

Federal Act dated 7th July 1976 on the legal status of ethnic groups in Austria (Ethnic Groups Act)

SECTION I
General provisions

§ 1. (1) Ethnic groups in Austria and their members are under the protection by law; preservation of ethnic groups and safeguarding of their existence are ensured. Their language and their traditions shall be respected.

(2) Ethnic groups in terms of the subject Federal Act are such groups of Austrian citizens living in parts of the Federal territory and having a language other than German as mother tongue and having traditions of their own.

(3) There are no restrictions for anybody to declare himself member of an ethnic group. A member of an ethnic group must not be discriminated by exercising or not any rights he is entitled to as such member. Nobody shall be obligated to give evidence of his/her being a member of an ethnic group.

§ 2. (1) By mutual agreement with the main committee of the National Council and after hearing the respective Laender government, the Federal Government shall issue regulations to determine:

1. The ethnic groups for which an ethnic group advisory board shall be instituted, including the number of members of the council.

2. The parts of the territory in which bilingual topographic signs shall be put up.

3. Authorities and public offices in which a language of an ethnic group may be used in addition to the German official language, but the right to use such language may be restricted to certain persons or matters.

(2) When issuing the regulations as provided for in para 1 as well as in implementing section III of the subject Federal Act, existing obligations under international law shall be taken into account.

In addition, the number of members of the ethnic group, the areas of the territory they live in, the ratio of their number as compared with other citizens of Austria in a particular area as well as their particular needs and interests for ensuring their existence shall be taken into account. For this purpose, the results of data collected by official statistics shall also be taken into account.

SECTION II.
Ethnic group advisory boards

§ 3. (1) Ethnic group advisory boards shall be installed for advice to the Federal Government and the Federal Ministers regarding ethnic group matters. They shall preserve and represent the overall cultural, social and economic interest of the ethnic group and shall in particular be heard before issuing legal norms and regarding general planning in the area of public funding affecting the interests of the ethnic groups, allowing a reasonable period of time. The ethnic group advisory boards may also submit proposals for improvement of the situation of the ethnic groups and their members.

(2) The ethnic group advisory boards serve also as advisors to the Laender Governments whenever they are requested to act as such.

(3) The number of members of each ethnic group advisory board shall be determined, in consideration of the number of members of the ethnic group, in a way that an adequate representation of the political opinions and views of life in such ethnic group is possible.

§ 4. (1) The members of the ethnic group advisory boards shall be appointed by the Federal Government after previous hearing of the respective Laender governments for a term of four years. For this purpose the Federal Government shall take into account that the essential political opinions and views of life of the respective ethnic group are represented

accordingly. The associations eligible pursuant to para 2 subpara 2 shall be heard in the proceeding of appointment of members of the ethnic group advisory boards and may appeal an appointment with the Administrative Court for unlawfulness.

(2) Only such persons can be appointed members of an ethnic group advisory board who can be expected to support the interests of the ethnic group and the objectives of the subject Federal Act, are eligible for election to the National Council and who

1. are members of a general representative body and have been elected in consideration of their affiliation to the respective ethnic group or are members of such ethnic group or

2. have been nominated by an association representing pursuant to the objective of their by-laws interests of ethnic groups and are representative for the respective ethnic group or

3. have as members of the ethnic group been nominated by a church or a religious denomination.

(3) Fifty percent of the ethnic group advisory board shall be persons pursuant to para 2 subpara 2.

(4) The office of a member of an ethnic group advisory board shall be a honorary position; the members are entitled to be reimbursed travelling expenses as due to civil servants of the travel allowance level 5, as well as a reasonable attendance fee for each day of attendance in a meeting of the ethnic group advisory committee, as to be determined by regulation issued by the Federal Chancellor.

(5) Each party represented in the main committee of the National Council is entitled to delegate a representative to the ethnic group advisory boards. Such representative takes part in the deliberations however is not entitled to vote.

§ 5. (1) From among its members appointed pursuant to § 4 para 2 subpara 2 each ethnic group advisory board shall elect a chairman and a deputy chairman. For this purpose it shall be convened by the Federal Chancellor within four weeks of appointment of its members for its constituent assembly.

(2) Each ethnic group advisory board shall adopt internal rules subject to the approval of the Federal Chancellor. The ethnic group advisory board adopts resolutions with a simple majority of votes with at least two thirds of its members present. In case of a tie the chairman shall have the casting vote.

