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EVALUATIONS "LAW ENFORCEMENT AND ITS ROLE IN THE FIGHT
AGAINST DRUG TRAFFICKING" - REPORT ON AUSTRIA**

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THE EUROPEAN UNION**

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RESTREINT

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EVALUATION REPORT ON
SECOND ROUND OF MUTUAL EVALUATIONS
"LAW ENFORCEMENT AND ITS ROLE
IN THE FIGHT AGAINST DRUG TRAFFICKING"
REPORT ON AUSTRIA

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PART 1

1. INTRODUCTION

1.1. Following the adoption of the Joint Action of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established.

1.2. Austria was the first Member State to be evaluated as part of the second round of mutual evaluations concerning law enforcement and its role in the fight against drug trafficking.

1.3. The examiners for the evaluation were Mr. Carsten Egeberg Christensen (Denmark), Mr. Anders Ikander (Sweden) and Mr. Roland Wolff (Germany). This team accompanied by two members of the General Secretariat and one member of the Commission visited Austria for five days from 19 June 2000 to 23 June 2000.

1.4. The programme of the evaluation team and the list of the persons seen during the evaluation visit, and from whom information was received, is at Annex A.

1.5. Following these meetings, the evaluation team prepared this report, with the assistance of the Council Secretariat, based on the observations and conclusions of the experts in the team together with the answers to the Questionnaire (doc 12972/ 99 CRIMORG 171) which the Austrian authorities had provided. The principle purpose of this report is to evaluate the application and implementation at national level of instruments dealing with law enforcement and drug trafficking, of the resulting legislation and practices at national level and of international cooperation in the fight against drug trafficking. The evaluation seeks in particular to assess cooperation and coordination between different law enforcement structures and operational practices in them. The main focus of the evaluation is the practical day to day cooperation between different units both at national and international level.

1.6. The report first describes the organisational structures, intelligence systems, special investigation techniques and methods of coordination and cooperation utilised in Austria in the fight against drug trafficking. The report then evaluates the effectiveness of these systems and finally, the experts draw conclusions and make recommendations.

PART 2

2. GENERAL INFORMATION AND STRUCTURES¹

2.1. Competent Authorities - General Comments

2.1.1. In Austria, the Central Drugs Unit located within Division II/8 (Central Office for Combating Organized Crime and Drug Related Crime (in the German language Zentralstelle zur Bekämpfung Organisiert Kriminalität und Suchtgiftskriminalität).- of the Federal Ministry of the Interior, is the central coordinating body with responsibility for the coordination of law enforcement efforts in the fight against drug trafficking.

2.1.2. Only the security/police (see 2.3) can investigate drug cases. They act in the service of criminal justice, above all on the authority of the prosecution services. In the Federal Ministry of the Interior, the General Directorate for public security has overall responsibility for the Police. The Criminal Police Department has accountability for Division II/8 and the Central Drugs Unit. Other police bodies outside the Federal Ministry of the Interior with competence for drugs investigations are: the Security Directorate; the Federal Police and the District Administrative Authorities (see Annex B for police structure charts).

2.1.3. In addition to the role of coordination, the Central Drugs Unit has an operational capability and also provides the Interpol service for narcotics cases for Austria.

2.1.4. As a central coordinating body, the Central Drugs Unit maintains contact with the other security/police services and with those Ministries with direct or indirect contact with drug-related functions. Principals amongst these are the Ministries of Health, Justice and Finance. With regard to drugs, the Federal Ministry of Health has responsibility for policy, the Federal Ministry of Justice has responsibility for prosecution and the Federal Ministry of Finance which contains the Customs service has responsibility for seizures at border points and other inland locations as appropriate. The customs administration is not represented in the central coordinating role performed by the Central Drugs Unit.

¹ This part of the report is essentially based on the answers Austria has provided to the Questionnaire

2.1.5. In Austria, the government is responsible for providing a framework for drugs prevention and repression. The practical application of objectives and targets is the responsibility of the relevant Ministries. The Federal Drugs Coordination is a body which brings together key representatives from the Federal Ministry of Social Security and Generations (Health), the Federal Ministry of the Interior, the Federal Ministry of Justice, the Federal Ministry of Health, the Federal Ministry of Environment, Youth and Family and the Federal Ministry of Education and Culture. Under the chairmanship of the Federal Ministry of Health, this body is tasked with the formulation and application of drug policy. The Federal Drugs Coordination body was formed in 1997 as a result of an Austrian Council of Ministers meeting which called for better coordination. This body meets four times a year. The body is chaired by the Federal Ministry of Health and holds regular plenary meetings attended by the Länder's drug coordinators and representatives of other Federal Ministries; full minutes are taken of the meetings and after discussion some recommendations are made as well. Such recommendations or guidelines, which are where appropriate backed up by scientific evaluations, are as a rule also complied with by the Federal Ministries.

The Austrian Federal Institute for Health (ÖBIG) issue an annual report on the drug situation; this contains a detailed survey of the drug situation in Austria. The report is drawn up annually on the authority of the Federal Ministry of Social Security and Generations and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and is available in both German and English.

The Federal Government an annual report report on internal security in Austria, which gives a comprehensive overview of annual crime trends including drug-related crime; in addition to the report on the security authorities' activities, this annual report includes an account of practical measures to combat drugs in the section of the report devoted to the Federal Ministry of Justice.

2.1.6. The Federal Ministries of the Interior and Finance are jointly preparing a Memorandum of Understanding to clarify organisational responsibilities and cooperation.

2.1.7. During the period that the evaluation visit was carried out, a Memorandum of Understanding (MOU) was in the process of being negotiated between the Federal Ministry of Finance and the Österreichische Bundesbahnen (Austrian Federal Railway). The Austrian authorities have subsequently advised the evaluation team that negotiations have now been concluded and that this MOU has been agreed. In the medium term there are plans to conclude further agreements with the Österreichische Post und Telekom AG (Austrian Post and Telecommunications Company) with regard to express courier services and airport operating companies.

2.1.8. Austria has no general guidelines or directives, which focus on or prioritise specific types of drugs, quantities or organised criminal groups. The legal framework is provided by the Austrian Drugs Act, the relevant provisions of the Security Police Law, the Code of Criminal Procedure and by the Penal Code. The principle of mandatory prosecution applicable in Austria permits no further limitation beyond this legislative framework. All cases of possession and consumption are acts subject to penalty.

2.1.9. The Austrian Drug Act, provides that offenders charged with possession of small quantities may have the charge set aside subject to two years' probation and, if necessary, therapy and counselling. An offender who is an addict and has received a custodial sentence may in certain circumstances be granted deferral of punishment if the guilty party is prepared to undergo necessary and appropriate therapy. If such therapy is successful, on expiry of the probation period there is a conditional review of the punishment subject to a further probation period of at least one and no more than three years. Occasionally, special demand reduction projects are launched, such as the 'Check it' project in 1998. This was a scientific study aimed at discovering the health risks associated with the use of synthetic drugs and measuring the scale of abuse. Discreet testing facilities were located close to discotheques popular with young people. The facilities gave the opportunity for tablets, principally ecstasy, to be tested for content. The 'Check It' project was carefully monitored and combined with a strong campaign against drugs.

2.1.10. Internally, none of the main Ministries responsible for prosecution, police or customs activities have guidelines related to the fight against drug trafficking.

2.1.11. In Austria, no multi-disciplinary teams crime have been set up as described in Recommendation 20 of the Action Plan on Organised Crime of 28 April 1997. However, coordination and cooperation does take place according to need, on a case by case basis.

