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Public documents

Austria



Austria

Article 24(1)(a) - languages accepted by the Member State for the public documents to be presented to its authorities pursuant to point (a) of Article 6(1)

German

Article 24(1)(b) – an indicative list of public documents falling within the scope of this Regulation
Judgments, decisions, declarations and orders of the courts and of the public prosecution services

Also under Article 2(1), the following public documents:

- (a) birth certificate (*Geburtsurkunde*), extract from register — birth (*Teilauszug Geburt*)
- (c) death certificate (*Sterbeurkunde*), extract from register — death (*Teilauszug Tod*)
- (d) decision granting a change of name (*Namensänderungsbescheid*)
- (e) marriage certificate (*Heiratsurkunde*), certificate of capacity to marry (*Ehefähigkeitszeugnis*), extract from register showing the existence of a marriage (*Teilauszug über das Bestehen einer Ehe*) or of a registered partnership (*Teilauszug über das Bestehen einer eingetragenen Partnerschaft*)
- (f) divorce decree (*Scheidungsbeschluss*), decree of annulment of marriage (*Aufhebungsbeschluss der Ehe*), court declaration that a marriage is void (*gerichtliche Nichtigkeitklärung*)
- (g) partnership certificate (*Partnerschaftsurkunde*), confirmation of capacity to enter into registered partnership (*Bestätigung der Fähigkeit eine Eingetragene Partnerschaft begründen zu können*), extract from register showing the existence of a marriage (*Teilauszug über das Bestehen einer Ehe*) or of a registered partnership (*Teilauszug über das Bestehen einer eingetragenen Partnerschaft*)
- (h) decree of annulment of a registered partnership (*Aufhebungsbeschluss der Eingetragenen Partnerschaft*), court declaration that a registered partnership is void (*gerichtliche Nichtigkeitklärung*)
- (k) confirmation of registration of residence (*Meldebestätigung*)
- (l) certificate of citizenship (*Staatsbürgerschaftsnachweis*)
- (m) extract from the criminal records (*Strafregisterbescheinigung*)

Article 24(1)(c) – the list of public documents to which multilingual standard forms may be attached as a suitable translation aid

In public administration in Austria, forms serving as translation aids may be attached to the following public documents (under Article 7(1)):

- (a) birth certificate (*Geburtsurkunde*), extract from register – birth (*Teilauszug Geburt*)

(c) death certificate (*Sterbeurkunde*), extract from register – death (*Teilauszug Tod*)

(e) marriage certificate (*Heiratsurkunde*), certificate of legal capacity to marry (*Ehefähigkeitszeugnis*), extract from register showing the existence of a marriage (*Teilauszug über das Bestehen einer Ehe*) or of a registered partnership (*Teilauszug über das Bestehen einer eingetragenen Partnerschaft*)

(g) partnership certificate (*Partnerschaftsurkunde*), confirmation of capacity to enter into registered partnership (*Bestätigung der Fähigkeit eine Eingetragene Partnerschaft begründen zu können*), extract from register showing the existence of a marriage (*Teilauszug über das Bestehen einer Ehe*) or of a registered partnership (*Teilauszug über das Bestehen einer eingetragenen Partnerschaft*)

(k) confirmation of registration of residence (*Meldebestätigung*)

(m) extract from the criminal records (*Strafregisterbescheinigung*)

In the judicial sphere, none of the multilingual forms are relevant.

Article 24(1)(d) – the lists of persons qualified, in accordance with national law, to carry out certified translations, where such lists exist

In Austria, certified translations may be undertaken by persons registered in the list of publicly sworn and court-certified interpreters. This (constantly updated) list of court interpreters can be found at:

<http://sdgliste.justiz.gv.at/>

Article 24(1)(e) – an indicative list of types of authorities empowered by national law to make certified copies

A certified transcript (or certified copy) is a document that is confirmed to be a true copy of the original by a person invested with the authority to issue authentic documents (e.g. a notary (*Notarin/Notar*)), the district court (*Bezirksgericht*) or the issuing authority (not in all cases and not every authority).

In the judicial sphere, certified copies may be issued by

(a) courts (can be found at the website of the Federal Ministry of Justice, <https://www.justiz.gv.at/home/gerichte/gerichtssuche~781.de.html>)

and

(b) notaries (can be found at the website of the Austrian Chamber of Notaries at <https://www.notar.at/de/>).

Article 24(1)(f) – information relating to the means by which certified translations and certified copies can be identified

— Certified translations

Under Section 190(1) of the Act on Judicial Proceedings in Non-Contentious Matters (*Außerstreitgesetz*), the exact correspondence of a translation with the original must be certified by a publicly sworn and court-certified interpreter who must append their signature and seal (Section 14 and Section 8(5) of the Experts and Interpreters Act (*Sachverständigen- und Dolmetschergesetz*)).

Further information on the form of certified translations can be found on the website of the Austrian Association of Certified Court Interpreters at <http://www.gerichtsdolmetscher.at/index.php/de/beglaubigte-uebersetzungen>.

— Issue of certified copies by the courts

The correspondence of:

1. paper public documents with electronic or other transcripts (copies) thereof, or
2. electronic public documents with paper print-outs thereof,

where these are submitted to a court, must be certified by the court; they must be clearly legible by the court with the technical equipment at its disposal.

The certification must be entered, depending on the application, on a paper copy, drafted in court or closely examined in court, of the paper document, or on a paper print-out made in court of the electronic document (a certified paper copy), or – depending on the availability of appropriate technology and staff – on an electronic copy of the paper document (a certified electronic copy).

The certification must in all cases specify:

1. the place and date of certification;
2. whether the public document presented is a paper one or an electronic one, and whether it is an original, an authenticated copy, a transcript, another copy or a print-out;
3. whether the copy, transcript or print-out reproduces the whole public document or only a part thereof.

The certification must also specify the following information if it is not already clear from the copy, transcript or print-out:

1. whether the public document bears signatures, security features or stamps, and if so which ones;
2. where applicable, that it is torn or that its physical form is in some other way markedly dubious;
3. where applicable, that parts of it have been visibly altered, deleted, inserted or entered in the margins.

— Issue of certified copies by notaries

A notary is qualified to certify that a paper or electronic transcript of a paper print-out is a true copy of a public document if they can read the document clearly.

For a notary to certify that an electronically, photographically or similarly generated copy of a public document, a plan, an image or the like is a true copy, it is enough that the copy should have been made under the notary's supervision.

If such a copy does not reproduce a page in full, the omissions must be indicated on the copy. The same applies to paper print-outs of electronic public documents.

The notary must carefully compare the transcript or copy with the original public document and enter a statement that it is a true copy on the paper transcript (copy) or paper print-out, or attach a statement that it is a true copy to the electronic transcript.

The certification must also include the following information:

1. whether the public document presented is a paper one or an electronic one, and whether it is an original, an authenticated copy, a transcript, another copy or a print-out;
2. whether the public document bears signatures, security features or stamps, and if so which ones;
3. whether the copy, transcript or print-out reproduces the whole public document or only a part thereof, and if so which part;
4. where applicable, that the document presented is torn or that its physical form is markedly dubious;
5. where applicable, that parts of it have been altered, deleted, inserted or entered in the margins.

The information referred to in points 2 and 5 is not required if the copy has been photographically or similarly produced and the circumstances referred to are visible from the copy.

Article 24(1)(g) – information about the specific features of certified copies

See under point (f).

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