

ANNEX

At the 30th International Red Cross and Red Crescent Conference in November 2007, the Austrian government made the following pledges, partly in cooperation with the Austrian Red Cross:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

**FEDERAL LAW**

**FOR THE REPUBLIC OF AUSTRIA**

**Year 2008**

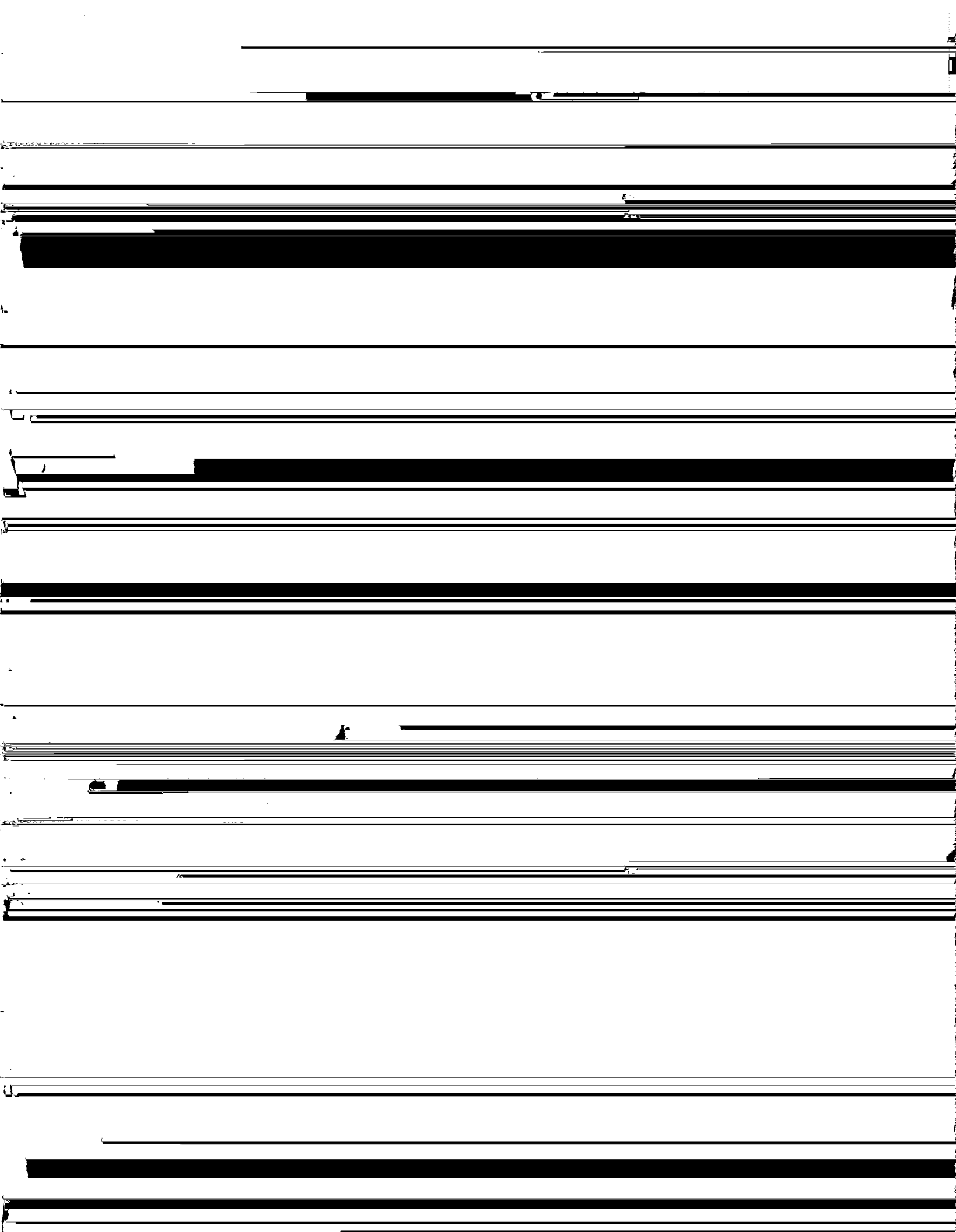
**Published on January 11,  
2008**

**Part I**

**33. Federal law: Red Cross Law (RKG)**

**(NR: GP XXIII RV 233 AB 351 P. 42, BR: AB 7874 P. 751)**

(4) In the realisation of the service for tracing missing persons, the transmission of Red Cross family