2.2. Prosecution Services and Judges

2.2.1. In Austria, there are three levels of the Prosecution authorities. The highest level consists of the General Public Prosecutors offices in the Supreme Court (which acts only if requested by the Supreme Court). The second highest level comprises the 4 Chief Prosecutors Offices of the Courts of Appeal, and the third level comprises the Regional Courts of which there are 17. It should be noted that in Austria, the Federal Ministry of Justice has the right to give instructions to the prosecution service.

2.2.2. The Austrian Code of Criminal Procedures of 1873 is still in force. This outlines the procedures for investigating judges. Although this still is extant in law, it is different in practice. The reality is that Public Prosecutors have evolved into a controlling role whilst the police have grown into an investigative role. At the current time the law is being revised to bring it in line with practice. A draft of the new legislation is already available but will take some three to four years to reach fruition.

2.2.3. The prosecution service and examining magistrates respond to cases investigated by the police. The main thrust of their activity lies in initiating and following up the criminal proceedings pending before the court after the case has been reported.

2.2.4. The police may call in the prosecution service at any stage of an investigation. However, there are certain occasions when the prosecution services must be involved in an investigation. These occasions relate to the use of certain coercive measures including search of premises, issue of arrest warrants, orders to carry out telephone intercepts and bugging operations, which have to be ordered by decisions of an examining magistrate at the request of the prosecution service.

2.2.5. In several prosecution services and regional courts, there are certain prosecutors (departments) and judges (court divisions) who have exclusive or main competence for the prosecution of drug-related offences. Such prosecutors and judges can only have this competence within the jurisdiction of their respective courts of justice but they can extend to operate beyond these boundaries if the case is widespread.

2.2.6. An electronic information system is available to the police to ensure that investigations or proceedings against the same individuals cannot be duplicated.

2.2.7. Judges and prosecutors with exclusive or main competence for the prosecution of drug-related offences do not have special powers distinct from the powers of other prosecutors and judges.

2.2.8. Operational coordination between public prosecutors and judges concerned with the prosecution of drug-related crime is limited to instances where there are common elements involving the same subjects or suspects. Usually, such cases will be combined under the authority of one prosecutor or judge depending upon the individual circumstances.

2.2.9. In 1997 5,700 persons and 16,800 cases were reported under the Austrian Narcotic Drugs Act. Furthermore, in the past two years, 1,700 persons have been referred on sentence to drug therapy or rehabilitation schemes as opposed to imprisonment. With regard to the more serious cases of organised crime drug trafficking, the courts impose sentences of up to 20 years.

2.3. Police Authorities

2.3.1. Only the security/police authorities of the Federal Ministry of the Interior can investigate drug cases. They act at the request of the prosecution service and on the authority of the examining magistrate, albeit under their own powers.

2.3.2. With regard to its security agencies, Austria has a three level structure. At the highest level there is the General Directorate for public security (Generaldirektion für die öffentliche Sicherheit) which is affiliated to the Federal Ministry of the Interior. The second level consists of eight state security directorates whilst the third level is represented by 14 federal police directorates (Bundespolizeidirektionen) and 86 district administrative bodies (Bezirksverwaltungsbehörden). The latter two belong to the same level with their own local competence. Vienna as federal capital is a special case. It is regarded as a security directorate in its own right at the second level of the three level structures.

2.3.3. Police competence in relation to drugs is mainly the responsibility of the central office for the fight against drugs (Zentralstelle zur Drogenbekämpfung) located in department II, D 8. The task of this central office is to co-ordinate all police activities concerned with combating drugs in Austria. Additionally, it has a liaison function with other ministries holding competence in the field of drugs and it represents Austria on an international level in various bodies (e.g. European Union, Interpol and others).

2.3.4. Two operative units are attached to the central office in department II/8, namely EBS and EDOK. EBS is responsible for supra-regional cases of organised drug crimes. This office is primarily concerned with undertaking undercover investigations and controlled deliveries and works in close cooperation with the regional authorities. EDOK is responsible for other cases of organised crime.

2.3.5. The security directorates (Sicherheitsdirektorate) and the directorates of the federal police (Bundespolizeidirektionen) are mainly responsible for operative investigations against offender groups acting supra-regionally as well as organised drugs crime. These bodies have dedicated departments with independent drug offices. The security directorates are responsible for the coordination of drug investigations within the Länder but if more than one Land is involved or there is an international connection, coordination is the responsibility of the Central Drugs Unit of the Federal Ministry of the Interior.

2.3.6. The administrative authorities (Bezirksverwaltungsbehörden) are responsible for all drug crimes, which do not fall within the competency of the higher levels. It is here that offences on the lower range of drug-delinquency are mostly dealt with.

2.4. Customs Authorities

2.4.1. The Federal Ministry of Finance is responsible for all customs functions. Within customs, there are no dedicated structures for dealing with law enforcement in relation to drug trafficking. However, Section 43 (5) of the Austrian Drugs Act (Federal Law Gazette I No 30/1998) sets out the powers of the Customs bodies as follows:

If, in the context of the customs bodies' obligations to participate in enforcing prohibitions and restrictions on possession, shipment or use of goods in circulation across the borders of the area of the area of application (Section 3 of the Customs Law Implementation Act, Federal Law Gazette No 659/1994), there is suspicion that a criminal offence has been committed under this Federal Act, those bodies are authorised to arrest persons on behalf of the security authorities (Sections 175-177 of the code of Criminal Procedure) and to arrange for a physical examination with imaging procedures (paragraphs 2 and 3) as well as to seize drugs temporarily, if such measures allow no delay. In this matter the customs authorities have the powers and obligations of public security service bodies. They are required to notify the competent security authority without undue delay of the measures taken; persons arrested and seized objects must be handed over to the security authority or court without undue delay.

2.4.2. The customs administration has established special task forces with responsibility for preventing the smuggling of drugs into Austria in accordance with the limits specified in Section 43 (5) of the Austrian Drugs Act. However, these units are primarily responsible for combating serious international customs frauds. There are 21 such special task forces located mainly in customs offices on the external borders. Some of them also serve surrounding customs offices. In addition to carrying out the standard clearance checks, these special task forces are responsible for specifically identifying high-risk goods shipments, selecting them for inspection and subjecting them to a systematic detailed examination. Staff numbers currently total 126 officers, who receive special instruction and are provided with appropriate technical equipment for carrying out detailed examinations.

2.4.3. Relevant information from national and international sources, checklists, profiles, etc. are made available to the customs special task forces from the “Customs Information and Analysis Centre”. Twenty Intelligence staff is engaged on these duties.

2.4.4. The handlers of drug sniffer dogs are linked organisationally to customs offices or mobile monitoring teams. The customs administration currently has 77 trained dog handlers; each of who is allocated a service dog specially trained to detect drugs. Dog handlers and service dogs are trained in accordance with the regulation on service dog handlers at a special training centre, the customs watchdog school in Graßnitzberg (Styria).

2.5. Training

2.5.1. Training methods for security/police personnel varies depending on the nature and type of work undertaken. New officers to the criminal investigation department receive comprehensive instruction on a range of aspects relating to the drugs issue. However, for those police or Gendarmerie officers working in specialised units to combat drug trafficking, a comprehensive special training programme has not yet been established and work is underway to develop a programme. Current training methods for these officers is very much dependant on awareness and trend seminars hosted by the Central Drugs Unit. Specialist training is available for those involved in financial and economic investigations and exceptionally, international training courses are available according to needs.

