

## Consolidated version of the *Bundesstatistikgesetz*<sup>1</sup>

***Bundesgesetz über die Bundesstatistik***<sup>2</sup>  
**(*Bundesstatistikgesetz 2000*)**<sup>3</sup> *BGBI*<sup>4</sup>. I, No. 163/1999,  
 as amended by *BGBI*. I, No. 136/2001, *BGBI*. I, No. 71/2003,  
*BGBI*. I, No. 92/2007, *BGBI*. I, No. 125/2009, *BGBI*. I, No. 111/2010,  
*BGBI*. I, No. 40/2014, *BGBI*. I, No. 30/2018, *BGBI*. I, No. 32/2018,  
*BGBI*. I, No. 205/2021 and *BGBI*. I, No. 185/2022

### Table of contents

#### Chapter One Introduction

#### Section One Purpose and Definitions, Orders

- Article 1.** Purpose
- Article 2.** Federal Statistics
- Article 3.** Definitions
- Article 4.** Statutory statistics and surveys
- Article 5.** Legitimacy of personal and enterprise-related survey orders
- Article 6.** Forms of statistical survey
- Article 7.** Sample-based survey, size of sample
- Article 8.** Power to pass orders by regulation

#### Section Two Duty to co-operate

- Article 9.** Respondents' duty to co-operate
- Article 10.** Cooperation obligations of institutions maintaining public registers and holders of other data
- Article 11.** Co-operation local authorities in statistical surveys
- Article 12.** Co-operation of district authorities in statistical surveys
- Article 13.** Bills and draft regulations

#### Section Three Duties of the Federal Statistics bodies

- Article 14.** General principles governing the compilation of statistics and the preparation of survey documents
- Article 15.** Pseudonymization and encoding
- Article 16.** Admissibility of the survey and use of data
- Article 17.** Confidentiality of statistics
- Article 18.** Transmission of data from statistical surveys to international institutions
- Article 19.** Publication of statistics

---

<sup>1</sup> Federal Statistics Act

<sup>2</sup> Federal Act on Federal Statistics

<sup>3</sup> Federal Statistics Act 2000

<sup>4</sup> Federal Law Gazette

**Section Four**  
**Administrative statistics, classifications**

**Article 20.** Administrative statistics

**Article 21.** Attribution and use of classifications

**Chapter Two**  
**Statistics Austria, Federal Institution under Public Law**

**Section One**  
**Establishment**

**Article 22.** Establishment

**Section Two**  
**Duties, obligations**

**Article 23.** Duties

**Article 24.** Special principles applying to the performance of duties

**Article 25.** Register of enterprises

**Article 25a.** Register of statistical units

**Article 26.** Statistical registers

**Article 27.** Outsourcing

**Article 28.** Electronic supply of information

**Article 29.** Special information and advisory activities

**Article 30.** Special publication obligations

**Article 31.** Use of statistical data for scientific purposes

**Article 31a.** Cooperation in the access of scientific institutions to register data

**Article 31b.** Linking of statistical and register research data

**Article 31c.** Cooperation in reporting pursuant to Article 2d (1) subsection 7 FOG  
(Forschungsorganisationsgesetz [*Research Organization Act*])

**Article 31d** Hosting provider for agencies maintaining registers

**Article 32.** Remuneration of services

**Article 32a.** Severance pay refunds

**Section Three**  
**Asset transfer, leasing, liability**

**Article 33.** Asset transfer

**Article 34.** Lease of government buildings

**Article 35.** Liability of bodies and officers

**Section Four**  
**Organisation**

**Article 36.** Bodies

**Article 37.** Appointment, dismissal and resignation of management members

**Article 38.** Management duties

**Article 39.** Work programme, budget, financial forecast

**Article 40.** Management reporting obligations

**Article 41.** Planning and reporting system

**Article 42.** Representation of Statistics Austria

**Article 43.** Annual financial statements, management report

**Article 44.** Establishment of the Statistics Council

**Article 45.** Meetings of the Statistics Council

- Article 46.** Statistics Council resolutions
- Article 47.** Duties of the Statistics Council
- Article 48.** Establishment of the Economic Council
- Article 49.** Economic Council Committees
- Article 50.** Meetings of the Economic Council
- Article 51.** Economic Council resolutions
- Article 52.** Duties and responsibilities of the Economic Council

### **Section Five Government supervision**

- Article 53.** Supervisory authority
- Article 54.** Supervisory proceedings

### **Section Six Transfer of Austrian Central Statistics Office staff**

- Article 55.** Civil servants, the Austrian Central Statistics Office
- Article 56.** Civil servants under contract
- Article 57.** Federal Government claims against staff
- Article 58.** Application of the *Bundes-Gleichbehandlungsgesetz*<sup>5</sup>
- Article 59.** Representation of the interests of Statistics Austria employees

### **Section Seven Other provisions**

- Article 60.** Exemption from tax
- Article 61.** Regulations governing the award of contracts
- Article 62.** Collective contract ability

### **Chapter Three Technical subcommittees, Economic Court**

- Article 63.** Establishment
- Article 64.** Duties
- Article 65.** Rules of procedure, material requirements, administration

### **Chapter Four Sanctions**

- Article 66.** Administrative offence
- Article 67.** Administrative jurisdiction

### **Chapter Five Transition and final clauses**

- Article 68.** Differentiation from other regulations
- Article 69.** Services provided by *Bundesrechenzentrum GmbH*
- Article 70.** Preparatory measures
- Article 71.** Reference to other legal provisions
- Article 72.** Reference to physical persons
- Article 73.** Entry into force, transition clauses
- Article 74.** Implementation

---

<sup>5</sup> Federal Act of Equal treatment

## Annex I and Annex II

### Chapter One

#### Introduction

#### Section One

#### Purpose and Definitions, Orders

#### Purpose

**Article 1.** Federal Statistics is the Federal Government's non-personal information system, which provides data on the economy, demography, environment and social and cultural situation in Austria to federal bodies to assist them with planning, laying the groundwork for decisions and controlling measures implemented, and also to the scientific community, business and the public.

#### Federal Statistics

**Article 2.** Federal Statistics compiles statistics of all kinds, and makes the associated analyses, forecasts and statistical models, so long as these are in the interest of more than one province.

#### Definitions

**Article 3.** For the purpose of this Federal Act, the following meanings apply:

1. **Statistic:** description and assessment of mass phenomena in quantitative terms;
2. **Population or sub-population:** total statistical units under statistical analysis;
3. **Statistical unit:** basic observation unit as defined in Article 3 (6) Regulation (EC) No 223/2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities, OJ L 87 31.3.2009 p. 164 (hereinafter referred to in brief as: Regulation (EC) No 223/2009 on European Statistics);
4. **Characteristics of analytical interest:** the characteristics of the statistical units analysed to produce a particular statistic;
5. **Compilation of statistics:** all the activities needed to compile, store, process, prepare, analyse, disseminate and provide statistical information;
6. **Flow statistics:** statistics for which particular data from statistical units has been collected at various times and then processed to ensure that any time-related changes in the characteristics of those units is evident;
7. **Statistical method:** the full set of scientific procedures used to obtain, present, process and analyse empirical data for use in conclusions, projections or decision-making;
8. **Statistical survey:** the collection of data to compile statistics;
9. **Full survey:** survey in which data is collected from all statistical units falling within the scope of the survey;
10. **Sample-based survey:** survey in which data is collected from only a proportion of the statistical units falling within the scope of the survey;
11. **Survey continuity:** frequency of data collection;
12. **Survey periodicity:** time between two data collection periods;
13. **Respondents:** natural and legal personalities obliged to provide information on a particular statistical unit;
14. **Data subjects:** natural and legal personalities whose characteristics are used in a survey;
15. **Confidential data:** personal and enterprise-related data referred to in Article 3 (7) of Regulation (EC) No 223/2009 on European statistics;
16. **Statistical data:** data collected in the course of a statistical survey by an institution

appointed by legal act, pursuant to Article 4 (1) subsection 1, or by Federal Act to perform statistical duties;

17. **Administrative data:** data collected by institutions in the performance of their duties under federal or provincial law, or under EU requirements that apply directly to them;
- 17a. **Administrative register:** register in which accrued administrative data from an administrative unit are electronically processed in structured form for administrative purposes;
18. **Public registers:** registers that federal law requires to be open to the public;
19. **Federal Statistics bodies:** Statistics Austria and those federal agencies appointed by legal act, pursuant to Article 4 (1) subsection 1, or by Federal Act to collect data for use in the compilation of statistics;
20. **Enterprises:** natural persons (e.g. freelance workers under contract, freelancers), legal entities, partnerships, associations and societies
  - a. with an address, usual place of residence, headquarters or management board in Austria, that offer goods and/or services to the general public or a specific group of persons for a charge or perform tasks in the public interest or generate income pursuant to Article 2 (3) subsections 1 to 3 and 6 of the *Einkommensteuergesetz 1988<sup>6</sup> – EStG 1988, BGBI<sup>7</sup>*. No. 400/1988, and
  - b. without an address, usual place of residence, headquarters or management board in Austria, that generate income pursuant to Article 98 (1) subsections 1 to 3 and 6 *EStG 1988<sup>8</sup>*.

### Statutory statistics and surveys

**Article 4.** (1) Federal Statistics bodies compile statistics and conduct statistical surveys if so required by

1. an international legal act with direct national effect,
2. Federal Act, or
3. a regulation pursuant to (3) hereunder.

(2) A statistical survey and the compilation of a statistic will be ordered under federal law if federal law has at least determined the subject of the survey or statistic.

(3) Statistical surveys and the compilation of statistics may be ordered only if they are required for the performance of federal duties and if the work and cost involved in compiling the statistic are appropriate to the importance of the federal duty concerned. Statutory statistical surveys shall be restricted to data that is absolutely necessary to the purpose of the survey. Moreover, based on statistical requirements, the need for economy, cost-effectiveness and usefulness and to minimise the demands on respondents and Federal Statistics bodies while ensuring data protection, the regulation shall set out:

1. population or sub-population (Article 3, subsection 2);
2. statistical unit (Article 3, subsection 3);
3. characteristics of analytical interest (Article 3, subsection 4);
4. reference day of the survey;
5. whether the survey will be conducted as a full survey (Article 3, subsection 9) or, subject to determination of the criteria to be used to establish sample size (Article 7), as a sample-based survey (Article 3, subsection 10);
6. continuity (Article 3, subsection 11);
7. periodicity (Article 3, subsection 12);
8. which data is to be collected from which groups of persons or which data is to be collected from which groups of enterprises and which data is to be collected anonymously;
9. form of survey (Article 6);

---

<sup>6</sup> 1988 Income Tax Act

<sup>7</sup> Federal Law Gazette

<sup>8</sup> 1988 Income Tax Act

10. respondents' duty to provide information and co-operate (Article 9),
11. Institutions maintaining public registers and administrative and statistical data keepers' duty to co-operate (Article 10),
12. co-operation of local authorities (Article 11) and of district authorities (Article 12).

(4) In the event an order issued pursuant to (1) subsection 1 or 2 hereabove does not cover all the provisions of (3) subsections 1-12, the missing provisions shall be covered by additional regulation.

(5) Insofar as regulations make reference to the Güterverzeichnis für den produzierenden Bereich ÖPRODCOM (catalogue of ÖPRODCOM production goods), the Systematik der Wirtschaftstätigkeiten ÖNACE (classification of ÖNACE economic activities), the Grundsystematik der Güter ÖCPA (classification of ÖCPA goods) and other nomenclatures for the classification of goods, services or undertakings, the federal minister responsible under Article 8 hereunder may refer to the corresponding catalogues and classifications that at the time of enactment of the regulation are made available by Statistics Austria for public inspection during Statistics Austria office hours and are published on the internet.

### **Legitimacy of personal and enterprise-related survey orders**

**Article 5.** (1) Regulations ordering personal and enterprise-related surveys may be passed only concerning the subjects included:

1. in an order pursuant to Article 4 (1) subsections 1 or 2, or
2. in Annex I to this Federal Act.

(2) So far as (1) hereabove is concerned, personal surveys may be ordered by regulation for the following purposes only:

1. to control fulfilment of a duty to provide information;
2. to correct or complete information;
3. to merge data, obtained in different manners (Article 6) during a statistical survey, on the same statistical unit;
4. to compile, complete or correct the register pursuant to Article 25a hereunder;
5. to compile flow statistics by order pursuant to Article 4 (1), subsections 1 or 2;
6. to ensure international bodies are able to perform controls undertaken on the basis of an international legal act that is binding in international law,
7. to relieve respondents of the need to respond to questions on the same characteristics of analytical interest in the event of repeated surveys within a short period of time, provided that no personal data within the meaning of Articles 9 and 10 of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119 4.5.2016 p. 1, are collected;
8. to compile the national accounts.

(3) The ordering by regulation of the collection of personal data from which the racial and ethnic origin, political opinions, religious or philosophical convictions or membership of a trade union may be adduced, or of data on health or sexuality is prohibited. Personal data of this kind may not be collected unless expressly ordered by Federal Act or legal act pursuant to Article 4 (1), subsection 1. The aforesaid also applies to data collected to:

1. protect the constitutional institutions of the Republic of Austria, or
2. ensure the armed forces remain combat-ready, or
3. safeguard the defence of the country as a whole, or
4. protect material foreign policy, economic or financial interests of the Republic of Austria or of the European Union, or
5. prevent, or prosecute criminal offences.

(4) Moreover, the ordering by regulation of the collection of personal administrative data whose transmission is expressly restricted by law is prohibited.

(5) The collection of personal data may not be ordered by regulation unless the ensuing breach of data protection law is proportional in terms of the social or economic importance of the survey itself.

(6) The personal and enterprise-related data collected shall be considered as confidential data pursuant to Article 3 subsection 15 for Federal Statistics bodies. The data processing operations necessary to fulfil Austria's obligations under Union law in the field of statistics shall fulfil the requirements of Article 35 (10) of the General Data Protection Regulation for the elimination of the data protection impact assessment.

### **Forms of statistical survey**

**Article 6.** (1) Unless otherwise specified in an order issued pursuant to Article 4(1), subsections 1 or 2, the following forms of statistical surveys may be ordered in the order of precedence indicated below, beginning with subsection 1, while maintaining the necessary quality standards for the relevant statistics, in particular the principles set out pursuant to Article 14 (1) and Article 24, and observing the principles of data protection in the General Data Protection Regulation:

1. data procurement from public registers (Article 3 subsection 18);
2. procurement of data from administrative registers (Article 3 subsection 17a);
3. procurement of administrative data (Article 3 subsection 17);
4. statistical data procurement (Article 3 subsection 16);
5. data obtained by measurement, weighing and counting;
6. procurement of data from computerized goods management systems (e.g. scanner data for goods);
7. procurement of data from computerized traffic monitoring systems and transport systems (e.g. traffic monitoring data from ASFINAG);
8. procurement of satellite data, including for example on economic activities in the area of agriculture, forestry and water management, climate, environment and land use;
9. procurement of computerized user data for Internet, telecommunications and energy;
10. interviewing of respondents.

Controllers as defined in Article 4 subsection 7 of the General Data Protection Regulation for personal and enterprise-related data, are as indicated below, unless the relevant material law provisions stipulate to the contrary: in respect of register data pursuant to subsections 1 and 2, the agencies maintaining the register; in respect of administrative data (subsection 3), statistical data (subsection 4) and data pursuant to subsections 6-9, the holders of the relevant data; in respect of data collected by measurement, weighing and counting (subsection 5) and data collected by interviewing (subsection 10), the Federal Statistical Office [Statistics Austria].

(2) Statistical surveys based on the interviewing of respondents may not be ordered unless the same purpose is unlikely to be achieved through the volunteering of information by the data subjects.

(3) In terms of the order of the type of statistical survey, the procedure in accordance with the order of precedence pursuant to paragraph (1) shall be followed, whereby the higher-numbered type is only permitted if it is impossible to procure data in the lower-numbered type.

(4) If register consultation pursuant to Article 3, subsection 18 is subject to justified interest, the collection of data constituting characteristics of analytical interest for a particular statistical survey ordered by regulation, or data collection for registers pursuant to Article 25a, are such justified interests.

## Sample-based survey, sample size

**Article 7.** (1) Unless otherwise specified by an order issued pursuant to Article 4 (1), subsections 1 or 2:

1. surveys shall be ordered by regulation in sample-based form if the purpose so permits, and
2. the sample size shall be in line with the purpose of the survey and subject to national statistical interests.

(2) The sub-populations of the statistical units to be considered by the survey shall be selected on the basis of sample theory unless otherwise determined by an order issued pursuant to Article 4 (1) subsections 1 or 2.

(3) In the case of on-going surveys, the respondents included in samples should be rotated regularly to minimize the burden placed upon them.

