CHAPTER I
General Provisions

Art. 1. Austria is a democratic republic. Its law emanates from the people.

Art. 2. (1) Austria is a Federal State (Bundesstaat).
(2) The Federal State is composed of the autonomous States (Bundeslander) of Carinthia, Lower Austria (State of Lower Austria and City of Vienna), Upper Austria, Salzburg, Styria, Tyrol, and Vorarlberg.

Art. 3. (1) The territory of the Federal State consists of the territories of the Austrian States.
(2) Alteration of federal boundaries affecting also the boundaries of a State, as well as alteration of State boundaries within the Federal State, except for the State of Austria, is only by constitutional law of the Federal State and the State affected thereby.
(3) Separate provisions for the State of Lower Austria and the City of Vienna are indicated in the fourth chapter.

Art. 4. (1) The federal territory forms a uniform currency, economic, and customs zone.
(2) Certain areas or other restrictions on communications may not be established within the federal territory.

Art. 5. Vienna is the federal capital and the seat of the highest federal authorities.

Art. 6. (1) There is a State (Land) citizenship for each State. Citizenship (Bundesbürgerschaft) is a Municipal (Bundesbürgerschaft) of a State is a condition for citizenship of that State. The Federal Law concerning the acquisition and loss of State citizenship shall be the same in every State.
(2) State citizenship implies Federal citizenship.
(3) Every Federal citizen has in every State equal rights and duties with the citizens of that State.

Art. 7. (1) All Federal citizens are equal before the law. Privileges based upon birth, sex, rank, class, or religious belief are abolished.
(2) All public employees, including the members of the Federal army, are guaranteed the unrestricted exercise of their political rights.

Art. 8. The official language of the Republic is German, without prejudice to the rights conferred by Federal law on foreign-language minorities.

Art. 9. The universally recognized rules of international law are valid as integral parts of the Federal law.

Art. 10. The Federal State shall have powers of legislation and execution in respect to the following matters:
(1) Federal Constitution, especially elections to the National Assembly, and popular suffrage in virtue of the Federal Constitution; by constitutional courts.

* The community in which a person possesses the "Bundesbürgerschaft" is compelled to support such persons in case of unemployment. Under no circumstances can a person be expelled (kicked) from the community in which he (she) possesses the "Bundesbürgerschaft." The "Bundesbürgerschaft" is acquired by descent or merit.

CHAPTER I
General Provisions

Art. 1. Unchanged.

Art. 2. (1) Unchanged.
(2) The Federal State is composed of the autonomous States of Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg, and Vienna.

Art. 3. (1) Unchanged.
(2) Unchanged.
(3) Dropped.

Art. 4. (1) Unchanged.
(2) Unchanged.

Art. 5. Unchanged.

Art. 6. (1) Unchanged.

Art. 7. (1) Unchanged.
(2) Unchanged.

Art. 8. Unchanged.

Art. 9. Unchanged.

Art. 10. The Federal State shall have powers of legislation and execution in respect to the following matters:
(1) Unchanged.
(2) Unchanged.
(3) Unchanged.
(4) Unchanged.
CONSTITUTION OF IBDQ

ARTICLES OF 1925

(a) Foreign relations, including political and commercial representations in relations with foreign countries, in particular the conclusion of all treaties; traffic in goods and services with foreign countries, and customs.

(b) Emigration and supervision of entrance and departure from the federal territory; immigration and emigration; passports, deportations, revocation, expulsion, and extradition from or through the federal territory.

(c) Federal finances, especially taxes to be collected for the federal treasury.

(d) Money, credit, public and private exchanges; banking; weights and measures; standards and weights.

(2) Civil law, including the law of economic associations; criminal law with the exception of administrative penal law and administrative penal procedure in matters which come within the autonomous jurisdiction of the States; administration of justice; adjudication by administrative courts; copyright, the press, propaganda and press matters; persons; and social security; marriage and family; and civil and penal matters; international law concerning the person and property of individuals; the law of contract.

(3) The law of association and assembly. Matters concerning the personal status of individuals including registration of births, marriages, and deaths, and change of name; police matters pertaining to foreigners; and change of domicile; matters pertaining to weapons, ammunition and explosives; and use of firearms.

(d) Trade matters, including commerce and industry; public and private auctions; suppression of unfair competition; patent matters as well as the protection of design patents, trademarks and other designations of origin; matters relating to patent attorney- engineers and consulting engineers; chambers for commerce and industry.

(e) Mining, forestry, minerals, and water rights; regulation and maintenance of rivers, waterways, navigations; public authority over watercourses and navigation; ports, telegraphs, and telephones.

(f) Mining: forestry including raffling; water rights; regulation and maintenance of rivers; waterways; servicing for the diversion of high floods or for navigation; clearing; regulation of torrents; standardization and standardization of electrical installations and plants; safety measures in these fields; right of way for electric power transmission in as far as the transmission extends across the boundary of two or more States; matters concerning steam boilers and power engines; surveying of land.

(g) Labor law and protection of workers and other employees not engaged in agriculture or forestry; social insurance and contract insurance.

(h) Public health, sanitation of the disposal or burial of the dead, as well as of municipal sanitation and firefighting services; but only sanitary supervision over hospitals and hostels, health resorts, and watering places; veterinary regulation; food control.

(i) Scientific and technical archives and libraries; artistic and scientific collections and institutions; protection of paintings and works of art; matters pertaining to religion; marriage and family; and disputes concerning marriage and family; and matters pertaining to religion; marriage and family; and disputes concerning marriage and family; and matters pertaining to religion; and disputes concerning marriage and family.

(j) Defense, including defense and security; creation of federal authorities and other federal agencies; law of the federal public service.

ARTICLES OF 1927

(a) Unchanged.

(b) Unchanged.

(c) Unchanged.

(d) Unchanged.

(e) Unchanged.

(f) Unchanged.

(g) Unchanged.

(h) Unchanged.

(i) Unchanged.

(j) Unchanged.

(k) Unchanged.

(l) Unchanged.

(m) Unchanged.

(n) Unchanged.
Art. 11. (1) The Federal State shall have the power of legislation, but the States shall have the power of execution in respect to the following matters:
(a) Citizenship and municipal citizenship, vital statistics, including registration and change of names; police supervision of aliens;
(b) Professional representatives not included in Article 30, not exclusive to agricultural and forestry;
(c) Public agencies and private business enterprises,
(d) Taxes not collected exclusively or partially for the federal treasury; provisions for the prevention of double taxation and other excessive levies; for the prevention of obstructions to foreign, interstate, or domestic traffic or economic relations; for the prevention of excessive levies on public communications or institutions, or levies which interfere with communications; and for the prevention of prejudices to federal finance;
(e) Assumptions, projects, and enterprises, not subject to monopoly, as well as the manufacture of arms, motor vehicles;
(f) Public housing;
(g) Administrative procedure and administrative criminal procedure including execution, and the general provisions of administrative criminal law, even in matters in which the States have power of legislation.
(2) Ordinances for the execution of the laws provided for in Paragraph 1, shall be issued by the Federal State, unless otherwise provided for by such laws.

Art. 13. (1) The Federal State shall have the power of legislation, but the States shall have the power of execution in respect to the following matters:
(a) Citizenship and municipal citizenship;
(b) Unchanged;
(c) Tax not collected exclusively or partially for the federal treasury; provisions for the prevention of double taxation and other excessive levies; for the prevention of obstructions to foreign, interstate, or domestic traffic or economic relations; for the prevention of excessive levies on communications or institutions, or levies which interfere with communications; and for the prevention of prejudices to federal finance;
(d) Ammunition, projectiles, and explosives not subject to monopoly;
(e) Public housing;
(f) Administrative procedure and administrative penal procedure, including execution, and the general provisions of administrative penal law, even in matters in which the States have power of legislation.

Art. 12. (1) The Federal State shall have the power of legislation as to the fundamental principles, but the States shall have the power of supplementary legislation and the power of execution in respect to the following matters:

Art. 12. (1) The Federal State shall have the power of legislation as to the fundamental principles, but the States shall have the power of supplementary legislation and the power of execution in respect to the following matters:

* Federal and State
Art. 15. (1) In so far as a subject matter has not been specifically assigned by the Federal Constitution to the Federal State or to the municipalities, it shall remain within the autonomous sphere of action of the State.