2.5.2. Since 1997 a regular training programme on crime analysis has been organised. A one-week theory block called "Crime analysis" is offered first and this is followed in the second week by practical software training using, "Analyst's Notebook". These courses are targeted at crime analysts in the organised crime departments of all the security authorities and services. On the basis of the training courses already held, trained crime-analysis specialists are now available to all departments dealing with organised crime and drug-related crime.

2.5.3. Drug training for customs personnel is very much seminar based. Topics include basic familiarity with drugs and psychotropic substances, origin, smuggling routes and practices, relevant legal bases, use of risk-based working methods for selection and control and procedures for cooperating with the police or security services.

2.5.4. With regard to prosecutors, the evaluation team was told that there were no comprehensive training available for drug issues. However, written guidance and oral briefing sessions have been provided on some occasions to judges and prosecutors on the subject of drug offenders. Additionally, public prosecutors and examining magistrates have been invited to seminars on specialised topics such as undercover investigations and cross-border criminal prosecutions, organised by the Federal Ministry of the Interior.

2.6. Monitoring

2.6.1. In Austria, all Federal Ministries are subject to inspection by the Court of Auditors, which examines not only budgetary matters but also the overall efficiency of all resources deployed. For example, in the period from 29 March 1999 to 28 May 1999 the Court of Auditors last examined the Federal Ministry of the Interior's financial management with regard to the fight against drug-related crime. The relevant report is currently only in a "preliminary" version and has not yet been discussed, as planned, by the Government.

2.6.2. Internally, both the police and customs have check systems to ensure that officers are carrying out their duties properly and lawfully.

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PART 3

3. INTELLIGENCE

3.1. Police and Customs

3.1.1. All security/police personnel can access and search for data in a computerised system known as EKIS (electronic criminal police information system). EKIS contains databases on a wide range of subjects, including: persons; property; special security forces information; criminal records; vehicle registrations and foreign nationals.

3.1.2. A secure separate database is kept for undercover operations. During the visit the evaluation team was told, that an analyses unit was being planned. The Austrian authorities have subsequently advised the evaluation team that a database for trend analysis of drugs became operational from already 1 February 2000 and a comprehensive database for organised crime is planned.

3.1.3. The Schengen Information System is also available as an important resource for intelligence and information.

3.1.4. Currently, the analysis of files, records or interviews can only be made manually on a case by case basis. To improve this situation the creation of an organised crime database is being planned and options for improvement of the system such as the German BKA model are being considered.

3.1.5. The Austrians already have regular training programs for crime analyst specialists and there are plans for training a further 100 police officers.

3.1.6. The Customs service is equipped with 20 dedicated intelligence officers and an average availability of one computer between two officers.

3.1.7. The data on seizures made by Customs bodies are computer processed and analysed in the Customs Information and Analysis Centre of the Federal Ministry of Finance.

3.1.8. Another source of information is provided by foreign customs authorities under mutual assistance agreements, either bi-laterally in individual cases or in the form of a constant multi-lateral exchange of information such as, for instance, the Balkan route information system or information from RILO-Western Europe (World Customs Organisation). This data is also mostly computer-processed or included in analytical evaluations.

3.1.9. No problems have been encountered in the input of data to the various intelligence systems. Data and intelligence may be exchanged between specialist law enforcement and police authorities on the basis of the constitutional obligation for national authorities to engage in administrative cooperation within the limits of their joint competence.

3.1.10. The exchange of information with foreign law enforcement agencies is expressly regulated in the Police Cooperation Law. This law does not differentiate between certified and uncertified data and it is therefore legally possible to forward “soft” intelligence.

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PART 4

4. SPECIAL INVESTIGATION TECHNIQUES

4.1. Financial investigations by police, customs and prosecutors

4.1.1. Financial investigations relating to the proceeds of drugs trafficking follow the same procedures as financial investigations for other criminal matters.

4.1.2. On the basis of the general provisions (Section 20 of the Penal Code) the profits may be forfeited when someone has committed a punishable offence, thus obtaining a pecuniary advantage, or has received a pecuniary advantage for the commission of a punishable offence. Forfeiture basically occurs through payment of a sum of money equal to the amount of the illegal profits. If the extent of the profits cannot be established or cannot be established without disproportionate expenditure, the court may fix the sum of money to be confiscated according to its conviction (assessment). The equivalent value of drugs involved may therefore as constituting economic benefit obtained from an offence be confiscated (the offender being sentenced to pay a corresponding sum of money).

4.1.3. There are conditions which allow for a reversal of the burden of proof where consideration can be given to assessing economic benefits gained by a persistent offender from other crimes of a similar nature to that for which the offender is convicted. In such cases, a supposition can be made that such benefits do not arise from legitimate means.

4.1.4. Forfeiture is also possible in respect of those pecuniary advantages which the offender has gained at a time linked to other serious offences or at a time linked to his membership of a criminal organisation.

4.1.5. Where it can be assumed in the course of the preliminary criminal proceedings that profits will be forfeited on the basis of the above mentioned provisions, on application by the public prosecutor's office the investigating magistrate must order appropriate securing measures which are expressly set out in the Code of Criminal Procedure.

4.1.6. Proceeds from drug dealing may go through money laundering, prosecution of which falls within the jurisdiction of the judicial and police authorities. Such proceeds may also be taxable. However, there are no special legal provisions for tax investigations, only the general regulations on the collection of taxes. Investigations may be conducted as soon as the entitlement to taxes arises, assets may be seized in order to secure the entitlement.

4.1.7. Financial investigations in cases of drug dealing are conducted by the drug enforcement agencies in close cooperation with the agencies responsible for fighting money laundering and financial crime.

4.1.8. There are currently 13 trained financial investigators (11 in the Organised Crime Unit, 2 in the Central Drugs Unit) in Division II/8 of the Federal Ministry of the Interior who have followed special courses in banks and private companies and already have long-standing practical experience in this area. In addition, at least the major security authorities and services also have trained financial investigators. Tax investigations are conducted by the tax authorities as part of the general collection of taxes. The tax authorities do not participate in the investigation of drug crimes, nor are they specially trained to do so.

4.1.9. The relevant legal provisions in Austria only entered into force in March 1997, so there is still a shortage of experience.

4.1.10. Most of the general experience gained has been further to the relevant requests for legal assistance from other States (EU Member States and the USA). In all of those cases Austria took the necessary steps to identify and confiscate the assets. No significant practical problems arose.

4.1.11. At national level the necessary measures to secure and seize assets are taken by the security/police authorities and services conducting the investigations in direct contact with the competent public prosecutor's office or the competent court. As no special reports have to be made about these investigative measures and since statistics have only been kept on them since 1 February 2000, it is not possible to give any exact figures.

4.1.12. If it is possible to apprehend the drug dealers the assets are recorded for tax purposes.

4.1.13. If law enforcement authorities use information from the tax authorities for the prosecution of criminals it must be provided on the basis of regulations governing administrative assistance. Formal court decisions are therefore not needed.

4.2. Controlled Deliveries

4.2.1. The Europol Manual on Controlled Deliveries gives a full description of Austria's commitment to and implementation of policies in this specialist area.

4.2.2. No substantial problems have arisen with regard to international cooperation in the preparation and carrying out of controlled deliveries to date.

4.2.3. As a rule, international contacts are made, information exchanged and the practical operative arrangements made by direct contacts between the central authorities or the police forces of the participating States.

4.2.4. In the light of Austria's geographical position on the Balkan route, cooperation with non-EU States is necessary for most controlled deliveries. Europol involvement and coordination were therefore only needed in exceptional cases.

4.2.5. It is in principle possible to carry out controlled deliveries of money in Austria subject to certain conditions. Until now, however, this procedure has not been used, so Austria has no practical experience in this area.