(4) In the case of surveys pursuant to Article 6 (1), subsections 1, 2, 3 or 4, a full survey may be conducted instead of a sample-based survey if the expense involved in producing a sample appears unjustified.

## Orders by regulation

**Article 8.** (1) Pursuant to Article 4 (3) and (4) and Articles 5 to 7, regulations shall be issued by the federal minister with responsibility for the subject of the survey pursuant to Article 2 (1) subsection 2 of the *Bundesministeriengesetz 1986*<sup>9</sup>, *BGBI*<sup>10</sup>. No.76. Should several ministers have responsibility for the subject of the survey under the *Bundesministeriengesetz 1986*<sup>11</sup>, the regulation shall be issued by all jointly. In the event the statistics or the statistical survey concerned are to be compiled or conducted by Statistics Austria, the approval of the Federal Chancellor shall also be required.

(2) Prior to the issue of regulations pursuant to Article 5 (1) subsection 2, which concern personal data, the Datenschutzrat (Data Protection Council) shall be consulted.

## Section Two Duty to co-operate

### Respondents' duty to co-operate

**Article 9.** In the event of interviewing carried out pursuant to Article 6 (1) subsection 10 or data compilation pursuant to Article 6 (1) subsection 4, respondents shall:

1. provide full and timely information to the best of their knowledge on data constituting characteristics of analytical interest to the statistical survey ordered by regulation. Respondents may assign the fulfilment of their duties to a third party.
2. Unless so provided in an order made pursuant to Article 4 (1) subsection 1 or 2, the officers responsible for the execution of the survey may not access premises, facilities or grounds, take samples and other survey material, conduct counts and measurements or vision documents of importance to the survey to the required extent.
3. The controllers for data pursuant to Article 6 (1) subsections 1-4 and subsections 6-9 are subject to an obligation, in accordance with the order under Article 4, to transfer the

---

<sup>9</sup> 1986 Federal Ministries Act

<sup>10</sup> Federal Law Gazette

<sup>11</sup> 1986 Federal Ministries Act

corresponding electronic data records; secure online access to these data requires an order pursuant to Article 4 (1) subsection 1 or 2.

### **Obligation to cooperate of institutions maintaining public registers and other holders of data**

**Article 10.** (1) The agencies maintaining registers (Article 6 (1) subsections 1 and 2) and the holders of data pursuant to Article 6 (1) subsections 3, 4 and 6-9 are under an obligation to transmit data to the relevant federal statistics body, if provided for by an order pursuant to Article 4, or if data are required for the register pursuant to Article 25a. When data is transmitted, the Federal Statistics body concerned shall be provided with:

1. definitions of characteristics,
  2. the manner in which the data has been collected, and
  3. the kinds of computation methods used
- as it requires.

(2) The transmission of data pursuant to (1) hereabove shall be effected free of charge and on an electronic medium if the data is in electronically readable format. The Federal Statistics body shall be given online access to publicly accessible data in registers within the meaning of Article 3, subsection 18 that are kept in electronically readable format. Online access to personal administrative data may not be given to the Federal Statistics body without special legal authority or an order pursuant to Article 4 (4) hereabove.

(3) Personal data may not be transmitted unless ordered pursuant to Article 4 and for the purposes allowed in Article 25a hereunder.

(4) In the event public registers are created or altered and contain, or will contain, electronically readable data that may be relevant to a statistical survey or to the completion of the register pursuant to Article 25a hereunder, the requirements of Statistics Austria shall be taken into account.

(5) The agencies maintaining registers (Article 6 (1) subsections 1 and 2) and holders of data under Article 6 (1) subsections 3, 4 and 6-9 are under an obligation, upon request by the Federal Statistical Office "Statistics Austria" to provide information about the existence of data which may be required for a statistical survey or to supplement the register pursuant to Article 25a, and where such data are stored in electronically readable form, also on the layout and structure of the files. When setting up and modifying electronic systems for the processing of such data, an interface is envisaged for electronic data exchange with the Federal Statistical Office.

(6) Statutory interest groups and the Austrian Central Bank are under no obligation to transmit administrative or statistical data if this might harm their proper confidentiality concerns.

### **Co-operation of local authorities in statistical surveys**

**Article 11.** (1) Local authorities are required to co-operate in statistical surveys conducted pursuant to Article 6 (1) subsections 5 or 10 by Statistics Austria, if this is provided in an order issued pursuant to Article 4 hereabove. Co-operation may comprise interviewing respondents, checking their statements, or summarizing and forwarding those statements. Other duties, in particular the evaluation of statistical surveys, may not be given to local authorities.

(2) With respect to their obligation to co-operate within the meaning of (1) hereabove, local authorities may contract suitable persons to carry out interviewing, counting and

controlling duties. Sub-contracting is subject to compliance with statistical confidentiality and data protection requirements. Data coming to the attention of the sub-contractor during the above duties may not be disclosed to third parties or used for his own purposes.

(3) Local authorities shall transmit all survey material directly to Statistics Austria. Should the co-operation of the district authorities (Article 12) be provided by the order pursuant to Article 4 hereabove, the local authorities, with the exception of those with their own independent bylaws (Article 116 B-VG<sup>12</sup>), shall forward the survey material to the district authorities.

(4) Statistics Austria shall compensate the local authorities for the costs the latter may incur as a result of their co-operation in statistical surveys. Compensation shall be set by regulation as a fixed amount based on the amount of data to be collected and the amount of work required to complete the survey. Responsibility for the issue of the above regulation shall be determined pursuant to Article 8 hereabove and is subject to approval by the Federal Finance Minister. Regulations issued pursuant to Article 4 (3) or (4) shall state the aforesaid fixed amount.

(5) Local authorities shall claim compensation pursuant to (4) hereabove within their own spheres of responsibility.

### **Co-operation of district authorities in statistical surveys**

**Article 12.** District authorities shall check that statistical surveys conducted by local authorities pursuant to Article 11 hereabove are complete and shall produce district overviews, if required by an order issued pursuant to Article 4 hereabove. Once the survey material sent for checking by the local authorities pursuant to Article 11 (3) hereabove has been checked, it shall be sent to Statistics Austria together with the district overview. At the same time, the district authorities shall provide a copy of the district overview to the provincial governor.

### **Bills and draft regulations**

**Article 13.** Bills and draft regulations prepared by federal ministers that might effect Federal Statistics work shall be submitted to Statistics Austria for a professional opinion that shall be given free of charge.

## **Section Three Duties of Federal Statistics bodies**

### **General principles governing the compilation of statistics, and the preparation of survey documents**

**Article 14.** (1) When compiling statistics, the Federal Statistics bodies shall apply the principles of objectivity, reliability, relevance, cost-efficiency and transparency and shall seek to ensure that all statistics are as consistent as possible.

(2) The collection of documents for surveys within the meaning of Article 6 (1) subsection 10 hereabove shall aim to minimise disturbance and shall take account of the peculiarities of the respondents (e.g. industry, size of business).

---

<sup>12</sup> Federal Constitutional Act

## **Pseudonymization and encoding**

**Article 15** (1) If personal data of natural persons has been collected, the identity details of natural persons shall be deleted immediately and replaced by the Official Statistics area-specific personal code (bPK-AS) as soon as it is no longer required for the reasons specified in Article 5 (2) hereabove or for any other statistical survey ordered by regulation. Statistics Austria may not keep any records from which it is possible to match the natural person to the bPK-AS. Articles 15, 16, 18 and 21 of the General Data Protection Regulation do not apply to this data.

(2) If it is necessary to retain personal data of the natural persons concerned for reasons mentioned under Article 5 (2) subsections 5 to 8 hereabove or the maintenance of the enterprise reference is essential for the production of enterprise statistics, the identity of the concerned person and the enterprise shall be encoded as follows:

1. Article 5 (2) subsection 5 - immediately after the data has been included in flow statistics;
2. Article 5 (2) subsection 6 - immediately, if this is the only reason for such retention;
3. Article 5 (2) subsection 7 - immediately the data has been included in the statistics;
4. Article 5 (2) subsection 8 - immediately after the data has been included in the computations of the national accounts.
5. in the case of business statistics, immediately after compilation of the relevant business statistics.

(3) The data encoded pursuant to (2) hereabove shall be stored separately from the key to ensure the right to secrecy of the concerned natural person and enterprise is protected. The personal and enterprise references in such data may not be identified unless this is necessary to ensure the continuation of flow statistics or to perform specific controls pursuant to Article 5 (2) subsection 6, or for a new survey pursuant to Article 5 (2) subsection 7 or for revisions of the computations of the national accounts pursuant to Article 5 (2) subsection 8 or for further business statistics.

(4) Encoding pursuant to (2) subsection 1 hereabove may be omitted if the retention of the personal or enterprise reference is allowed under the Federal Act or legal act issued pursuant to Article 4 (1) subsection 1 ordering the preparation of the flow statistics.

(5) The personal and enterprise-related data contained in the registers pursuant to Articles 25 and 25a hereunder shall be deleted immediately it is no longer required for the purposes specified in these regulations, at the latest however 30 years after the discontinuation of the enterprise characteristic pursuant to Article 3 subsection 20 hereabove.

## **Admissibility of surveys and use of data**

**Article 16.** (1) Notwithstanding (2) of this Article and Article 25a (3) hereunder, Federal Statistics bodies may not collect data unless so required by orders issued pursuant to Article 4 hereabove.

(2) In the absence of any survey order within the meaning of Article 4 hereabove, surveys may only be performed by interviewing pursuant to Article 6 (1) subsection 10 and subject to the prior consent of the data subjects involved. When asked to give such permission, data subject shall also be informed about the use of their data and of their right to refuse permission.

(3) Unless otherwise stated in a legal act within the meaning of Article 4 (1) subsection 1 hereabove or a Federal Act, personal and enterprise-related data may be used only for the purposes stated in Article 5 (2), Article 25a (3), Articles 31, 31a and 31b unless the data subject has explicitly approved any different use.

### Confidentiality of statistics

**Article 17.** (1) Personal and enterprise-related data may be used only as stated in Article 16 (3) hereabove. In particular, it may not be analysed in such a way that characteristics are presented in personal or enterprise-related form.

(2) Federal Statistics bodies may not transmit personal or enterprise-related data to third parties unless so required by legal acts issued pursuant to Article 4 (1) subsection 1 hereabove or by federal law or unless the data subject has expressly and unequivocally agreed to such transmission.

(3) The persons entrusted with Federal Statistics duties shall ensure all personal and enterprise-related data they might use when carrying out their duties and all facts coming to their attention during the course of their activities shall be treated in strictest confidence. Concerning the fulfilment of their duties, such persons are deemed civil servants within the meaning of Article 74 of the *Strafgesetzbuch (StGB)*<sup>13</sup>, *BGBI*<sup>14</sup> No. 60/1974.

(4) The confidentiality of statistics is an official secret within the meaning of Article 310 *StGB*<sup>15</sup>.

### Transmission of data from statistical surveys to international institutions

**Article 18.** Where international agreements provide that the results of statistical surveys shall be provided to international institutions, such transmission shall be effected by Statistics Austria unless a Federal Act or legal act within the meaning of Article 4 (1) subsection 1 or any international agreement provides otherwise.

### Publication of statistics

**Article 19.** (1) Federal Statistics bodies are obliged to make statistics that are ordered by regulation (Article 4 (1) hereabove) and all other statistics and their concepts, definitions and explanations accessible to the public without delay and in an appropriate form, unless a Federal Act or legal act within the meaning of Article 4 (1) subsection 1 hereabove or an international agreement provides otherwise. The Federal Government may make exceptions to publication if this is necessary for reasons of state security.

(2) Statistics shall be published in a manner that prevents any conclusions being drawn on specific or identifiable data subjects (Article 3 subsection 14). However, disregarding the purposes set out in Article 18 (1) of the *Bildungsdokumentationsgesetz [Education Documentation Act] 2020, BGBI. I No. 20/2021*, there is a legitimate confidentiality interest for schools as a statistical unit. If conclusions cannot be excluded, publication may be carried out following the prior consent of the data subject (Article 3 subsection 14), as defined in Article 4 subsection 11, in conjunction with Article 7 of the *General Data Protection Regulation*. If the data subject revokes his/her consent, the publication shall be changed to ensure that conclusions on the data subject can no longer be drawn.

(3) With regard to publication, account shall be taken of any specific indications that might be given by a data subject as to the possibility of connections being made with statements in which the data subject has an interest warranting protection.

(4) Federal Statistics bodies shall notify their activity reports and federal statistics work

---

<sup>13</sup> Criminal Code

<sup>14</sup> Federal Law Gazette

<sup>15</sup> Criminal Code

programmes to Statistics Austria directly.

## **Section Four** **Internal administrative statistics, use of classifications**

### **Internal administrative statistics**

**Article 20.** (1) Federal ministries may compile statistics within their own fields pursuant to Article 2 (1) subsection 2 of the *Bundesministeriengesetz 1986*<sup>16</sup>, in so far as the survey material falls within the scope of the ministry's usual business and the results are intended for the use of the federal ministries concerned.

(2) The results of statistics compiled pursuant to (1) hereabove shall be transmitted to Statistics Austria unless major national interests dictate otherwise.

### **Attribution and use of classifications**

**Article 21.** (1) In the event that, as a result of a legal act within the meaning of Article 4 (1) subsection 1 hereabove or a Federal Act, an institution is required to organise particular statistical units using statistical classifications, Statistics Austria statistical classifications (e.g. based on the *Systematik der Wirtschaftstätigkeiten ÖNACE* (classification of ÖNACE economic activities) pursuant to Article 4 (5)) shall be used.

(2) The classificatory attribution of statistical units (enterprises, holdings, local units, other statistical units pursuant to Article 25a hereunder) shall be made by Statistics Austria either *ex officio* or at the request of the institution pursuant to (1) hereabove, or by the legal representative of the statistical unit concerned, and shall be amended in the event of change in the circumstances material to attribution or in the regulations concerning the classificatory attribution. If the technical prerequisites are in place, Statistics Austria may use the Corporate Service Portal to collect information from the enterprises concerning their main and secondary activities, deal with queries and advise of the classificatory attribution (dialogue procedure).

(3) Attributions or amendments effected pursuant to (2) hereabove shall be communicated to the institution or legal representative in writing and free of charge. Communication may be electronic if data transmission is secure and data is protected against unauthorised access by third parties. Communication does not constitute official notification.

(4) If the legal representative concerned does not agree with the Statistics Austria attribution, within four weeks of dispatch of the communication a written application may be filed with said Federal Institution for a declaratory decision. The decision shall be issued by the federal minister who, pursuant to the *Bundesministeriengesetz 1986*<sup>17</sup>, is responsible for the main activity of the institution in question.

(5) Applications made pursuant to (4) here above shall give:

1. the reasons why the Statistics Austria attribution is incorrect;
2. information concerning the circumstances material to the attribution of the statistical unit concerned.

(6) Within four weeks of the filing of the application pursuant to (4) hereabove and possible further relevant inquiries, Statistics Austria may change the attribution to that requested. Alternatively, it must submit the application to the responsible federal minister immediately and at latest by the end of the aforesaid four weeks.

---

<sup>16</sup> 1986 Federal Ministries Act

<sup>17</sup> 1986 Federal Ministries Act

(7) The classificatory attribution made by Statistics Austria shall become effective:

1. on expiry of the time limit pursuant to (4) hereabove if no application has been filed for a declaratory decision;
2. on the withdrawal of an application made within the time limit and pursuant to (4) hereabove;
3. on the advice of Statistics Austria concerning the change of the classificatory attribution pursuant to (6) hereabove to the legal representative of the statistical unit concerned;
4. on receipt by Statistics Austria of the written agreement of the legal representative of the statistical unit concerned with regard to the classificatory attribution.

(8) Statistics Austria shall keep a register of classificatory attributions for the implementation of statistical surveys and for purposes pursuant to subsections 1 and 2 hereabove. Upon request, it shall provide the ÖNACE attribution regarding the main activities of the enterprises free of charge:

1. to anyone citing the company name and address and the Commercial Register number, the Register of Associations number or the VAT number, if evidence of a justified interest in the information is furnished;
2. to national and regional authorities, the social insurance institutions and statutory interest groups with a company name and address, insofar as this is required for the performance of statutorily conferred duties.

Transmission of the data pursuant to subsection 2 may also be effected by granting online access to the register on reimbursement of the given implementation costs incurred.

(9) The legal representatives concerned shall, pursuant to (2) hereabove, co-operate in the determination of the relevant facts and in providing the information required.

## **Chapter Two**

### **Statistics Austria, Federal institution under public law**

#### **Section One**

#### **Establishment**

**Article 22.** (1) Upon entry into force of this Federal Act, the Austrian Central Statistics Office shall be established as a Federal Institution under public law with the name "Statistics Austria".