(2) In so far as the power of legislation has been reserved to the Federal State only as a federal constitutional principle, the States shall have the power of supplementary legislation within the scope determined by federal law. Federal law may fix a period of time for the enactment of supplementary legislation which without the consent of the Federal States shall not be less than six months or more than one year. If the Federal States do not observe this period of time, the power of supplementary legislation for such State shall be transferred to the Federal State. With the enactment of a supplementary law, the federal supplementary law shall cease to be in force.

Art. 16. (1) If an act of execution on the part of a State in the subject covered by Articles 11 and 12 shall be effective for several States, such States shall take steps first to reach an agreement thereon. If they fail to agree, the power of performing such act shall, in application of one of those States, be transferred to the competent Federal Minister. Detailed regulations may be prescribed by the Federal Law in accordance with Articles 11 and 12.

(2) The Federal State shall have the right to supervise the execution of the regulations issued by the Federal State in respect to such subjects as are reserved for legislation by the Federal State in accordance with Articles 11 and 12.
ARTICLES OF 1909

(5) The States are empowered to issue all rules necessary for the regulation of matters which are within the scope of their legislative competence, even in the field of civil and criminal law.

ARTICLES OF 1925

(5) Unchanged.

ARTICLES OF 1929

(5) In so far as acts of execution in respect to problems regarding construction may affect buildings which are the property of the Federal State and which are utilized for public purposes, an obligation to furnish accommodation to federal authorities or federal officers or to public institutions — including schools and hospitals — or which serve as barracks for members of the armed forces or as lodgings for other federal employees, such acts fall within the indirect federal administration. Appeal goes to the competent Federal Ministry. The determination of the alignment (building site) and (street) law, however, even in this case, belongs to the executive power of the States.

(6) In so far as the power of legislation has been reserved to the Federal State only as to fundamental principles, the States shall have the power of supplementary legislation within the scope determined by federal law. Federal law may fix a period of time for the enactment of supplementary legislation which, without the consent of the Bundestag (Federal Parliament), shall not be less than six months nor more than one year. If a State does not observe this period of time, the power of supplementary legislation for such State shall be transferred to the Federal State. With the enactment by the State of a supplementary law, the Federal supplementary law shall come to an end in force.

(7) If an act of execution on the part of a State, in respect to the subject covered by Articles 11 and 12, will have effects fall in several States, such States shall take steps to reach a preliminary agreement on the matter. If agreement cannot be reached within six months from the day the question arises, the power to perform such an act devolves, at the request of one of the States concerned or of one of the interested parties, upon the appropriate Federal Ministry. The details shall be regulated by the Federal Law issued in accordance with Articles 11 and 12.

(8) The Federal State shall have the right to supervise the execution of the regulations which it issues in respect to such subjects as are reserved for legislation by the Federal State in accordance with Articles 11 and 12.

(9) The States are empowered to issue all rules necessary for the regulation of matters which are within the scope of their legislative competence, even in the field of civil and criminal law.

ARTICLES OF 1871

(1) The States shall be obliged to take whatever measures are necessary within their autonomous sphere of action for the execution of treaties; if a State does not comply with the measures taken by the federal State, the latter shall be vested with the power to take such measures, and especially to enact the necessary laws.

(2) Likewise, the Federal State, when carrying out treaties with foreign States, shall have the right of supervision over the way in which matters are done within the autonomous sphere of action of the States. In this case, the Federal States shall have the same rights toward the States as in matters of indirect federal administration.

ARTICLES OF 1876

(1) The provisions of Articles 10 - 15 in respect to the power of legislation and execution shall in no way affect the status of the Federal State in the matter of its private rights.

(2) In all these legal relations the legislation of a state shall never affect the Federal State more disadvantageously than it affects the State itself.

ARTICLES OF 1878

(1) Every administrative authority may issue ordinances within its jurisdiction, in the field of civil and criminal law.

(2) Every administrative authority may issue ordinances within its jurisdiction on the basis of the law.

(3) If for the prevention of an imminent and serious damage to the common welfare, the immediate enactment of measures is necessary, the latter is not amended, or if a law is in force, no law is not able to "take the place, or is obstructed in its entirety by force majeure," the Federal President, on the proposition of the Federal Government and on his own authority, may take these measures by way of provisional ordinances. The proposition of the Federal Government must be made in agreement with the permanent sub-committee to be appointed by the Main Committee of the National Assembly. Such an ordinance requires the counter-signature of the Federal Government.

(4) Every ordinance issued according to Paragraph 3 has to be reported to the Federal Government so the National Assembly within 14 days. The National Assembly is called together on 15th of April at 8:00 a.m. by the President, or if it is not in session, by

* Cf. notes to Chapter II, Sections 3 and 4.
ARTICLE IV.

1. The supreme executive authority of the Federal State shall be vested in the commission of the people chosen by the assemblies of representatives of the people in the Federal State and in the States. The commissioned members of the people shall be the Federal President, the Federal Ministers, the Secretaries of the State, and the members of the State Governments.

2. The transaction of business by the commissioners of the people shall be under the supervision of the assembly by which they are elected.

3. They may be called before the Supreme Constitutional Court (Konsstitutsionnyi S唠d) to account for their actions and omissions, so far as the Federal Constitution or the State Constitutions provide.

ARTICLE V.

Under the direction of the commissioners of the people, agents elected for a certain period or appointed for the performance of particular functions, shall conduct the Federal or State administration in accordance with the law. They shall be bound by the directions of the commissioners of the people, who are their superiors, and shall be accountable to them for the exercise of their office, unless the Federal Constitution or the State Constitutions otherwise provide.

ARTICLE VI.

The commissioners of the people and other public officials may be restricted by federal law from engaging in private business.

ARTICLE VII.

Under the direction of the commissioners of the people, agents elected for a certain period or appointed for the performance of particular functions, shall conduct the Federal or State administration in accordance with the law. They shall be bound by the directions of the commissioners of the people, who are their superiors, and shall be accountable to them for the exercise of their office, unless the Federal Constitution or the State Constitutions otherwise provide.

2. Provided the law does not stipulate to the contrary, the commissioners of the people and their subordinate agents are bound to treat as confidential all facts of which they obtain knowledge exclusively through their official duties, if the confidential character of these facts is in the interest of the Federal State, the States, the municipalities, or a party (official obligation to secrecy). Officials appointed by a general representative body are not bound by this obligation to secrecy in relation to representatives bodies when the latter expressly ask for information on such facts.

ARTICLE VIII.

The Federal President, the Federal Ministers and the Secretaries of the State, members of the State Governments.

The officials mentioned in Paragraph 1 and other public officials may be restricted by federal law from engaging in private business.

ARTICLE IX.

Under the direction of the highest officials of the Federal State, the Secretaries of the State, and the heads of the State Governments, agents elected for a certain period or appointed for the performance of particular functions, shall conduct the Federal or State administration in accordance with the law, agents elected for a certain period or appointed for the performance of particular functions, shall conduct the Federal or State administration in accordance with the law. They shall be bound by the directions of their superiors, and shall be accountable to them for the exercise of their office, unless the Federal Constitution or the State Constitutions otherwise provide. A subordinate agent may decline to follow a direction, either if this direction is issued by an incompetent agent or if the carrying out of the direction would constitute a violation of the criminal law.

2. Provided the law does not stipulate to the contrary, all officials elected by the Federal State, by the States, municipalities, or a party (official obligation to secrecy). Officials appointed by a general representative body are not bound by this obligation to secrecy in relation to the representative body when the latter expressly asks for information on such facts.

ARTICLE X.

2. The Federal President, the Federal Ministers and the Secretaries of the State, members of the State Governments.

2. Supersede official control over the employees of the Federal State in the highest officials of the Federal State over the employees of the States, the Secretaries of the State, members of the State Governments.

3. Unchanged.
COSTITUTION OF 1930

(6) Public employees shall always be guaranteed the possibility of an interchange of service between the Federal State, the States, and the municipalities. Change of service shall take place with the consent of the authorities authorized to exercise the supreme official control. Special arrangements to facilitate interchange of service may be made by federal law.

