

SCHEDULE 8

RESERVATIONS, DECLARATIONS AND STATEMENTS MADE BY THE PARTIES TO THE 1996 CONVENTION AUSTRIA

Article 3

Austria reserves the right not to apply paragraph 1 where the offence for which extradition is requested is not punishable under Austrian law.

Article 5

Austria declares that it will apply Article 5(1) only in relation to offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism and offences of conspiracy or association—which correspond to the description of behaviour referred to in Article 3(4)—to commit one or more of the offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism.

Article 7

Pursuant to Section 12(1) of the Extradition and Mutual Legal Assistance Act the extradition of Austrian nationals is not permissible. This rule has the rank of a constitutional provision. Austria will therefore not grant extradition of its own nationals.

Article 11

Austria declares that, in its relations with other Member States that have made the same declaration, consent for the purposes of Article 14(1)(a) of the European Convention on Extradition of 13 December 1957 (Federal Gazette No. 320/1969) is presumed to have been given, unless it indicates otherwise when granting extradition in a particular case.

Article 13

The Federal Ministry of Justice will be the central authority within the meaning of Article 13(1).

Article 14

Austria declares that, in its relations with other Member States which have made the same declaration, the judicial authorities before which extradition proceedings are pending may make requests directly for supplementary information in accordance with Article 13 of the European Convention on Extradition. In Austria, the higher district courts (“Landesgerichte”) will be authorised to communicate and receive such supplementary information.

Article 18

Austria declares that this Convention will apply to its relations with those Member States that have made the same declaration 90 days after the date of deposit of the declaration.