The Austrian Federal Constitutional Law and International Law
(as of 1 July 2021)

Art. 3. (1) The Federal territory comprises the territories of the Federal Laender.
(2) State treaties changing the Federal boundaries may only be concluded with the approval of the Laender affected.

Art. 6. (1) For the Republic of Austria there prevails a uniform nationality.
(2) Nationals are citizens of the Land where they have their principal domicile; Land laws can however stipulate that also nationals who have a domicile, but not their principal domicile, in the Land are citizens of that Land.

Art. 8. (1) German is the official language of the Republic without prejudice to the rights provided by Federal law for linguistic minorities.
(2) The Republic (Federation, Laender and municipalities) subscribe to its linguistic and cultural multiplicity having grown, expressed in the autochthonous ethnic groups. Language and culture, existence and preservation of these ethnic groups are to be respected, safeguarded and to be supported.

Art. 9. (1) The generally recognized rules of international law are regarded as integral parts of Federal law.
(2) By Law or state treaty having been approved according to Art. 50 para 1 may be transferred specific Federal competences to other states or intergovernmental organizations. The same way the activity of agents of foreign states or intergovernmental organizations inside Austria and the activity of Austrian agents abroad may be regulated as well as the transfer of single Federal competences of other states or intergovernmental organizations to Austrian agents be provided for. Within this frame it may be provided for that Austrian agents shall be subject to the authority of agents of other states or intergovernmental organizations or such be subject to the authority of Austrian agents.

Art. 9a. (1) Austria subscribes to comprehensive national defence. Its task is to preserve the Federal territory's outside independence as well as its inviolability and its unity, especially as regards the maintenance and defence of permanent neutrality. In this connection, too, the constitutional establishments and their capacity to function as well as the democratic freedoms of residents are to be safeguarded and defended against acts of aimed attack from outside.

Art. 10. (1) The Federation has powers of legislation and execution in the following matters:
1. the Federal Constitution, in particular elections to the National Council, and referenda as provided by the Federal Constitution; the Constitutional Court; the Administrative Court with the exception of the organization of the administrative courts in the Laender;
2. external affairs including political and economic representation with regard to other countries, in particular the conclusion of international treaties, notwithstanding Laender competence in accordance with Art. 16 para 1; demarcation of frontiers; trade in goods and livestock with other countries; customs;
3. regulation and control of entry into and exit from the Federal territory; immigration and emigration including the right to stay because of reasons worth of consideration; passports; residence prohibition, expulsion and deportation; asylum; extradition

7. the maintenance of peace, order and security including the extension of primary assistance in general, but excluding local public safety matters; the right of association and assembly; matters pertaining to personal status, including the registration of births, marriages and deaths, and change of name; aliens police and residence registration; matters pertaining to weapons, ammunition and explosives, and the use of fire-arms;

Art. 15. (1) In so far as a matter is not expressly assigned by the Federal Constitution to the Federation for legislation or also execution, it remains within the Laender's autonomous sphere of competence.
(2) In matters of local public security administration, that is that part of public security administration which exclusively or preponderantly affects the interests of the local community personified by the municipality and which, like preservation of public decency and defence against the improper creation of noise, can suitably be undertaken by the community within its local boundaries, the Federation has authority to supervise the conduct
of these matters by the municipality and to redress any observed shortcomings by instructions to the Governor (Art. 103). Inspectoral authorities of the Federation can for this purpose be delegated to the municipality; in each and every case the Governor shall be informed hereof.

Art. 15a. (1) The Federation and the Laender may conclude agreements among themselves about matters within their respective sphere of competence. The conclusion of such agreements in the name of the Federation is, depending on the subject, incumbent on the Federal Government or the Federal Ministers. Agreements which are to be binding also on the authorities of the Federal legislature can be concluded by the Federal Government only with the approval of the National Council. Art. 50 para 3 shall by analogy be applied to such resolutions of the National Council; they shall be published in the Federal Law Gazette.

(2) Agreements between the Laender can only be made about matters pertaining to their autonomous sphere of competence and must without delay be brought to the Federal Government's knowledge.

(3) The principles of international law concerning treaties shall apply to agreements within the meaning of para 1 above. The same holds good for agreements within the meaning of para 2 above save as provided otherwise by corresponding constitutional laws of the Laender in question.