(5) Titles of office for the agencies of the Federal State, the States, or the municipalities may be replaced in a uniform manner by federal law. They shall be prescribed by law.

Art. 22. All agencies of the Federal State, the States, or the municipalities must render actual assistance within the scope of their lawful authority.

Art. 23. (1) All persons entrusted with functions of Federal, State, or municipal administration, or with judicial functions, shall be liable for any damage inflicted on an individual by an act committed or grossly negligent violation of the law. In the exercise of their functions, the Federal, State, or municipal administration or the municipalities shall be liable for violations of the law on the part of persons in their service.

(2) Detailed regulations shall be prescribed by federal law.

CHAPTER II
Federal Legislation

A. The Nationalrat

Art. 21. The power of legislation of the Federal State shall be exercised by the Nationalrat, elected by the entire Austrian people, with the confirmation of the Bundesrat, elected by the States.

Art. 22. (1) The seat of the Nationalrat shall be the federal capital, Vienna.

(2) For the duration of a period of extraordinary conditions, the Federal President, at the request of the Federal Government, may call the Nationalrat together in any other place in the federal territory.

Art. 23. (1) The Nationalrat shall be elected by the people of the Federal State according to the principle of proportional representation by the equal, direct, secret, and personal suffrage of all men and women who are more than twenty years of age before the first of January of the year of the election.

(2) The federal territory shall be divided within the State boundaries into contiguous election districts. A number of deputies shall be allowed to the qualified voters of an election district in proportion to the number of citizens who, in accordance with the results of the last census, had their domicile in the election district. A division of the voters into other electoral bodies shall not be permissible.

(3) Election day must be a Sunday or other public holiday.
Art. 29. (1) The Nationalrat shall be elected for a four-year term, commencing from the day on which the new Nationalrat is convened. The newly elected Nationalrat shall elect its President on the day on which the new Nationalrat is convened. The new Nationalrat shall meet on the day after the election of the four-year term of the old Nationalrat.

Art. 29. (2) The Nationalrat may be adjourned by its own resolution. It shall reconvene at the call of the President. He must call the Nationalrat together immediately if at least one-fourth of the members of the Nationalrat so demand.

Art. 29, Before the expiration of its term, the Nationalrat may by ordinary law decree its own dissolution. In such case, its term shall last until the newly elected Nationalrat meets.
Art. 30. (1) The Nationalrat shall elect from among its own members its President and its second and third Presidents.

(2) The business of the Nationalrat shall be conducted in accordance with a special law on parliamentary rules of procedure determined by the Nationalrat within the limits of this law. The law concerning the rules of procedure may be passed only when one-half of the members are present, and by a majority of two-thirds of the votes cast.

Art. 31. A resolution of the Nationalrat requires the presence of at least one-third of the members and an absolute majority of the votes cast, unless the law regulating the rules of procedure otherwise provides.

Art. 32. (1) The sessions of the Nationalrat shall be public.

(2) On demand made to the presiding officer by one-fifth of the members present, the public shall be excluded if the Nationalrat so resolves in plenary session.

Art. 33. True and accurate reports of the proceedings at the public sessions of the Nationalrat or its committees shall not be subject to any legal provisions.

B. The Bundesrat

Art. 34. (1) The Bundesrat shall represent the States in proportion to the number of citizens in each State in accordance with the following provisions:

(2) The City of Vienna and the State of Lower Austria (Articles 100 - 11b) shall be regarded as separate States in respect to representation and states in the Bundesrat.

(3) The States having the greatest number of citizens shall have twelve members; every other State shall be represented by a number of members determined by the ratio of the number of citizens to the aforesaid number of citizens, a fraction of more than one-half of the proportional number being counted as the full proportional number. Every State shall be entitled to at least three representatives. An alternate shall be chosen for each representative.

(4) The number of representatives from each State in accordance with the aforesaid provisions shall be reapportioned by the Federal President after each general census.

Art. 35. (1) The members of the Bundesrat and their alternates shall be elected by the Landtag of their States in accordance with the principles of proportional representation; at least one representative, however, must be assigned to the party which has obtained the second largest number of votes in the Landtag, or in case several parties have obtained the same number of votes, in the party which polled the second largest number of votes at the last election of the Landtag, equal claims of several parties shall be decided by lot.

(2) Members of the Bundesrat need not necessarily be members of the Landtag by which they are elected; they must, however, be eligible for election to that Landtag.

(3) After the expiration of the term of a Landtag or after its dissolution, the members of the Bundesrat elected for that legislature shall continue their functions until the election of members of the Bundesrat by the new legislature has taken place.

(4) The provisions of this article may be changed only if in the Bundesrat such change is made by resolution with an affirmative vote of a majority of the representatives of at least four States, provided that the majority necessary for any resolution shall occur in this resolution.

Art. 36. (1) Unchanged.

(2) Unchanged.

(3) The President of the Nationalrat is authorized to appoint the employees of the chancellery of the President of the Nationalrat.

Art. 37. (1) Unchanged.

(2) Unchanged.

(3) Unchanged.

(4) Unchanged.

B. The Länder- and Ständereate

Art. 38. The Länder- and Ständereate is composed of the [Landesrat (group of the representatives of the Länder) and the Ständereate (group of the representatives of the Stände (corporations)])

Art. 39. The Ständereate is composed of the representatives of the professional corporations (professions) of the federal peoples; its composition and the principles concerning the appointment of its members shall be regulated by a special federal law.
CONSTITUTION OF 1990

Art. 36. (1) The presidency of the Bundesrat shall be held alternately by the states in alphabetical order for a period of six months.
(2) The ranking representative of the state entitled to the presidency shall act as presiding officer and substitute,
(3) The Bundesrat shall be called together by the presiding officer at the request of the majority of its members or if the Federal Government demands it.
Art. 37. (1) Except as otherwise provided in this law, a resolution of the Bundesrat requires the presence of at least two-thirds of the members and an absolute majority of the votes cast.
(2) The Bundesrat shall be resolved by a resolution determining its own rules of procedure. This resolution requires the presence of at least one-half of the members and a majority of two-thirds of the votes cast.
(3) The sittings of the Bundesrat shall be public. The public may, however, be excluded by resolution in accordance with the provisions of the rules of procedure. The provisions of Article 33 shall apply also to the public sittings of the Bundesrat and its committees.

C. The Bundesversammlung
Art. 38. The Nationalrat and the Bundesrat shall assemble as the Bundesversammlung in a joint public sitting at the seat of the Federal Government for the election of the Federal President and for administering his oath of office as well as for a resolution concerning a declaration of war.
Art. 39. (1) With the exception of the cases provided for by Article 61, Paragraph 2, Article 63, Paragraph 7, and Article 65, Paragraph 7, the Bundesversammlung shall be called together by the Federal President in accordance with a decision made by the Federal President on a motion issued by the Nationalrat or by the Bundesrat, which decision requires the presence of at least one-half of the members and an absolute majority of the votes cast.
(2) The rules of procedure of the Nationalrat shall be only applied in the Bundesversammlung.
(3) The Bundesrat and the Nationalrat may in advance separately consider any matter subject to a vote of the Bundesversammlung.
(4) The provisions of Article 33 shall apply also to the sittings of the Bundesversammlung.

Art. 40. (1) The resolutions of the Bundesversammlung shall be authenticated by the presiding officer and countersigned by the Federal Chancellor.
(2) Official publication shall be the duty of the Federal Chancellor.

D. Federal Legislative Procedure
Art. 41. (1) Bills shall be submitted to the Nationalrat either as proposals of its members or as bills of the Federal Government. The Bundesrat may submit bills to the Nationalrat through the Federal Government.
(2) Every proposal signed by 200,000 qualified voters or by one-half of the qualified voters of each of three States (popular initiative) must be submitted by the Federal Government to the Nationalrat or to the Bundesrat, which shall decide on its acceptance in accordance with its rules of procedure. The initiative proposal must take the form of a bill.

Art. 42. (1) Every bill enacted by the Nationalrat must be transmitted at once by the President to the Federal Chancellor, who must communicate it immediately to the Bundesrat.

