be frozen until 2016. Until then, the currently available capabilities are being consolidated.

In general, the number of units of the peacetime structure will basically stay the same, capabilities and strength of some units will be diminished due to budgetary and personnel constraints. The number of soldiers in Rapid Deployable Units (RDU) is being capped at 2.300.

In addition to the national force planning, the developments and results from the force planning in multinational fora like in the EU ("Helsinki Headline Goal 2010") and in European Defence Agency (EDA; Capability Development Plan – CDP) as well as in NATO/PfP are taken into account.

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

Austria is 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 interprets its neutrality in the context of its various memberships and obligations.

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 taking part in missions which are based on a mandate of an international organisation or the OSCE or on an EU decision.

The mutual assistance clause which was newly laid down in the EU Treaty of Lisbon and is 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 sub-regional security co-operation;

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

Two main regions of interest have been in the focus of Austria's foreign and security policy over the last years, namely the Balkan region and the Black Sea Region. The first region is

supported in its efforts to implement the European perspective, the latter to overcome internal and regional conflicts and to promote the vital values for all entities.

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.

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

In the spirit of solidarity, AUT 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, AUT 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 ISAF), three UN-led operations (UNDOF, UNTSO and UNIFIL), one EU-led operation (EUFOR/ALTHEA) and in several smaller UN- and EU-led observer and monitoring missions, often with only one or some officers participating.

AUT contingents are deployed to:

KFOR:

- For that contribution up to 600 troops can be deployed.
- The AUT contribution in Gate 2 of the Transition Process includes:
 - Staff personnel to HQ KFOR and HQ MNBG W.
 - 1 HQ Recce Coy and 2 Recce Plt to HQ KFOR.
 - 1 Inf Coy including 1 CHE Plt to MNBG W.
 - Staff personnel and 1 Transport Unit including CHE assets to JLSG at HQ KFOR.
- For the transformation from Gate 2 to Gate 3 of the Transition Process the national contributions will be assessed once the future principles are announced.

EUFOR ALTHEA:

- The AUT contribution includes:
 - Staff personnel to EU-STAFF GROUP at SHAPE, EUCE at JFC NAPLES and HQ ALTHEA/SARAJEVO.
 - Since autumn 2010 the HQ MNBN in Camp BUTMIR (CB), 1 Inf Coy and 1 Recce Plt are deployed to theatre.
 - RCC EAST in TUZLA is under AUT lead and is operating including staff officers from PRT and GRC.
 - 3 LOT are operated by AUT.
 - The NSE including MP is transferred from TUZLA to CB.
- The contribution of up to 400 troops to EUFOR ALTHEA will be maintained until the redeployment of this operation.

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

- The AUT contribution includes:
 - 1 InfCoy is permanently attached to the DEU ORF-Bn. This InfCoy is reinforced by medical and EOD-teams for self sustainability during missions and encounters up to 230 troops.
- The heavy equipment is pre-deployed within the AOR of MNTF S and permanently maintained by specialists.

UNDOF:

- The AUT contribution includes:
 - Staff personnel to HQ/UNDOF.
 - 1 InfBn with 2 InfCoys is deployed permanently to the GOLAN Heights. This InfBn is attached with 1 InfCoy from HRV since mid of 2008.
- The permanent tasking focuses on the observation of the cease fire agreement.
- Up to 387 (temporary + 5) troops can be deployed by AUT and up to 95 by HRV.

UNIFIL:

- The AUT contribution includes:
 - Staff personnel to HQ/UNIFIL.
 - 1 Force Multi Role Logistic Unit.
- To maintain the Force Muti Role Logistic Unit and to conduct transportation tasks for personnel and equipment within UNIFIL AOO.
- Up to 160 troops can be deployed by AUT.

UNFICYP

- Up to 8 staff personnel can be deployed.

RACVIAC:

- Up to 2 staff personnel and specialists can be deployed.

MINURSO:

- Up to 15 military observers can be deployed.

EUSEC RD CONGO:

- Up to 2 military experts 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.

ISAF:

- Up to 10 staff personnel can be deployed.

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?

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.