Art. 16. (1) In matters within their own sphere of competence the Laender can conclude treaties with states, or their constituent states, bordering on Austria.

(2) The Governor must inform the Federal Government before the initiation of negotiations about such a treaty. The Federal Government's approval must be obtained by the Governor before their conclusion. The approval is deemed to have been given if the Federal Government has not within eight weeks from the day that the request for approval has reached the Federal Chancellery told the Governor that approval is withheld. The authorization to initiate negotiations and to conclude the treaty is incumbent on the Federal President after the recommendation of the Land Government and with the countersignature of the Governor.

(3) Treaties concluded by a Land in accordance with para 1 above shall be revoked upon request by the Federal Government. If a Land does not duly comply with this obligation, competence in the matter passes to the Federation.

(4) The Laender are bound to take measures which within their autonomous sphere of competence become necessary for the implementation of international treaties; should a Land fail to comply punctually with this obligation, competence for such measures, in particular for the issue of the necessary laws, passes to the Federation. A measure taken by the Federation pursuant to this provision, in particular the issue of such a law or the issue of such an ordinance becomes invalid as soon as the Land has taken the requisite action.

(5) In the same way the Federation is in the case of implementation of international treaties entitled to supervision also in such matters as belong to the Laenders' own sphere of competence. The powers vested in the Federation as against the Laender are in this instance the same as in matters pertaining to indirect Federal administration (Art. 102).

Art. 18. (1) The entire public administration shall be based on law.

(2) Each administrative authority is entitled to issue decrees based on laws and within its sphere of competence.

B. European Union

Art. 23a. (1) The members of the European Parliament shall in Austria be elected in accordance with the principles of proportional representation on the basis of equal, direct, personal, free and secret suffrage be men and women who have completed their sixteenth year of life on the day of election and on the day appointed for election are either endowed with Austrian nationality and not excluded from suffrage under the provisos of European Union law or endowed with the nationality of another member state of the European Union and qualified to vote under the provisos of European Union Law.

(2) Federal territory constitutes for elections to the European Parliament a single electoral body.

(3) Eligible for election are all those in Austria entitled to vote for the European Parliament having completed their eighteen year of life on the day of election.

(4) Art. 26 para 5 to 8 is to be applied accordingly.

(5) (Note: Repealed by F.L.G. I No. 27/2007)

(6) (Note: Repealed by F.L.G. I No. 27/2007)

Art. 23b. (1) Public employees who seek a seat in the European Parliament shall be granted the time necessary for the canvassing of votes. Public employees who have been elected to membership of the European Parliament shall for the duration of their duties be suspended from office accompanied by loss of their emoluments. The detailed provisions will be settled by law.
(2) University teachers can continue their activity in research and teaching and their examination activity also while they belong to the European Parliament. The emoluments for such activity shall be calculated in accordance with the services actually performed, but may not exceed twenty-five per cent of a university teacher's salary.

(3) In so far as this Federal constitutional law stipulates the incompatibility of functions with membership or former membership of the National Council, these functions shall also be incompatible with membership or former membership of the European Parliament.

Art. 23c. (1) The making of the Austrian presentations for the nomination of members of the European Commission, the Court of the European Union, the Court of Auditors, the Economic and Social Committee, the members and their deputies of the Committee of the Regions and the members of the Managing Committee of the European Investment Bank within the framework of the European Union is incumbent upon the Federal Government.

(2) The Federal Government shall inform the National Council and the Federal President on the proposal respecting the members of the European Commission, the Court of the European Union, the Court of Auditors and the Managing Committee of the European Investment Bank. The Federal Government shall reach agreement with the Main Committee of the National Council on its proposals.

(3) The Federal Government shall, as far as the members of the Economic and Social Committee are concerned, seek proposals from the statutory and other professional bodies of the various groups constituting the economic and social community.

(4) The Federal Government shall base the nomination of members of the Committee of the Regions and their deputies on proposals from the Laender as well as from the Austrian Association of Cities and Towns (Austrian Municipal Federation) and the Austrian Association of municipalities (Austrian Communal Federation). In this connection each Land shall propose one member and his/her deputy, the Austrian Association of Cities and Towns and the Austrian Association of municipalities jointly the other representatives and their deputies.