**Preliminary Page**

**Problem:**

Since the entry into force of the federal law from 27 June 1962 on the Protection of the Emblem and the Name of the Red Cross (Red Cross Protection Law), *BGBI.* [Federal Law Gazette] No. 196/1962, humanitarian international law has further developed, particularly through the adoption of the two Protocols I and II to the Geneva Conventions in 1977, *BGBI.* No. 527/1982, as well as Protocol III in 2005. Furthermore, the interstate resolutions of the Red Cross and Red Crescent conferences born by Austria are to be taken into consideration.

**Goal:**

Creation of international legal obligations and Austria's foreign-policy commitments corresponding to the Austrian Red Cross as well as adequate protection of the emblems protected according to the Geneva Conventions and Additional Protocols.

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## Explanations

### I. General Part

The following General Part of the Explanations is taken from the Explanations of the Commission of the European Communities (CEC) to the Council Directive of 19 June 1977 (1977/368/EEC) on the approximation of the laws, regulations, administrative provisions and practices of the Member States relating to the liability of manufacturers of defective products.



Cross Law was already presented in November 1900 at the International Red Cross Conference in Geneva

The jurisdiction of the Federal Government for regulation of this subject matter is based on Art. 10 Para. 1 Z 12, Art. 10 Para. 1 Z 15, Art. 10 Para. 1 Z 8 and Art. 16 Para. 4 *B-VG* [Austrian Federal Constitutional Law]. Pursuant to Art. 16 Para. 4 *B-VG*, the provinces are obligated to take measures which will be necessary for implementation

authorities in their humanitarian activity as aid societies and are subject to respective national laws they

must nevertheless preserve an independence which allows them to at all times to act in accordance with the principles of the Red Cross and Red Crescent Movement.

**VOLUNTARY SERVICE.** *Genuine help requires no self-interest.*

The Red Cross and Red Crescent Movement embody voluntary and altruistic help without any desire for gain.

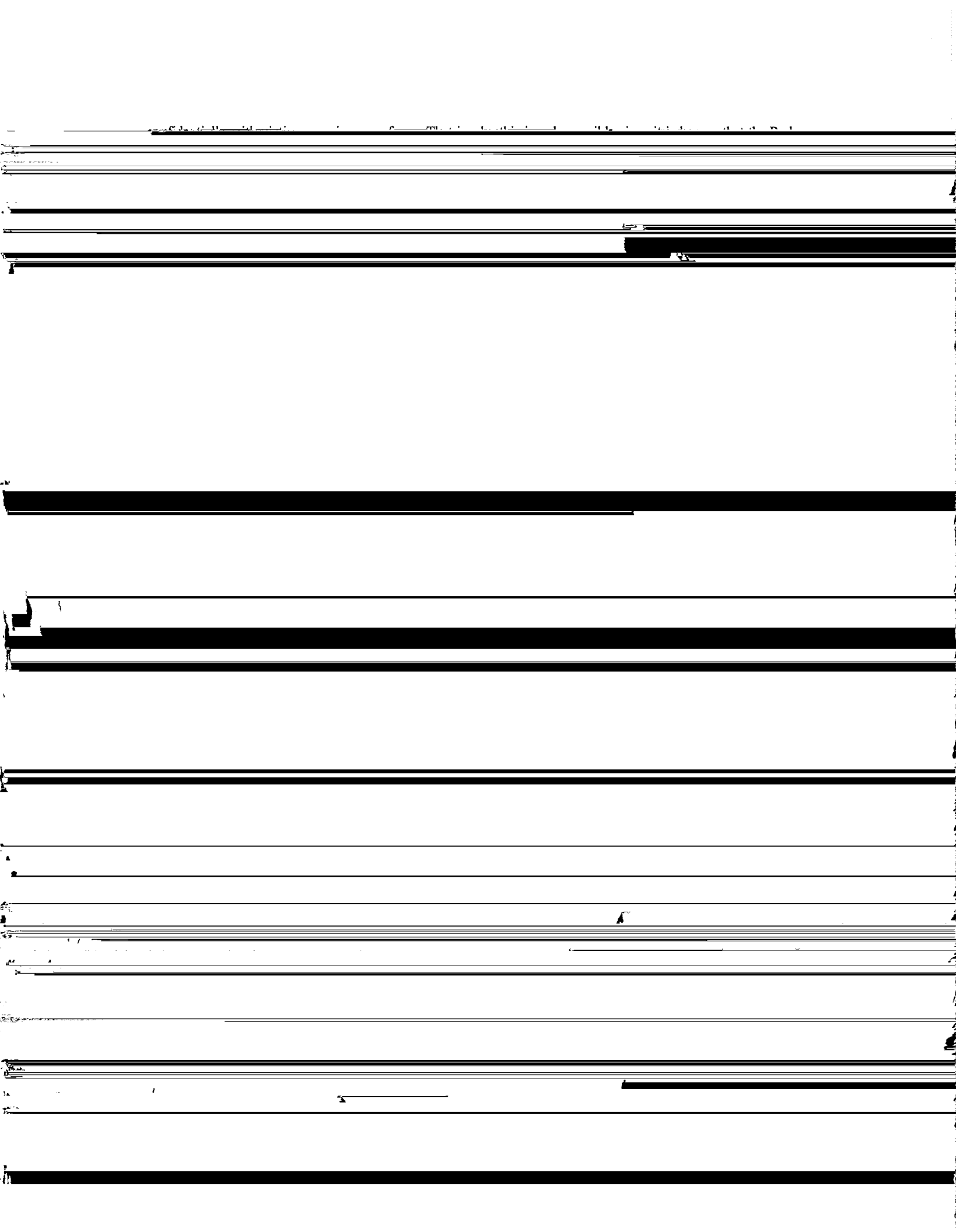
**UNITY.** *In every country united and open for all.*