(2) Statistics Austria shall be responsible for the supply of scientific services that are in the public interest. It shall be a non-profit organisation.

(3) The registered office of Statistics Austria, which shall have a legal personality, shall be in Vienna. It shall be entitled to bear the federal coat of arms.

(4) Statistics Austria may establish its own rights and obligations for which the Federal Government shall have no liability.

(5) The first Director General - Finance shall register the Federal Institution immediately, with the Vienna commercial court for entry into the Commercial Register backdated to the effective date of this Act. Article 3 of the *Firmenbuchgesetz*<sup>18</sup>, *BGBI*<sup>19</sup>. No. 10/1991 applies and the following entries are obligatory:

1. Name of the Federal Institution and institutional purpose;
2. Names and dates of birth of the Director General - Finance and of the Director General - Statistics of the Federal Institution, the date(s) on which their powers of representation

---

<sup>18</sup> Commercial Register Act

<sup>19</sup> Federal Law Gazette

- commenced and the natures of those powers;
3. Names and dates of birth of the Chair, Deputy Chair and other members of the Economic Council;
  4. the filing date for the annual financial statements and the balance sheet date.

(6) The financial year of the Federal Institution is the calendar year.

## **Section Two Duties, obligations**

### **Duties**

**Article 23.** (1) On behalf of the Federal Government, Statistics Austria shall:

1. compile statistics and in particular carry out statistical surveys ordered by regulation pursuant to Article 4 hereabove;
2. ensure publication pursuant to Articles 19 and 30
3. fulfil the Federal Statistics duties and responsibilities enjoined on the national statistics institutions of the contracting parties to international treaties;
4. transmit the results of statistical surveys pursuant to Article 18;
5. make classificatory attributions pursuant to Article 21;
6. provide advice pursuant to Article 13;
7. co-operate with bodies and institutions of the European Union and of international organisations that deal with statistics on behalf of and, where there is no freedom from instruction in accordance with Regulation (EC) No 223/2009 on European Statistics, in accordance with the instructions of the competent federal minister, unless a representative of the competent Federal Ministry performs the duties directly; if several federal ministers are competent for a specific matter, the procedure under Article 5(2) of Bundesministeriengesetz [the Federal Ministries Act] 1986 shall be followed;
8. meet material requirements and carry out administration pursuant to Article 65 (1) hereunder;
9. perform other tasks assigned by federal law;
10. operate the "Austrian Micro Data Centre" pursuant to Articles 31 to 31c;
11. act as hosting provider for agencies maintaining registers pursuant to Article 31d.

(2) The federal agency may offer and provide the compilation of statistics (Article 3 subsection 6) and support services to institutions of the Federal Government and third parties in return for payment of fees; in respect of third parties, in compliance with the restriction pursuant to Article 10 (1) subsection 1b) of Bundesvergabeengesetz [Federal Procurement Act] 2018 – BVergG 2018, BGBl. I No. 65/2018. The General Data Protection Regulation and Datenschutzgesetz [Data Protection Act] - DSG, BGBl. I No. 165/1999 shall apply to the performance of these duties.

(3) Statistics Austria may also do all that is necessary to attain its institutional purpose, such as setting up subsidiaries and acquiring holdings.

(4) Statistics Austria may not enter into agreements pursuant to (2) hereabove unless this does not interfere with the timely and orderly performance of its tasks pursuant to (1) hereabove.

(5) The statistical responsibilities imposed under other Federal Acts and legal acts within the meaning of Article 4 (1) subsection 1 are unaffected.

(6) The activities of Statistics Austria under this Federal Act are not subject to the

Gewerbeordnung 1994<sup>20</sup>, BGBI<sup>21</sup>. No. 194.

### Special principles applying to the performance of duties

**Article 24.** When performing its duties pursuant to Article 23 (1) and (2) hereabove Statistics Austria shall apply the following principles in particular, in addition to those set out in Article 14 (1) hereabove:

1. the compiling of statistics shall be objective and impartial;
2. statistical methods and procedures shall be applied using internationally accepted statistical principles and standards and shall be published;
3. statistics shall be subject to permanent control with the aim of improving quality;
4. statistics shall be kept as up-to-date as possible;
5. the burden on data subjects and respondents shall be minimised and they shall be provided with sufficient information;
6. compliance with the principles of publication pursuant to Article 30, whereby publications of any kind shall be objective;
7. confidentiality of confidential data and observing the principles of data protection pursuant to Article 5 of the General Data Protection Regulation.

### Register of enterprises

**Article 25.** (1) Statistics Austria shall keep a register of enterprises with the following data as a regularly supplemented, temporally structured data collection for the purposes of administration and of e-government of the federation and shall provide said register to the institutions of the federal provinces, municipalities, social insurance institutions and statutory interest groups for the performance of the statutorily conferred duties pursuant to (6) hereunder:

1. identification characteristics of the enterprises (e.g. designation, name, legal form, commencement and conclusion of business activity and Commercial Register number or Central Register of Associations number, Register of Trade number, Global Location Number (GLN) in the Supplementary Register for other Data Subjects);
2. address characteristics;
3. ÖNACE code for main activities, insofar as this has been ascertained in accordance with Article 21 hereabove;
4. in the case of legal entities, partnerships, associations and societies, the persons entitled to represent same according to the constitution with their unique identity characteristics pursuant to Article 2 subsection 2 *E-Government-Gesetz*<sup>22</sup>, *BGBI*<sup>23</sup>. I No. 7/2004;
5. data source characteristics;
6. codes in the official processes for the unambiguous identification of units of the register of enterprises (e.g. tax number, VAT number, Data Processing Register number);
7. register of enterprises code that shall be assigned by Statistics Austria at the time the enterprise is first entered;
8. branch offices incorporated in the Commercial Register;
9. type of proceedings for corporate insolvencies.

(2) For the purposes of inclusion in the register, the following data and amendments thereto (corrections, deletions) shall be transmitted to Statistics Austria free of charge by electronic means via an interface defined by Statistics Austria or by means of an online application provided by Statistics Austria:

1. data pursuant to (1) subsections 1, 2 and, if necessary, 4, 8 and 9 hereabove

<sup>20</sup> 1994 Trade, Commerce and Industry Regulation Act

<sup>21</sup> Federal Law Gazette

<sup>22</sup> E-Government Act

<sup>23</sup> Federal Law Gazette

- a. concerning those enterprises that in conjunction with the performance of business activity must, owing to an obligation under national law, be entered in publicly accessible registers (e.g. Commercial Register, Register of Associations), in publicly accessible lists (e.g. doctors' list of the medical associations) or in the Register of Trade, by the authorities responsible for entry of the data at the same time as the entry is made;
  - b. concerning those enterprises not falling under a., by the Federal Government taxation authorities immediately after knowledge thereof;
  - c. associations recorded in the Register of Associations, and foundations and funds recorded in the Register of Foundations and Funds by the Federal Minister for the Interior;
2. data pursuant to (1) subsection 6 by the authorities responsible for the implementation of the given process immediately after knowledge thereof. The Federal Interior Minister shall transmit the data pursuant to (1) subsections 1, 2 and 4 hereabove of all associations listed in the Register of Associations to Statistics Austria for the purposes of determination of the enterprise characteristic pursuant to Article 3 subsection 20 and inclusion of the data of those associations bearing this characteristic in the register of enterprises. The data concerning those associations not bearing the enterprise characteristic shall be deleted by Statistics Austria immediately after its determination, insofar as it is not to be included pursuant to Article 25a in the register of statistical units.

(3) Insofar as the enterprise is already entered in the register of enterprises, transmission of the data pursuant to (2) hereabove shall be linked to the register of enterprises code ((1)); in the case of legal succession, to the code of the enterprise the rights and obligations of which have been subrogated; in the case of merger, demerger and change of corporate form with or without overall legal succession, to the codes of the enterprises concerned. In the case of enterprises that are entered in the Commercial Register, the transmission of the data must be effected with the Commercial Register code instead of with the register of enterprises code.

(4) Statistics Austria shall check the transmitted address characteristics prior to inclusion in the register for coherence with the addresses in the Buildings and Dwellings Register (Article 1 *GWR-Gesetz*<sup>24</sup>) and, if necessary, shall request the transmitting authority for correction.

(5) Statistics Austria shall include the data transmitted pursuant to (2) hereabove in the register of enterprises without further checking. If, in performance of its duties, Statistics Austria becomes aware that this data may no longer correspond to the actual situation, it shall inform the transmitting authority thereof for the purposes of verification and correction if applicable.

(6) Statistics Austria shall grant the institutions of the Federal Government, the federal provinces, municipalities, social insurance institutions and statutory interest groups and in particular the institution of the Federal Government that is responsible for the operation of the Corporate Service Portal for the purposes of e-government online access to the data of the register of enterprises pursuant to (1) subsections 1 to 5 and 7 hereabove at their request, insofar as this is required for the performance of statutorily conferred duties and serves economic administrative purposes. Access to the data pursuant to (1) subsection 6 hereabove may only be granted to the authorities responsible for the implementation of the processes concerned and to the institution responsible for the operation of the Corporate Service Portal.

---

<sup>24</sup> Buildings and Dwellings Register Act

Online access shall be free of charge with the exception of the implementation costs incurred by Statistics Austria for establishment of this access.

(7) The Federal Statistical Office may use register data for statistical purposes.

### **Register of statistical units**

**Article 25a.** (1) For statistical purposes, Statistics Austria shall keep, including personal and enterprise-related data, a register of statistical units containing the data of the register of enterprises pursuant to Article 25 (1) hereabove and the following data of the enterprises, their holdings and local units and of those legal entities, institutions, consortia and research institutes that do not belong to the register of enterprises, the characteristics of which must however be collected for statistics (other statistical units):

1. identification characteristics of the holdings and local units and affiliation to the enterprise and the other statistical units;
2. address characteristics of the holdings, local units and the other statistical units;
3. classification characteristics (e.g. ÖNACE code);
4. workforce data of the enterprises and the other statistical units;
5. workforce data of the holdings and local units;
6. turnover and income sources of the enterprises and the other statistical units;
7. unit type (e.g. enterprise, holding, local unit);
8. other classification characteristics for sampling;
9. reference characteristics concerning the data sources used for statistical purposes;
10. transmission and information characteristics.

(2) For the purposes of inclusion in the register, the following data and amendments thereto (corrections, deletions) shall be transmitted to Statistics Austria by electronic means via an interface defined by Statistics Austria or by means of an online application provided by Statistics Austria without delay and free of charge at the request of Statistics Austria:

1. data pursuant to (1) subsection 4 hereabove by the Main Association of Social Insurance Institutions;
2. data pursuant to (1) subsection 6 hereabove by the Federal Government taxation authorities.

(3) For the compilation, ongoing supplementation and correction of register data, Statistics Austria may use personal and enterprise-related data from public registers, statistical surveys and the administrative data pursuant to Article 10 (1) hereabove to be transmitted for this purpose. Persons required to provide information on a data subject included in these registers shall provide Statistics Austria with information as to the correctness and completeness of the details given in said registers if Statistics Austria has requested such information because of reasonable doubt in this regard and the details cannot be corrected or completed in good time in any other way.

(4) Statistics Austria may use the register data for statistical purposes if required.

### **Statistical Registers**

**Article 26.** (1) The Federal Statistical Office, grouped by various statistics, may use data collected personally, after eliminating identifying data with the bPK-AS, and enterprise-related data, after eliminating identifying data with the encrypted business code in registers for the compilation of statistics, evaluations, analyses, forecasts and statistical models within the course of duties pursuant to Articles 23 and 29, and for the granting of scientific access to data pursuant to Articles 31 and 31b. The data shall be deleted immediately if they are no longer required for these purposes. The Federal Statistical Office may only determine the identity of the data subject with regard to the relevant bPK-AS if this is provided for in the order under Article 4 to determine the residential address for a sample survey by means of interviewing. Identifying data for individual persons shall not be linked to data in this register. Employees of

the Federal Statistical Office shall only be granted access to the data in this register in the necessary extent to perform official duties. Exact records shall be kept on persons with authorised access for the relevant data categories in this register. The Federal Statistical Office is the controller for data in this register, as defined in Article 4 subsection 7 of the General Data Protection Regulation.

(2) The hereabove is without prejudice to the provisions concerning registers contained in legal acts within the meaning of Article 4 (1) subsection 1 or in Federal Acts.

### **Outsourcing**

**Article 27.** (1) Statistics Austria may contract appropriate persons or institutions to compile statistics and in particular to conduct statistical surveys if this is financially and economically advisable and useful and if this does not affect the interests warranting protection of either the data subjects or the public.

(2) Sub-contracting pursuant to (1) hereabove is only permissible if compliance with statistical confidentiality and data protection is ensured. The subcontractor may not transmit the personal and enterprise-related data collected or provided by Statistics Austria in the course of the contract to third parties or use it for its own purposes, unless the use for its own purposes is allowed by federal law. The use of non-personal and non-enterprise-related data is subject to agreement by Statistics Austria.

The persons and entities involved in surveys pursuant to (1) hereabove shall be deemed to be processors pursuant to Article 4 (8) of the General Data Protection Regulation.

### **Electronic supply of information**

**Article 28.** (1) Statistics Austria shall ensure that the transmission of information pursuant to Article 9 (1) and Article 25a (3) hereabove data may be made electronically available, so long as this is useful and subject-specifically possible, data transmission is secure and data is protected against unauthorised access. Respondents shall be informed of this option and shall be given details of authorised technical means and electronic formats.

(2) Where information may be provided using authorised electronic means, this shall replace information provided in hard copy.

(3) Insofar as the technical requirements are apparently met by the respondent, the documents on the transmission of information for statistical surveys shall be transmitted, preferably electronically, to the respondent.

### **Special information and advisory activities**

**Article 29.** (1) Unless otherwise provided by a legal act pursuant to Article 4 (1) subsection 1 hereabove, by an agreement pursuant to Article 15a *B-VG*<sup>25</sup> or a by Federal Act, Statistics Austria shall agree suitable remuneration for the following information and advisory activities:

1. for the supply of information for Federal Statistics in addition to the information required under the *Auskunftspflichtgesetz*<sup>26</sup>, *BGBI.*<sup>27</sup> No. 287/1987, and
2. for professional advice in matters of Federal Statistics, for special statistical assessments and for the supply of statistical data.

---

<sup>25</sup> Federal Constitutional Act

<sup>26</sup> Obligation to Provide Information Federal Act

<sup>27</sup> Federal Law Gazette

(2) Statistics Austria shall seek to ensure published statistics are properly used and interpreted.

(3) Statistics Austria shall:

1. inform the federal minister responsible and the Statistics Council immediately when notified of draft orders issued by European Union bodies to compile Community statistics and to conduct statistical surveys, and shall keep the federal minister concerned updated on the progress of such business;
2. ensure the Statistics Council
  - a. has the information requested immediately, and
  - b. is sent the activity reports and work programmes of the Federal Statistics bodies pursuant to Article 19 (4) hereabove.

### **Special publication obligations**

**Article 30.** (1) In addition to the publication according to Article 19 (1) hereabove, Statistics Austria shall also grant public access to the main results of the statistics on the internet. These publications shall be free of charge.

(1a) (1) shall also apply – subject to Article 19 (1) hereabove – to statistics pursuant to Article 23 (2) hereabove, provided the client does not publish them himself within two months of completion of the statistics.

(2) Additionally, Statistics Austria shall provide public access to the detailed results of the statistics via an adequate electronic database in return for an appropriate fee to cover its costs.

(3) Statistics Austria shall immediately inform the competent federal minister on the results of the statistical surveys. Simultaneously, these results shall be made publicly available in an appropriate manner.

(4) Statistics Austria shall document the transmission of results of statistical surveys to international institutions pursuant to Article 18. The results shall be made available to the public as soon as possible.

(5) Publications pursuant to (1) to (4) hereabove are subject to Article 19 (2) and (3).

### **Use of statistical data for scientific purposes**

**Article 31.** (1) Statistics Austria shall grant access to non-personal and non-enterprise-related data that has not been published pursuant to Article 30 (2) hereabove to suitably qualified persons and scientific institutions for scientific purposes following approval of the use to which it will be put and payment of an appropriate fee based on the principle of cost coverage.

(2) In granting access pursuant to (1) hereabove, Statistics Austria shall implement data security measures in order to prevent the identification of personal and enterprise-related data using means that may be reasonably applied, and to prevent the storage of personal and enterprise-related statistical data on external media. The Federal Statistical Office shall also grant scientific institutions, pursuant to paragraphs (7) and (8), access to data under these conditions, pursuant to paragraphs (3) and (4).