(5) The Federal Government shall inform the National Council of the members named pursuant to paras 3 and 4 above. The Federal Government shall inform the Federal Council of the members named pursuant to paras 2, 3 and 4 above.

Art. 23d. (1) The Federation must inform the Laender without delay regarding all projects within the framework of the European Union which affect the Laender's autonomous sphere of competence or could otherwise be of interest to them and it must give them the opportunity to present their views. Such comments shall be addressed to the Federal Chancellery. The same holds good for the municipalities in so far as their own sphere of competence or other important interests of the municipalities are affected. Representation of the municipalities is in these matters incumbent on the Austrian Association of Cities and Towns (Austrian Municipal Federation) and the Austrian Association of municipalities (Austrian Communal Federation) (Art. 115 para 3).

(2) Is the Federation in possession of a uniform comment by the Laender on a project within the framework of the European Union where legislation is Land business, the Federation is bound thereby in negotiations with and voting in the European Union. It may deviate therefrom only for compelling foreign and integration policy reasons. The Federation must advise the Laender of these reasons without delay.

(3) In so far as a project within the framework of the European Union affects also matters whose legislation is Land business, the Federal Government can assign to a representative from a government of a Land nominated by the Laender participation the right to participate at the Council's meetings and to lead the negotiations and vote on such project. The exercise of this authority will be effected in co-operation with the competent member of the Federal Government and in agreement with the latter. Para 2 above applies to such a Land representative. In matters pertaining to Federal legislation the Laender representative is responsible to the National Council, in matters pertaining to Land legislation to the Land legislatures in accordance with Art. 142.

(4) The more detailed provisions in respect of paras 1 to 3 above shall be established in an agreement between the Federation and the Laender (Art. 15a para 1).

(5) The Laender are bound to take measures which within their autonomous sphere of competence become necessary for the implementation of legal acts within the framework of the European Union; should a Land fail to comply with this obligation in time and this be established against Austria by the Court of the European Union, the competence for such measures, in particular the issuance of the necessary laws, passes to the Federation. A measure taken by the Federation pursuant to this provision, in particular the issue of such a law or the issue of such an ordinance becomes invalid as soon as the Land has taken the necessary measure.

Art. 23e. (1) The competent member of the Federal Government shall without delay inform the National Council and the Federal Council about all projects within the framework of the European Union and afford them the opportunity to sumit their opinion.

(2) The competent member of the Federal Government shall inform the National Council and the Federal Council on the planned decision of the European Council or Council concerning

1. the move from unanimity to qualified majority of
2. the move from a special legislative procedure to the ordinary legislative procedure
expressly and so early in time that the National Council and the Federal Council can exercise their powers under
this article.

(3) Is the competent member of the Federal Government in possession of an opinion by the National Council
about a project aiming at a directly applicable legal act which bears upon the issuance of federal laws in a
matter ruled by the directly applicable legal act, the member is bound by this opinion during European Union
negotiations and voting. Deviation is only admissible for imperative foreign and integrative policy reasons. If the
competent member of the Federal Government wishes to deviate from this opinion of the National Council, the
National Council shall again be approached. If the project aims at issuing a directly applicable legal act, which
either requires the issuance of Federal constitutional law, or includes rules which can only be set up by such
provisions, a deviation is at all events only admissible if the National Council does not object to it within a
reasonable time. The competent member of the Federal Government shall report to the National Council after the
vote in the European Union without delay. In particular the competent member of the Federal Government shall,
if deviation from an opinion by the National Council has occurred, inform the National Council of the reasons
therefore.

(4) Is the competent member of the Federal Government in possession of an opinion by the Federal Council
about a project aiming at the issuance of a directly applicable legal act in the framework of the European Union
which needs imperatively be implemented by a Federal constitutional law that would restrict the competence of
the Laender in legislation and execution in accordance with Art. 44 para 2, or includes rules which can only be
set up by such provisions, the member is bound by this opinion during European Union negotiations and
voting. Deviation is only admissible for imperative foreign and integrative policy reasons. A deviation is at all
events only admissible if the Federal Council does not object to it within a reasonable time. The competent
member of the Federal Government shall report to the Federal Council after the vote in the European Union
without delay. In particular the competent member of the Federal Government shall, if deviation from an opinion
by the Federal Council has occurred, inform the Federal Council of the reasons therefore.