AMENDMENTS OF 1955

Art. 36. (1) Unchanged.
(2) Unchanged.
(3) Unchanged.

Art. 37. (1) Unchanged.
(2) Unchanged.
(3) Unchanged.

Art. 38. (1) Unchanged.

Art. 39. (1) Unchanged.
(2) Unchanged.
(3) Unchanged.
(4) Unchanged.

Art. 40. (1) Unchanged.

Art. 41. (1) Unchanged.

Art. 42. (1) Unchanged.

AMENDMENTS OF 1959

Art. 36. (1) Dropped.
(2) Dropped.
(3) Dropped.

Art. 37. (1) Dropped.
(2) Dropped.
(3) Dropped.

C. The Bundesversammlung
Art. 38. The Nationalrat and the Bundesrat shall assemble as the Bundesversammlung in a joint public sitting for administering the oath of office of the Federal President as well as for a resolution concerning a declaration of war.

Art. 39. (1) With the exception of the cases provided for by Article 61, Paragraph 2, Article 63, Paragraph 7, and Article 65, Paragraph 7, the Bundesversammlung shall be called together by the President of the Nationalrat and the President of the Bundesrat, for the first time by the latter.
(2) Unchanged.
(3) Unchanged.
(4) Unchanged.
(5) Unchanged.

Art. 40. (1) Unchanged.

Art. 41. (1) Unchanged.

C. The Bundesversammlung
Art. 42. The Bundesversammlung shall be called together by request of the Nationalrat or the Bundesrat, which decision requires the presence of at least one-half of the members and an absolute majority of the votes cast.

Art. 43. (1) Unchanged.
(2) Unchanged.
(3) Unchanged.
(4) Unchanged.

Since the amendment concerning the replacement of the Bundesrat by the Landt- and Stabtrat did not come into force, the Bundesversammlung continues to be composed of the Nationalrat and the Bundesrat as stipulated by the Constitution of 1955 (as amended in 1959). 

Cf. notes to Chapter II, Sections 3 and 4.
AMENDMENTS OF 1975

Art. 12. If the Repräsentantenversammlung is dissolved, every bill enacted by the Nationale remains in effect, without its own failure, as soon as it is submitted to the Federal President for a referendum.

Art. 12. (1) Unchanged.

AMENDMENTS OF 1979

Art. 12. Except as otherwise provided by constitutional law, an enacted law may be abrogated and published only if the Bundesrat does not veto it. Such veto must be supported by reasons.

Art. 12. (1) Unchanged.

(2) This veto must be communicated in writing to the Nationale through the medium of the Federal Chancellor within eight days after the law has reached the Bundesrat.

(3) If the Nationale in the presence of at least one half of its members, contains in its original resolution, the law must be abrogated and published. If the Bundesrat receives not to veto the law, or if no valid veto, supported by reasons, has been interposed within the period of time prescribed by Paragraph 2, the law must be abrogated and published.

(4) The Bundesrat may veto resolutions of the Nationale in respect of a law concerning the rule of procedure of the Nationale, the dissolution of the Nationale, the grant of the federal budget estimate, the approval of the final budget account, the issue or conversion of federal loans, or the disposition of federal property. Such laws enacted by the Nationale must be abrogated and published without further delay.

Art. 12. If the Nationale so resolves, or if a majority of the members of the Nationale so demands, every law enacted by the Nationale shall upon constitution of the procedure prescribed in Article 12, but before its abrogation, be submitted to the Federal President for a referendum.

Art. 12. (1) Unchanged.

Art. 12. (2) A complete revision of the Federal Constitution shall be submitted by the Federal President to a referendum of the entire people of the Federal State, but an amendment need be so submitted only on demand of one third of the members of the Nationale or the Bundesrat.

Art. 12. (1) Unchanged.

Art. 12. (2) Unchanged.

Art. 12. (3) Unchanged.

Art. 12a. (1) Unchanged.

Art. 12a. (2) Unchanged.

Art. 12a. (3) Unchanged.

Art. 12b. (1) Unchanged.

Art. 12b. (2) Unchanged.

Art. 12b. (3) Unchanged.

Art. 12c. (1) Unchanged.

Art. 12c. (2) Unchanged.

Art. 12c. (3) Unchanged.

Art. 12d. (1) Unchanged.

Art. 12d. (2) Unchanged.

Art. 12d. (3) Unchanged.

* Cf. notes to Chapter II, Sections 8 and 9.
E. Participation of the Nationalrat and the Bundesrat in the Executive Power of the Federal State

Art. 50. (1) All political treaties, and all other treaties only in so far as they provide for an alteration of existing laws, shall require for their validity the consent of the Nationalrat.

(2) The provisions of Article 35, Paragraph 1, and, in case of alteration of a constitutional law by a treaty, the provisions of Article 44, Paragraph 1, shall be only applicable to the creations of the Nationalrat concerning the approval of treaties.

Art. 51. The Federal Government must submit to the Nationalrat not later than eight weeks before the expiration of the current fiscal year, a draft of the budget pertaining to the federal receipts and expenditures for the ensuing fiscal year.

Art. 52. The Nationalrat and the Bundesrat are authorised to examine the conduct of public business by the Federal Government, to question the members of the Federal Government on all matters relating to the execution of the laws, and to demand all pertinent information as well as to express by resolution their wishes in respect to the exercise of the executive power.

Art. 53. (1) The Nationalrat may by resolution set up committees of investigation.

(2) The courts and all other authorities shall be obliged to supply with the request of these committees for evidence; upon their demand, all public authorities shall lay their records before them.

(3) The procedure of the committees of investigation shall be regulated by the law concerning the rules of procedure of the Nationalrat.

Art. 54. The Nationalrat shall participate in fixing railroad, postal, telegraph, and telephone rates and prices of articles subject to monopoly, as well as of salaries of persons permanently employed in the enterprises of the Federal State. The character of such participation shall be prescribed by federal constitutional law.

Art. 55. The Nationalrat shall itself share in the executive power of the Federal State in so far as are specified by this law, as well as through the Main Committee elected from among its members in accordance with the principles of proportional representation. It shall be a special function of the Main Committee to participate in the election of the Federal Government (Article 70). Moreover, certain ordinances of the Federal Government shall require the consent of the Main Committee, as may be prescribed by federal law.

Art. 56. (1) The Federal Government must submit to the Nationalrat, not later than two weeks before the expiration of the current fiscal year, a draft of the budget pertaining to the federal receipts and expenditures for the ensuing fiscal year.

(2) Federal expenditures which are not provided for by federal finance law or by a special law, require, before being made, the constitutional approval of the Nationalrat. This approval is to be asked for by the Federal Minister of Finance. In case danger is dangerous, the expenditure, if not exceeding one million guildings, may be made with the consent of the Main Committee of the Nationalrat; the approval of the Nationalrat must be asked for subsequently.

(3) After the end of the fiscal year, the federal budget submitted in due time to the Nationalrat by the Federal Government is not constitutionally approved before the end of the fiscal year and if no provisional arrangement by federal law is made until this date, during the first two months of the ensuing fiscal year, the taxes, customs duties, and fees are to be collected according to the existing provisions, and the federal revenues paid on account of the appropriations to be legally determined, except expenditures of a kind not provided for in the last finance law. The amount limit of the admissible federal expenditures is determined by the provisions contained in the draft of the budget submitted to the Nationalrat. One-twelfth of these expenditures without a further appropriation are to be made to the extent these obligations fall due. Expenditures required for the fulfillment of legal obligations and the payment of officials' salaries, are to be made in conformity with the draft of the budget submitted to the Nationalrat. As for the rest, the provisions of the last federal Finance Law, so far as they do not concern finance, shall be applied also during the first two months mentioned above.

Art. 57. The Nationalrat and the Bundesrat are authorised to examine the conduct of public business by the Federal Government, to question the members of the Federal Government on all matters relating to the execution of the laws, and to demand all pertinent information as well as to express by resolution their wishes in respect to the exercise of the executive power.

Art. 58. (1) The Nationalrat may by resolution set up committees of investigation.

(2) The courts and all other authorities shall be obliged to supply with the request of these committees for evidence; upon their demand, all public authorities shall lay their records before them.