(3) The Federal Statistical Office shall grant secure online access to scientific institutions pursuant to paragraphs (7) and (8) in the event of all conditions under paragraphs (7)-(9) arising by written agreement and in return for reasonable reimbursement of costs based on the principle of cost coverage by providing a virtual desktop infrastructure (VDI) with two-factor authentication and complete access logging for data, processed pursuant to paragraph (4), of the Register of Companies (Article 25), the register for statistical units

(Article 25a), the statistical registers pursuant to Article 26, the register of education levels pursuant to Article 19 of the Bildungsdokumentationsgesetz<sup>28</sup> 2020, BGBl<sup>29</sup>. I No. 20/2021, and the register of buildings and housing pursuant to Article 1 of GWR-Gesetz<sup>30</sup>, BGBl<sup>31</sup>. I No. 9/2004, where necessary with consideration for the data minimisation principle, under Article 5 (1) c) of the General Data Protection Regulation, for the individual research project pursuant to paragraph (9). The Federal Statistical Office shall review any such application for completeness immediately after receipt and call the applicant institution's attention to such defects in writing by the latest within one month, in the event of defects or incompleteness. The Federal Statistical Office shall submit a written offer to the applicant, with traceable costing, to conclude an agreement immediately, by the latest within one month of all application conditions arising. Following expiry of this offer deadline, the attention of the applicant institution shall be called to the expiry of the offer deadline and the Federal Statistical Office shall grant an additional one-month deadline for submitting offers. The granting of access to such data is based on Article 23 of Regulation (EC) No 223/2009, OJ No. L 87 of 31.03.2009, p. 164, on European Statistics and on Regulation (EU) No 557/2013 implementing Regulation (EC) No 223/2009 on European Statistics with regard to access to confidential data for scientific purposes, OJ No. L 164 of 18.06.2013, p. 16 and thereby fulfils the conditions pursuant to Article 35 (10) of the General Data Protection Regulation for the data protection impact assessment to be omitted.

(4) The Federal Statistical Office, following conclusion of the agreement, shall process data in the register referred to in paragraph (3) for online access in such a way that identification of data subjects (Article 3 subsection 14) is not possible by means of the name, address or based on a publicly available identification number. Processing on behalf of scientific institutions, which are affiliated organisationally or under company law with a company operating on the market or controlled financially, or otherwise economically or organizationally controlled by such a company, or whose concrete research projects are funded by a company operating on the market shall not contain data for companies operating in the same market segment. Online access may only be granted in the event of a secure environment for scientific works, excluding the possibility of storing confidential data on external data carriers, of other technical export of confidential data and addition of data by the scientific institution. Online access shall be granted as quickly as possible with consideration for the data volume to be processed and the provision of data from administrative registers. Taking photographs, transcripts or a screenshot of confidential data is not permitted. The Federal Statistical Office shall publish technical requirements on the website, which the scientific institution must have in place to set up online access, whereby processing shall be facilitated using established statistical software products on the market. The Federal Statistical Office shall in any event facilitate the use of such statistical software products by a user free of charge for the relevant research project. The provision of other statistical software products, where technically feasible for the Federal Statistical Office, shall be implemented based on the principle of cost coverage.

(5) In compliance with paragraph (4), data pursuant to paragraph (3):

1. may be linked to the Federal Statistical Office's own statistical data based on the bPK-AS or the encrypted business code; and
2. may be linked to external databases made available to the Federal Statistical Office by the scientific institution, where necessary for the research project pursuant to paragraph (9), and where it is not possible for the scientific institution to identify the data subjects (Article 3 subsection 14), as defined in paragraph (4), and to grant access, pursuant to paragraph (3), to the linked data. The data under subsection 2 shall also be regarded as

---

<sup>28</sup> Education Documentation Act

<sup>29</sup> Federal Law Gazette

<sup>30</sup> Act on the Register of Buildings and Housing

<sup>31</sup> Federal Law Gazette

data collected for statistical purposes by the Federal Statistical Office if they relate to statistical units and are not in conflict with third-party rights of use. The Federal Statistical Office shall hold the data under subsections 1 and 2 available to the relevant scientific institution for scientific purposes for five years and grant it online access to such data on request where appropriate. Keeping data available shall be extended in return for reimbursement of costs. The Federal Statistical Office may only grant another scientific institution access to the data under subsection 2 with the consent of the data-importing scientific institution.

(6) The access application under paragraph (3) shall include:

1. all evidence of the existence of conditions under paragraph (7);
2. a detailed description of the research project pursuant to paragraph (10);
3. adequately specified type of statistical data, in particular based on units, characteristics, attributes or in terms of timing and geographical area, as required for the research project;
4. undertaking of the scientific institution to use the statistical data solely for the indicated research project and make the main findings of the research project publicly available free of charge on the Internet;
5. an assurance that the data under paragraphs (3)-(5) will not be published or made available to third parties and as a result of the research project any conclusion on the data subjects (Article 3 subsection 14) is excluded, including by means of indirect identification, and that the Federal Statistical Office will be indemnified and held harmless for any claims that might be made against it due to breach of this obligation;
6. an assurance that data security measures in the General Data Protection Regulation and all data protection requirements and the requirements pursuant to paragraph (7) subsection 4 are observed;
7. an assurance that the participation of the Federal Statistical Office is specified in the role of "Austrian Micro Data Centre" in respect of data processing in scientific publications on the findings of the research project;
8. an assurance that only persons who are cooperating on the institution's research project will be given access to the provided statistical data, and who give a written undertaking to comply with the confidentiality obligations pursuant to Article 17.

(7) Scientific institutions to which online access is to be granted shall fulfil the following conditions:

1. they conduct research at a university or college level and make it available to the public free of charge;
2. the scientific institution shall be an organisation with legal personality, with the focus on research;
3. they are independent and autonomous in scientific activity and in formulating their scientific conclusions;
4. they fulfil the technical and infrastructural requirements with regard to guaranteeing data security, and in particular:
  - a. only persons who are directly cooperating on the research project and have undertaken a written confidentiality obligation under Article 17 may access the data under paragraph (4);
  - b. persons under a) have also undertaken in writing to keep confidential and not pass on the personal access data allocated by the Federal Statistical Office for two-factor authentication (password and security code).

The Federal Statistical Office shall publish the names of scientific institutions to which online access is granted for research projects on the website.

(8) The following scientific institutions shall in any event fulfil the conditions pursuant to paragraph (7) subsections 1-3, provided the focus of their activity is on research:

1. universities under the Universitätsgesetz<sup>32</sup> 2002, BGBl<sup>33</sup> I No. 120/2002;
2. private higher education institutions and private universities under the Privathochschulgesetz<sup>34</sup> (PrivHG), BGBl<sup>35</sup>. I No. 77/2020;
3. universities of applied sciences under the Fachhochschulgesetz<sup>36</sup>, BGBl<sup>37</sup>. I No. 340/1993;
4. teacher training colleges under the Hochschulgesetz<sup>38</sup> 2005, BGBl<sup>39</sup>. No. 30/2006;
5. AIT Austrian Institute of Technology GmbH;
6. the Institute of Science and Technology – Austria pursuant to Article 1 of the IST-Austria-Gesetz<sup>40</sup> (ISTAG), BGBl.<sup>41</sup> I No. 69/2006;
7. the Austrian Academy of Sciences (ÖAW) pursuant to Article 1 of the ÖAW-Gesetz (ÖAWG)<sup>42</sup>, BGBl<sup>43</sup>. No. 569/1921;
8. Silicon Austria Labs GmbH pursuant to Article 1 of the Bundesgesetz über den Beteiligungserwerb an der Si.A. Errichtungs-GmbH und der Aufnahme weiterer Gesellschafter im Wege einer Kapitalerhöhung<sup>44</sup> [Federal Act on the Acquisition of Holdings in Si.A. Errichtungs-GmbH and the inclusion of additional shareholders by means of a capital increase], BGBl<sup>45</sup>. No. 30/2018;
9. the Ludwig Boltzmann Gesellschaft – Austrian association for the promotion of scientific research;
10. the Federal Institute for Quality Assurance in the Austrian School System (IQS) based on the IQS-Gesetz<sup>46</sup>, BGB<sup>47</sup>. I No. 50/2019, research departments in public administration and the Austrian Central Bank and the budget service of the Austrian Parliament, where the institute and the relevant research departments and the budget service are independent when drafting their scientific conclusions;
11. Joanneum Research Forschungsgesellschaft mbH;
12. the Austrian Institute of Economic Research (WIFO);
13. the Institut für Höhere Studien – Institute for Advanced Studies (HIS);
14. Gesundheit Österreich GmbH; and
15. Complexity Science Hub (CSH).

(9) Public administration units, as defined in paragraph (8) subsection 10, may be set up by a decree issued by the leading management body as a research department. Within the scope of a research project under paragraph (10), people working in research departments are independent, autonomous and free from instruction in the course of scientific activity and in drafting their scientific conclusions. The Federal Statistical Office shall publish a list of all public administration units set up as research departments on its website. The necessary information for this purpose is provided to the Federal Statistical Office by the leading management bodies of the relevant public administration units.

---

<sup>32</sup> Universities Act

<sup>33</sup> Federal Law Gazette

<sup>34</sup> Private Higher Education Institutions Act

<sup>35</sup> Federal Law Gazette

<sup>36</sup> University of Applied Sciences Act

<sup>37</sup> Federal Law Gazette

<sup>38</sup> Higher Education Act

<sup>39</sup> Federal Law Gazette

<sup>40</sup> IST – Austria Act

<sup>41</sup> Federal Law Gazette

<sup>42</sup> Austrian Academy of Science Act

<sup>43</sup> Federal Law Gazette

<sup>44</sup> Federal Act on the Acquisition of Holdings in Si.A. Errichtungs-GmbH and the inclusion of additional shareholders by means of a capital increase

<sup>45</sup> Federal Law Gazette

<sup>46</sup> IQS Act

<sup>47</sup> Federal Law Gazette

(10) The research project shall contain sufficiently precise details of:

1. the legal purpose of the research project;
2. the reasons why statistical data are required for the research project;
3. the scientific director of the research project and other persons cooperating on the research project who should receive online access to statistical data and have undertaken in writing to observe confidentiality pursuant to Article 17; moreover, on the type of legal relationships between these persons on the one hand and the scientific institution on the other hand, whereby only a service contract is permitted here;
4. the data categories specified under paragraph (6) subsection 3, to which access is required, and the methods of analysis thereof; and
5. the targeted findings of the research project.

(11) The scientific institutions are controllers, as defined in Article 4 subsection 7 of the General Data Protection Regulation, for the data to which access is granted. Access to statistical data must in any event be restricted to the scientific institution. Data processed under paragraph (4) shall not be used for administrative purposes. Statistical individual data, which are not fully anonymised, shall not return directly or indirectly to the administration and scientific institution. Online access under paragraph (3) shall also be granted if the scientific institution conducts the research project on behalf of a third party, if the conditions of paragraphs (6)-(9) are observed.

(12) More detailed provisions on online access to statistical data, in particular on additional ad-hoc data security measures shall be stipulated in the agreement pursuant to paragraph (3).

(13) Article 17(3) and (4) is applicable to the scientific institution, pursuant to paragraph (3), the scientific director of the research project and other persons cooperating on the research project under paragraph (9) subsection 3. The storage of confidential data (Article 3 subsection 15) on external data carriers, taking photographs, transcripts or a screenshot of confidential data or the use of confidential data for other than scientific purposes in any event constitutes an infringement of statistical confidentiality pursuant to Article 17(4). Article 83 of the General Data Protection Regulation shall not be affected. Any breaches thereof or of data protection requirements, pursuant to paragraph (6) subsection 6, by the scientific institution or by a person cooperating on the research project, depending on the severity of the infringement, also result in complete or temporary exclusion from data access pursuant to paragraph (3). The Federal Statistical Office shall inform the relevant institution in writing of exclusion from data access, indicating the duration of exclusion. The Federal Statistical Office shall refrain from exclusion of data access if the institution can prove that concrete technical, organizational, personnel or other measures have been taken, which are suited to preventing a repeated infringement of data protection regulations pursuant to paragraph (6) subsection 6.

(14) In respect of reimbursement of costs pursuant to paragraphs (1) and (3):

1. the Federal Statistical Office's costs of specialist consulting with regard to the necessary statistical data and their linking shall be considered for the concrete research project;
2. personnel and technical costs of infrastructure provision shall not be invoiced for remote access.

The Federal Statistical Office shall publish on its website the hourly rates for specialist consulting pursuant to subsection 1, tariffs for granting online access for more than one user and unit rates for use of the Federal Statistical Office's computers for the research project.

(15) Following completion of the research project pursuant to paragraphs (1) and (9), the scientific institution shall communicate the findings of the research project before

publication and forwarding to third parties with the evaluations and description of the methodology employed at the Federal Statistical Office. The Federal Statistical Office shall review the long-term statistical evaluations and the findings of the research project at the scientific institution in terms of whether - with consideration for the data transmitted under paragraph (5) subsection 2 and Article 31a (2) - a conclusion on details of specific or identifiable data subjects (Article 3 subsection 14), as defined in Article 19 (2), and statistical units, in particular schools and companies, can be excluded. Otherwise the Federal Statistical Office shall refrain from communicating the relevant statistical evaluations to the scientific institution and the scientific institution shall refrain from publishing the research findings. The review by the Federal Statistical Office shall be conducted based on random samples in compliance with the principles of relevance and thrift and in application of automatic algorithms. Moreover, the Federal Statistical Office, within two weeks of granting online access on the website and notifying the relevant scientific institution, shall publish information on which research projects and which types of statistical data online access has been granted to and the scientific director of the research project.

(16) If the Federal Statistical Office intends to reject an application for general online access (paragraph (7)) or online access (paragraph (3)) or to exclude the scientific institution from online access (paragraph (13)), before informing the applicant, indicating the reasons, it shall involve the Statistical Council. In order to perform these duties, the Statistical Council shall appoint a committee consisting of 5 members of the Statistical Council, including the Chair and his/her deputy. The Committee shall submit a reasoned opinion and a recommendation on how to proceed with the application within two weeks. In this context the Committee is entitled to request information and documents directly from the applicant, to give a hearing to the applicant and consult experts.

### **Cooperation in the access of scientific institutions to register data pursuant to FOG**

**Article 31a.** (1) The Federal Statistical Office shall cooperate as data processor for agencies maintaining registers, as set out in Article 2d (2) subsection 3 of the Forschungsorganisationsgesetz<sup>48</sup> – FOG, BGBl<sup>49</sup>. No. 341/1981 and ensure that:

1. Article 31 shall be applied accordingly to granting online access, pursuant to Article 31(3) and (4), with the following stipulations:
  - a. the conditions under Article 2d (1) and (2) FOG replace the conditions under Article 31 (7)-(9);
  - b. the scientific institutions under Article 2b subsection 12 FOG replace the scientific institutions under Article 31 (7) and (8);
  - c. the data in registers, pursuant to Article 2d (2) subsection 3 FOG (“Register Research Data”), as approved in the regulations pursuant to Article 38b, replace statistical data;
  - d. compliance with the conditions under Article 2d (1) and (2) FOG replace the necessity pursuant to Article 31 (9);
  - e. scientific institutions pursuant to Article 2b subsection 12 FOG, which are affiliated organizationally or under company law with a company operating on the market, or are financially controlled or otherwise economically or organizationally controlled by such a company, or for which concrete research projects are funded by a company operating on the market, shall not be granted online access to data for companies in the registers, which operate in the same market segment;
2. the data security measures of Article 31 (4) are observed;
3. in case of applications that are directed at linking:
  - a. to register research data (subsection 1 c)), the conditions under Article 2d (1) and (2) subsection 3 FOG are observed;
  - b. to external databases (Article 31 (5) subsection 2), the conditions under Article 31 (5)

---

<sup>48</sup> Research Organisation Act

<sup>49</sup> Federal Law Gazette

are observed;

4. Applications are reviewed for the existence of conditions under subsections 1 and 3;
5. The findings of the review under subsection 4 and an indication of which data in the relevant register are necessary for the research project shall be communicated to the relevant agency maintaining the register; and
6. following approval of online access by the institution maintaining a register with regard to the data under subsection 5 and payment by the applicant, remote access to these data shall be granted to the relevant scientific institution within the deadline set out under Article 12 (3) of the General Data Protection Regulation.

(2) The agencies maintaining registers, following approval of access to the data under paragraph (1) subsection 6 shall transfer them electronically to the Federal Statistical Office using the bPK-AS. The agencies maintaining a register and the competent federal ministers for the registers may also process these data by means of online access within the framework of their statutory powers. The agencies maintaining registers (Article 2d (2) subsection 3 FOG) are controllers, as defined in Article 4 subsection 7 of the General Data Protection Regulation.

(3) Article 31 (13) and (14) and Article 38b subsection 2 FOG shall apply accordingly.