(3) Upon request of the Federal Government, of a Federal Minister, of a Laender Government or of a fifth of its members the ethnic group advisory board shall be convened by the chairman with advance notice allowing to assemble within 14 days from receipt of such request.

§ 6. (1) If a member of an ethnic group advisory board disregarded three subsequent invitations to a meeting without sufficient reasons or if the prerequisites for his appointment are no more given, the ethnic group advisory board shall, after granting the member possibility to explain, adopt a resolution in this regard and inform the Federal Chancellor accordingly. The Federal Chancellor shall by notice of decision determine the loss of membership in the ethnic groups advisory board.

(2) If a member of the ethnic group's advisory council retires before the end of his term, a new member shall be appointed in his place for the remaining duration of the term. § 4 shall be taken into account for this purpose.

§ 7. Upon invitation of the Federal Chancellor, the ethnic group advisory boards may convene for joint meetings in order to deal with questions concerning several ethnic groups jointly. Within two weeks upon request of an ethnic group advisory council the Federal Chancellor shall invite for such meeting. For such meetings § 5 shall apply to such meetings with the proviso that the chairmen of the respective ethnic group advisory boards involved shall take turns in chairing them.

SECTION III.
Financial support for ethnic groups

§ 8. (1) The Federation shall - irrespective of general financial support measures - award financial support for activities and projects serving the preservation and safeguarding of the existence of the ethnic groups, their traditions as well as their characteristics and rights.

(2) The Federal Minister of Finance shall, in consideration of the situation of the Federal budget and the objectives of para 1) incorporate in the draft of the annual budget to be presented to the Federal Government an adequate amount for support funds, subdivided for benefits pursuant to § 9 para 1 and benefits pursuant to § 9 para 5.

§ 9. (1) The support can consist in

1. funds granted
2. other types suitable for education and support of members of ethnic groups in subjects complying with the objectives of § 8 para 1,
3. support of activities proposed by the ethnic group advisory council in consideration of the objectives of § 8 para 1.

(2) Benefits pursuant to para 1 subpara 1 shall be awarded to associations, foundations and funds, the purpose of which serves the preservation and safeguarding of an ethnic group, its special traditions as well as its characteristics and rights (ethnic group organizations) for certain projects suitable to contribute to the materialization of these objectives.

(3) With regard to application of para 2, churches and religious denominations as well as their facilities shall be deemed equivalent to ethnic group organizations.

(4) Benefits pursuant to para 1 can be granted to ethnic group organizations also for fulfilment of their objectives.

(5) Benefits pursuant to para 1 can also be granted to regional public corporate bodies for measures necessary for implementation of Sections IV and V and exceeding the potential of the respective corporate body.

(6) On the basis of reciprocity the Federation is obligated to inform such regional corporate bodies under public law which can be expected to support the same project, on support measures intended pursuant to the subject Federal Act.

(7) Each year the Federal Government shall report to the National Council on the measures taken pursuant to this Section.

§ 10. (1) By 1st May of each year the respective ethnic group advisory board shall submit to the Federal Government a plan on the support activities desirable, including a list of the financial expenses arising, covering the subsequent calendar year.

(2) By 15th March of each year the respective ethnic group advisory board shall, in consideration of the plan prepared pursuant to para 1, submit to the Federal Chancellor proposals for the utilization of the support funds provided in the Federal Finance Act for the respective calendar year.

§ 11. (1) Before being granted support funds, the ethnic group organization shall enter a contractual commitment with the Federation to the effect of monitoring the utilization of the support funds granted in accordance with the objectives agreed by allowing organs of the Federation to examine the books and records and to inspect the premises and by giving them the information required. The ethnic group organization also shall undertake to refund to the Federation any moneys not utilized in accordance with the objectives agreed upon; for this purpose the amount to be refunded shall be subject to interest payable for the period of time between payout and refund at a rate of 3 percent exceeding the respective rate of interest due for discounts of drafts (note: basic interest rate) p.a.

(2) Before being granted support funds, the ethnic group organization shall also enter a contractual commitment to the effect that the implementation of the project shall be reported within periods of time to

be agreed upon and with presentation of figures evidencing the expenses. The report must evidence the utilization of the support funds granted from the public budget and the figures of income and expenses evidenced by the respective documents. Such reports shall be brought to the knowledge of the ethnic group advisory board in charge.