4.2.6. The whole or partial substitution of a legal substance for the drugs does not contravene the Austrian legal system. However, given the practical problems involved (delay in transport, risk that the substitution will be noticed by the criminals), this tactic is only used in exceptional cases in agreement with all States. This applies in particular where there is a high risk that the delivery could be lost, despite the appropriate surveillance measures.

PART 5

5. COORDINATION AND COOPERATION

5.1. Cooperation at national level

5.1.1. Cooperation at a high level is carried out in the form of the Federal Drugs Coordination. This group under the chairmanship of the Federal Ministry of Health is made up of representatives from the Federal Ministry of the Interior, the Federal Ministry of Justice, the Federal Ministry of Environment, Youth and Family and the Federal Ministry of Education and Culture. The group meets periodically on an informal basis to focus on operational difficulties or concerns.

5.1.2. The Federal Ministry of Finance is not represented in either the Federal Drugs Coordination body or in the central coordinating role performed by the National Contact Point. Following the evaluation visit to Austria, the evaluation team were advised that minutes of meetings conducted by the Federal Drugs Coordination body are copied to the Federal Ministry of Finance.

5.1.3. At a lower practical level, the law in Austria is quite clear concerning the roles of the relevant authorities. For the customs authorities, Section 43 (5) of the drugs Act lays down that the security/police authorities must be notified without delay when an offence under the Act is detected. For the security/police authorities their primary role is to investigate whilst the emphasis for the prosecution authorities is to initiate and supervise the criminal proceedings before the court once charges have been laid.

5.1.4. Because there is deemed to be no overlap of work between the relevant authorities, there is no systematic approach to the exchange of information and almost all cooperation is carried out on an informal basis. A Memorandum of Understanding has been drafted between the Federal Ministry of the Interior and the Federal Ministry of Finance to promote cooperation and to facilitate the exchange of information but this has not yet been adopted.

5.1.5. Some examples of where police and customs have formally cooperated are in the areas of issuing joint press releases and in the provision of intelligence by customs to the security/police.

5.2. Cooperation at international level

5.2.1. Austria has concluded bilateral agreements with other States to improve the exchange of information in general questions as well as in specific investigations (see Annex C).

5.2.2. In practice such agreements and the accompanying close cooperation between law enforcement agencies have led to an obvious improvement in communication and consequently an increase in efficiency.

5.2.3. Information on suspicious consignments is exchanged on the basis of bilateral mutual assistance agreements with foreign customs authorities and on the basis of the 1967 Naples Convention.

5.2.4. Negotiations on the conclusion of an agreement with Germany are currently being held. This refers to arrangements under article 9 (1c) of the 1988 UN convention (establishing joint teams).

5.2.5. In most cases anti-drug information is exchanged via Interpol or by calling in the drug liaison officers posted in Austria. The Central Drugs Unit performs the Interpol service in drug related cases which accounts for about 50 % of its time. Contact is only made via the liaison officers posed in Europol in cases in which two or more EU Member States are involved and no third country has to be contacted.

5.2.6. The choice of channel is made in line with obligations under international law and taking into account the degree of urgency in each case (liaison officer) or the circle of States involved. Austria's position on the external border in the east of the EU means that third countries have to become involved in information exchange in the majority of drug investigations, which is why the Interpol channel is mostly used in such cases.

5.2.7. Scarcely any fundamental problems have been noted in the exchange of information with specialist law enforcement agencies.

5.2.8. Some problems have arisen with a number of Member States who are significantly slower than others in responding to requests for information under the letters rogatory process.

5.2.9. Austria is involved in all drug-related Europol projects with an Austrian connection.

5.2.10. The Austrian liaison officers posted to Europol are informed of all important investigations in Austria. The exchange of information is then conducted via those liaison officers when two or more Member States, but no third countries, are concerned.

5.3. Drugs liaison officers

5.3.1. The following States currently have drugs liaison officers posed to Austria:

USA (DEA and FBI)

Turkey

Canada

Belgium

United Kingdom

Nordic States (represented by a DLO from Denmark)

Italy

5.3.2. The liaison officers work in the Embassy or in offices provided by the Embassy. Only the Italian liaison officer works in the Central Drugs Unit. All drugs liaison officers are from the police.

5.3.3. Although Austria has not currently posted any drugs liaison officers abroad, it does have Gendarmerie officers based in Bratislava, Budapest and Bucharest on non-drugs functions. Cooperation with these bordering Countries is said to be very good.

PART 6

6. EVALUATION OF THE EFFECTIVENESS OF SYSTEMS IN AUSTRIA RELATING TO THE FIGHT AGAINST DRUG TRAFFICKING: STRUCTURE, INTELLIGENCE, SPECIAL INVESTIGATION TECHNIQUES AND COORDINATION AND COOPERATION

6.1. General Comments

6.1.1. Austria has a deserved reputation for adopting a tough repression policy with regard to all drug related crime. The law allows for no tolerance and all drug offences ranging from small scale possession to large scale trafficking are prosecuted. Punishment for drug trafficking also reflect this tough approach with sentences ranging from 10 to 20 years imprisonment for the more serious cases.

6.1.2. The evaluation team was struck by the very positive and enthusiastic attitude of all practitioners they encountered from the all relevant Ministries. All persons evoked a strong sense of professionalism and commitment to their work.

6.1.3. Internally, the evaluation team was told that excellent cooperation exists between all Ministries concerned with combating drug trafficking. The evaluation team does not doubt that this is the case but were surprised given that in almost all circumstances cooperation and liaison at all levels operates on an extremely informal basis. At an operational level, police and customs do not seem to have any systematic approach to the exchange of information. Work is carried out on the basis of personal rather than organisational contacts. Furthermore, no formal pathway exists for the exchange of intelligence from the separate data basis held by the police and customs. A draft Memorandum of Understanding has been produced to set out the terms of reference for both the police and customs and the evaluation team applaud this initiative as a step in the right direction. At the higher level of the Federal Drugs Coordinating body, the evaluation team was told during their visit that meetings were held 4 times a year and that no minutes were taken. Following the visit, the evaluation team was subsequently advised by the Austrian authorities that that minutes from the meetings are kept and forwarded to the liaison officers of the Federal Ministries, including the Ministry of Finance.

6.1.4. In Austria, the government is responsible for providing a framework for prevention and repression. In reality, this framework is confined to a political commitment and support for the existing Austrian Anti - Drugs Law. The formulation and application of policy is the responsibility of the Federal Drugs Coordinating body which is chaired by the Federal Ministry of Health and attended by other relevant Ministries. This group meets periodically but has no binding authority.

6.1.5. The structure of the Federal Ministry of the Interior and the manner in which it deploys the various police authorities and services is very complex. This is recognised by the Federal Ministry itself and some officials that the team met admitted that if a system had to be invented afresh then it would not be based on the current model. However, this appears to be a common and emerging view and there are plans in a formative stage to consider the adoption of another structure based a number of options such as the German BKA model.

6.1.6. In Austria, no multi-disciplinary teams have been set up as described in the Action Plan to Combat Organised Crime of 28 April 1998. It is accepted that there is cooperation and coordination as required on a case by case basis. However, customs personnel would only be included operationally as a last resort under the Austrian constitutional requirement for assistance. The evaluation team feels that work opportunities for multi-disciplinary teams ought to be identified and implemented even if only on a trial basis. Their value could then be properly evaluated.