(4) In the event of access to data of the agencies maintaining registers, pursuant to paragraph (1), not being implemented through online access upon application from the scientific institution pursuant to Article 2b subsection 12 FOG, the Federal Statistical Office shall grant access in corresponding application of Article 31 (1) and (2). The same applies if the Federal Statistical Office, in the course of reviewing the conditions under Article 31 (4), establishes that the scientific institution does not have a secure environment for scientific works, excluding the possibility of storage of confidential data on external data carriers.

### **Linking of statistical and register research data**

**Article 31b.** The conditions of Article 31 and Article 31a shall be observed in respect of applications under Article 31a (1), which are directed at linking statistical and register research data.

### **Cooperation in reporting pursuant to Article 2d (1) subsection 7 FOG**

**Article 31c.** Upon request, the Federal Statistical Office shall provide:

1. the Federal Minister with responsibility for matters of science and research with the necessary information for reporting pursuant to Article 2d (1) subsection 7 FOG with regard to cooperation under Article 31a and Article 31b; and
2. the Federal Minister with responsibility for the register pursuant to Article 38b FOG with the necessary information with regard to cooperation under Article 31a and Article 31b.

### **Hosting provider for agencies maintaining registers**

**Article 31d.** (1) Agencies maintaining registers (Article 2d (2) subsection 3 FOG) may assign the Federal Statistical Office, by agreement and in return for reimbursement of costs, with the technical operation of specific registers maintained by them and provided for in federal law pursuant to Article 28 of the General Data Protection Regulation. In this case the Federal Statistical Office is subject to an operating obligation. The agencies maintaining registers are controllers, as defined in Article 4 subsection 7 of the General Data Protection Regulation.

(2) Regardless of the provision in paragraph (1), the Federal Minister with responsibility for the relevant register, in consultation with the Federal Chancellor, may entrust the Federal Statistical Office, by means of a regulation, with data hosting in return for

reimbursement of costs based on the principle of cost coverage if necessary to perform duties in this public area or if it is otherwise in the public interest.

(3) Agencies maintaining registers shall communicate the intended switch to the Federal Statistical Office in writing to the previous data processor with effect from 31 December. The Federal Statistical Office may be commissioned:

1. only based on an agreement pursuant to Article 28 (3) of the General Data Protection Regulation; and
2. at the earliest following the end of a financial year for the previous data processor after the written notice of the intended change has taken effect.

(4) The data recorded in the relevant registers shall not be regarded as statistical data collected by the Federal Statistical Office. The processing of such data by the Federal Statistical Office for purposes other than data hosting is linked to the approval of the relevant agency maintaining the register. There is no publication obligation.

(5) Only personnel and technical costs of infrastructure provision may be invoiced in respect of the reimbursement of costs pursuant to paragraph (1).

(6) The Federal Ministers with responsibility for registers pursuant to paragraph (1) may process data for the relevant registers by means of online access within the framework of their statutory powers.

### **Remuneration of services**

**Article 32.** (1) Unless otherwise provided herein, Statistics Austria shall provide services for a fee or against reimbursement of costs.

(2) Fees and reimbursements of costs shall be calculated using transparent internal costings satisfying recognised commercial principles that have themselves been developed in application of the principles of economy, cost effectiveness and usefulness and the coverage of all costs incurred.

When calculating costs to be reimbursed pursuant to (4) subsection 1 hereabove, all cost-cutting measures that can be applied to the statistics concerned pursuant to (3) subsection 1 by reducing survey intervals, the number of characteristics of analytical interest or by changing the form of survey (sample-based instead of full survey, the use of administrative or registry data instead of interviewing) should be so applied.

(3) Statistics Austria shall be reimbursed the costs it incurs:

1. when performing duties pursuant to Article 23 (1) subsections 2 to 8 or carrying out statistical surveys and compiling statistics as listed in Annex II with the scope and periodicity required for the preparation of the national accounts as at 31 December 2002 or by legal acts pursuant to Article 4 (1) subsections 1 and 2 hereabove or by regulations pursuant to Article 4 subsections 1 and 2 hereabove. Such reimbursement shall be in the fixed amount stated in (5) hereunder, and
2. for all other duties pursuant to Article 23 (1) and (2) hereabove.

(4) Reimbursements pursuant to (3) hereabove are payable as follows:

1. statistics and surveys: by the federal minister responsible, based on the subject of the statistics or survey concerned pursuant to Article 2 (1) subsection 2 of the *Bundesministeriengesetz 1986*<sup>50</sup>, so long as these go beyond the scope of (3),

---

<sup>50</sup> 1986 Federal Ministries Act

subsection 1 hereabove

2. duties pursuant to Article 23 (1) subsections 9-11 hereabove: by the federal minister responsible for such duties;
3. duties pursuant to (3) subsection 1 hereabove: by the Federal Chancellor.

(5) The fixed amount shall be EUR 56.391 million per year from 1 January 2023.

(6) The Federal Chancellor shall pay a fixed amount annually to Statistics Austria to compensate the additional cost of

1. maintaining the Companies Register (Article 25) in 2014 amounting to EUR 350 000, and
2. the technical maintenance of the reporting requirements database (Article 6 of the *Unternehmensserviceportalgesetz*<sup>51</sup> – USPG, *BGBI*<sup>52</sup> No. 52/2009) in 2014 amounting to EUR 90 000, and in the following years plus an annual value adjustment of 3%.

(7) The Federal Statistical Office is entitled to an annual lump sum for reimbursement of costs of provision of the personnel and technical infrastructure for remote access, pursuant to Article 31 (3) and Article 31a, in an amount of 505,000 euros with effect from 2022; in subsequent years plus a value adjustment of 3%. The Federal Minister with responsibility for science and research shall pay for the reimbursement of costs.

(8) *repealed*

(9) At their request, federal ministers required to reimburse costs pursuant to (4) subsections 1 and 2 hereabove may vision the reimbursement calculations. Reimbursements shall be paid quarterly in advance, subject to requirement.

(10) In the case of services provided pursuant to Article 23 (2) and Article 29 hereabove, the remuneration payable to Statistics Austria shall in any case cover the additional costs it incurs during the performance of the agreement concerned.

(11) Duties performed pursuant to Article 23 (2) may not be financed using moneys obtained through the performance of duties pursuant Article 23 (1).

(12) Reimbursements payable to local authorities pursuant to Article 11 (4) shall be paid separately to Statistics Austria by the Federal Government upon consideration of receipts obtained for these purposes.

(13) Unused financial resources in any calendar year pursuant to (6) hereabove may be carried forward to the following calendar year.

### **Severance pay refunds**

**Article 32a.** The Federal Government shall refund to Statistics Austria on an annual basis the severance pay actually paid in each case to the contract staff pursuant to Article 56 (1) in the preceding year, and on the first occasion for 2014, up to the amount provided for pursuant to the *Vertragsbedienstetengesetz 1948*<sup>53</sup>

---

<sup>51</sup> Enterprise Service Portal Act

<sup>52</sup> Federal Law Gazette

<sup>53</sup> 1948 Contracted Government Employess Act

### Section Three Asset transfer, leasing, liability

#### Asset transfer

**Article 33.** (1) Title to moveable assets previously owned by the Federal Government but managed by the Austrian Central Statistics Office acting in its capacity as a federal government office, where such assets are required for the performance of duties and have previously been primarily used by the Austrian Central Statistics Office, shall be assigned to Statistics Austria together with all pertaining rights and legal relationships, assets and liabilities by way of universal succession when this Federal Act comes into effect. The universal successor shall be registered in the Commercial Register.

(2) The assets assigned pursuant to (1) hereabove shall be determined in the opening accounts, which shall be filed within six months of the assignment of such assets. Assets need not be determined at production or acquisition cost in the opening accounts. Technical equipment and facilities shall be recognised on the basis of their condition and degree of technical sophistication. The assets shown in the opening accounts shall include all Statistics Austria assets and liabilities that can clearly be attributed to this field of business and are evident in the assigned creditor/debtor positions. Assets shall also include all asset items, legal relationships and charges not evident in the accounts but belonging to the assigned business. The assets in the opening accounts shall be audited and certified by a court-approved external auditor. The opening accounts shall be filed in the Commercial Register. Article 10 of the *Handelsgesetzbuch*<sup>54</sup>, *dRGB*<sup>55</sup>. S 219/1897 shall apply.

#### Lease of government buildings

**Article 34.** The Federal Finance Minister may, in consultation with the Federal Chancellor and the Federal Minister for Economic Affairs, allow the lease of the federal buildings and the space in Federal Government buildings the Austrian Statistical Central Office used up to and including the day before universal succession pursuant to Article 33 (1) came into effect to be transferred to Statistics Austria. The lease shall be subject to the payment of rental and to a lease agreement that shall come into effect at the same time as this Federal Act.

#### Liability of bodies and officers

**Article 35.** (1) Pursuant to the *Amtshaftungsgesetz*<sup>56</sup>, *BGB*<sup>57</sup>. No. 20 /1949, the Federal Government shall be liable for any culpable harm caused to whomsoever by Statistics Austria officers or employees or by any other persons acting on the instructions of Statistics Austria pursuant to this Act when the aforesaid are performing their official duties within the meaning of Article 23 (1) hereabove. In such an event, the Federal Government shall notify Statistics Austria, which shall in turn notify the person it believes has given rise to the claim, of the proceedings that have been brought (Article 21 of the *Zivilprozessordnung*<sup>58</sup>, *dRGB*<sup>59</sup>/No. 113/1895) and these may intervene in the action to assist the Federal Government (Article 17 of the *Zivilprozessordnung*)<sup>60</sup>. Statistics Austria and the person who caused the harm shall not be liable to the injured party.

---

<sup>54</sup> Commercial Code

<sup>55</sup> Law Gazette of the German Empire

<sup>56</sup> Government Liability Act

<sup>57</sup> Federal Law Gazette

<sup>58</sup> Civil Action Order

<sup>59</sup> Law Gazette of the German Empire

<sup>60</sup> Civil Action Order

(2) Should the Federal Government be ordered to pay damages to the injured party pursuant to (1) hereabove, it may seek compensation from Statistics Austria pursuant to Article 2 (1), Article 3 (1), Article 5, Article 6 (2) Article 9 (1) and Article 10 (1) of the *Amtshaftungsgesetz*<sup>61</sup>

(3) If Statistics Austria has paid compensation pursuant to (2) hereabove, it may in turn seek compensation pursuant to Articles 3, 5 and Article 6 (2) of the *Amtshaftungsgesetz*<sup>62</sup> from the person it believes gave rise to the claim. In such proceedings, persons accused of liability are released from their duty of secrecy.

(4) Pursuant to the *Organhaftpflichtgesetz*<sup>63</sup> z *BGB*<sup>64</sup>. No.181/1967, Statistics Austria shall be liable to the Federal Government for all direct, culpable harm caused by Statistics Austria officers or employees or by any other persons acting on the instructions of Statistics Austria when the aforesaid are performing their official duties within the meaning of Article 23 (1) hereabove, so long as the *Arbeits- und Sozialgerichtsgesetz*<sup>65</sup> does not apply and the persons believed to be liable have been released from their duty of secrecy.

(5) If Statistics Austria has compensated to the Federal Government pursuant to (4) hereabove, it may, pursuant to Article 1, Article 2 (2) and Article 3 of the *Organhaftpflichtgesetz*<sup>66</sup> itself seek compensation from the persons concerned. The claim shall lapse six months after the day Statistics Austria admits the claim of the Federal Government or after a court order to pay has come into effect. In such proceedings, persons involved in compensation claims are released from their duty of secrecy.

## Section Four Organisation

### Bodies

**Article 36.** The bodies of Statistics Austria shall be:

1. Management (Articles 37 to 43);
2. Statistics Council (Articles 44 to 47);
3. Economic Council (Articles 48 to 52).

### Appointment, dismissal and resignation of management members

**Article 37.** (1) The management of Statistics Austria shall comprise a director responsible for matters of statistics (Director of Statistics) and a director responsible for the other Statistics Austria matters (Financial Director). Both may have the title "director general" to be followed by their particular area of responsibility.

(2) The *Stellenbesetzungsgesetz*<sup>67</sup>, *BGB*<sup>68</sup>. I No. 26/1998 applies to the appointments of the Director General - Statistics and of the Director General - Finance. Each will be

---

<sup>61</sup> Government Liability Act

<sup>62</sup> Government Liability Act

<sup>63</sup> Law on the Liability of Legal Persons in Private and Public Law for Wrongful Acts or Negligence on the Part of their Officers

<sup>64</sup> Federal Law Gazette

<sup>65</sup> Labour and Social Courts Act

<sup>66</sup> Law on the Liability of Legal Persons in Private and Public Law for Wrongful Acts or Negligence on the Part of their Officers

<sup>67</sup> Staffing Act

<sup>68</sup> Federal Law Gazette

appointed by the Federal Chancellor for up to five years.

(3) The appointment of the Director General - Statistics and the Director General - Finance may be revoked by the Federal Chancellor on serious grounds at any time, notwithstanding any compensation claims that might be made on the grounds of existing contracts.

(4) Notwithstanding any compensation claims that might be made by Statistics Austria on the grounds of existing contracts, the Director General - Statistics and the Director General- Finance may submit their resignations to the Federal Chancellor. Resignation may take immediate effect if there are serious reasons for this, alternatively resignations shall take effect after 14 days. The chairs of the Economic Council and of the Statistics Council shall be informed of all resignations.

### **Management duties**

**Article 38.** (1) The Director General - Statistics is responsible for the management of statistical and official duties performed by the Federal Statistical Office. When performing official duties, he/she is subject to the instructions of the competent Federal Minister. In all matters of scientific methodology and the compilation, development and publication of statistics, the Director General - Statistics is independent and free from instructions. All Federal Statistical Office employees entrusted with statistical matters are subordinate to the Director General – Statistics and subject to his/her specialist instructions.

(2) The Director General - Finance is responsible for the business management of the Federal Statistical Office and for all other duties for which the Director General - Statistics is not responsible. Where Federal Statistical Office employees are not subordinate to the Director General – Statistics, they shall be subject to the instructions of the Commercial Director. The Director General Finance shall exercise due diligence in the performance of his/her duties and shall comply with commercial business principles.

(3) The Director General - Finance shall ensure that an accounting system and an internal control system is set up to meet Statistics Austria needs. Duties performed pursuant to Article 23 (1) and (2) shall be reported separately in the accounts.

(4) The co-operation of the Director General - Statistics with the Director General - Finance shall be set out in an allocation of duties subject to approval by the Federal Chancellor. The Director General - Finance must agree with the Director General - Statistics on the following matters in particular:

1. the development of and changes to the internal organisation of Statistics Austria;
2. the implementation of HR measures for Statistics Austria management and statistics staff;
3. the appointment of senior and statistics officers;
4. the introduction of personnel development and training programmes.

(5) If agreement pursuant to (4) cannot be reached, the Director General - Finance shall have the casting vote. The Statistics and Economic Councils shall be informed of such decisions immediately. Should the decision be passed by use of the Director General - Finance's casting vote, the Director General - Statistics may within three days appeal to the Economic Council. This shall issue a decision within three weeks. The Director General - Finance shall postpone implementation of his/her decision until the decision of the Economic Council has been announced or, if it fails to do so within the time stated, when this period expires.

### **Work programme, budget, financial forecasts**

**Article 39.** (1) By the end of June each year the Statistics Austria management shall submit to the Statistics Council the annual work programme and budget for the following calendar year and the four-year work programme and budget for the four calendar years thereafter.

(2) The annual and four-year work programmes shall be prepared in compliance with Article 24 and with (3) hereabove. They shall include the duties listed in Article 23 (1) and the methodologies and procedures provided for the duties to be performed in compliance with Article 23 (1) subsections 1, 3 und 5.

(3) The annual work program, four-year work program, annual and four-year budgets shall be prepared in compliance with the principles of economy, cost-effectiveness and usefulness and with consideration for all potential rationalisation opportunities. In particular, they shall contain the organisation on which the Federal Statistical Office is based, including plans for deployment of personnel and resources, investment projects and financing. The budgets shall primarily allow for expenditure on Community statistics, statutory statistics and other legally assigned duties.

(4) The Statistics Council shall give its report on the work programmes and budgets submitted pursuant to (1) to Statistics Austria's management within four weeks.

(5) Following submission of the above to the Statistics Council, the management of Statistics Austria shall, by the end of November, present the work programmes prepared pursuant to (2) hereabove and the budgets prepared pursuant to (3) hereabove to the Economic Council for its approval. The management shall state in this connection any serious reasons that have prevented it taking account of recommendations by the Statistics Council.

(6) The annual forecast prepared pursuant to Article 40 (1) hereabove shall relate to the approved work and budget programmes.

