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NOTE

from: Mr. Jan Wannemacher, Legal Affairs Attaché, Permanent Representation of Austria to the European Union

to: Mr. Rafael Fernández-Pita y González, Director-General, Council of the European Union

date of receipt : 19 August 2013

Subject : **Council Framework Decision 2009/829/JHA** on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention
- Implementation by Austria; Austria's competent authorities and declarations

Dear Director-General,

The Permanent Representation of Austria to the European Union hereby notifies you that the above Framework Decision was implemented by Austria through Federal Law Gazette I No 175/2013.

The relevant amendments came into force on 1 August 2013.

(Complimentary close)

(s.) Jan Wannemacher

Annexes:

- Note from Austria concerning Austria's declarations on Framework Decision 2009/829/JHA
- Federal Law Gazette I No 175/2013 (including the relevant Annexes XII and XIII)

I. Implementing legislation

The Decision is implemented by Articles 100-121 of the Federal Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union (EU JZG), introduced through the Federal Act amending the Federal Act on Judicial Cooperation in Criminal Matters with the Member States of the European Union (EU JZG), the Extradition and Mutual Legal Assistance Act and the Residential Reconstruction Act (EU-JZG-ÄndG 2013), Federal Law Gazette I 2013/175. The provisions came into force on 1 August 2013.

II. Article 6(1) (Designation of competent authorities):

1. Competent authorities for incoming requests:

The competent authorities for incoming requests to monitor supervision measures are the Regional Courts.

The certificate must be submitted together with the necessary documents from the Regional Court within whose jurisdiction the person concerned has their domicile or permanent residence or, in cases pursuant to Article 9(2), the Regional Court within whose jurisdiction specific ties exist with the person concerned.

Register and address of competent Regional Courts
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To find out which of the Regional Courts from the following list has territorial jurisdiction we would recommend consulting the atlas of European courts on the European Judicial Network website (<http://www.ejn-crimjust.europa.eu>).

1. Eisenstadt Regional Court	Wiener Straße 9 7000 Eisenstadt Tel: +43/2682/701 Fax: +43/2682/701-444 lgeisenstadt.praesidium@justiz.gv.at
2. Feldkirch Regional Court	Schillerstraße 1 6800 Feldkirch Tel: +43/5522/302-0 Fax: +43/5522-31779 lgfeldkirch.praesidium@justiz.gv.at
3. Graz Regional Court for Criminal Matters	C. v. Hötendorfstraße 41 8010 Graz Tel: +43/316/8047 Fax: +43/316-5600 lgstrafsachengraz.praesidium@justiz.gv.at
4. Innsbruck Regional Court	Maximilianstraße 4 6020 Innsbruck Tel: +43/512/5930-0 Fax: +43/512-582286 lginnsbruck.praesidium@justiz.gv.at
5. Klagenfurt Regional Court	Dobernigstraße 2 9020 Klagenfurt Tel: +43/463/5840-0 Fax: +43/4635840-300 lgklagenfurt.praesidium@justiz.gv.at
6. Korneuburg Regional Court	Hauptplatz 18 2100 Korneuburg Tel: +43/2262/799-0 Fax: +43/2262/799-275 lgkorneuburg.praesidium@justiz.gv.at
7. Krems an der Donau Regional Court	Josef Wichner Straße 2 3500 Krems Tel: +43/2732/809-0 Fax: +43/2732/809-401 lgkrems.praesidium@justiz.gv.at

8. Leoben Regional Court	Justizzentrum Leoben Dr. Hanns-Groß-Straße 7 8700 Leoben Tel: +43/3842/404-0 Fax: +433842/404-1035 lgleoben.praesidium@justiz.gv.at
9. Linz Regional Court	Fadingerstraße 2 4020 Linz Tel: +43/5 7601-21 Fax: +43/5 7601-2930 lglinz.praesidium@justiz.gv.at
10. Ried im Innkreis Regional Court	Bahnhofstraße 56 4910 Ried im Innkreis Tel: +43/5 7601-25 Fax: +43/5 7601-1188 lgried.praesidium@justiz.gv.at
11. Salzburg Regional Court	Rudolfsplatz 2 5020 Salzburg Tel: +43/5 7601-233 Fax: +43/5 7601-1201 lgsalzburg.praesidium@justiz.gv.at
12. St. Pölten Regional Court	Schießstattring 6 3100 St. Pölten Tel: +43/2742/809 Fax: +43/2742-79566 lgstpoelten.praesidium@justiz.gv.at
13. Steyr Regional Court	Spitalskystraße 1 4400 Steyr Tel: +43/5 7601-26 Fax: +43/5 7601-1188 lgsteyr.praesidium@justiz.gv.at
14. Wels Regional Court	Maria-Theresien-Straße 12 4600 Wels Tel: +43/5 7601-24 Fax: +43/5 7601-1188 lgwels.praesidium@justiz.gv.at

15. Vienna Regional Court for Criminal Matters	Landesgerichtsstraße 11 1082 Wien Tel: +43/1/40127 Fax: +43/4025904 lgstrafsachenwien.praesidium@justiz.gv.at
16. Wiener Neustadt Regional Court	Maria-Theresien-Ring 5 2700 Wiener Neustadt Tel: +43/2622/21510 switchboard Fax: +43/2622/21510-272 or 276 lgwienerneustadt.praesidium@justiz.gv.at

2. Competent authority for outgoing requests

The competent authorities for outgoing requests to monitor supervision measures are the Regional Courts.

III. Article 8(2):

Apart from the supervision measures listed in Article 8(1), Austria declares that it is prepared to monitor the following supervision measures:

- temporary confiscation of vehicle documents (pursuant to Article 8(2)(b));
- obligation to give a guarantee (pursuant to Article 8(2)(c));
- obligation to undergo treatment for addiction or other medical treatment, insofar as the person concerned consents to this measure (pursuant to Article 8(2)(d)); and
- provisional probation assistance, insofar as the person concerned consents to this measure.

IV. Article 9(4):

Austria declares that monitoring of supervision measures by the competent Austrian court can be approved irrespective of whether the person concerned has their domicile or permanent residence in Austria if, because of specific circumstances, ties exist between the person concerned and Austria of such intensity that it can be assumed that monitoring in Austria will help facilitate the social rehabilitation and reintegration of the person concerned.

V. Article 21(3):

Austria states that it will also apply Article 2(1) of the Framework Decision on the European Arrest Warrant in deciding on the surrender of the person concerned to the issuing State.

V. Article 24:

A translation into German is to be attached to the certificate. Certificates in other languages are accepted on the basis of reciprocity, that is to say on condition that the issuing State also accepts certificates in German as an executing State.