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
- independent administrative tribunals
- the Public Audit Office
- the Ombudsman Board
- the Data Protection Commission

For the Federal Ministry of the Interior the civil control is supported by the Advisory Committee on Human Rights and the Federal Anti-Corruption Bureau.

- The task of the Advisory Committee on Human Rights, which was called into being by §§ 15a to 15c of the “Security Police Law” is to advise the Minister of the Interior regarding questions of ensuring respect of Human Rights as well as to support mainstreaming of Human Rights aspects in the activities of internal security authorities by surveillance and inspections. For example, the Advisory Committee on Human Rights conducts visits to detention facilities, identifies shortcomings and proposes concrete solutions.
- The Office for internal affairs (BIA) as an organisational unit which is independent and unbound to directives. It leads security police and criminal police investigations against “internal wrongdoers”. This means receipt and inspection of accusations and complaints against civil servants of the Federal Ministry of the Interior and subordinated departments that can be assigned to the field of malpractice in office (§§ 302-313 StGB). The BIA is also in charge of investigations regarding civil servants of other ministries and territorial authorities when these are performing tasks in the field of security management or criminal police. In particular cases the BIA is in charge of other similar affairs (e.g. investigations of other grave violation of the official duty such as sexual harassment through superior or colleagues). The BIA has furthermore established itself as specialised agency for the investigation of corruption cases in other areas. If required relevant investigations in other government departments, in magistrates of cities, in provinces and districts as well as in the private sector (keyword: "private sector corruption") are undertaken.

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 and Sports, the Federal Minister of the Interior, the Federal Minister of 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 and Sports.

The Ministry of Defence and Sports maintains two intelligence agencies. The "Heeres-Nachrichtenamt" is a strategic 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.

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 Service Powers Act installs a representative for legal protection, who is authorised to examine the lawfulness of measures of the intelligence agencies.

The Federal Agency for State Protection and Counter Terrorism (Bundesamt für Verfassungsschutz und Terrorismusbekämpfung/BVT), the intelligence agency of the Ministry of the Interior, maintains nine regional branches and is a civilian intelligence service and law enforcement agency under the authority of the Federal Ministry of the Interior. It is entrusted with competences in fields such as counter-terrorism, counter-espionage and non-proliferation. The Agency is also responsible for the personal protection of high ranking officials and the security of installations of international institutions in Austria.

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 disciplinary laws. A violation of official duties through a civil servant will be punished by disciplinary-juridical 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 AAFs 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 Co-operation and Solidarity in Dispatching Troops and Individuals to other Countries“ (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. 1, No. 86/2000). It 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 AAFs, 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 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 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 and Sports). 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.

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 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.

Recruitment and call up for voluntary military service:

Female Citizens as well as persons liable 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 between 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 (Zivildienstgesetz), Federal Law Gazette No. 679/1986, as amended by Federal Law, Fed. Law Gazette Vol. 1, No. 29/1998.

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.

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 twelve months.

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

Appeals to the Constitutional Court or to the Administrative Court:

All disciplinary actions or measures under the relevant provisions of the service law must be issued in the form of administrative decisions. A soldier who considers his or her right to have been violated by a decision which, after exhaustion of available remedies, has become final, may lodge an appeal against that decision with the Constitutional Court or with the

Administrative Court. If the appeal is granted, the impugned decision is repealed.

In addition, a soldier - like any other citizen - may lodge an appeal against a decision by an administrative authority with the Administrative Court and in certain cases with the Constitutional Court.

Appeals Commission at the Federal Chancellor's Office:

Soldiers who are civil servants (career officers, regular non-commissioned officers, contract personnel) may challenge a decision by the hierarchical authority ordering a transfer or qualified change of assignment by appealing to the Appeals Commission at the Federal Chancellor's Office.

Decisions are issued by individual chambers of the Appeals Commission whose chairperson and deputy chairperson must be judges. The Commission is independent and not subject to instructions under the Federal Constitution Act. Decisions by the Appeals Commission may not be challenged before the Administrative Court.

