Death of a British National in Austria:
Advice for Relatives and Friends

The death of a relative or a friend can be a traumatic experience. When the death occurs overseas, family and friends in the UK can feel additional distress as they are unfamiliar with foreign procedures and perhaps are unable to communicate in the language of the country where the death occurred.

Consular Directorate of the Foreign and Commonwealth Office and our Consulates in Austria are ready to help as far as they can. You may be uncertain about what to do next or who to contact for advice. These notes are designed to help you through the practical arrangements you will need to make.

*The information contained in this document is not meant to be a definitive statement of the law, nor is it to be taken as a substitute for independent legal advice.*

**Basic information**

We can also offer basic information about the local police system and legal system, including any legal aid that is available.

If required, we can provide lists of local lawyers and interpreters (although we do not pay for either) and, where possible, details of support groups.

In all cases where you, as next of kin, have concerns about the circumstances surrounding the death, we suggest you get professional legal advice. Other information on the consular services’ role and the support we can offer when a British national dies overseas can found in our [Guide for Bereaved Families](#).
General procedures in Austria

Autopsies (post mortems)

In most Austrian provinces, the doctor carrying out the death inspection will decide whether a post mortem is necessary (e.g. uncertain cause of death, involvement of another person) or not. If a death takes place in a hospital the medical history will also be part of the decision making. Circumstances when other officials might make the decision to conduct a post mortem include:

- If a death takes place in a public area (e.g. in the mountains, on ski slope, etc.) the area’s public prosecutor will decide whether a post mortem needs to be carried out or not.
- If a death takes place in non-public area the relevant regional public health authority will decide if a post mortem is required based on the death report (or certificate of medical treatment) issued by the local physician / doctor at the scene.
- If there has been a third-party involvement in the death or if an involvement of a third party cannot be ruled out, the decision will be taken by the public prosecutor.

Organ retention

Under Austrian law, organs or parts of organs may be removed after a person's death, in order to improve the health or to save the lives of others, unless he/she expressly objected to his/her organ donation, prior to death. Organs or parts of organs can therefore be removed without the next of kin's consent.

To ensure that organs will not be removed if a person dies in Austria, that person can register his/her objection in an "opting-out register" (Widerspruchregister) compiled free of charge by the Austrian Federal Institute for Health (OeBIG). Forms to register an opt-out as well as to cancel an opt-out are available in English on the OeBIG website [www.oebig.at](http://www.oebig.at) under Services / Opting-out register. Forms must be signed by hand and sent by post, fax or e-mail (as a scanned document, provided the signature is clear) to:

Österreichische Bundesinstitut für Gesundheitswesen
Attn. Maria Lehner
Stubenring 6
A-1010 Vienna
Austria
Fax: +43 (0) 1 513 84 72
Email: lehner@oebog.at

Mortuary facilities

Mortuaries in Austria are located at:

- Cemeteries (often together with an adjacent hall for the funeral service) where bodies are kept in certified cold storage facilities until funeral/burial or repatriation of remains
- Hospitals (in special buildings or suitable parts of these buildings), mainly for post-mortem examinations to establish the exact cause of death
- Medical faculties
Repatriation and burial
In order to repatriate the body back to the UK you must appoint an international funeral director. Local burial is normally only possible when the deceased had his/her main place of residence in Austria.

Body / mortal remains - required documents:

- A Medical Death Certificate (‘Totenschaubefund’) from the hospital (pathologist) showing the basic results of the medical examination i.e. apart from the personal data of the deceased: date, time and place of death; cause of death; whether an autopsy has been carried out or not; whether body is infectious or not. Once this is issued the body is released. It is an internal document (a pink double-sided certificate) which also contains important information for airlines with regard to repatriation of remains, and is later sent on to the local UK undertaker, as well as to the local Austrian public health department. Without this document a (international) Death Certificate (‘Sterbeurkunde’) cannot be issued.
- International Death Certificate (‘Sterbeurkunde’)
- International Corpse Pass (‘Leichenpass’) – necessary for flight repatriations

Urn - required documents:

- Medical Death Certificate (‘Totenschaubefund’) – see above
- International Death Certificate (‘Sterbeurkunde’)
- Urn acceptance note (‘Urnenannahmebestätigung’).
- Cremation certificate (‘Einäscherungsurkunde’)

Austrian cremation authorities will only release ashes (in sealed urns) to UK funeral directors. The Austrian Cremation administration needs to receive a written confirmation from the management of a local UK cemetery that they have provided for a burial plot (Urn acceptance note). Then a sealed urn together with relevant paperwork (see above) can be consigned to a UK funeral director.

