

MISSION OF AUSTRIA
TO THE UNITED
NATIONS IN NEW YORK

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OF AUSTRIA

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The Mission of Austria to the United Nations presents its compliments to the

Secretary-General and informs him that the Mission has the honor to acknowledge the

letter of the Secretary-General dated 10 January 2019.

The Mission wishes to express its appreciation for the

information provided and the assistance rendered by the Secretariat.

The Mission remains at the disposal of the Secretariat for any further information.

Very respectfully,
Head of Mission

Signature

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Austria remains fully committed to the fight against terrorism, extremism and

that had been decided by the Austrian government in order to adapt the legal basis of law enforcement to the state of the art and also to implement Article 20 (and Recital 21) of the EU-Directive 2017/541 on combating terrorism. Article 20 demands effective tools for the investigation and prosecution of the offences referred to in the Articles 3 to 12 of the Directive (terrorist offences). The "Security Package" led to an extension of the use of the investigation measure of video and audio surveillance of persons according to § 136 of the Austrian CCP. This investigation measure is not limited to the investigation of felonies with a sentence of more than ten years of imprisonment, criminal associations (§ 278a of the Austrian Criminal Code) or terrorist alliances (§ 278b of the CC) or the tracing of persons who are accused of such a crime any more, but can now also be used in the investigation of terrorist offences according to § 278c of the CC and other serious offences in connection with terrorist activities such as terrorist financing (§ 278d of the CC) and training for terrorist purposes (§ 278e of the CC). In addition to that, with the "Security Package" a new investigation measure was implemented in the CCP, the "surveillance of encrypted communication" (such as Whatsapp and Skype messages), stipulated in § 135a of the CCP, which is going to enter into force on 1st April 2020 limited to a period of five years.

Besides, the Austrian judicial authorities are constantly working on a better and efficient cooperation in cases related to terrorist offences making full use of the existing international legal framework for judicial cooperation in criminal matters. Furthermore, Austria has actively contributed to the coordination of criminal investigations in terrorist offences by installing a EUROJUST National Correspondent for Terrorism Matters providing information on an ongoing basis to Eurojust, in conformity with Council Decision 2005/671/JHA.

In the field of civil law two aspects can be mentioned in this context:

The "Fourth Anti-Money Laundering Directive" (Directive 2015/849/EU) taking into account the FATF-recommendations has been implemented in the Austrian Act Amending Professional Rules and Regulations 2016 (Berufsrechts-Änderungsgesetz 2016 – BRÄG 2016, BGBl [Federal Law Gazette] I 10/2017) by specifying the legal professionals' obligations in combatting money laundering and terrorist financing for lawyers and civil law notaries. The relevant stipulations particularly can be found in Section 8a to 8f Lawyer's Act and Section 36a to 36f Notarial Code.

Moreover, the Austrian Bar and the Austrian Chamber of Notaries are regularly informed by th

Council Consolidated List) is made available to all the members of the Austrian Bar associations and the Chambers of Notaries (lawyers and civil law notaries).

Furthermore, § 6 of the Austrian Sanctions Act provides that frozen assets (which are partly linked to terrorist acts) may be disclosed in the land register and the commercial register.