Appeals to an Independent Administrative Tribunal:

In accordance with a special federal constitutional law, Independent Administrative Tribunals were installed in the nine Federal Provinces whose competences include decisions on complaints from persons who claim an infringement of their rights by a measure of direct coercion. Apart from appeals against police actions based on the power of coercion, soldiers may also seize these Independent Administrative Tribunals with complaints against arrests under the military disciplinary law.

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 Commission at the Federal Ministry of Defence and Sports. Extraordinary complaints filed with the competent national service authority must be forwarded, without delay or compliance with official channels, to the Parliamentary Armed Forces Commission.

The Parliamentary Armed Forces Complaints Commission 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 and Sports. 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 and Sports 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 basis 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.

In order to ensure availability and dissemination of international humanitarian law, the Ministry of Defence and Sports 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 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 governing armed conflict are elements 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 governing armed conflict are elements of further training of Officers and NCO's. Forces prepared for international missions get additional training in relevant contents. All these instructions 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.

Moreover, the Ministry of Defence and Sports is conducting a course on international law for military legal advisers under the auspices of the European Security and Defence College (ESDC) on a biennial basis. This international course is open to participants from European States. Among other topics, it also specifically deals with the criminal and disciplinary accountability of individuals under national and international 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 of 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 AAF, 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 and Sports. Furthermore, the Commission is also entitled to undertake, on its own initiative, inquiries on suspected deficiencies and grievances regarding national service.

Concerning the police the advisory committee on Human Rights advises the Minister of the Interior regarding the ensuring of Human Rights as well as to aid the consequent and systematic orientation of security executive authorities on Human Rights by surveillance and accompanying inspections. The advisory committee on Human Rights makes visits to places of stoppage, identifies shortcomings and proposes concrete solutions. Raids, major events and specific campaigns are well accompanied and checked. The legal regulations for the advisory committee on Human Rights is found in §§ 15a - c of the security police law (SPG). With § 15a SPG a clause of the constitution has found entry in the SPG. By this means the advisory committee on Human Rights as an assigned institution to ensure basic rights has a maximum institutional guarantee and can assure the autonomy and independence of its staff members. Through BGBl. I Nr. 2/2008 the clause of the constitution was concealed and arranged to an ordinary law.

Furthermore, the Office for internal affairs (Büro für interne Angelegenheiten/BIA) of the Ministry of the Interior leads security police and criminal police investigations against "internal wrongdoers". This means receipt and inspection of accusations and complaints against civil servants of the Federal Ministry of the Interior and subordinated departments that can be assigned to the field of malpractice in office (§§ 302-313 StGB). The BIA is also in charge of investigations regarding public servants of other Ministries and territorial authorities when these are in charge of task in the field of security management or criminal police. In particular cases the BIA is in charge of other similar affairs (e.g. investigations of other grave violation of the official duty such as sexual harassment through superior or colleagues). The BIA has furthermore established itself as specialised agency for the investigation of corruption cases in other areas.. If required relevant investigations in other government departments, in magistrate of cities, areas and districts, in townships as well as in the private sector (keyword: "private sector corruption") are undertaken.

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 AAF 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 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 § 4 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?

Basic documents setting out the foundations for defence policy and doctrine, such as the 2001 Security and Defence Doctrine or the new Austrian Security Strategy that was adopted by the government at the end of March 2011 and is currently being considered by Parliament are elaborated in procedures that ensure due scrutiny by legal experts under aspects of constitutional as well as international law, in many cases (where security policy in a general sense is concerned) experts not only from the Ministry of Defence and Sports but also from other government agencies such as the Federal Chancellery, the Ministry for European and International Affairs and the Ministry of 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 AAF 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
Periodical:	“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 and Sports is providing videos, leaflets as well as posters on military activities and missions. 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 (Informationssicherheitsgesetz). 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 Ministry for European and International Affairs

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

BMeiA, Minoritenplatz 8, A-1014 Wien

Tel.: +43 (0)5 01150-3986, Fax.: +43 (0)5 01159-3986

or

Tel.: +43 (0)5 01150-3673, Fax.: +43 (0)5 01159-3673

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 for the Purpose of Detection (1991)	R	31.05.1999 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. III Nr. 102/2002
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	R 18.06.2010 BGBI. III Nr. 86/2010
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 BGBI. 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 15.05.2003
22	Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196	R	15.12.2009 BGBI. 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	R	02.05.1983