SECTION IV.
Topographic Names

§ 12. (1) Within the area of the parts of the territory as referred to pursuant to § 2 para 1 subpara 2, names and signs of topographic character set up by regional bodies corporate under public law or by other bodies corporate and institutions of public law shall be worded in the German language and in the language of the respective ethnic groups. This obligation does not apply to the names of places located outside of the area of such parts of the territory.

(2) The regulation pursuant to § 2 para 1 subpara 2 shall determine also the places eligible for bilingual naming, as well as the topographic names in the language of the respective ethnic group to be displayed next to the name in German language. For this purpose also local custom and the results of scientific research shall be taken into account.

(3) Topographic names existing only in the language of one ethnic group shall be used by regional corporate bodies under public law the way they are without being changed.

SECTION V.
Official Language

§ 13. (1) The authorities and public offices shall ensure that the language of an ethnic group can be used for communication with such authorities and public offices pursuant to the provisions of the subject Section.

(2) When dealing with an authority or public office in terms of para 1, everybody has the right to use the language of the ethnic group. Nobody however is allowed to withdraw from an act performed by a public officer intervening in an official function and due to its nature to be performed immediately or refuse to comply with it because the official act is not performed in the language of the ethnic group.

(3) Provided that they speak the language of an ethnic group, organs and public offices also of authorities other than as referred to in para 1 shall communicate in the language of an ethnic group if this makes dealing with persons easier.

(4) Additional use of the language of the ethnic group in general public announcements of municipalities in which the language of an ethnic group is admitted as official language is admissible.

(5) The regulations on the use of the language of an ethnic group as official language do not apply to in-house communication of authorities and public offices.

§ 14. (1) Written or oral applications, whenever admissible in the language of an ethnic group pursuant to the provisions of the subject Federal Act, which are to be recorded in writing, shall immediately be translated or caused to be translated by the authority or public office where they have been duly filed, unless this is obviously not necessary. If such applications are served, a copy of the German translation shall be attached.

(2) If for lack of jurisdiction the authority or public office transmits an application in the language of the ethnic group to another authority or public office where such language is not admitted, the use of such language is deemed to be a defect in form. As long as the provisions applicable to such proceeding do not provide otherwise, such applications shall be remanded for improvement with a determined deadline; if the application is

filed again within such term with a translation, it is deemed delivered on the day of its first receipt on the part of the authority.

(3) If a party (a party interested) or other private persons (witnesses, experts etc.) is held to use official form blanks, such persons shall upon request be handed a translation of the form blank into the language of the ethnic group. The information requested however shall be entered in the official form blank, for which purpose the use of the language of the ethnic group is admissible as long as this is not contrary to obligations under public law.

§ 15. (1) If a person intends to use the language of an ethnic group in a hearing or oral trial, he/she shall inform the authority or public office immediately after having been served the summons; excess cost resulting from culpably failing to do so may be imposed on the respective person. This obligation to notify is waived in the case of proceedings to be conducted on the basis of an application worded in the language of an ethnic group. The notification applies to the duration of the full length of the further proceeding, unless it will be revoked.

(2) If in a proceeding a person uses the language of the ethnic group, one of the parties (of the parties interested) may request - to the extent the proceeding concerns the applicant - the proceeding to be conducted both in the respective language as well as in German. This also applies to oral notification of decisions.

(3) If the organ is not proficient in the language of the ethnic group, an interpreter is to be called in.

(4) Oral hearings (trials) conducted before an organ proficient in the language of the ethnic group and in which only people participate who are ready to use the language of the ethnic group, may be conducted, different from what is stipulated in para 2, only in the language of an ethnic group. This also applies to the oral announcement of decisions, which however must also be recorded in German.

(5) If in the cases of paras 1 through 4 records (minutes) are to be taken, they shall be worded both in the German as well as in the language of the ethnic group. If the person preparing the records is not knowledgeable in the language of the ethnic group, the authority or public office shall without delay have prepared a copy of the records in the language of the ethnic group.

§ 16. Decisions and official orders (including the summons) to be served and concerning any applications filed or proceedings already conducted in the language of an ethnic group shall be executed in such language as well as in German.

§ 17. (1) If contrary to the provisions of the subject Federal Act, and unless provided otherwise by paras 2 and 3, the German language or the language of an ethnic group is not used or the use of the language of an ethnic group not admitted, for the respective stage of the proceeding the right of such party to due process of law is deemed violated to the detriment of which the violation has occurred.

