

Declarations:

The Republic of Austria makes the following declarations at the time of deposit of the instrument of accession to the Police Cooperation Convention for Southeast Europe:

Article 15:

Cooperation according to article 15 of the Convention can only occur upon the authorisation by an Austrian judicial authority.

The declaration ensures that the authorisation for Controlled Delivery is equal to § 71 et seqq. of the Federal Law on the Judicial Cooperation in Criminal Matters between Member States of the European Union (Federal Law Gazette I No. 36/2004).

Article 15 paragraph 6:

The reference to paragraph 3 is incorrect and should read paragraph 4. The Republic of Austria urges the Contracting Parties to correct this editorial error in accordance with article 79 of the Vienna Convention on the Law of Treaties (Federal Law Gazette No. 40/1980).

Article 15 paragraph 8:

The reference to article 14 paragraph 4 is incorrect and should read article 14 paragraph 5. The Republic of Austria urges the Contracting Parties to correct this editorial error in accordance with article 79 of the Vienna Convention on the Law of Treaties (Federal Law Gazette No. 40/1980).

Article 16:

Cooperation according to article 16 of the Convention can only occur upon the authorisation by an Austrian judicial authority.

The declaration ensures that the authorisation for undercover investigations is equal to § 73 et seqq. of the Federal Law on the Judicial Cooperation in Criminal Matters between Member States of the European Union (Federal Law Gazette I No. 36/2004).

Article 17 paragraph 2:

The reference to article 14 is incorrect and should read article 16. The Republic of Austria urges the Contracting Parties to correct this editorial error in accordance with article 79 of the Vienna Convention on the Law of Treaties (Federal Law Gazette No. 40/1980).

Article 27:

Cooperation according to article 27 of the Convention can only occur upon the authorisation by an Austrian judicial authority.

The declaration ensures that the authorisation for joint investigation teams is equal to § 60 et seqq. of the Federal Law on the Judicial Cooperation in Criminal Matters between Member States of the European Union (Federal Law Gazette I No. 36/2004).

Article 32:

Austria presumes that article 32 paragraph 4 of the Convention will be interpreted as meaning that changes of the classification level will only be undertaken following the principle of originator consent and in compliance with national law.

Reservations:

The Republic of Austria makes the following reservations according to article 41 of the Police Cooperation Convention for Southeast Europe at the time of deposit of the instrument of accession:

Article 36:

The Republic of Austria will apply further reaching provisions as regards Contracting Parties with whom bilateral and multilateral treaties have been concluded.

The Republic of Austria will give precedence to the law of the European Union in relation to Contracting Parties that are Member States of the European Union.

Article 25:

Due to her obligations according to article 45 of the Convention Implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at the common borders (Federal Law Gazette III No. 90/1997), the Republic of Austria will not apply the provisions of article 25 of the Convention.

Article 25 of the Convention follows article 45 of the Schengen Convention. However, article 25 does not contain the exception rules provided by article 45 paragraph 1 subparagraph a and by the Austrian Federal Law on Political Registration (Federal Law Gazette No. 9/1992).

Reservations of national law in connection with fiscal and customs affairs:

The Convention will not be applied to criminal cases in connection with taxes, duties, customs and foreign currency.

Information obtained within the framework of cooperation according to this Convention will not be applied to the assessment of duties, taxes, duties and customs nor will it be applied in criminal cases in connection with taxes, duties, customs or foreign currency, with the exception that the requested Contracting Party provides this information for such a proceeding.