(3) The procedure of the committees of investigation shall be regulated by the law concerning the rules of procedure of the Nationalrat.

Art. 59. The Nationalrat shall itself share in the executive power of the Federal State in so far as are specified by this law, as well as through the Main Committee elected from among its members in accordance with the principles of proportional representation. It shall be a special function of the Main Committee to participate in the election of the Federal Government (Article 70). Moreover, certain ordinances of the Federal Government shall require the consent of the Main Committee, as may be prescribed by federal law.

Art. 60. (1) The Federal Government must submit to the Nationalrat, not later than two weeks before the expiration of the current fiscal year, a draft of the budget pertaining to the federal receipts and expenditures for the ensuing fiscal year.

(2) Federal expenditures which are not provided for by federal finance law or by a special law, require, before being made, the constitutional approval of the Nationalrat. This approval is to be asked for by the Federal Minister of Finance. In case danger is dangerous, the expenditure, if not exceeding one million guildings, may be made with the consent of the Main Committee of the Nationalrat; the approval of the Nationalrat must be asked for subsequently.

(3) After the end of the fiscal year, the federal budget submitted in due time to the Nationalrat by the Federal Government is not constitutionally approved before the end of the fiscal year and if no provisional arrangement by federal law is made until this date, during the first two months of the ensuing fiscal year, the taxes, customs duties, and fees are to be collected according to the existing provisions, and the federal revenues paid on account of the appropriations to be legally determined, except expenditures of a kind not provided for in the last finance law. The amount limit of the admissible federal expenditures is determined by the provisions contained in the draft of the budget submitted to the Nationalrat. One-twelfth of these expenditures without a further appropriation are to be made to the extent these obligations fall due. Expenditures required for the fulfillment of legal obligations and the payment of officials' salaries, are to be made in conformity with the draft of the budget submitted to the Nationalrat. As for the rest, the provisions of the last federal Finance Law, so far as they do not concern finance, shall be applied also during the first two months mentioned above.

Art. 61. The Nationalrat and the Bundesrat are authorised to examine the conduct of public business by the Federal Government, to question the members of the Federal Government on all matters relating to the execution of the laws, and to demand all pertinent information as well as to express by resolution their wishes in respect to the exercise of the executive power.

Art. 62. The Nationalrat may by resolution set up committees of investigation.

(2) The courts and all other authorities shall be obliged to supply with the request of these committees for evidence; upon their demand, all public authorities shall lay their records before them.

(3) The procedure of the committees of investigation shall be regulated by the law concerning the rules of procedure of the Nationalrat.

Art. 63. The Nationalrat shall itself share in the executive power of the Federal State in so far as are specified by this law, as well as through the Main Committee elected from among its members in accordance with the principles of proportional representation. It shall be a special function of the Main Committee to participate in the election of the Federal Government (Article 70). Moreover, certain ordinances of the Federal Government shall require the consent of the Main Committee, as may be prescribed by federal law.

Art. 64. The Nationalrat shall itself share in the executive power of the Federal State in so far as are specified by this law, as well as through the Main Committee elected from among its members in accordance with the principles of proportional representation. It shall be a special function of the Main Committee to participate in the election of the Federal Government (Article 70). Moreover, certain ordinances of the Federal Government or of a Federal Minister shall require the consent of the Main Committee, as may be prescribed by federal law.

* by mistake in formulating the amendment of 1979, the term "Bundesrat" has not been replaced by the term "Bundesrath".

** cf. notes to Chapter 11, Section B and C.
F. Status of the Members of the Nationalrat and the Bundestat

Art. 56. When acting in their official capacity the members of the Nationalrat or the Bundestat are not bound by instructions.

Art. 57. (1) The members of the Nationalrat shall never be held responsible for any crime against their official capacity and shall not be held responsible only by the Nationalrat for any sentence pronounced in this capacity.

(2) No member of the Nationalrat may, without the consent of the Nationalrat, be subjected to arrest or to any other official proceeding for a penal offense unless he is apprehended in the act of committing a crime.

(3) The warrant of arrest shall be based on the findings of the Nationalrat.

(4) The warrant of arrest shall be signed by the member of the Nationalrat to whom the warrant of arrest has been issued.

(5) The warrant of arrest shall be signed by the member of the Nationalrat to whom the warrant of arrest has been issued.

Art. 58. The members of the Nationalrat shall, during the entire term of their functions, enjoy the IMMUNITY of members of the legislature.

Art. 59. (1) No person may be a member of the Nationalrat or the Bundestat at the same time.

(2) The Federal Assembly, including members of the Federal Assembly, shall not receive any personal fees from the Federal Assembly or the Bundestat, and shall not be entitled to receive any fees from the Federal Assembly or the Bundestat.

Detailed regulations shall be prescribed by the rules for the public service.

* Cf. notes on Chapter II, Sections B and C.
CONSTITUTION OF 1989

CHAPTER III
The Executive Power of the Federal State

A. Administration

1. The Federal President

Art. 60. (1) The Federal President shall be elected by the Bundestag in accordance with article 29 and by secret ballot.

(2) His term of office shall be four years. A reelection for the term of office immediately following shall be permissible only once.

(3) Only a person who is qualified to vote in the election to the Nationalrat and who is more than thirty-five years of age before the first of January of the year of the election may be elected Federal President.

(4) Members of reigning or formerly reigning families are not eligible.

(5) The person who receives a majority of all votes cast shall be elected. Balloting shall be repeated until an absolute majority is obtained for one person.

Art. 61. During his term of office the Federal President must not be a member of any general representative body or exercise any other profession.

Art. 62. On assuming office, the Federal President shall before the Bundestag take the following oath: "I swear that I will faithfully observe the constitution and all laws of the republic and will fulfill my duty to the best of my knowledge and conscience."

Art. 63. (1) An official prosecution of the Federal President is permissible only if the Bundestag, acting by a two-thirds majority of its members, decides to this effect.

(2) The request for the prosecution of the Federal President shall be presented by the competent authority to the Nationalrat, which decides whether it shall be submitted to the Bundestag. If the Nationalrat decides in the affirmative, the Federal President shall stand trial in the Bundestag immediately.

Art. 64. (1) In case of disability on the part of the Federal President, or in case of a vacancy in his office, the functions of the Federal President shall devolve upon the Federal Chancellor.
CONSTITUTION OF 1920

ARTICLES OF 1925

2. The Federal Government

Art. 66. (1) The Federal President represents the Republic in international relations; to receive and accredit diplomatic representatives; to accept the credentials of foreign envoys; to appoint the consular representatives of the Republic in foreign countries and concludes treaties.

(2) Moreover, in addition to the powers conferred upon him by other provisions of this Constitution, he shall be empowered:

(a) To appoint all federal officials, including military officials and other federal functionaries, and to commission them.

(b) To create and confer professional titles.

(c) Specifically, to pardon persons convicted by final judgment of the courts, to stipulate or alter sentences pronounced by such courts, to grant or refuse parole, to suspend or cancel convictions by pardon, to issue certain proceedings in case of penal offences to be officially prosecuted.

(d) To legitimize illegitimate children of the petition of the parents.

(e) Moreover, special laws shall prescribe to what extent the Federal President shall be empowered to confer honorific rights, to grant extraordinary honours and increases in salaries and pensions, to confer rights of appointment or confirmation, and to exercise other powers in matters concerning individuals.

Art. 66. (1) The Federal President may transfer to the competent members of the Federal Government the right conferred on him to appoint certain classes of federal employees.

(2) The Federal President may authorize the Federal Government or the competent members thereof to conclude certain categories of treaties which are not covered by the provisions of Article 56.

Art. 67. (1) Except as otherwise provided by the Constitution, all official acts of the Federal President shall be performed under the proposal of the Federal Government or of a Federal Minister approved by it. The law shall provide to what extent the Federal President or the competent Federal Minister shall be bound by proposals emanating from other sources.

(2) All official acts of the Federal President require the concurrence of the Federal Chancellor or the competent Federal Ministers.

Art. 67. (1) In accordance with Article 122, the Federal President shall be responsible to the Bundesversammlung for the exercise of his office.

(2) Upon resolution of the Nationalrat or the Bundesrat, the Federal Chancellor must call the Bundesversammlung together to decide upon this issue (of impeachment).