Details of the Cremation Authority for the greater Vienna area are as follows:

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<tr>
<th>VERWALTUNG DER SIMMERINGER FEUERHALLE</th>
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<tbody>
<tr>
<td>Simmeringer Hauptstrasse 337</td>
</tr>
<tr>
<td>A-1110 Wien</td>
</tr>
<tr>
<td>tel: (++43-1) 534-69 / 28482 (Frau Heine or Fr.Unger)</td>
</tr>
<tr>
<td>fax: (++43-1) 534-69 / 28493</td>
</tr>
<tr>
<td>Email: <a href="mailto:post@krematoriumwien.at">post@krematoriumwien.at</a></td>
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Local cremation facilities
Local cremation administrations exist in:

- Vienna
- St. Poelten (Lower Austria)
• Graz, Knittelfeld (Styria)
• Linz, Steyr (Upper Austria)
• Salzburg
• Hohenems (Vorarlberg)

Please note: an inquest will not take place in the UK if a local burial or local cremation takes place.

Death registration

The Austrian authorities (local registrar administrative office) will issue a death certificate in German on an international form, which includes translations on the back page. This can take a few days (usually one to two days). Austria’s death certificates do not give details of the cause of death, as would be the case in the UK. The cause of death in Austria is only displayed on the Death Report (‘Totenschaubefund’) from a hospital / pathologist.

Return of personal effects

If the deceased was travelling in the company of their next of kin, his/her belongings remain with the member(s) of the family. If the deceased had been travelling on his/her own, all personal belongings are entrusted to the district court of jurisdiction for safe keeping. The district court, having the disposing power, in turn entrusts a local notary to handle the personal belongings.

In cases where the deceased was registered as a resident; estate proceedings and all inheritance matters would be handled by a court appointed district notary public. For any enquiries on estate proceedings next of kin should contact the appointed notary public. Should the name of the notary public not be known to next of kin then the Embassy may be able to assist in establishing this.

Police / judicial inquiries

The local police will take action in a suspected case of third party negligence. Police investigations are formally under the special direction of the public prosecutor who would lead on further actions.

In those cases where the federal police cannot rule out third party negligence, an examination of the body of the deceased will be commissioned. If third party negligence can be ruled out, the officials also have the option to commission a post mortem examination for public health reasons should they feel this necessary. For all states other than Vienna the approach will vary according to the individual burial regulations (examination of the deceased may determine if a post mortem is required). The jurisdiction lies within the local municipalities.

The current law does not grant access to copies of relevant police files. Access to files can only be obtained through the court of jurisdiction which next of kin should contact directly. We would suggest you consider seeking advice from an English-speaking Austrian lawyer to assist you.

However, if the deceased is returned to England or Wales and receiving UK Coroner judges an inquest or official enquiry is required to determine the cause of death they can request access to copies of all relevant documentation (incl police reports, witness statements, post-mortem/autopsy reports, forensic and toxicology reports) from Austrian authorities. Such a request would be forwarded to Austrian authorities via the FCO’s Coroners’ Liaison Officer and the British Embassy Vienna.
Death of a British national abroad in suspicious circumstances

As well as the support which we can offer if someone dies from natural causes, we can also suggest the best way to raise any concerns with the local authorities if there is evidence of someone dying in suspicious circumstances.

Embassy/Consulate cannot investigate deaths

We cannot investigate deaths ourselves and, in many countries, investigating authorities and the courts will not answer enquiries, including from consular staff. If this is the case, it is very important to consider appointing a local lawyer who can look after your interests and represent you in any judicial proceedings.

Standards vary

We will consider making appropriate representations to the local authorities if there are concerns that the investigation is not being carried out in line with local procedures or if there are justified complaints about discrimination against the person who has died or their family. The standard of investigative procedures and expertise varies greatly across the world.

Meeting family representatives

Consular staff in London are available to meet family representatives. They will contact the next of kin if the investigating authorities tell us about any new developments. Where possible, if the next of kin visits the country where the person died during the early stages of the investigation and initial court hearings, our staff there may be able to meet them.
Other Information

There are a number of organisations in the UK that can help bereaved families and friends come to terms with a death, whether the death was natural or otherwise. Some, such as Support after Murder and Manslaughter (SAMM), can help you face the problems and difficulties that arise from death overseas under suspicious circumstances.

In Austria, there is a similar organisation called Weisser Ring who can be contacted here: http://www.weisser-ring.at/

We also have a leaflet called Victims of crime abroad [PDF opens a new window] which you may also find helpful. You can find up to date information about travelling to Austria on the following website: https://www.gov.uk/foreign-travel-advice/austria.

Other publications about travel and living overseas that you may also find useful can be found on the following website: https://www.gov.uk/government/collections/foreign-travel-guidance-documents.

Legal aid

A legal aid system for next of kin is only available for criminal proceedings where concerned parties need their personal interests to be represented.

Compensation

According to general regulations as well as a specific law for victims (‘Verbrechensopfergesetz’), compensation will be applicable to any bodily harm induced that would result in a sentence longer than six months.

If the death was caused by the actions of the Austrian authorities, any other public bodies or any of the social insurance authorities, the responsible body will be held liable for the payment of damages according to the government liability law (‘Amtshaftungsgesetz’).

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