6.1.7. The evaluation team found that Austria has a very legalistic approach in the way that it trains and educates persons engaged in tackling the fight against drug trafficking. This is particularly true of the Prosecution service where practitioners told the team that no comprehensive structured training was available on related specialised matters such as telephone interceptions. Indeed one Judge felt that this situation also applied to Judges.

6.1.8. The manner in which Intelligence personnel are deployed and structured is undergoing a major change and the framework is intended to be based on the German BKA police model. The evaluation team agreed that it was still too early to reach an assessment of performance. It was noted by the evaluation team that this proposed new structure did not include customs who have their own intelligence database. Neither the police or customs have access to each others databases but a formal arrangement to establish mutual access to specific customs and police databases is under negotiation.

6.1.9. With regard to specialist investigation techniques and the undertaking of controlled deliveries, there would appear to be no discernable difficulties. On the contrary, the EBS who are the body charged with the authority for controlled deliveries and for undercover work exuded a high level of competence and professionalism.

6.1.10. With regard to financial investigations, the evaluation team felt that the picture was less straightforward. The team was told that there was no mechanism or central desk for the police to approach when making requests of banks for information and each bank had to be approached individually. For their part, the Federal Ministry of Justice admitted that at least one of the articles of the Joint Action of 3.12.98 (money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime) had still not been implemented. This referred to Article 2 and the requirement for a 'user friendly guide'.

6.1.11. Currently, there are no memorandums of understanding in force between law enforcement authorities combating drug trafficking and non governmental organisations.

6.1.12. One problem which Austria shares with most other Member States is in preventing the widespread availability and 'recreational ' use of synthetic drugs, particularly by young people as part of their 'leisure' activities. In 1998 the Federal Ministry of Health launched the 'Check It' project. This initiative was a scientific study aimed at discovering the health risks associated with the use of synthetic drugs and measuring the scale of abuse. Discreet testing facilities were located close to discotheques popular with young people. The facilities gave the opportunity for tablets, principally ecstasy, to be tested for content. The 'Check It' project was carefully monitored and combined with a strong campaign against drugs. The project demonstrated that Austria can and is prepared to work flexibly within its strong drugs repression policy to accommodate innovative demand reduction schemes.

6.1.13. Internationally, the evaluation team was told that cooperation is good between Austria and it's EU partners. However, there was some evidence from practitioners that some countries were significantly slower than others in responding to requests under the letters rogatory process. France, Spain and the Netherlands were mentioned in this regard.

6.1.14. All questions asked by the experts during the evaluation were related to one degree or another to various international instruments relating to cooperation between law enforcement authorities on a national and international level with regard to drug trafficking. Unless specifically commented upon within the report, the experts were assured that all actions concerning the following related instruments have or are in the process of, being adopted:

- The Action Plan to combat Organised Crime of 28 April 1997
- The Joint Action of 14 October 1996
- The Joint Action of 29 November 1996
- The Council Resolution of 29 November 1996
- The Joint Action of 17 December 1996
- The Joint Action of 9 June 1997
- The Joint Action of 16 June 1997
- The Joint Action of 3 December 1998
- The United Nations Convention of 1968, 1978 and 1988.

6.2. Possible Improvements

All of the suggestions made in this part are the results of the discussions undertaken with the representatives of the Ministries of Justice, Interior and Finance who were seen during the evaluation visit to Austria. Moreover, the suggestions are also informed by the meetings held with practitioners from all disciplines. The evaluation team realises that these suggestions are based on experiences with other legal systems and traditions and that all of them might not fit into the Austrian system. Several of the suggestions made are of a minor nature, but some may be considered to be more fundamental. The experts have of course not considered resource implications in making these suggestions.

6.2.1. Structure

* law

The evaluation team was told that it would take from three to four years to introduce the new legislation to replace the Austrian Code of Criminal Practice of 1873. This law is out of step with contemporary practice and the pace of introduction should be hastened to ensure that protection for the practitioners of the law as well as the citizen.

* customs

The evaluation team was surprised to learn that the Federal Ministry of Finance was not included in the Federal Drugs Coordinating body, although it does have access to minutes of meetings. Similarly, the evaluation team was surprised to learn that this Ministry had no input to the central coordinating role performed by the National Contact Point.

The team was told that under Austrian Law the role of customs was to seize drugs and make arrests if appropriate after which matters should be referred as soon as possible to the security/police authorities. The perception given was that because customs played an almost incidental role then it did not need to be involved at the higher levels of discussions. The evaluation team of course accept the legal authority concerning customs but consider that customs should normally be more involved at higher level.

The reality is that customs in Austria has an important role in the fight against drug trafficking and its position in a separate subordinate role is not as clear cut as it may superficially appear. International organised crime has many 'faces' and it is not always immediately clear in certain circumstances what type of crime is being perpetrated - e.g. illegal alcohol importations or drug smuggling. Police and customs are many times working very close together. It was e.g. noted that at Vienna airport the police implement border controls and customs personnel are competent for and carry out customs control of passengers. Within the framework of these controls, offences against the Austrian Drugs Act can be detected by police or customs staff and the detecting body will execute the appropriate legal powers.

The evaluation team considers that the inclusion of customs representation on the Federal Coordinating body and the Central National Contact Point would add value to the quality of experience and information on which far reaching decisions are based.

*** The Federal Ministry of the Interior**

It has already been noted elsewhere in this report that the evaluation team considered that the structure of the Federal Ministry of the Interior and the manner in which it deploys the various police authorities and services is very complex. It was also noted that there are plans in a formative stage to consider the adoption of another structure based on the German BKA police authorities.

The evaluation team supports the current initiative to introduce change and suggests that an action plan and timetable for implementation be introduced at an early stage.

*** Guidelines and Training**

Prosecutors working for the Federal Ministry of Justice told the team that they receive no comprehensive or structured training on technical awareness issues relating to combating drugs trafficking. Prosecutors are at an obvious disadvantage if allocated cases which could for example include, telephone interceptions, undercover working, informant handling or money laundering. It is suggested that needs analysis of training is introduced and regularly updated and evaluated.

*** Demand Reduction**

The 'Check It' project already referred to in this report was essentially a scientific study aimed at discovering the health risks associated with the use of synthetic drugs and on measuring the scale of abuse by young people. The 'Check It' project was carefully monitored and combined with a strong publicity campaign against drugs. The evaluation team knows that such projects raise difficult issues. However, they consider that the results of the 'Check It' project should be circulated to other Member States as a positive example of how to enter into a positive and constructive dialogue with a view to rehabilitation.

6.2.2. Intelligence

As with the Federal Ministry of the Interior, the manner in which Intelligence personnel are deployed and structured is undergoing a major change and a number of options are being considered one of which is the German BKA model. Once more, the evaluation team supports this current initiative to introduce change and suggests that an action plan and timetable for implementation be introduced at an early stage.

6.2.3. Special Investigation Techniques - Financial Investigations

The evaluation team was told that the Austrian financial institutions do not have a central desk that can be approached by the security/police when making requests of banks for information. Instead, each bank has to be approached individually. It is the view of the evaluation team that a system should be created that makes it possible in a short period of time to find out if a certain person has an account, safe deposit box or valuables in his or her name in a bank in Austria.

The evaluation team considers that Austria should fulfil the terms of the Joint Action of 3.12.98. (money laundering, the identification, freezing, seizing and confiscation of instrumentalities and the proceeds from crime) with regard to Article 2 and the issue of a user friendly guide.

6.2.4. Coordination and Cooperation

* cooperation at national level

The points made in this part have a close link to the comments made under 'Structure' at Part 6.2.1.