(3) A resolution of impeachment within the meaning of Article 122 shall require the presence of more than one-third of the members of each of the two representative bodies and a majority of two-thirds of the votes cast.

2. The Federal Government

Art. 68. (1) The highest administrative functions of the Federal State, unless conferred upon the Federal President, shall be entrusted to the Federal Chancellor, the Vice-Chancellor, and the other Federal Ministers. Together, they form the Federal Government under the presidency of the Federal Chancellor.

(2) The Vice-Chancellor shall be empowered to represent the Federal Chancellor in the atmosphere of his authority.

Art. 69. (1) Consequently, the Federal President shall immediately after the new Federal President has been elected, call together the Bundesversammlung for administering the oath of the Federal President.

(2) Unchanged.

3. Unchanged.

(3) Unchanged.

(4) Unchanged.

(5) Unchanged.

(6) Unchanged.

(7) Unchanged.

(8) Unchanged.

(9) Unchanged.

(10) Unchanged.

(11) Unchanged.

(12) Unchanged.

(13) Unchanged.

(14) Unchanged.

(15) Unchanged.

(16) Unchanged.

(17) Unchanged.

(18) Unchanged.

(19) Unchanged.

(20) Unchanged.

(21) Unchanged.

(22) Unchanged.
Art. 70. (1) The Federal Government shall elect the Federal Government by a secreted vote upon resolution by the Senate Committee on the election of an entire Federal Government.

(2) Only persons eligible to the National Assembly may be elected members of the Federal Government. The number of the Federal Government need not be members of the National Assembly.

(3) If the National Assembly is not in session, the Federal Government shall be chosen provisionally by the Senate Committee as soon as the National Assembly sits, the election must take place.

(4) The provisions of Paragraph 1 - 3 shall be applied to the appointment of individual members of the Federal Government.

Art. 71. If the Federal Government resigns from office, the Federal President shall, until a new Federal Government has been formed, entrust the carrying on of the administration to members of the retiring Government or to high officials of the Federal administration, and authorize one of them to act as the Federal President.

Art. 72. (1) Before assuming office, the members of the Federal Government shall take an oath before the Federal President.

(2) The official commission of the Federal Chancellor, the Vice-Chancellor and the other Federal Ministers shall be issued by the Federal President on the day on which they take charge of office, and shall be countersigned by the newly commissioned Federal Chancellor.

(3) These provisions shall be applied to the cases covered in Article 71.

Art. 73. In case of temporary disability of a Federal Minister, the Federal President shall authorize a Federal Minister or a high official of the Federal administration to represent this Minister.

Art. 74. (1) If the National Assembly by express resolution withdraws its confidence from the Federal Government, or from individual members of it, the Federal Government or the Federal President in question is thereby removed from office.

(2) The presence of one-half of the members of the National Assembly shall be required for a resolution of the National Assembly by which confidence is withdrawn. In default, however, if two-thirds of the members present, the vote must be postponed to the second weekday next following. A further postponement of the vote may take place only by resolution of the National Assembly.

(3) The Federal Government or its individual members shall be relieved of office by the Federal President in cases prescribed by law or upon their request.

Art. 75. The members of the Federal Government, as well as their deputies appointed by them, are authorized to participate in the deliberations of the National Assembly, the Senate, or the Senate Committee, as well as in the deliberations of the National Assembly, the Senate, or the Senate Committee, of the National Assembly, the Senate, or the Senate Committee, as well as in the deliberations of the National Assembly, the Senate, or the Senate Committee, as well as in the deliberations of the National Assembly, the Senate, or the Senate Committee.

Art. 76. (1) The members of the Federal Government (Articles 66 and 71) are responsible to the National Assembly in accordance with Article 66.
CONSTITUTION OF 1920

AMENDMENTS OF 1925

(2) A resolution of impeachment in accordance with Article 77 shall require the presence of more than one-half of the members.

Art. 77. (1) The Federal Ministers and the officials subordinate to them shall be authorized to conduct the business of the Federal administration.

(2) The number of the Federal Ministers, their scope of authority, and their organization shall be prescribed by Federal law.

(3) The head of the Federal Chancery shall be the Federal Chancellor and the head of each of the other Federal offices shall be a Federal Minister.

(4) The Federal Chancellor or any other Federal Minister may in exceptional cases be placed in charge of a second Federal Ministry.

Art. 78. (1) In special cases Federal Ministers may be appointed without the same being commissioned to take charge of a Federal Ministry.

(2) Under secretaries, who are chosen and relieved of office in the same manner as the Federal Ministers, shall be assigned to the Federal Ministers to assist them in their departmental and parliamentary duties.

(3) Each under secretary shall be subordinate to the Federal Minister and shall be bound by his instructions.

3. Federal Army

Art. 79. (1) The Federal army is entrusted with the protection of the frontiers of the Republic.

(2) In so far as the armed services require its cooperation, the army shall in general protect the constitutional institutions, as well as maintain order and safety within the country, and shall give relief in cases of disaster due to natural forces and to accidents of unusual gravity.

Art. 80. (1) The Minister of War shall have control over the army. In so far as immediate control is not reserved to the Minister of War, the administration of the army is entrusted to the Federal Government, or to the competent Federal Minister, within the limits of the laws. The control of the army is exercised by the Federal Government, or by the Federal Minister, within the limits of the law. The Minister of War shall prescribe what extent the organization of the state or the municipalities may demand direct the cooperation of the Federal army for the purpose mentioned in Article 79, Paragraph 2.

Art. 81. Federal law shall prescribe to what extent the States are to participate in recruiting, provisioning, and quartering the army and in granting allowances for other necessities.

2. The Administration of Justice

Art. 82. (1) All jurisdiction emanates from the Federal State.

(2) Judges in all degrees shall be pronounced and appointed in the case of the judiciary.

Art. 83. (1) The constitution and jurisdiction of the courts shall be prescribed by Federal law.

(2) No one may be withdrawn from the jurisdiction of any regularly established court.

(3) Extravagant courts shall be permissible only in cases prescribed by the law concerning the procedure in original matters.

AMENDMENTS OF 1929

Art. 77. (1) Unchanged.

(2) Unchanged.

Art. 80. (1) Unchanged.

(2) Unchanged.

Art. 81. Unchanged.

3. The Administration of Justice

Art. 82. (1) Unchanged.

(2) Unchanged.

Art. 83. (1) Unchanged.

(2) He may be withdrawn from the jurisdiction of his legally established court.

(3) Unchanged.
Constitution of 1960

Art. 94. Military jurisdiction is abolished except in time of war.

Art. 95. Capital punishment in ordinary procedure is abolished.

Art. 96. (1) Except as otherwise provided by this law, the judges shall be appointed upon nomination of the Federal Government by the Federal President, or by the competent Federal Minister, upon authorization of the Federal President. The Federal Government or the Federal Minister shall request the chambers provided for by the law on the organization of the courts to submit proposals for appointments.

(2) The proposal for appointment, submitted to the competent Federal Minister and forwarded by him to the Federal Government, shall comprise, if there be a sufficient number of applicants, at least three names, and, if more than one position is to be filled, at least twice as many names as there are judges to be appointed.

Art. 97. (1) Judges shall be independent in the exercise of their judicial functions.

(2) A judge shall be regarded as exercising his judicial functions when he conducts all judicial business entrusted to him by law or by assignment, with the exception of such matters of judicial administration as may not be discharged, in accordance with prescriptions of the law, through chambers or commissions.

(3) Judges may be assigned in advance among the judges of a court for a term designated by the law on the organization of the courts.

(4) A judge may be removed from his jurisdiction by administrative decree only in case of his disability.

Art. 98. (1) An age limit shall be fixed by the law on the organization of the courts upon the attainment of which judges shall be permanently retired.

(2) In all other cases, judges may be removed from office, or against their will transferred to another position or retired, only by a formal judicial decision and only in the cases and according to the forms prescribed by law. These provisions, however, shall not apply to transfers or retirements which become necessary through changes in the law on the organization of the courts. In such cases the law shall prescribe within what period of time judges may be transferred or retired without the formalities otherwise prescribed.