Art. 23j. (1) Austria takes part in the Common Foreign and Security Policy of the European Union by reason of
Title V Chapter 1 and 2 of the Treaty on European Union, as amended by the Treaty of Lisbon, which in Art. 3
para 5 and in Art. 21 para 1 provides, in particular, for the preservance or respect respectively of the principles of
the Charter of the United Nations. This includes participation in tasks under Article 43 para 1 of this Treaty as
well as in measures whereby the economic or financial relations with one or more third party countries are
suspended, restricted or completely ceased. Art. 50 para 4 is to be applied accordingly to resolutions of the
European Council on a joint defence.

(2) Article 23e para 3 applies accordingly on resolutions within the framework of the Common Foreign and
Security Policy of the European Union by reason of Title V Chapter 2 of the Treaty on the European Union, as
amended by the Treaty of Lisbon.

(3) Voting on decisions concerning the initiation of a mission outside of the European Union, which embraces
tasks of military advice and assistance, tasks of conflict prevention and peace keeping or tasks of combat forces
in crisis management, including peacemaking measures and operations for stabilization after conflicts, as well as
on decisions under Article 42 para 2 of the Treaty on the European Union, as amended by the Treaty of Lisbon,
concerning the progressive framing of a common defence policy requires the agreement between the Federal
Chancellor and the Federal Minister in charge of Foreign Affairs.

(4) If the decision to be adopted is likely to entail an obligation for Austria to dispatch units or individual
persons, measures to be taken in accordance with para 3 may be approved only with the reservation that this still
requires the conduct of the procedure provided for under constitutional law governing the dispatch of units or
individual persons to other countries.

Art. 49. (1) Federal laws shall be published by the Federal Chancellor in the Federal Law Gazette. Unless
explicitly provided otherwise, their entry into force begins with expiry of the day of their publication and it
extends to the entire Federal territory.

(2) The state treaties approved according to Art. 50 para 1 are to be published by the Federal Chancellor in the
Federal Law Gazette. If a state treaty, according to Art. 50 para 1 number 1, has been authentically laid down in
more than two languages, it is sufficient, if
1. two authentic language versions and one translation into the German language,
2. if, however, the German language version is authentic, that this version and another authentic language
version are published. The National Council can on the occasion of the approval of state treaties pursuant to
Art.50 para 1 resolve in which other way the publication of the state treaty or single parts exactly to be specified
shall take place; such resolutions of the National Council are to be published by the Federal Chancellor in the
Federal Law Gazette. Unless explicitly provided otherwise, state treaties approved according to Art. 50 para 1 enter into force upon expiry of the day of its publication - in the case of the third phrase upon expiry of the date of proclamation of the resolution of the National Council - and extend to the entire Federal territory; this does not apply to state treaties to be implemented by passing laws (Art. 50 para 2 number 4).

(3) Announcements in the Federal Law Gazette and according to para 2 second phrase must be accessible to the general public and be ascertained completely and forever in the published form.

(4) The detailed provisions on the proclamation on the Federal Law Gazette shall be made by Federal Law.

Art. 49a. (1) The Federal Chancellor is empowered jointly with the competent Federal Ministers to restate Federal laws, with the exception of this Law, and state treaties published in the Federal Law Gazette in their valid version by proclamation in the Federal Law Gazette.

(2) In the proclamation on the republication
1. obsolete terminological expressions can be rectified and outdated spelling assimilated to the new manner of writing;
2. references to other regulations which no longer tally with current legislation as well as other inconsistencies can be rectified;
3. provisions which have been nullified by later regulations or otherwise rendered void can be declared no longer valid;
4. title abridgements and alphabetical abbreviations of titles can be laid down;
5. the designations of articles, sections, paragraphs, and the like can in case of elimination or insertion be correspondingly altered and in this connection references thereto within the text of the regulation be appropriately rectified;
6. interim provisions as well as earlier still applicable versions of the Federal law (state treaty) can by specification of their purview be summarized.

(3) Unless explicitly provided otherwise republished Federal Law (the republished state treaty) and the other regulations contained in the proclamation enter into force upon expiry of the day of proclamation.