	Convention on Extradition (1978) CETS No: 098		BGBI. Nr. 297/1983
27	European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030	R	02.10.1968 BGBI. 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 BGBI. Nr. 296/1983
29	Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182	not party	
30	European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETS No: 073	R	01.04.1980 BGBI. Nr. 250/1980
31	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141	R	07.07.1997 BGBI. III Nr. 153/1997
32	Convention on Cybercrime (2001) CETS No: 185	not party	signed on 23.11.2001
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.			

Anhang:

Bilaterale Vertragsübersicht

Suchbegriff: **Terror**

Anzahl Datensätze: 11

Vertragspartner	Titel	Gegenstand	Ort d. Unterz.	Datum d. Unterz.	In-Kraft	BGBI. Nr.	BGBI. idF
Ägypten	Arbeitsübereinkommen zur Bekämpfung von Terrorismus und Drogenhandel zwischen dem österreichischen Bundesminister für Inneres und dem ägyptischen Minister des Inneren	Internationale Sicherheit	Wien	26.02.1988	26.02.1988	nicht kundgem.	
Deutschland	Vereinbarung zwischen dem Bundesminister für Inneres der Republik Österreich und dem	Internationale Sicherheit	Wien	13.04.1988	13.04.1988	nicht kundgem.	

	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						
Estland	Vereinbarung zwischen dem Bundesminister für Inneres der Republik Österreich und dem Ministerium für Inneres der Republik Estland über die Zusammenarbeit bei der Bekämpfung der organisierten internationalen Kriminalität, des internationalen Suchtgifthandels und des internationalen Terrorismus	Internationale Sicherheit; Kriminalität, Suchtgifthandel und Terrorismus	Wien	07.07.1998	07.07.1998	nicht kundgem.	
Italien	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	Internationale Sicherheit	Wien	12.11.1986	12.11.1986	nicht kundgem.	
Moldau	Abkommen zwischen der Österreichischen	Kriminalität, Suchtgifthandel	Chisinau	25.09.2010	01.02.2011	III	

	Bundesregierung und der Regierung der Republik Moldau über die Zusammenarbeit im Bereich der Bekämpfung der Kriminalität	und Terrorismus				99/2011	
Rumänien	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	Kriminalität, Suchtgifthandel und Terrorismus	Bukarest	18.03.1999	01.01.2000	nicht kundgem.	
Rumänien	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	Kriminalität, Suchtgifthandel und Terrorismus	Budapest	17.03.2005	19.05.2005		
Serbien	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	Terrorismus, Drogenhandel, organis. Kriminalität	Wien	11.11.2004	01.03.2005	III 20/2005	

Slowakei	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	Internationale Sicherheit	Pressburg	30.06.1993	30.06.1993	nicht kundgem.	
Spanien	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	Internationale Sicherheit	Madrid	09.07.1987	09.07.1987	nicht kundgem.	
Türkei	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	Internationale Sicherheit	Wien	11.03.1993	15.07.1993	nicht kundgem.	

Annex II: Information on efforts undertaken to further implement Resolution 1325 (2000), which was adopted unanimously by the United Nations Security Council on 31 October 2000.

1. On the national level

Austria was one of the first countries to develop a National Action Plan (NAP) on Implementing UN Security Council Resolution 1325 (UNSCR 1325) in 2007. The NAP reflects the commitment of the Austrian Government to implement UNSCR 1325 in the context of Austria's humanitarian, diplomatic, peacekeeping and development policy activities.

On the occasion of the 10th anniversary of the adoption of UNSCR 1325 in October 2010 Austria pledged to revise and improve its NAP. On this basis, a comprehensive revision of Austria's national targets and activities aimed at implementing UNSCR 1325 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 strengthens inter-ministerial cooperation and takes account of the follow-up resolutions to UNSCR 1325 as well as the indicators developed by both the United Nations and the European Union.