(3) Temporary removal of judges from office may take place only by decree of the president of the court or of the superior judicial authority with the simultaneous reference of the matter to the competent court.

Art. 99. (1) The courts have no power to examine into the validity of laws only proclaimed.

(2) If a court has doubts concerning the applicability of an ordinance on the ground of its being illegal, it shall suspend the proceedings and submit an application to the Supreme Constitutional Court for its amendment.

Art. 100. (1) Hearings of proceedings in civil or criminal cases before the court authorized to pass judgment shall be oral and public. Evidence may be prescribed by law.

(2) In criminal procedure the indictment process shall apply.

Art. 101. (1) The people shall participate in the rendering of judgments.

(2) In cases of crimes punishable by severe penalties—which crimes shall be described by law—and in cases of all political crimes and misdemeanors, the jury shall render the verdict as to the guilt of the accused person.

(3) In criminal procedure for other penal offenses, lay judges (hakemiat) shall participate in the rendering of judgments, if the penalty to be imposed exceeds a limit to be prescribed by law.
CONSTITUTION OF 1890

Art. 92. The Supreme Judicial Court in Vienna shall be the highest court of appeal in civil and criminal cases.

Art. 93. Ammunition on account of acts which are punishable by courts may be granted only by federal law.

Art. 94. (1) Judicial and administrative powers shall be exercised in all instances.
   (2) No administrative authority has the power to decide upon private claims against the party aggrieved by such decision shall be given a remedy against the other party by regular legal process, provided there is no legal provision to the contrary.
   (3) In matters concerning land reform (Article 32, Paragraph 1, Clause 1) the commissions consisting of judges, administrative officials, and experts shall have the exclusive right of decision.

CHAPTER IV
The Legislative and Executive Power of the States

Art. 95. (1) The legislative power of the States shall be exercised by the Landtag. Their members shall be elected in accordance with the provisions of Article 32, Paragraph 1, of the Fundamental Law of the Federal States.
   (2) The number of deputies must be apportioned among the election districts, and the number of deputies must be apportioned among the election districts.
   (3) The provisions concerning the number of deputies are not permissible.

Art. 96. (1) Members of the Landtag shall enjoy the same immunity as the members of the Nationalrat. The provisions of Article 37 shall apply also to the meetings of the Landtag and their committees.
   (2) The provisions of Articles 72 and 73 shall apply also to the meetings of the Landtag and their committees.

Art. 97. (1) A State law shall require for its validity enactment by the Landtag, authorization and countersignature in accordance with the provisions of the State constitution, and publication by the Governor of the State (Landeoberpräsident) in the State Law Gazette (Landesgesetzblatt).

CHANGES OF 1905

Art. 92. Unchanged.

Art. 93. Unchanged.

Art. 94. (1) Unchanged.
   (2) Unchanged.

CHAPTER IV
The Legislative and Executive Power of the States

Art. 95. (1) The legislative power of the States shall be exercised by the Landtag. Their members shall be elected in accordance with the principles of proportional representation by the equal, direct, and personal suffrage of all Federal citizens of both sexes. They are qualified to vote according to the regulations for elections to the Landtag and who have their domicile in the State.
   (2) Unchanged.
   (3) Unchanged.

Art. 96. (1) Members of the Landtag shall enjoy the same immunity as the members of the Nationalrat. The provisions of Article 57 shall apply also to the meetings of the Landtag and their committees.
   (2) Unchanged.

Art. 97. (1) A State law shall require for its validity enactment by the Landtag, authorization and countersignature in accordance with the provisions of the State constitution, and publication by the Governor of the State (Landeoberpräsident) in the State Law Gazette (Landesgesetzblatt).
ARTICLES OF THE CONSTITUTION

27 -

ARTICLES OF 1905

(2) In so far as a State law provides for the participation of the federal authorities in its execution, the consent of the Federal Government must be obtained for this participation, before this consent is obtained, the law may not be published.

Art. 98. (1) All laws enacted by the Landtag must be communicated to the competent Federal Minister by the State Governor immediately after their enactment by the Landtag and before their publication.

(2) Within eight weeks after the day on which the law enacted by the Landtag has been filed at the office of the competent Federal Ministry, the Federal Government may interpose a veto, supported by reasons, on the ground that the enacted law endangers federal interests. In that event the enacted law may be published only if the Landtag, in the presence of at least one-half of its members, re-enacts the law.

(3) Before the expiration of the time allowed for interposing a veto, publication shall be permissible only with the express consent of the Federal Government.

Art. 99. (1) A State constitution enacted by State law may be amended by State law in so far as the Federal Constitution is not affected thereby.

(2) A State constitutional law may be enacted only in the presence of one-half of the members of the Landtag and by a majority of two-thirds of the votes cast.

Art. 100. (1) Every Landtag may be dissolved by the Federal President on the demand of the Federal Government and with the consent of the Bundestag. The consenting vote of the Bundestag requires the presence of one-half of the members and a majority of two-thirds of the votes cast. The representatives of the State whose Landtag is to be dissolved may not participate in the vote.

(2) In case of dissolution, write an election must, according to the provisions of the State constitution, be held within three weeks. The newly elected Landtag must be called together within four weeks after the addition.

Art. 101. (1) The executive power of each State shall be exercised by a State Government to be elected by the Landtag.

(2) The members of the State Government need not be members of the Landtag. However, only persons eligible to the Landtag may be elected Members of the State Government.

(3) A State Government shall consist of the State Governor and the necessary number of Secretaries and other members.

(4) On seeking office, the State Governor shall take an oath before the Federal President to support the Federal Constitution, and likewise the other members of the State Government shall take the same oath before the State Governor. The addition of a religious confirmation is admissible.

Art. 102. (1) Within the States the executive power of the Federal State shall be exercised — in so far as no federal authorities exist (direct federal administration) — by the State Governor and the State authorities subordinate to him (indirect federal administration).

(2) The following matters may be administered directly by federal authorities within their constitutional sphere of action:

Art. 99. (1) Unchanged.

(2) Unchanged.

Art. 100. (1) Unchanged.

(2) Unchanged.

Art. 101. (1) The executive power of each State shall be exercised by a State Governor (Landrechtsoffizier) to be elected by the Landtag.

(2) Unchanged.

(3) Unchanged.

(4) On swearing office the State Governor shall take an oath before the Federal President to support the Federal Constitution, and likewise the other members of the State Government shall take the same oath before the State Governor. The addition of a religious confirmation is admissible.

Art. 102. (1) Within the States the executive power of the Federal State shall be exercised — in so far as no federal authorities exist (direct federal administration) — by the State Governor and the State authorities subordinate to him (indirect federal administration).

(2) The following matters may be administered directly by federal authorities within their constitutional sphere of action:

* Cf. notes to Chapter II, Sections 8 and 11.
MARKING OUT BOUNDARIES, TRAFFIC IN GOODS AND LIVESTOCK WITH FOREIGN COUNTRIES, CUSTOMS, FEDERAL FINANCE, CUSTOMS, MEASURES, WEIGHTS, STANDARDS AND ASSURING, TECHNICAL EXPERIMENT, ADMINISTRATION, COMMERCE AND INDUSTRY, PATENTS, PROTECTION OF PATENTS, TRADemarks, AND OTHER COMMERCIAL DESIGNATIONS, INVENTORIES AND INVENTORING, ENGINEERING AND BUILDING ENGINEERING, TRAFFIC, FEDERAL HIGHWAYS, POLICE AUTHORITY OVER WATERWAYS AND NAVIGATION, POSTS, TELEGRAPHS AND TELEPHONES, REGULATION AND MAINTENANCE OF WATER, CONSTRUCTION AND MAINTENANCE OF WATERWAYS, HYDRAULIC SERVICES, SURVEYING, LABOR LAW, PROTECTION OF WORKERS AND OTHER EMPLOYEES, SOCIAL INSURANCE, PROTECTION OF ANIMALS, FOREST POLICIES, FEDERAL POLICE, FEDERAL PARLIAMENT, MILITARY MATTERS, CARE OF VETERANS AND THEIR DEPENDENTS,

(3) The Federal State has power to establish the State Governor with the executive power of the Federal State, even in matters enumerated in Paragraph 9.