The structure of an organisation and the cooperation of its component parts are closely related. Often, an efficient structure will facilitate an efficient means of cooperation. It will provide a framework with a clear focus on organisational objectives and provide the necessary evaluation mechanisms to ensure effective allocation of resources and that results are being achieved.

Excellent cooperation can still exist between component parts in a weak structure but there are fewer audit trails to evidence its value and to assess whether or not resources are effectively allocated and that results are being achieved.

In simple terms, without structure it is difficult to assess the quality of cooperation. In Austria, the evaluation team was repeatedly told that there existed excellent cooperation between all of the Ministries concerned with combating drugs trafficking. However, the evaluation team learned that in almost all circumstances, cooperation and liaison at all levels operates on an extremely informal basis. In other words, it would appear that it could not be properly evidenced or evaluated.

In a point already made earlier, the evaluation team also found that the customs service is not included at both the Federal Drugs Coordinating body and the Central National Contact Point. At the lower operational level, the police and customs have no systematic approach to the exchange of information. It is also worth noting that Customs is only exceptionally included in joint investigation teams and that neither the customs or police have formal possibilities for exchange of intelligence.

Where cooperation does exist it is carried out on the basis of personal rather than structured organisational contacts. An unstructured approach is appropriate if it works but does not allow for changes of personnel and clashes of personalities.

The evaluation team considers that more formal communication structures that are open and measurable could and should be adopted.

The evaluation team considers that work opportunities for multi-disciplinary teams (including the customs service) ought to be identified even if only on a trial basis. Their value could then be properly evaluated.

The draft Memorandum of Understanding between the Federal Ministries of the Interior and Finance is considered by the team to be a step in the right direction but the team consider that its early introduction should be given priority. During the period that the evaluation visit was carried out, a MOU was in the process of being negotiated between the Federal Ministry of Finance and the Austrian Federal Railways. The Austrian authorities have subsequently advised the evaluation team that negotiations have been concluded and that this MOU has been agreed. The evaluation team believes that consideration should be given to the introduction of Memorandums of Understanding with other non governmental organisations.

*** cooperation at international level**

Austria does not currently have Drugs Liaison officers posted abroad. It does however, have Gendarmerie officers based in Bratislava, Budapest and Bucharest on non-drugs functions. Cooperation with these bordering Countries is said to be very good. The evaluation team thinks that the good cooperation enjoyed provides an excellent opportunity to consider the deployment of Drugs Liaison Officers to key eastern European Countries. This would strengthen the external borders of the EU, particularly with the neighbouring threat and risk of the so called 'Balkan Route'.

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PART 7

7. GENERAL CONCLUSIONS AND RECOMMENDATIONS TO AUSTRIA, AND, WHERE APPLICABLE TO OTHER MEMBER STATES OF THE EUROPEAN UNION:

The evaluation team found it appropriate to make a number of suggestions for the attention of the Austrian authorities. This should not detract from the fact that Austria has a justly deserved reputation for adopting a tough and successful repression policy with regard to drug trafficking. It appeared to the evaluation team that cooperation in general terms works well between the different stakeholders and that all practitioners are highly motivated and dedicated to their tasks. It should also be noted that Austria is not afraid to introduce innovative demand reduction schemes if required.

The experts would like to summarise their suggestions in the form of the following recommendations:

- should ensure that priority is given to the early introduction of legislation to replace the Austrian Code of Criminal Practice of 1873 (see 6.2.1).
- should consider the inclusion of customs representation on high level drugs bodies to add value to the quality of experience and information on which far reaching decisions are based (see 6.2.1).
- should ensure that an analysis of drugs awareness training needs is carried out for prosecutors in the Federal Ministry of Justice and that training is introduced and regularly updated and evaluated (see 6.2.1).
- should continue its current initiative to introduce change to the structure of the police and consider the introduction of an action plan and timetable for implementation (see 6.2.1).
- should circulate to other Member States a copy of the results from the Austrian 'Check It' scientific study for information of how to enter into a positive dialogue with drugs users with a view to rehabilitation. (see 6.2.1).

- should continue its current initiative to introduce change to the Intelligence structure and consider the introduction of an action plan and timetable for implementation (see 6.2.2).
- should consider the formation of a central desk for contact with banking institutions in order to expedite financial investigations (see 6.2.3).
- should ensure fulfilment of the Joint Action of 3.12.98 (money laundering, the identification, freezing, seizing and confiscation of instrumentalities and the proceeds from crime) by issuing a user friendly guide (see 6.2.3).
- should identify work opportunities for multi-disciplinary teams and ensure proper evaluation is subsequently carried out (see 6.2.4).
- should review coordination and communication methods between the police and customs and consider the introduction of more formal structures that are open to audit and are measurable (see 6.2.4).
- should ensure that priority is given to the early introduction of the Memorandum of Understanding which has been drafted between the Federal Ministries of Interior and Finance to facilitate the continued process of cooperation (see 6.2.4).
- should finalise as soon as possible negotiations between the Federal Ministry of Finance and¹ the Austrian Federal Railways to conclude the draft Memorandum of Understanding (see 6.2.4).
- should consider the introduction of Memorandums of Understanding between law enforcement authorities combating drug trafficking and non governmental organisations (see 6.2.4).

¹ Following the evaluation visit, the Austrian authorities subsequently advised that negotiations have been concluded and that this MOU has been agreed.

- should consider the deployment of Drugs Liaison Officers to neighbouring European Countries to strengthen the external borders of the EU and to counter the problems of the 'Balkan Route' (see 6.2.4).

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VISITING PROGRAMME AND LIST OF PERSONS SEEN

Montag, 19.06.2000

Bundesministerium für Inneres

10.00-13.00 Uhr

Begrüßung und Fachgespräche beim Leiter der Gruppe II/D - MR Mag. DICK

Fachgespräche in der Abteilung II/8 - Zentralstelle zur Bekämpfung der organisierten Kriminalität und Suchtmittelkriminalität

Mag. LESJAK Karl
Mag. STADLER Gerhard
Dr. CZAPEK Walter
Mag. JURITSCH Michael

13.00 - 14.00 Uhr

Gemeinsames Mittagessen

14.00 - 15.00 Uhr

Fortsetzung der Arbeitsgespräche

Mag. LESJAK Karl
Mag. STADLER Gerhard
Dr. CZAPEK Walter

15.00 - 16.00 Uhr

EBS

Mjr. JOSZT Gerhard
CI BEINSCHAB Franz

16.00 - 18.00 Uhr

II/8 - Geldwäschemeldestelle

Mag. LESJAK Karl
MR Mag. PRETZNER Walter
MR Mag. MAHR Josef
CI STOCKER Heribert
MR FUCHS