There can only be one single national Red Cross or Red Crescent society in any country. It must be open to all and carry out their humanitarian activity in the entire territory.

**UNIVERSALITY.** *The humanitarian obligation worldwide.*

Austria (Resolution 1 from 6 December 2003).

The supporting position of national societies vis-à-vis the authorities in the fulfilment of state tasks, which ensue from the Geneva Conventions of 1949, is presented in the study. Accordingly, national Red Cross and Red



only whilst they are on duty (Art. 20 Para. 2 and 3).

The medical and pastoral care personnel as well as the medical units and means of transport are to be rendered recognisable in accordance with Art. 18 of Protocol I. Medical units and means of transport will be provided with the distinctive emblem with the approval of the responsible agency in accordance with Para. 4. Art. 23 of Protocol I describes the designation of medical ships and other medical watercraft.

**To § 8 Para. 1:**

a) Medical material (material utilized in the medical camps, such as bandages, dressings, medical instruments,

medicaments, dressing material, stretchers).

2. Facilities, means of transport and material of the kind described in Item 1 lit. a, b and c, insofar as these things serve the Austrian Red Cross or another recognised voluntary aid society as defined by Art. 26 of the 1<sup>st</sup> Geneva Convention for fulfilment of medical services within the scope of the Austrian armed forces.

A welcome innovation of the year 1970 was the prohibition of not only the utilization of the emblem



the Patent Office it will be primarily examined whether a similarity exists with already existing brands or whether the brand is sufficiently distinctive. But there is no answer in the Trademark Protection Law of 1970, BGBl. No. 260/1970 in the prevailing version, from which it ensues that in the course of trademark

1970, BGBl. No. 260/1970 in the prevailing version, from which it ensues that in the course of trademark

that the objects designated as unlawful are still available on the market after conclusion of the administrative

procedure (e.g. T-shirts). The thoughts of protection of the Red Cross emblem can only be effectively taken into consideration through a rapid removal and subsequent forfeiture of the objects designated as unlawful

**To § 9 Para. 4:**

§ 9 Para. 4 is contextually replicated with regard to the publication of the decision pursuant to the Media Act, BGBl. No. 314/1981 in the prevailing version. A publication of penal decisions on account of distinctive

emblem violation leads to raising awareness in the public concerning the protection of the Red Cross emblem, and thus contributes towards minimization of the number of improper emblem