### **Management reporting obligations**

**Article 40.** (1) At least once a year Statistics Austria management shall report to the Economic Council on essential questions concerning the activities of the Federal Institution and on future changes to its asset, financial and profits position in the form of a forecast (annual report). It shall also report regularly, and at least quarterly, to the Economic Council on business and the current position of Statistics Austria as compared with the forecast, while also looking to the future (quarterly report). The Chair of the Economic Council must be informed immediately of all important developments and all material changes in liquidity must be reported immediately to the Economic Council (special report).

(2) The annual report, the quarterly reports, the multi-year work and budget programme shall be prepared in writing and, if requested by the Economic Council, presented orally; copies shall be sent to all Economic Council members. Special reports may be presented either in writing or orally.

### **Planning and reporting system**

**Article 41.** The Director General - Finance of Statistics Austria is responsible for implementing a planning and reporting system capable of ensuring that management is able to meet its reporting obligations, as laid down in the regulations and guidelines of the Federal Finance Minister, concerning the implementation of investment and financial controlling systems.

## Representation of Statistics Austria

**Article 42.** (1) In the performance of its official and statistical duties Statistics Austria shall be represented by the Director General - Statistics. After having consulted the Director General - Finance, he/she may authorize suitable Statistics Austria employees to deal with particular statistical and official duties independently. These employees shall sign on behalf of the Director General Statistics.

(2) In all other matters, Statistics Austria shall be represented judicially and extra-judicially by the Director General - Finance. Statistics Austria shall be bound by all legal agreements executed by the Director General - Finance in its name, regardless of whether the agreement has been executed expressly in the name of Statistics Austria or whether under the circumstances the parties have desired that it should be executed on behalf of Statistics Austria. Subject to the approval of the Economic Council, the Director General - Finance may authorize appropriate Statistics Austria employees to deal with particular Statistics Austria matters pursuant to Article 54 of the *Handelsgesetzbuch*<sup>69</sup>.

(3) The Director General - Finance shall be represented in his/her absence by a suitable Federal Statistical Office employee appointed by him/her and the Statistics Director shall be represented by a suitable employee appointed by him/her. These employees shall sign on behalf of the Director General - Statistics and on behalf of the Director General - Finance.

(4) The Director General - Finance and the Director General - Statistics have a duty to Statistics Austria to comply with all limitations set out in this Act or in any binding order issued by the Economic Council concerning the extent of their authority to represent Statistics Austria. The Director General - Finance shall execute agreements pursuant to Article 23 (2) by agreement with the Director General - Statistics. Should no such agreement be reached, the opinion of the Director General - Finance shall prevail and the Economic Council shall be informed.

(5) The names of the Director General - Finance and the Director General - Statistics of Statistics Austria, together with the termination or change of their representational authorities shall be notified to the Commercial Register without delay. A certified version of the document of appointment or change shall be attached to said notification. At the same time, the new Director General - Finance or Statistics shall make his signature before a court or shall submit his certified signature. Defects in the appointment of a registered or announced Director General - Finance or Statistics may not be asserted against a third party unless that third party was aware of the aforesaid defects.

(6) Limitation of representational powers pursuant to (4) shall have no legal effect on third parties. This applies in particular if representational authority is restricted to particular commercial operations or types of commercial operation, to particular circumstances, to a particular period of time, or to particular locations, or if the approval of the Economic Council is required for individual commercial operations.

(7) Declarations of intent shall be signed on behalf of Statistics Austria by the signatories appending their signatures to the name of the Federal Institution.

(8) Declarations, writs and other notifications shall be served on Statistics Austria with legal effect if they are served on any of its authorised signatories or authorised joint signatories.

---

<sup>69</sup> Commercial Code

## Annual financial statements, management report

**Article 43.** The Statistics Austria annual financial statements and management report shall be prepared in compliance with Articles 189 to 243 of the *Handelsgesetzbuch*<sup>70</sup> and shall be audited by an external auditor in compliance with Articles 268 to 276 *leg. cit.* Annual financial statements shall be filed with the Commercial Register. Owing to Article 32a, Article 198 (8) subsection 4 a in conjunction with Article 211 *Unternehmensgesetzbuch*<sup>71</sup> do not apply to the entitlements to this severance.

### Establishment of the Statistics Council

**Article 44.** (1) Statistics Austria shall have a Statistics Council.

(2) The Statistics Council shall comprise 16 members appointed as follows:

1. four members by the Federal Chancellor,
2. the Federal Minister of Finance, the Federal Minister responsible for Economic Affairs, the Federal Minister responsible for Labour Affairs, the Federal Minister responsible for Social Affairs and the Federal Minister responsible for Agriculture and Forestry Management shall each appoint one member,
3. the Austrian Central Bank, the Austrian Economic Chamber, the Presidential Conference of Austrian Chambers of Agriculture, the Federal Chamber of Labour, the Austrian Association of Municipalities, the Austrian Association of Cities and Towns, and the Conference of Provincial Governors shall each appoint one member.

(3) Members shall possess the necessary professional suitability to perform Statistical Council duties and are free from instruction in performing this role. Members of the Statistical Council shall be appointed (delegated) for a term of five years. The term of office shall commence with the first meeting of the newly appointed Statistical Council, whereby in calculating the term of office of five years, 1 January of the calendar year of the first meeting shall be taken as the starting point. The newly appointed Statistical Council shall be convened for the inaugural meeting without delay following 31 December of the last calendar year of the previous term of office, once half the members (including the Chair and his/her deputy) have been appointed/delegated. Should any member leave the Statistical Council before the end of his/her term of office, a new member shall be appointed to fill his/her position. Upon expiry of its term of office, the Statistical Council shall continue conducting business until the first meeting of the newly appointed Statistical Council.

(4) Statistical Council members may be dismissed or allowed to resign before the end of their term of office by the body that appointed or delegated them if:

1. the member concerned so requests;
2. the member concerned has been negligent in the performance of his/her duties;
3. the member concerned is unable to perform his/her duties with all due diligence as a result of serious physical or mental illness.

(5) The Chair of the Statistics Council and his/her deputy shall be appointed from among the members of the Statistics Council described in (2) subsection 1 hereabove by the Federal Chancellor.

(6) Statistics Council members may not at the same time be members of the management or staff of Statistics Austria or of its Economic Council.

---

<sup>70</sup> Commercial Code

<sup>71</sup> Austrian Enterprise Code

(7) The Statistics Council shall develop its own rules of procedure, which shall be subject to approval by the Federal Chancellor. The rules of procedure shall allow minority votes.

(8) Statistics Council members shall be entitled to remuneration for their time and work; such remuneration shall be set by the Federal Chancellor.

(9) Members of the Statistical Council appointed or delegated in accordance with paragraph (2) subsections 1 and 2 shall not be members of the Federal Government, state secretaries, members of a state government, members of the National Assembly, Bundesrat [Federal Assembly] or another general representative body, or officials of a political party. The same applies to persons who have carried out any of these functions in the last four years.

(10) Where possible, a balanced gender representation shall be ensured in appointing members of the Statistical Council.

### **Meetings of the Statistics Council**

**Article 45.** (1) The Statistics Council shall meet as and when required and at least quarterly.

(2) Meetings of the Statistics Council shall be convened by its Chair in writing, by telephone, telegraph, fax or by any suitable electronic means stating date, place and agenda. The Director General - Finance and the Director General - Statistics of Statistics Austria shall be informed when meetings are convened.

(3) At least two members of the Statistics Council, the Director General - Finance or the Director General - Statistics may require the Chair of the Statistics Council to convene a meeting immediately, so long as they state the purpose and reason for the meeting. The meeting shall take place within two weeks of the date it is called.

The Director General - Finance and the Director General - Statistics of Statistics Austria are entitled to attend meetings if they so wish, however the Statistics Council may make their attendance mandatory. Specialists and information-providers may be consulted on individual subjects.

(4) The Chair of the Statistics Council shall chair its meetings and determine the manner of voting.

(5) A written record of the proceedings and resolutions of the Statistics Council shall be prepared and shall be signed by the Chair or his/her deputy.

### **Statistics Council resolutions**

**Article 46.** (1) Statistics Council meetings shall be quorate if all members have been given at least two weeks' written notice to attend, which notice shall include the agenda for the meeting concerned, and if at least half those members, including the Chair or his/her deputy, are present.

(2) Resolutions shall be passed by simple majority vote. In the event of a tie, the Chair shall have the casting vote.

(3) In emergencies, resolutions may be passed in writing or otherwise, pursuant to Article 51 (3) hereunder, without the need to convene the Statistics Council (circularisation) so

long as no Statistics Council member expresses any objection to the procedure within the time set by the Chair, which shall be at least three working days after dispatch of the documents. Resolutions shall be achieved if all Statistics Council members have been invited to vote and at least half of such members have done so within the time set by the Chair.

(4) A member of the Statistics Council may authorise another member in writing to represent him/her at an individual meeting. The member thus represented shall not be counted when it is established whether there is a quorum. The right to chair the meeting cannot be transferred.

(5) The Statistics Council may appoint one or more committees from among its members for the purpose of preparing its discussions and resolutions or monitoring the implementation of its resolutions.

### **Duties of the Statistics Council**

**Article 47.** (1) The duties of the Statistics Council shall be as follows:

1. prepare an annual report for Statistics Austria in compliance with Article 24 hereabove;
2. issue recommendations:
  - a. on the design of administrative data, so that it can also be used for statistical purposes, and
  - b. on the co-ordination of federal ministries and Federal Statistics bodies on matters concerning statistics for the Federal Government and the European Union.
3. issue statements:
  - a. on draft regulations pursuant to Article 4 (3) and (4) hereabove and their planned implementation and on statistics-related Bills,
  - b. on draft regulations within the meaning of Articles 5 to 7 hereabove;
  - c. on draft orders issued by European Union bodies requiring Community statistics to be compiled and statistical surveys to be carried out.
4. issue statements and recommendations on work programmes and budgets within the meaning of Article 39 hereabove.

(2) The Statistics Council shall submit:

1. the report pursuant to (1) subsection 1 hereabove to the Federal Chancellor, federal ministers, the Economic Council and the management of Statistics Austria simultaneously, and
2. recommendations and statements pursuant to (1) subsections 2 and 3 hereabove to the Federal Chancellor, the responsible federal minister, the Economic Council and to the management of Statistics Austria.

(3) The Statistical Council shall also provide the Federal Chancellor with an annual activity report, to be presented to the National Assembly by the Federal Government. The activity report shall include all recommendations of the Statistical Council, and in particular information on compliance with science and data protection standards. After the activity report has been transmitted to the Federal Chancellor, it shall be published on the Federal Statistical Office's website.

(4) (1) subsection 3 c hereabove is without prejudice to the provisions in any other Federal Acts concerning the issue of statements on European Union law making.

(5) With the support of the Statistics Austria management, the Statistics Council shall adjoin to its recommendations regarding the work programmes and statistics an appraisal of the anticipated supplementary or reduced costs associated therewith.

(6) The management of the Federal Statistical Office, at the request of the Statistical

Council, shall provide the necessary information for performing the duties under paragraphs (1)-(5) and explain it where required. Moreover, the Federal Statistical Office, following completion of research projects pursuant to Articles 31 and 31b, shall report to the Statistical Council on the key findings, the data types used for this purpose and the scientific methods employed in the evaluation of data.

### **Establishment of the Economic Council**

**Article 48.** (1) Statistics Austria shall have an Economic Council with 12 members.

(2) Economic Council members shall be appointed as follows:

1. three members shall be appointed by the Federal Chancellor,
2.
  - a. the Federal Finance Minister,
  - b. the Federal Minister responsible for Economic Affairs,
  - c. the Federal Minister responsible for Agriculture and Forestry,
  - d. the Federal Minister of Interior, and
  - e. the Federal Minister responsible for Labour Affairs shall each delegate one member,
3. four members shall be delegated by the Works Council pursuant to Article 110 of the *Arbeitsverfassungsgesetz*<sup>72</sup>, *BGB*<sup>73</sup> I. No. 22/1974.

(3) The members of the Economic Council set out in paragraph (2) subsections 1 and 2 shall be appointed (delegated) for a term of five years. The term of office shall commence with the first meeting of the newly appointed Economic Council, whereby in calculating the term of office of five years, 1 January of the calendar year of the first meeting shall be taken as the starting point. The newly appointed Economic Council shall be convened for its inaugural meeting without delay following 31 December of the last calendar year of the previous term of office, once half the members (including the Chair and his/her deputy) have been appointed/delegated. Should any member leave the Economic Council before the end of his/her term of office, a new member shall be appointed to fill his/her position. Upon expiry of its term of office, the Economic Council shall continue to conduct its business until the first meeting of the newly appointed Economic Council.

(4) The members of the Economics Council described in (2) subsections 1 and 2 hereabove may be dismissed or allowed to resign before the end of their term of office by the State officer that appointed or delegated them if

1. the member concerned so requests;
2. the member concerned has been negligent in the performance of his/her duties;
3. the member concerned is unable to perform his/her duties with all due diligence as a result of serious physical or mental illness.

(5) The Chair of the Economics Council and his/her deputy shall be appointed from among the members of the Economics Council described in (2)1 hereabove by the Federal Chancellor.

(6) Economics Council members shall not at the same time be Statistics Austria management members or senior officers.

(7) The Director General - Finance of Statistics Austria shall immediately notify the Commercial Register of each new appointment to, dismissal of or resignation from the Economic Council.

(8) The Economics Council shall develop its own rules of procedure, which shall be

---

<sup>72</sup> Constitutional Labour Act

<sup>73</sup> Federal Law Gazette

subject to approval by the Federal Chancellor.

(9) Economics Council members shall be entitled to remuneration for their time and work; such remuneration shall be set by the Federal Chancellor.

### **Economic Council Committees**

**Article 49.** (1) The Economic Council may set up one or more internal committees to handle preparations for its business and resolutions or to monitor the implementation of its resolutions.

(2) A committee shall be set up to audit the Statistics Austria annual accounts and management report.

(3) The Works Council members delegated to the Economic Council pursuant to Article 110 of the *Arbeitsverfassungsgesetz*<sup>74</sup> may name at least one of their number to attend and vote at Economic Council committee meetings; this entitlement shall not apply to meetings and votes concerning relations between Statistics Austria and its Director General - Finance or Director General - Statistics.

### **Meetings of the Economic Council**

**Article 50.** (1) The Economic Council shall meet at least four times in any financial year. Meetings shall be held quarterly.

(2) Meetings of the Economic Council shall be convened by its Chair in writing, by telephone, telegraph, fax or by any suitable electronic means stating the date, place and agenda. The Director General - Finance and the Director General - Statistics of Statistics Austria shall be informed when meetings are convened.

(3) Any member of the Economic Council, the Director General - Finance or the Director General - Statistics may require the Chair of the Economic Council to convene a meeting immediately, so long as they state the purpose and reason for the meeting. The meeting shall take place within two weeks of the date it is called. In the event a meeting requested by at least five members of the Economic Council or by the management of Statistics Austria is not called, those same persons may themselves convene a meeting of the Economic Council, subject to issue of the reason for the meeting.

(4) Meetings of the Economic Council and its committees may be attended only by members of the Economic Council and the management of Statistics Austria. The Director General - Finance and the Director General - Statistics of Statistics Austria are entitled to attend meetings if they so wish, however the Economics Council may make their attendance mandatory. Specialists and information-providers may be consulted on individual subjects. The external auditor shall attend meetings concerning the audit of the annual accounts and the management report.

(5) Economic Council members may give another member a written proxy to represent them at a particular meeting. The represented member shall not be included in the members counted to ascertain whether the meeting is quorate. The right to chair the meeting may not be delegated.

(6) The Chair of the Economic Council shall chair its meetings and determine the manner of voting.

---

<sup>74</sup> Constitutional Labour Act

(7) A written record of the proceedings and resolutions of the Economic Council shall be prepared and shall be signed by the Chair or his/her deputy.

### **Economic Council resolutions**

**Article 51.** (1) Economics Council meetings shall be quorate if all members have been given at least two weeks' written notice to attend, which notice shall include the agenda for the meeting concerned, and at least half the members within the meaning of Article 48 (2) subsections 1 and 2, including the Chair or his/her deputy, are present.

(2) Resolutions shall be passed by simple majority vote. In the event of a tie, the Chair shall have the casting vote.

(3) In emergencies, resolutions may be passed in writing or telegraphically or by any suitable electronic means without the need to convene the Economics Council (circularisation) so long as no Economics Council member expresses any objection to the procedure within the time set by the Chair, which shall be at least three working days after dispatch of the documents.

(4) Resolutions shall be achieved by circularisation if all Economic Council members have been invited to vote and at least half of such members, including the Chair and his/her deputy, have done so within the time set by the Chair. Economic Council members may not be represented by other members during circularisation procedures.