(2) If contrary to § 15 in a criminal proceeding the trial is not held also in the language of the ethnic group, nullity in terms of § 281 para 1 subpara 3 of the Code of Criminal Procedure is given. This ground for nullity cannot be claimed to the disadvantage of any person having filed the application pursuant to § 15 para 2, however to his advantage and without regard whether the violation of the requirement of form was able to influence the proceeding (§ 281 para 3 Code of Criminal Procedure 1975).

(3) The violation of § 15 of the subject Federal Law constitutes grounds for nullity in terms of § 68 para 4 subpara d AVG [General Administrative Proceeding Act] 1950].

§ 18. All public records and all records of civil status shall be kept in the German language.

§ 19. (1) Land register filings in the language of the ethnic group will be treated as such only if they contain in the German language the name as land register matter, the designation of the lot or of the right to which the entry is to refer, as well as the type of the entry requested. If such information is missing, only the German translation is to be dealt with as real estate matter.

(2) If the document constituting the basis for an entry to be effected is worded in the language of the ethnic group, the court shall immediately translate it or have it translated; § 89 GBG [Land Register Act] 1955 shall not apply.

(3) Upon request, copies and extracts from the land register and official confirmations shall be issued in the form of a translation into the language of the ethnic group.

(4) The provisions of paras 1 through 3 shall apply accordingly to deeds being deposited.

§ 20. (1) If the deed issued in Austria and serving as basis for an entry in a civil status register is worded in the language of the ethnic group, the civil status registry office shall immediately prepare or have prepared a translation.

(2) Upon request extracts of civil status registers and other deeds shall be issued by the civil status registry office translated into the language of the ethnic group.

§ 21. Whenever notaries are acting as court commissioners on behalf of a court in which the language of an ethnic group is admitted, the provisions of the subject section as aforestated shall apply accordingly.

§ 22. (1) Expenses and fees for translations an authority or public office has to prepare or has prepared pursuant to the subject Federal Act shall be borne ex officio. In assessing the lump sum fee pursuant to § 381 para 1 subpara 1 Code of Criminal Procedure 1975, the expenses for an interpreter called in pursuant to the subject Federal Act shall not be taken into account.

(2) (Constitutional provision) If a hearing or trial has been conducted also in the language of an ethnic group, the assessment of fees collected for a regional authority and ascertained on basis of time spent or such time spent is to be taken into account, only two thirds of such actual time spent (the duration of the hearing or trial) shall be taken into account.

(3) If on basis of the subject Federal Act a document is to be issued in two official languages, only one counterpart is subject to the revenue stamp fee.

(4) If in a court proceeding a party (a party interested) is represented or defended by a lawyer, by a counsel for the defence or by a notary, the Federation shall bear the fees of such notary, defence counsel or notary for the last third of such trials (hearings) as conducted in the language of an ethnic group. Payment of such fee shall be claimed in each case before termination of a hearing or trial by presenting a list of costs, failing which the claim is forfeited; the judge shall determine such fee immediately and instruct the accounting officer to pay such amount to the lawyer, defence counsel or notary. This additional fee shall be ascertained in the same way as when an opponent of the person entitled to the claim is obligated under the law to reimburse him such cost.

SECTION VI Final Provisions

§ 23. Persons employed by the Federation in an office in terms of § 2 para 1 subpara 3, knowledgeable in the language of an ethnic group admitted in such office and using such language in implementing the subject Federal Act, are entitled to a bonus pursuant to salary regulations for civil servants.

§ 24. (1) The subject Federal Act shall be effective as of 1st February 1977.

(2) In order to be able to publish regulations based on the subject Federal Act already at a time as specified in para 1, the necessary measures, including the consensus with the main committee of the National Council, can already be taken before such date. These regulations shall however be published and effective not before the date as specified in para 1.

(3) The Federal Act dated 6th July 1972, Federal Law Gazette No 270, containing the provisions for setting up bilingual topographic names and information boards in the areas of Carinthia with Slovenian or mixed population, shall be ineffective.

(4) The regulations currently in force concerning the use of the language of an ethnic group when dealing with authorities and public offices, including the Federal Act dated 19th March 1959, Federal Law Gazette No 102, regarding implementation of the provisions of section 7 § 3 of the State Treaty, regarding the official language before court, shall become ineffective to the extent and as of the date as they are replaced by regulations pursuant to § 2 para 1 subpara 3 in connection with Section V.

§ 25. The Federal Government and the Federal Ministers within the scope of their respective scope of powers shall execute this Federal Act.