The most important objectives pursued by the revised NAP include:

- Increasing the share and representation of women as well as enhanced consideration of the objectives defined in UNSCR 1325 in training activities for international peace operations;
- Strengthening the participation of women in peace promoting and conflict resolving activities, 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 and protecting the needs of women and girls within the scope of peace missions, humanitarian operations and in camps for refugees and internally displaced persons (IDPs).

Measures to be taken to this end include:

- Implementing a targeted staffing policy aimed at increasing the share and representation of women among the personnel deployed by Austria, making the objectives of Resolution 1325 a regular topic of training and education activities and pursuing a consistent zero-tolerance policy on sexual abuse and forced prostitution;
- Continuing Austria's relevant political commitment at international and regional levels;
- Launching concrete activities aimed at supporting 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 European and International Affairs and 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 an annual report that is submitted to the Austrian Government and forwarded to Parliament. The annual reports are prepared 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. A review of the NAP's effectiveness is scheduled for 2016.

2. On the international level

- Enhancing the implementation of UNSCR 1325 and its follow-up resolutions and mainstreaming its objectives in the country-specific work of the UN Security Council was one of Austria's priorities during its Security Council membership 2009/2010. As a follow-up to this engagement and to Austria's support for the development of global indicators to measure the implementation of UNSCR 1325, Austria is contributing funds to a project by UN Women aimed at promoting the operationalization and use of the global indicators.
- Gender equality and the empowerment of women are underlying principles of Austria's bi- and multilateral development cooperation. The Austrian Development Agency (ADA) supported projects to strengthen the implementation of Resolution 1325, e.g. in Uganda the implementation of the Gender Capital for Peace Recovery and Development Plan, to strengthen women's participation in political decision making or to strengthen women's participation in peace processes e.g. in the South Caucasus.
- The concrete national commitments made by Austria on the occasion of the 10th anniversary of the adoption of UNSCR 1325 in October 2010 included to deploy Gender Field Advisors to peace operations and to establish the position of a Gender Field Expert within Austria's main military contingents in peace operations. In 2011 Austria has deployed her first Gender Field Advisor to NATO-led operation KFOR. In her capacity Austria's Gender Field Advisor to COM KFOR henceforward contributes to establishing a safe and secure environment by taking into account the specific gender-related needs and threats of the population affected by conflict in Kosovo. Referring to NATO chronicle the Gender Field Advisor "gives KFOR a new situational awareness" that includes the whole population and therefore allows for a more sensitive response to the different needs of all people concerned and to the specific threats they may be facing. Due to promising results COMKFOR recently has appointed first Gender Focal Points who provide a vital link throughout KFOR and help in training soldiers, such as the Liaison Monitoring Teams.
- Austria continued to support the EU's efforts to strengthen human rights and gender equality in the EU's Security and Defence Policy Missions and participated in the work of the EU Task Force 1325. Austria also continued to deploy a Gender Advisor to the European Union Rule of Law Mission (EULEX) in Kosovo.
- Concrete steps have been taken by Austria's Federal Ministry of Defence and Sports (MoDS) in the field of education and training to support the implementation of the women, peace and security policy. In 2010 the MoDS conducted a qualitative study which aimed to evaluate to what extent Austrian peace workers understand their responsibility to implement UNSCR 1325 et seqq. Besides other findings, the research results exposed the necessity to implement more practical training courses to achieve better implementation of UNSCR 1325 on the ground. Among other criteria the research findings were used to develop a more appropriate education program for soldiers, including pre-deployment training. Starting in fall 2012, occupational

training courses of the MoDS at all levels will hence include a compulsory four-hour teaching unit on gender-perspectives in general. Additionally, a voluntary two-day in-depth seminar on gender mainstreaming is offered by the MoDS, which aims at providing profound knowledge gain.

- Furthermore, national pre-deployment courses of the MoDS include a mission-specific gender perspective on a regular basis. In addition, lectures on International Humanitarian Law, Cultural Awareness and Combating Trafficking in Human Beings are provided for peace workers with specific mission tasks. An assessment of the impact of gender related national training initiatives will be conducted after an appropriate introduction phase.

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