### **Duties and authority of the Economic Council**

**Article 52.** (1) The Economic Council shall supervise the management of Statistics Austria. Economic Council members shall have a duty to Statistics Austria to perform their duties with all due diligence. The aforesaid is without prejudice to the responsibilities of the Statistics Council pursuant to Article 47 hereabove or to the authority of the Federal Chancellor and the federal ministers to supervise and instruct.

(2) The Economic Council may at any time require the management to submit a report on Statistics Austria matters. Any individual member may also require submission of a report, but only to the Economic Council itself; in the event the management of Statistics Austria refuses to submit such a report, its submission shall be mandatory only if a total of five Economic Council members support the request. Report requests made by the Economic Council Chair do not need to be seconded by any other member.

(3) The Economic Council may vision and audit any Statistics Austria books and records that are not subject to statistical secrecy and also its assets, namely its liquidity and securities portfolios; it may also authorize individual members or, in the case of specific duties, particular specialists, to carry out particular tasks.

(4) The Economic Council shall inform the Federal Chancellor of anything affecting the welfare of Statistics Austria.

(5) The duties of the Economic Council are:

1. to submit to the Federal Chancellor nominations for the position of external auditor to audit the annual accounts;
2. to audit the Statistics Austria annual accounts and management report and to report thereon to the Federal Chancellor;
3. to come to decisions concerning the multi-year general plan and on work programmes and budgets (Article 39) and remunerations (Article 32);
4. to accept reports on Statistics Austria management, expenses and income and internal budget control;

5. to approve collective and company agreements entered into by Statistics Austria;
6. to issue rules of procedure for the Director General - Finance of Statistics Austria that set limits for investments, the granting or taking of loans and the execution of employment and other contracts requiring the approval of the Economic Council;
7. to reject or pass with a two-thirds majority resolutions to request the Federal Chancellor to dismiss the Director General - Finance;
8. to approve the purchase and disposal of real estate, holdings, undertakings and business units;
9. to approve performance bonuses and pension promises to the Director General - Finance, the Director General - Statistics, technical managers and senior officers;
10. to pass or reject resolutions concerning requests to be made to the Federal Chancellor to approve the Economic Council's rules of procedure;
11. to accept the accounts presented by the Director General - Finance.

(6) The Economic Council shall submit to the Federal Chancellor a report pursuant to (5) subsection 2 hereabove stating the manner and scope of its audit of the management of Statistics Austria during the financial year, of the parties who audited the annual accounts and management report and whether the final results of such audits have given rise to any material criticisms.

(7) The Economic Council members referred to in Article 48 (2) subsections 1 and 2 shall have a duty to the Federal Chancellor and the federal ministers who delegated them to inform same of all resolutions passed by the Economic Council.

## **Section Five Government supervision**

### **Supervisory authority**

**Article 53.** (1) Statistics Austria is subject to the supervisory authority of:

1. the federal minister concerned, for duties performed pursuant to Article 23 (1) subsections 1, 3, 5, 7 and 9;
2. the Federal Chancellor in all other matters.

(2) Supervision shall cover

1. compliance with laws and regulations,
2. compliance by Statistics Austria with all statutory duties enjoined on it under this Act, and
3. the Statistics Austria budget.

(3) Subject to the scope of their authorities as set out in (1) and 2) hereabove, the Federal Chancellor and the federal minister concerned may perform controls and view requested documents. In these circumstances, Statistics Austria shall provide all appropriate information, business papers and documents on the matters indicated by the Federal Chancellor or federal minister concerned, carry out any surveys they might order and allow controls to be performed *in situ*.

(4) The Federal Chancellor shall:

1. prepare the annual accounts;
2. accept the accounts prepared by the Director General - Finance and the Economic Council;
3. approve the rules of procedure prepared by the Economic Council;
4. appoint external auditors to audit the annual accounts;
5. approve the budget (Article 39 (2) and (3)) and reimbursements of costs (Article 32);
6. approve business plans pursuant to Article 38 (4).

(5) If approval of the budget is refused by the Federal Chancellor, the management of the Federal Statistical Office shall compile a correspondingly revised budget and after consulting the Economic Council shall submit it to the Federal Chancellor for approval. The Federal Chancellor shall seek the agreement of the Federal Finance Minister before approving the procedural rules of the Economic Council, the budgets and reimbursements of costs.

### **Supervisory proceedings**

**Article 54.** (1) With respect to their responsibilities pursuant to Article 53 (1) to (3) hereabove, the Federal Chancellor and the responsible federal minister shall, via notification, overturn decisions taken by bodies of Statistics Austria, refuse approval for decisions requiring approval or prohibit implementation of decisions if the decision concerned:

1. was passed by a Statistics Austria body that had no authority so to do, or
2. is in breach of applicable laws or regulations.

(2) In the event of subsection 1 hereabove, the Statistics Austria bodies shall immediately take all legal steps at their disposal to ensure re-establishment of the legal *status quo* as understood by the Federal Chancellor and the federal minister.

(3) The bodies involved shall be parties to any supervisory proceedings.

(4) Resolutions forming the basis for formal supervisory proceedings may not be implemented while such proceedings are in progress.

### **Section Six**

#### **Transfer of Austrian Central Statistics Office staff**

##### **Civil servants, the Austrian Central Statistics Office**

**Article 55.** (1) The Austrian Central Statistics Office is established for civil servants pursuant to (2) hereunder. Said Office is a public authority under the Federal Chancellery and is managed by the Director General - Finance of Statistics Austria, who in this capacity reports to the Federal Chancellor.

(2) Civil servants of the Federal Government holding a permanent position with the Austrian Central Statistics Office the day prior to the universal succession referred to in Article 33 (1) hereabove, as of the universal succession date shall belong to the Austrian Central Statistics Office pursuant to (1) hereabove for the term of their service and are seconded to Statistics Austria, unless they are seconded to a subsidiary of Statistics Austria or seconded or relocated to another federal office. Civil servants holding a permanent position at the Austrian Central Statistics Office at this time, having been transferred from a permanent position with another federal office, shall be deemed transferred to the Office at the time of universal succession.

(3) Civil servants pursuant to (2) hereabove who resign from the federal service within five years of the universal succession may be employed by Statistics Austria under the conditions then applying to new employees, with effect from the first day of the month following their resignation. Seniority acquired with the Federal Government shall then apply to all time- related claims. Article 56 (3) hereunder shall also apply to these employees.

(4) The *Arbeitsverfassungsgesetz*<sup>75</sup>, *BGB*<sup>76</sup>l. No. 22/1974 and the *ArbeitnehmerInnenschutzgesetz*<sup>77</sup>, *BGBI*<sup>78</sup>. No. 450/1994 shall apply to civil servants pursuant to (2) hereabove.

(5) In the case of civil servants pursuant to (2) hereabove, Statistics Austria shall repay to the Federal Government all associated salaries and supplementary expenses and shall contribute to their pensions. Said contribution shall be 31 per cent of salary. Salaries shall be understood as all cash payments used to calculate a pension contribution. Pension contributions shall be understood as those relating to civil service pension schemes. In the event of change in the level of federal civil service pension contributions pursuant to Article 22 of the *Gehaltsgesetz 1956*<sup>79</sup>, *BGBI*<sup>80</sup>. No. 54, the contribution, in percentage terms, shall vary accordingly. Any transfer contributions paid by insurance companies after universal succession pursuant to Article 33 (1) shall be transferred to the Federal Government immediately and in their entirety. All other payments by Statistics Austria to the Federal Government shall fall due on the 10th of the month concerned.

(6) Article 15 (4) final sentence of the *Bundes-Personalvertretungsgesetz*<sup>81</sup>, *BGBI*<sup>82</sup> No. 133/1967 applies to civil servants pursuant to (2).

(7) (1) to (6) hereabove do not apply to civil servants whose workplace on the day prior to universal succession pursuant to Article 33 (1) is the Data Processing Register

### Contract staff

**Article 56.** (1) Contract staff holding a permanent position with the Austrian Central Statistics Office under contract to the Federal Government on the day prior to universal succession pursuant to Article 33 (1), shall become Statistics Austria employees at universal succession. The Federal Government shall subrogate its rights and obligations to contract staff to Statistics Austria. The service and salary rights of the *Vertragsbedienstetengesetz 1948*<sup>83</sup>, *BGBI*<sup>84</sup> No. 86 in the then current version in particular shall remain applicable to such staff; special contract rules pursuant to Article 36 of the *Vertragsbedienstetengesetz 1948*<sup>85</sup> shall no longer be allowed.

(2) Employees pursuant to (1) hereabove who, within one year of the entry into effect of the collective agreement applicable to new staff or of a business unit or individual agreement based on same, state that they wish to resign from their position pursuant to (1) of the legal provisions still applicable to them, shall be entitled to immediate employment by Statistics Austria on the conditions applicable to new staff. In such cases there will be no right to severance pay. Seniority acquired during the previous period of service shall be taken into account when calculating all time-related claims.

(3) Employees pursuant to (1) hereabove shall be provided with official residences on the same conditions as civil servants. No title to such official residences will therefore be

---

<sup>75</sup> Constitutional Labour Act

<sup>76</sup> Federal Law Gazette

<sup>77</sup> Protection of Labour Act

<sup>78</sup> Federal Law Gazette

<sup>79</sup> 1956 Salaries Act

<sup>80</sup> Federal Law Gazette

<sup>81</sup> Federal Staff Representation Act

<sup>82</sup> Federal Law Gazette

<sup>83</sup> 1948 Contracted Government Employees Act

<sup>84</sup> Federal Law Gazette

<sup>85</sup> 1948 Contracted Government Employees Act

created and Article 80 of the *Beamtendienstrechtsgesetz 1979*<sup>86</sup>, *BGBI.*<sup>87</sup> No. 333 and Articles 24a to 24c of the *Gehaltsgesetz 1956*<sup>88</sup> shall continue to apply by analogy. The rights of the employer set out in Article 80 of the *Beamtendienstrechtsgesetz 1979*<sup>89</sup> shall lie with the Federal Chancellor.

(4) If employees pursuant to (1) move from being Statistics Austria employees to being Federal Government employees, their service with Statistics Austria shall be deemed service with the Federal Government.

(5) The entitlements to severance and anniversary bonuses of employees pursuant to (1) hereabove shall be paid by Statistics Austria.

(6) The Federal Government's liability to pay staff pursuant to (1) shall be deemed a deficiency guarantee (Article 1356 of the *Allgemeines Bürgerliches Gesetzbuch*<sup>90</sup>). Liability shall be limited to the amount due to the aforementioned staff in respect of their employment to date at the day prior to universal succession pursuant to Article 33 (1) hereabove based on their assignment, including service seniority, at that date, and all normal increments and general increases in Federal Government pay.

(7) (1) to (6) hereabove do not apply to staff whose workplace on the day prior to universal succession pursuant to Article 33 (1) is the Data Processing Register.

### **Federal Government claims against staff**

**Article 57.** Federal Government claims against staff who, pursuant to Article 55 (3) and Article 56 (1), become Statistics Austria employees shall, upon said transfer, be assigned to Statistics Austria, which shall refund the aforesaid claims to the Federal Government.

### **Application of the *Bundes-Gleichbehandlungsgesetz*<sup>91</sup>**

**Article 58.** The *Bundes-Gleichbehandlungsgesetz*<sup>92</sup>, *BGBI.* No. 100/1993 applies by analogy to Statistics Austria employees.<sup>93</sup>

### **Representation of the interests of Statistics Austria employees**

**Article 59.** During the effective period of this Act, the *Dienststellenausschuss*<sup>94</sup> of the Austrian Statistics Office shall act as the Statistics Austria Works Council within the meaning of the *Arbeitsverfassungsgesetz*<sup>95</sup>, *BGBI.*<sup>96</sup> No. 22/1974.

## **Section Seven Other provisions**

### **Exemption from tax**

---

<sup>86</sup> 1979 Civil Servants Act

<sup>87</sup> Federal Law Gazette

<sup>88</sup> 1956 Salaries Act

<sup>89</sup> 1979 Civil Servants Act

<sup>90</sup> General Civil Code

<sup>91</sup> Federal Law on Equal Treatment

<sup>92</sup> Federal Law on Equal Treatment

<sup>93</sup> Federal Law Gazette

<sup>94</sup> Works Council for civil servants

<sup>95</sup> Constitutional Labour Act

<sup>96</sup> Federal Law Gazette

**Article 60.** (1) Statistics Austria is an official business unit within the meaning of Article 2 (5) of the *Körperschaftssteuergesetz 1988*<sup>97</sup>, *BGB*<sup>98</sup>. No. 401. All tax and duty relief allowed to the Federal Government under federal law also applies to Statistics Austria so long as such relief relates to the statutory activities of Statistics Austria. Statistics Austria is exempt from payment of administrative, court and administration of justice tax.

(2) Applications and powers of attorney required for proceedings brought under this Federal Act are not subject to stamp duty.

### **Regulations governing the award of contracts**

**Article 61.** When awarding contracts, Statistics Austria shall apply the *Bundesvergabegesetz*<sup>99</sup> 1997, BGBl.<sup>100</sup> I No.56.

### **Collective contract ability**

**Article 62.** (1) As employer, Statistics Austria may conclude a collective contract for its employees.

(2) The Director General - Finance shall immediately commence negotiations to ensure that by 31 December 2000 a collective contract applying to persons starting employment with Statistics Austria as of 1 January 2000 has been executed.

(3) Collective contracts and company agreements do not apply to staff within the meaning of Article 56 (1).

(4) Prior to the effective date of the collective contract pursuant to (2) hereabove, all new Statistics Austria staff, with the exception of senior officers, shall be remunerated pursuant to the *Vertragsbedienstetengesetz 1948*<sup>101</sup>. Article 56 (2) applies to such staff by analogy.

## **Chapter Three Technical subcommittees, Economic Court**

### **Establishment**

**Article 63.** (1) Technical subcommittees corresponding to the departments of Statistics Austria shall be established within Statistics Austria by the Director General - Statistics of Statistics Austria.

(2) Each technical subcommittee shall comprise:

1. representatives from the subject-specific offices concerned (Federal Chancellery, federal ministries, the Court of Auditors, provincial government bodies, the Austrian Central Bank, the Austrian Economic Chamber, the Presidential Conference of Austrian Chambers of Agriculture, the Federal Chamber of Labour, the Austrian Trade Union Federation, the Federal Conference of Chambers of Freelance Workers, the Congress of Austrian Chambers of Agricultural Labour, the Austrian Association of Cities and Towns, the Austrian

---

<sup>97</sup> 1988 Corporation Tax Act

<sup>98</sup> Federal Law Gazette

<sup>99</sup> 1997 Federal Award of Contract Act

<sup>100</sup> Federal Law Gazette

<sup>101</sup> 1948 Contracted Government Employees Act

Association of Municipalities);

2. the required number of practising experts in the appropriate field;
3. the subject-specific experts sitting on the Economic Court invited to provide advice at particular technical subcommittee meetings.

(3) The members pursuant to (2) subsection 1 hereabove shall be delegated by the office concerned, the members pursuant to (2) subsection 2 hereabove by the Director General - Statistics of Statistics Austria. An alternate member shall be appointed or delegated for every member. The Federal Chancellor shall appoint the necessary number of members to the Economic Court from among the most suitable economic experts. The responsible federal minister and the Austrian Economic Chamber may submit nominations for Economic Court positions.

(4) Membership of the technical subcommittees and the Economic Court shall end if the member concerned is dismissed, dies or resigns voluntarily. Members (alternate members) pursuant to (2) subsection 1 hereabove shall be dismissed by the delegating office, members pursuant to (2) subsection 2 hereabove by the Director General - Statistics of Statistics Austria, and members of the Economic Court by the Federal Chancellor.

(5) The technical subcommittees shall be chaired by the Director General - Statistics of Statistics Austria or by a servant of Statistics Austria appointed by him.

(6) Membership of the Economic Court and the technical subcommittees is an unpaid honorary position that carries no entitlement to reimbursement of expenses. Members of the Economic Court may style themselves "*Kommerzialrat für die Statistik*" (commercial statistics advisor) for the duration of their membership.

### **Duties**

**Article 64.** (1) The task of the technical subcommittees is to advise the federal ministries, the Federal Statistics bodies and Statistics Austria on technical matters relating to federal statistics.

### **Rules of procedure, material requirements and administration**

**Article 65.** (1) Statistics Austria shall bear the cost of the material requirements and administration of the technical subcommittees.

(2) The Federal Chancellor shall issue more detailed provisions concerning the composition of the technical subcommittees and the rules of procedure of the technical subcommittees.