Dienstag, 20.06.2000

Bundesministerium für Justiz

09.00 - 12.00 Uhr

Fachgespräche im Bundesministerium für Justiz

SC Dr. MIKLAU
LStA Dr. LITZKA
LStA Dr. PÜRSTL
LStA Dr. FELSENSTEIN
StA Mag. EGGERT
Ri Mag. WÖRGÖTTER

- 12.00 - 14.00 Uhr Gemeinsames Mittagessen
- 14.30 Uhr Besprechung im Landesgericht für Strafsachen Wien
- Präsident Dr. WORATSCH
LStA Dr. WETZER
OStA Dr. ZEDER
LStA Dr. PÜRSTL
StA Mag. EGGERT
- 19.30 Uhr Informelles Treffen mit den in Wien stationierten
Verbindungsbeamten im Bereich der Drogenbekämpfung
- Mittwoch, 21.06.2000** Bundesministerium für Finanzen
- 09.00 Uhr Präsentation im Bundesministerium für Finanzen
Zoll Informations- und Analysezentrum
Fallfahndungen
Befugnisse des Zolls nach dem Suchtmittelgesetz
Intranet-Datenbank Hermes
- OR Dr. HELLER
- 11.15 Uhr Abfahrt zum Zollamt Nickelsdorf
- 12.30 Uhr Gemeinsames Mittagessen
- 15.00 Uhr Zollamt Nickelsdorf Güterabfertigung Amtsplatz Nord
Kurzpräsentation des Zollamtes und anschließende Demonstration der
Überholhalle durch die Sondereinsatzgruppe des Zollamtes
- 16.30 Uhr Rückfahrt nach Wien
- Donnerstag, 22.06.2000**
- (Feiertag) Bundespolizeidirektion Wien
- 10.00 - 12.00 Uhr Fachgespräche bei der Abteilung II - Wiener Sicherheitsbüro
- HR Dr. SCHUBERT
HR Mag. EDELBACHER
Rat Mag. STÜBLER
Mjr. HAIMEDER
- 12.00 - 13.30 Uhr Gemeinsames Mittagessen

14.00 - 16.30 Uhr

Bezirkspolizeikommissariat Leopoldstadt

HR Mag. LIBERDA
OR Dr. RUISZ
Oberst PIBER
Oberst SCHÖNGRUNDNER

Freitag, 23.06.2000

09.00 - 10.00 Uhr

Empfang und Fachgespräche beim Herrn Generaldirektor
SC Dr. BUXBAUM und Herrn Generaldirektor-Stellvertreter
MR Dr. SCHADWASSER