E. Participation of the National Council and of the Federal Council in the Execution by the Federation

Art. 50. (1) The conclusion of
1. Political state treaties and state treaties the contents of which modify or complement existent laws and do not fall under Art. 16 para 1, as well as
2. State treaties by which the contractual bases of the European Union are modified,
require the approval of the National Council.

(2) To state treaties according to para 1 subpara 1 additionally the following applies:
1. In case a state treaty provides its simplified modification such modification does not require approval according to para 1, unless the National Council has reserved such approval.
2. State treaties approved according to para 1 subpara 1 require the approval of the Federal Council to the extent they settle matters falling within the autonomous sphere of competence of the Laender.
3. If a state treaty, according to Art. 50 para 1 number 1, has been authentically laid down in more than two languages, it is sufficient, if the approval according to para 1 is based on
   a) two authentic language versions and one translation into the German language,
   b) if, however, the German language version is authentic, on the basis of this version and another authentic language version.
4. At the time of approval of a state treaty, the National Council can resolve to which extent the treaty in question shall be implemented by the issue of laws.

(3) Art. 42 paras 1 to 4 inclusive shall be accordingly applied to resolutions of the National Council in accordance with para 1 subpara 1 and para 2 subpara 4 above.

(4) Notwithstanding Art. 44 para 3 state treaties according to para 1 subpara 2 may only be concluded with the approval of the National Council and the approval of the Federal Council. These resolutions each require the presence of at least half of its members and the majority of two thirds of the votes cast.

(5) The National Council and the Federal Council are to be informed without delay on the beginning of negotiations of a state treaty according to para 1.

Art 50a. The National Council ist o be involved in the matters of the European Stabilization Mechanism.
Art. 65. (1) The Federal President represents the Republic internationally, receives and accredits envoys, sanctions the appointment of foreign consuls, appoints the consular representatives of the Republic abroad and concludes state treaties. Upon the conclusion of a state treaty not falling under Art. 50 or a state treaty pursuant to Art. 16 para 1 which neither modifies nor complements existent laws, he can direct that the treaty in question shall be implemented by the issue of ordinances.

(2) Furthermore there is vested in him – apart from the powers assigned to him in accordance with other provisions of this Constitution – authority:

…

Art. 66. (1) …

(2) The Federal President can authorize the Federal Government or the competent members of the Federal Government to conclude certain categories of state treaties which neither fall under Art. 16 para 1 nor under Art. 50; such an authorization extends also to the power to order that these treaties shall be implemented by the issue of ordinances.

(3) The Federal President can on the recommendation of a Land Government and with the counter-signature of the Governor authorize the Land Government to conclude treaties in accordance with Art. 16 para 1 when they neither modify nor complement existing laws; such an authorization extends also to the power to direct that these treaties shall be implemented by the issue of ordinances.

Art. 140a. (1) The Constitutional Court pronounces whether state treaties are contrary to law. Art. 140 shall apply accordingly to political, to law-modifying or law-amending state treaties and state treaties amending the treaty bases of the European Union. Art. 139 shall apply accordingly to all other treaties with the proviso that …

Art. 145. The Constitutional Court pronounces judgment on contraventions of international law in accordance with the provisions of a special Federal law.

Art. 149. (1) In addition to the present law, the following laws, with the modifications necessitated by this law, shall within the meaning of Art. 44 para 1 be regarded as constitutional law:

Basic Law of 21 December 1867, RGBl. Subpara 142, on the general rights of nationals in the kingdoms and Laender represented in the Council of the Realm;

Law of 27 October 1862, RGBl. Subpara 88, on protection of the rights of the home;

Resolution of the Provisional National Assembly of 30 October 1918, StGBl. Subpara 3;

Law of 3 April 1919, StGBl. Subpara 209, respecting the banishment and expropriation of the House of Hapsburg-Lorraine;

Law of 3 April 1919. StGBl. Subpara 211, on the abolition of the nobility, the secular orders of chivalry, male and female, and of certain titles and dignities;

Section V of Part III of the Treaty of Saint-Germain of 10 September 1919, StGBl. Subpara 303 of 1920.

(2) Art. 20 of the basic law of 21. December 1867, RGBl. No. 142 as well as the law of 5. May 1869, RGBl. No. 66, issued on the basis of this Article, cease to be effective. Art. 150. The transition to the Federal Constitution introduced by this law will be prescribed in a special law entering into force simultaneously with the present law.