## **Chapter Four Criminal provisions**

### **Administrative offences**

**Article 66.** (1) Failure to comply with the obligations to co-operate set out in Articles 9 and 10 and in Article 25a (3) hereabove, and the giving of deliberately incomplete statements or statements that are not to the best of the respondent's knowledge in answer to interviewing pursuant to Article 9 or Article 25a (3) hereabove, are administrative offences subject to a fine of up to EUR 2 180.

(2) Paragraph (1) hereabove does not apply if the offence has been committed by any local or regional authority body. If an offence by such a body is suspected, and if a federal or

provincial body is concerned, the body to which the suspected body ultimately reports (Article 20 first sentence of *B-VG*<sup>102</sup>) shall be informed, and in all other cases the supervisory authority shall be informed.

### **Administrative jurisdiction**

**Article 67.** In the first instance, the district administrative authority of the place in which the respondent or person with a duty to co-operate has his/her primary residence (in there is no primary residence any other residence) shall have jurisdiction in the event of offences within the meaning of Article 66 (1) hereabove. Should the party obliged to co-operate or the respondent be a legal personality, commercial law business partnership or registered commercial company or undertaking, geographic jurisdiction shall depend on the location of their registered office, or if there is none, on the location in which they carry out their main business.

## **Chapter Five Transition and final clauses**

### **Differentiation from other regulations**

**Article 68.** (1) The Agreement according to Article 15a of the *B-VG*<sup>103</sup> between the Federal Government and the provinces on co-operation in the area of statistics, *BGBI*<sup>104</sup>. No. 408/1985 is unaffected unless otherwise provided by this Federal Act.

(2) The regulations in other Federal Acts on the compilation of statistics are unaffected.

### **Services provided by Bundesrechenzentrum GmbH**

**Article 69.** Bundesrechenzentrum GmbH, which was incorporated pursuant to *BGBI*.<sup>105</sup> No. 757/1996, shall continue to provide the Austrian Central Statistics Office with services for a fee and if the latter so requires up to the time of universal succession pursuant to Article 33 (1) hereabove. This obligation shall expire on 31 December 2004.

### **Preparatory measures**

**Article 70.** From the day following the public announcement of this Federal Act, all measures that have not already been undertaken shall be undertaken to ensure performance of the duties enjoined on Statistics Austria by this Federal Act. The management of Statistics Austria and the members of its Economic and Statistics Councils shall also be appointed in time to allow them to take up their positions on 1 January 2000.

### **Reference to other legal provisions**

**Article 71.** (1) References in this Federal Act to other federal acts are to current versions of such acts.

(2) Regulations in the *Bundesstatistikgesetz 1965*<sup>106</sup>, *BGBI*.<sup>107</sup> No. 91/1965 referred to

---

<sup>102</sup> Federal Constitutional Act

<sup>103</sup> Federal Constitutional Act

<sup>104</sup> Federal Law Gazette

<sup>105</sup> Federal Law Gazette

<sup>106</sup> 1965 Federal Statistics Act

<sup>107</sup> Federal Law Gazette

by federal law provisions shall be replaced by the corresponding regulations in this Federal Act.

### References to physical persons

**Article 72.** References to physical persons in this Federal Act shall apply to both men and women.

### Entry into force, transition clauses

**Article 73.** (1) This Federal Act enters into force on 1 January 2000.

(2) Upon entry into force of this Federal Act, the effect of *Bundesstatistikgesetz 1965*<sup>108</sup>, BGBl<sup>109</sup>. No. 91 ceases.

(3) Regulation BGBl<sup>110</sup>. No. 31/1966 on the Central Statistical Commission and the technical subcommittees is deemed a regulation pursuant to Article 65 (2) hereabove. Members and alternate members of the Central Statistical Commission and technical subcommittee members at the effective date of this Federal Act are deemed appointed under this Federal Act.

(4) Article 32 (5) and (6) No.3 and Article 66 (1) as amended by *BGBl.*<sup>111</sup> I No. 136/2001 shall enter into force on 1 January 2002.

(5) Article 5 (2), Article 8 (2), Article 32 (3) to (5), (7) and (8), Article 73 (3), (7) and (9), Article 74 No. 9 and Annex II as amended by Federal Act *BGBl*<sup>112</sup>. I No. 71/2003 shall enter into force on 1 January 2003. On 31 March 2004, the *Bundesgesetz über den Beirat für die Statistik des Außenhandels beim Österreichischen Statistischen Zentralamt*<sup>113</sup>, *BGBl.*<sup>114</sup> No. 11/1947 shall cease to have effect. Members of the *Beirat für die Statistik des Aussenhandels*<sup>115</sup> at 31 March 2004 shall become members of the Economic Council.”

(6) The function of the member delegated for the first time by the Minister for Health, Family and Youth to the Statistics Council according to Article 44 (2) No. 2 as amended by BGBl. I Nr. 62/2007 ends, deviating from Article 44 (3), with the current term of office.

(7) Article 3 subsection 20, Articles 4, 5, 10, 15, 16, 21, 25, 25a, 26, 28, 30, 32, 39 and 47 and Chapter Three as amended by Federal Act *BGBl*<sup>116</sup> No. 125/2009 shall enter into force on 1 January 2010. In the context thereof, the following shall additionally apply:

1. For the purposes of the initial completion of the register pursuant to Articles 25 and 25a hereabove the existing registers held by Statistics Austria concerning statistical units and the enterprise data of the Federal Government taxation authorities that must transmit same to Statistics Austria without delay on its request may be also used;
2. Statistics Austria shall grant the operator of the Corporate Service Portal online access on 1 January 2010 pursuant to Article 25 (6) hereabove;
3. The proprietors of the administrative data pursuant to Article 25 (2) and Article 25a (2)

---

<sup>108</sup> 1965 Federal Statistics Act

<sup>109</sup> Federal Law Gazette

<sup>110</sup> Federal Law Gazette

<sup>111</sup> Federal Law Gazette

<sup>112</sup> Federal Law Gazette

<sup>113</sup> Federal Law on the Advisory Committee for Foreign Trade Statistics installed with the Austrian Central Statistics Office

<sup>114</sup> Federal Law Gazette

<sup>115</sup> Advisory Committee for Foreign Trade Statistics

<sup>116</sup> Federal Law Gazette

hereabove shall establish the technical prerequisites for transmission of the data by means of the interface defined by Statistics Austria or the provided online application by 31 December 2010 at the latest;

4. Statistics Austria shall provide general online access pursuant to Article 25 (6) hereabove by 1 January 2011 at the latest;
5. The regulation concerning the Central Statistical Commission and the technical subcommittees, *BGBI*<sup>117</sup>. No. 31/1966, shall continue to apply with reference to the technical subcommittees pursuant to Article 65 (2) hereabove;
6. The currently appointed members of the technical subcommittees and the Economic Court shall be deemed appointed pursuant to Article 63 (3) hereabove.

(8) Article 6 (4), Article 28 (3), Article 32 (6), Article 46 (4) and (5), Article 66 (1), Article 74 (1) and Annex II as amended by the 2011 *Budgetbegleitgesetz*<sup>118</sup>, *BGBI*<sup>119</sup> No. 111/2010 shall enter into force on 1 January 2011.

(9) The table of contents, Article 32a including heading, Article 43 and Article 55 (1) as amended by the 2014 *Budgetbegleitgesetz*<sup>120</sup>, *BGBI*<sup>121</sup> I No. 40/2014 shall enter into force at the end of the day of the announcement. In 2014 the fixed amount pursuant to Article 32 (5) shall be EUR 43.391 million instead of EUR 50.391 million.

(10) The table of contents, Article 3 subsections 3 and 15, Article 4 par. 3 No. 8, the title to Article 5, Article 5 par. 1, 2 and 6, Article 8 par. 2, Article 15 together with the title, Article 17 par. 1, 2 and 3, Article 24 No. 7, Article 25a par. 1 and 3, Article 26 par. 1, Article 27 par. 2 and 3, Article 31 and Article 68 par. 1 in the version of the *Materien-Datenschutz-Anpassungsgesetz 2018*, *BGBI*<sup>122</sup>. I No. 32/2018, shall enter into force on 25 May 2018.

(11) Article 32 par. 5 in the version of the *Budgetbegleitgesetz*<sup>123</sup> 2018/2019, *BGBI*<sup>124</sup> I No. 30/2018, shall enter into force on 1 January 2019.

(12) Article 3 subsections 3, 15 and 17a, Article 6(1) and (3), Article 9 subsection 3, Article 10(1) and (5), Article 14(1), Article 16(3), Article 19(2), Article 23(1) subsections 7, 10 and 11, Article 23(2), Article 24 subsections 6 and 7, Article 25, Article 26(1), including an entry in the Table of Contents, Article 31, Articles 31a-31d including entries in the Table of Contents, Article 32(4) subsection 2 and paragraph (7), Article 38(1) and (2), Article 39(3) including an entry in the Table of Contents, Article 42(1) and (3), Article 44(2) subsection 2 and paragraphs (3), (9) and (10), Article 47(3) and (6), Article 48(2) subsection 2 and paragraph (3), Article 53(4) subsection 5 and paragraph (5), Annex I subsections 4 and 15, as amended in the Federal Act *BGBI*. I No. 205/2021, shall take effect on 1 January 2022. The Federal Statistical Office shall start the operation of the Austrian Micro Data Centre at the latest by 1 July 2022.

(13) Article 32 par. 5 in the version of the *Budgetbegleitgesetz*<sup>125</sup> 2023, *BGBI*<sup>126</sup> I No. 185/2022, shall enter into force on 1 January 2023.

---

<sup>117</sup> Federal Law Gazette

<sup>118</sup> Supplementary Budget Act

<sup>119</sup> Federal Law Gazette

<sup>120</sup> Supplementary Budget Act

<sup>121</sup> Federal Law Gazette

<sup>122</sup> Federal Law Gazette

<sup>123</sup> Supplementary Budget Act

<sup>124</sup> Federal Law Gazette

<sup>125</sup> Supplementary Budget Act

<sup>126</sup> Federal Law Gazette

## Implementation

**Article 74.** The following shall ensure implementation of this Federal Act:

1. the Federal Chancellor for Articles 23 to 31, Article 32 (1) to (3), (9) to (11) and (13), Articles 36 to 38, Article 39 (1) to (6) and (8), Articles 40 to 43, Article 44 (1) (2) subsection 1 and (5) to (8),  
Articles 45 to 47, Article 48 (1) (2) subsection 1, (5) to (9), Articles 50 to 52, Article 53 (1) subsection 2,  
Article 55, Article 56 (1) to (5) and (7), Article 57, Article 61, Article 63 (1) (2) subsection 1, 2, 4 and 5  
(3) subsection 2, (6) and (7), Article 64 and 65, Articles 68 to 72;
2. the Federal Finance Minister for Article 35 and Article 60 (1) and (2) unless court fees and fees relating to the administration of justice or federal administrative taxes are concerned;
3. the Federal Justice Minister for Article 17 (3) and (4) and Article 60 (2) where court fees and fees relating to the administration of justice are concerned;
4. the Federal Labour, Health and Social Security Minister for Articles 58, 59 and 62 (1);
5. the Federal Chancellor in consultation with the Federal Finance Minister for Article 32 (4) subsection 3, (5) to (8), Article 39 (7) and Article 53 (5);
6. the Federal Finance Minister in consultation with the Federal Chancellor for Article 33 and Article 56 (6);
7. the Federal Finance Minister in consultation with the Federal Chancellor and the Federal Minister for Economic Affairs for Article 34;
8. the responsible federal minister in consultation with the Federal Chancellor for Article 8 (1) last sentence;
9. the responsible federal minister in consultation with the Federal Chancellor and with the Federal Finance Minister for Article 11 (4) second sentence and Article 32 (4) subsections 1 and 2 and (12);
10. the Federal Government for Article 19 (1) last sentence and Article 47 (3);
11. the Federal Chancellor or the responsible federal minister for the remainder.

**Annex I****SUBJECT**

1. Population
2. Education
3. Culture
4. Labour market and businesses
5. Income, consumption and assets not including financial assets
6. Social welfare
7. Buildings
8. Agriculture and forestry, hunting and fishery
9. Status, development and basis for non-agricultural industry
10. Prices
11. Science, research, innovation, technology and information technology
12. Tourism
13. Inland navigation
14. Water supply and waste water disposal
15. Climate protection, environment and energy
16. Budget
17. Taxes and values for tax purposes
18. Accounts

**Annex II**

**Survey/Statistics**

**Periodicity**

Agricultural structure survey (sample)	every 2 years
Agricultural structure survey (full survey)	every 10 years
General livestock census (sample)	annual
General livestock census (full survey)	every 10 years
Crops on arable land	annual
Aquacultures	annual
EXTRASTAT foreign trade statistics	monthly
INTRASTAT foreign trade statistics	monthly
Construction cost index for residential houses and areas	monthly
Construction cost index for structural and civil engineering	quarterly
Expert opinion pursuant to Article 57a of 1967 <i>Kraftfahrzeuggesetz</i> <sup>97</sup>	annual until 2012
Car stock and licenses	monthly
Current demography and population forecasts	annual
Education statistics	annual
Canvas of (university/college) first-year students and graduates	ongoing
Inland navigation statistics	monthly
Summary of demographic data	annual
Demographic tables	annual
Energy statistics: energy accounts	annual
Survey of energy in the manufacturing sector	every 2 years
Micro census: special programme - home use	every 2 years
Survey of fruit orchards	every 5 years Yield
Crop survey (crop report)	monthly Income
Employment statistics: employment, jobs, social security	monthly
Co-ordinated employment statistics	annual
Manufacturers' price index for material goods	monthly
European labour cost survey	every 4 years
European pay structure survey	every 4 years
European Labour Cost Index (LCI)	quarterly
Research and development statistics (R&D) - the business sector (company R&D)	every 2 years
Research and development statistics (R&D) – all sectors of the national economy (except the business sector, company R&D)	every 2 years
Research and development statistics (R&D) – annual assessments	annual
Animal feed accounts	annual
Budget statistics – public sector	annual
Building and housing statistics	quarterly
Poultry production	monthly
Criminal law statistics	annual
Wholesale price index	monthly
Use of goods in the manufacturing sector	annual
Harmonised consumer price index	ongoing: monthly Auditing: every 5 years
Capital goods price index	ongoing
Hunting statistics	annual
Economic survey manufacturing	monthly
Economic survey services - wholesale and retail trade	monthly
Other Economic survey services	quarterly
Consumer survey	every 5 years

---

<sup>97</sup> Road Travel Act

Health events (hospital discharge statistics)	annual
Cancer statistics (cancer register)	annual
Agricultural and forestry producer prices	monthly
Agricultural and forestry accounts	annual
Ongoing income statistics	annual
Service and structural surveys	annual
Driving licenses	annual
LFBIS (=Agricultural and forestry business information system)	ongoing
Air traffic statistics	monthly
Milk production and use	monthly
Micro census: basic programme	quarterly
Micro census: special programme Labour Force survey	annual
Micro census: Labour Force survey - ad hoc module	annual
Natural population change including causes of death	monthly
Environmental highlight statistics	quarterly
Manufacturing indices	monthly
Productivity indices	monthly
Territorial breakdowns for the interpretation of statistics	ongoing
<u>Registers:</u>	
Companies Register (Article 25)	being set up
Register of statistical units (Article 25a)	ongoing
INTRASTAT companies register	ongoing
Register of buildings and dwellings	ongoing
Agricultural and forestry register	ongoing
Reporting requirements database pursuant to Article 6 USPG	being set
Population Census, Census of Local Units, Buildings and Dwellings Census 2011	being conducted
Population Census, Census of Local Units, Buildings and Dwellings Census 2021 (preparation)	ongoing
Cattle census (samples)	semi-annual
Rail freight statistics	monthly
Slaughter statistics (weights at slaughter, meat obtained, slaughter nos.)	monthly
Pig census (samples)	semi-annual
Limited companies' statistics	annual
Statistical classifications	ongoing
Tax statistics	annual
Road haulage statistics	quarterly
Index of agreed minimum wages and salaries	ongoing: monthly Auditing: every 10 years
Tourism statistics: beds	annual
Tourism statistics: Arrivals and overnight stays	monthly
Tourism statistics: Micro census special programme - Austrian holiday travel	annual
Tourism statistics: Austrian holiday and business travel	quarterly
National accounts:	
Annual accounts	annual
Quarterly accounts	quarterly
Input/output statistics	annual
EU computational basis for own resources	annual
Regional accounts and indicators	annual/ad hoc
National sector accounts and the general government sector	quarterly/semi-annual/annual
accounts of general government – quarterly accounts	Sector quarterly
Maastricht indicators	semi-annual
Migration statistics taken from the CRO (central registration office)	annual

Grape harvest, wine stocks	monthly
Basic vineyard survey	every 10 years
Interim vineyard survey	annual
Residential housing building costs, residential housing financing	annual