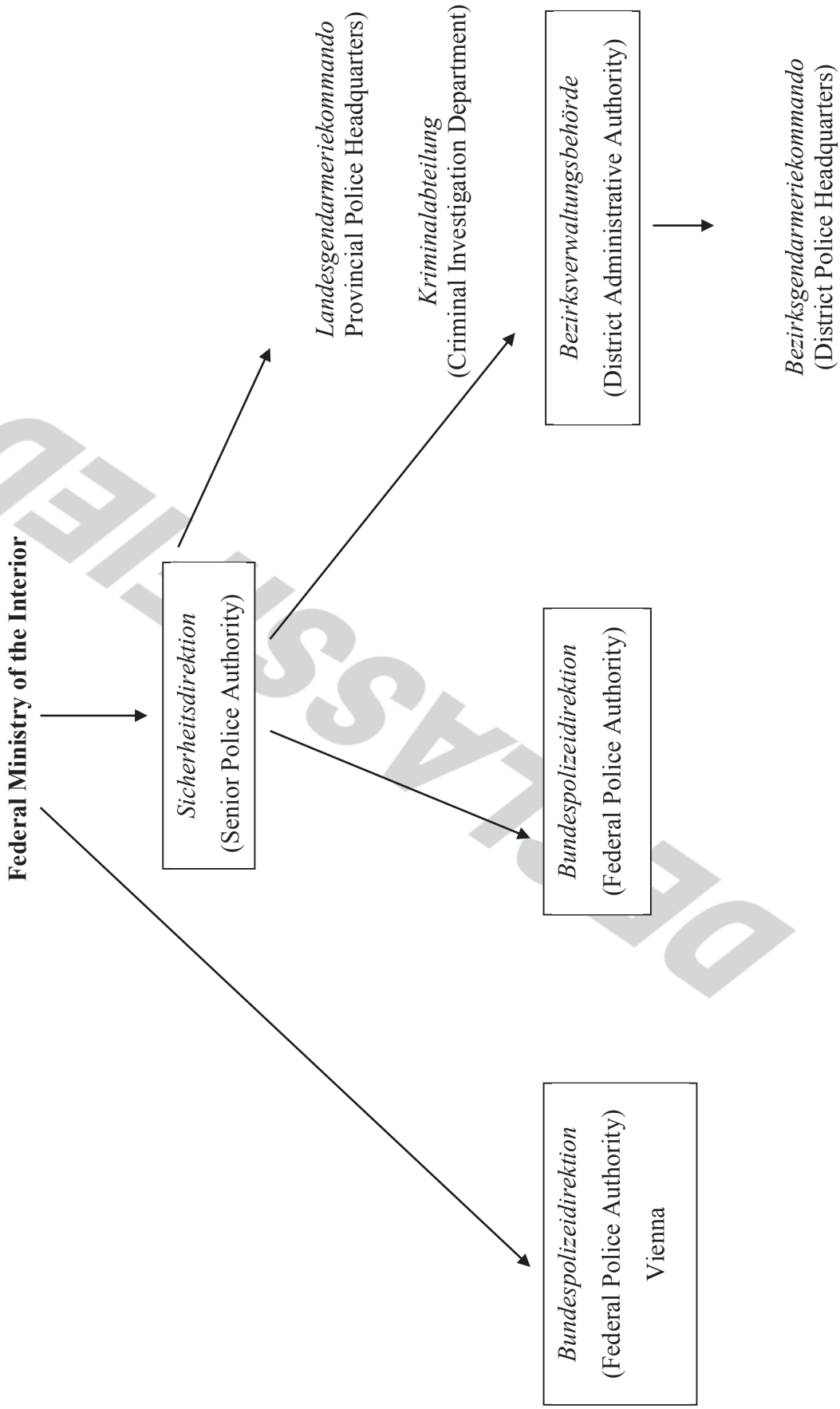
10.30 - 12.30 Uhr

Abschlussbestechung beim BMI - Gruppe II/D

Vertreter des BMJ
Vertreter des BMF
Vertreter des BMI

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POLICE STRUCTURE CHARTS

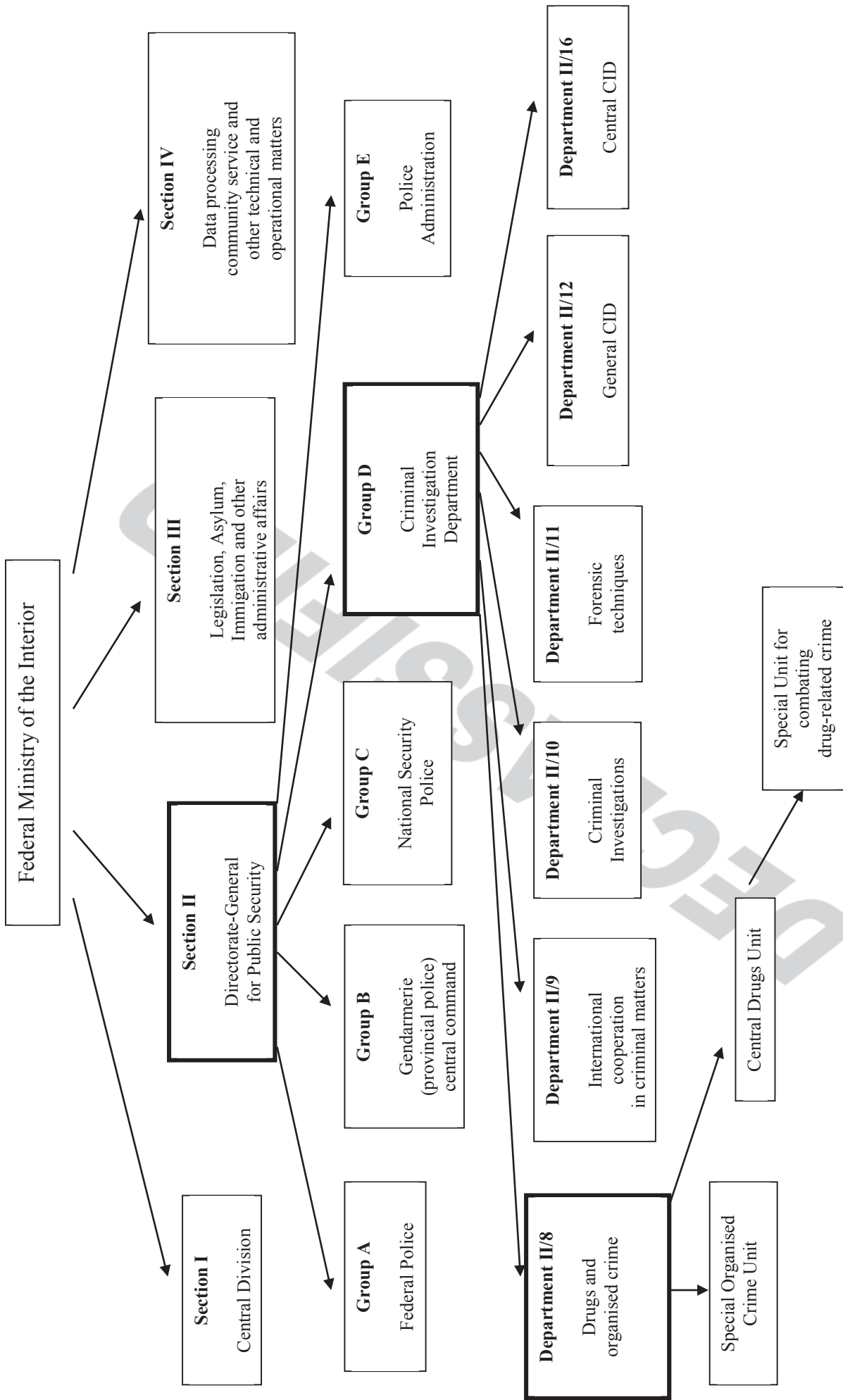


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BILATERAL AGREEMENTS CONCLUDED BETWEEN AUSTRIA AND OTHER STATES

Bilateral contacts within a contractual framework:

(a) Intergovernmental Conventions:

- Convention between the Government of the Republic of Austria and the Government of **the People's Republic of Hungary** on cooperation in criminal investigations and traffic policing matters – Article 20 (BGBl. No 399 of 5.9.1980).
- Convention between the Government of the Republic of Austria and the Government of **the People's Republic of Poland** on cooperation in preventing and detecting criminal offences and ensuring road safety – Article 14 (BGBl. No 261 of 31.5.1988).
- Convention between the Government of the Republic of Austria and the Government of **the Socialist Republic of Czechoslovakia** on cooperation in preventing and detecting criminal offences and ensuring road safety – Article 13 (BGBl. No 212 of 18.4.1990).

This Convention was taken over when the country divided into the Czech Republic and the Slovak Republic.

- Convention of 11 July 1996 between the Republic of Austria and the Government of **the Republic of Hungary** on cooperation in combating international terrorism, international drug trafficking and international organised crime – Article 8.
- Convention of 18 March 1999 between the Federal Government of Austria and the Government of **Romania** on cooperation in combating international drug trafficking and international terrorism and for other purposes in the interests of criminal justice – Article 3.

(b) Interministerial Agreements:

- Convention of 12 November 1986 between the Federal Minister for the Interior of the Republic of Austria and the Minister for the Interior of **the Republic of Italy** on cooperation in combating international terrorism, international organised crime and international drug trafficking – Section A3.
- Agreement of 13.4.1988 between the Federal Minister for the Interior of the Republic of Austria and the Federal Minister for the Interior of **the Federal Republic of Germany** on cooperation in combating international terrorism, international organised crime, international drug trafficking and unauthorised entry into national territory – Article 15.

- Agreement of 11 January 1990 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of Internal Affairs of **the Union of Soviet Socialist Republics (now Russia)** on cooperation in combating international drug trafficking and organised crime – Article 1.
- Agreement of 28 June 1991 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of Internal Affairs of **the Republic of Bulgaria** on cooperation in combating international drug trafficking and organised crime – Article 1.
- Agreement of 8 September 1992 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of Internal Affairs of **Ukraine** on cooperation in combating international drug trafficking and organised crime – Article 1.
- Agreement of 22 March 1994 between the Federal Minister for the Interior of the Republic of Austria and the Minister for the Interior of **the Republic of Croatia** on cooperation in combating international organised crime, international drug trafficking and international terrorism – Article 5.
- Agreement of 30 June 1993 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of the Interior of **the Republic of Slovakia** on cooperation in combating international organised crime, international drug trafficking and international terrorism – Article 5.
- Agreement of 23 June 1995 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of the Interior of **the Republic of Slovenia** on cooperation in combating international organised crime, international drug trafficking and international terrorism – Article 8.
- Agreement of 17 April 1996 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of the Interior of **the Republic of Chile** on cooperation in combating international drug trafficking and international organised crime – Article 1.
- Agreement of 16 July 1997 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of the Interior of **the Republic of Latvia** on cooperation in combating international organised crime, international drug trafficking and international terrorism – Article 6.
- Agreement of 12 December 1996 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of Public Order of **the Republic of Albania** on cooperation in combating international organised crime and international drug trafficking – Article 1.

- Cooperation Agreement of 17 June 1998 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of the Interior of **the Syrian Arab Republic** on combating international organised crime and international drug trafficking – Article 5.
- Agreement of 7 July 1998 between the Federal Minister for the Interior of the Republic of Austria and the Ministry of the Interior of **the Republic of Estonia** on cooperation in combating international organised crime, international drug trafficking and international terrorism – Article 6.
- Agreement of 13 November 1998 between the Federal Minister for the Interior of the Republic of Austria and the Minister of State, Minister for the Interior of **the Republic of Morocco** on cooperation in security matters – Article 9.

(c) Memoranda:

It was agreed in the following memoranda to send officials to jointly organised seminars and conferences.

- Memorandum of Understanding of 19 November 1996 on the consolidation and further development of mutual relations between the Federal Ministry of the Interior of the Republic of Austria and the Ministry of Internal Affairs of **Bosnia and Herzegovina**.
- Memorandum of Understanding of 11 February 1997 on the consolidation and further development of mutual relations between the Federal Ministry of the Interior of the Republic of Austria and the Ministry of Internal Affairs of **the Republic of Uzbekistan**.
- Memorandum of Understanding of 5 March 1998 on the consolidation and further development of mutual relations between the Federal Ministry of the Interior of the Republic of Austria and the Ministry of Internal Affairs of **Macedonia**.
- Memorandum of Understanding of 28 January 1998 on the consolidation and further development of mutual relations between the Federal Ministry of the Interior of the Republic of Austria and the Ministry of Internal Affairs of **the Kyrgyz Republic**.
- Memorandum of Understanding of 29 March 1999 on the consolidation and further development of mutual relations between the Federal Ministry of the Interior of the Republic of Austria and the Ministry of Internal Affairs of **Georgia**.
- Memorandum of Understanding of 24 November 1999 between the Federal Ministry of the Interior of the Republic of Austria and the Ministry of the Interior of **the Republic of Bolivia**.

OBSERVATIONS MADE BY AUSTRIA
THAT HAVE NOT BEEN INCLUDED IN THE REPORT

Comments by Austria pursuant to Article 7 of the Joint Action of 5 December 1997

Point 6.2.1. - sub heading 'Customs', second paragraph

"Last two sentences should be deleted altogether as the customs administration is not excluded from attending higher-level working groups."

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