(4) The establishment of federal authorities as organs of the direct federal administration in matters other than those enumerated in Paragraph 9, is permissible only with the consent of the States affected thereby.

(5) The Federal law, mentioned in Article 120, Paragraph 1, shall prescribe to what extent the State Governors may have authority over the federal police and the federal parliament.

MARKING OUT BOUNDARIES, TRAFFIC IN GOODS AND LIVESTOCK WITH FOREIGN COUNTRIES, CUSTOMS, FEDERAL FINANCE, CUSTOMS, MEASURES, WEIGHTS, STANDARDS AND ASSURING, TECHNICAL EXPERIMENT, ADMINISTRATION, COMMERCE AND INDUSTRY, PATENTS, PROTECTION OF PATENTS, TRADemarks, AND OTHER COMMERCIAL DESIGNATIONS, INVENTORIES AND INVENTORING, ENGINEERING AND BUILDING ENGINEERING, TRAFFIC, FEDERAL HIGHWAYS, POLICE AUTHORITY OVER WATERWAYS AND NAVIGATION, POSTS, TELEGRAPHS AND TELEPHONES, REGULATION AND MAINTENANCE OF WATER, CONSTRUCTION AND MAINTENANCE OF WATERWAYS, HYDRAULIC SERVICES, SURVEYING, LABOR LAW, PROTECTION OF WORKERS AND OTHER EMPLOYEES, SOCIAL INSURANCE, PROTECTION OF ANIMALS, FOREST POLICIES, FEDERAL POLICE, FEDERAL PARLIAMENT, MILITARY MATTERS, CARE OF VETERANS AND THEIR DEPENDENTS,

(3) Unchanged.

(4) Unchanged.

(5) Unchanged.

(6) Within the district of a federal police authority with a federal police force at its disposal, no other territorial corporation may establish or maintain police forces of its own. The dissolution of police forces whose establishment or maintenance is contrary to this provision falls within the competence of the Federal State.

(6) The establishment of federal police authorities, the fixing of their territorial jurisdiction and, as far as administrative matters are concerned for which the Federal States do not have power under their Constitutions, the fixing of their territorial jurisdiction, as well as the making of the special service regulations for their officers, may be decreed by the Federal Recess. So far as such authority may be exercised with the performance of duties in matters which belong to the autonomous administration of the municipalities or other organs of the autonomous administration of the State, such decrees may be passed only if the performance of the duties has been transferred to the federal police authorities by a law of the State concerned.

(7) If, due to danger to the public peace and order, an emergency arises in individual municipalities which requires special measures, the competent Federal Minister may, for the period of such danger, exercise special executive with the performance of these measures.

Art. 105a (1) Supreme direction and supervision of the administration in matters of schools and education falls within the competence of the Federal State. The Landesminister (State school boards), the Staatsminister (State school boards), the Staatsminister of Vienna, and the school authorities subordinate to these authorities are subordinate to the competent Federal Minister.

(2) The president officers of the Landesminister, Staatsminister of Vienna, and the Stateminister (State school boards) and their deputies, are subject to the supervision and instruction (Article 10, Paragraph 1) of the superior school authorities. Such instructions may be issued only so far as they do not encroach on the domain of the inferior college school authority (school board). Unless the instructions refer to the exercise of the rights which by law the president officer of the school board has vis-a-vis the domain of the board.

(3) Impeachment proceedings may be brought before the Supreme Constitutional Court by a resolution of the Federal Government against the president officer of the school board (Staatsminister) in matters which are to be decided by the president of the board. Impeachment proceedings are not applicable to these impeachment proceedings.

(4) The provisions of Article 100, Paragraph 2, Clause 4, shall be only applied to these impeachment proceedings.

(5) If the president officer of a school board in pursuance of resolutions of a superior school authority suspends the execution of a resolution of his board, the latter may, by a resolution, appeal from the decree containing the instruction according to rules of appeal to the superior authority, and finally to the Supreme Administrative Court.
ARTICLES OF 1979

Art. 103. (1) The competent Federal Minister may personally or through officials of the Federal Ministry directed by him, inspect from time to time the middle and lower schools which are not under the direct administration of the Federal Ministry, with respect to their condition and accomplishments. The competent State school authority (Staatsschulrat von Finnland) shall participate in this official act through one of its officers. The observations made by the official of the Federal Ministry shall be communicated to the competent State school authorities.

(2) Unchanged.

(3) Unchanged.

(4) Unchanged.

(5) The Federal Ministers who are in charge of the administration of federal property may, however, authorize the handling of such business to the State Governor and to the authorities in the State subordinated to the latter. Such delegations may be revoked wholly or partly at any time. If federal law determines to what extent in particular exceptional cases the Federal State has to repay the costs which arise through such service.

(6) Unchanged.

(7) Unchanged.

(8) Unchanged.

(9) Unchanged.

(10) Unchanged.

(11) Unchanged.

ARTICLES OF 1929

Art. 104. (1) Unchanged.

Art. 105. (1) The State is represented by the State Governor. In matters of indirect federal administration, he is responsible to the Federal Government in accordance with Article 105. This responsibility may be enforced notwithstanding any immunity.

(2) Unchanged.

(3) Unchanged.

Art. 106. Unchanged.


Art. 108. Unchanged.


Art. 110. Unchanged.
B. The Federal Capital Vienna, and the State of Lower Austria

Art. 100. (1) The Länder of Lower Austria are divided into two curiae (quarters). The two curiae (State curiae) shall consist of the Mitglieder (members) elected by the STAATEN (citizens) of Vienna. The election of the Mitglieder (State curiae) shall be regulated by the Constitution of the Federal capital, Vienna.

(2) The State curiae shall meet at the Landtag of Lower Austria to exercise the powers of legislation in all such matters pertaining to the formerly autonomous provincial administration as may be declared common to both by their common State constitution. Among such matters shall be particularly the common State Constitution itself.

Art. 110. (1) In all matters not common to both, each of the two divisions of the State shall have the status of an autonomous state.

Art. 111. (1) The constitution of the two divisions of the State, as well as the election of members to the Nationalrat (article 57) shall be applicable to members of the municipal council of Vienna.

(2) Likewise, in so far as it is within the sphere of action of the State, the power of legislation in respect to taxes shall be exercised separately by the municipal council of Vienna and the Landtag (State curia).

(3) Their common State constitution shall regulate in what manner the expenses for matters common to both shall be met.

Art. 112. The general provisions of this chapter shall apply to both divisions of the State. In regard to Vienna, the Magistrat elected by the municipal council shall have also the function of a Staatsverwaltungsbehörde (administration) and the Magistrat elected by the municipal council shall also have the status of a Landesregierung (government).

Art. 113. (1) Matters common to both shall be administered by an administrative commission elected by the Landtage of Lower Austria from among its members in accordance with the principles of proportional representation.

(2) The Magistrat of the City of Vienna and the State Governor of Lower Austria shall be members of the administrative commission and shall preside alternately.

Art. 114. A separate State of Vienna may be formed by concomitant law of the municipal council of Vienna and the Landtag of the State of Lower Austria.

G. The Municipalities (Communes)

Art. 115. General public administration in the States shall, in accordance with the following provisions, be organised on the basis of local self-government.

Art. 116. (1) Administrative districts and units of local self-government into which the States are divided shall be the local municipalities (Gemeinden) and the district municipalities (Gemeindebezirke).

(2) The local municipalities shall be subordinate to the States.
COSTITUION OF 1910

Art. 117. (1) Local municipalities of more than 20,000 inhabitants shall in their request be declared district municipalities. In non local municipalities district shall be consolidated with municipal administration.

(2) Cities herebefore governed under their own charters shall be district municipalities.

Art. 118. The local municipalities and district municipalities shall be also autonomous economic units. They shall have the right to own and acquire property of any description and to dispose thereof within the limits of federal and state law, to engage in economic enterprises, to prepare and carry out their independent budgets, and to collect taxes.

Art. 119. (1) The agencies of the local municipalities shall be the local municipal council and the local municipal administration office (Kommunen sind die Agenturen der landesmäßigen Gemeinden).

(2) Elections to all municipal councils shall take place in accordance with the principles of proportional representation and by the equal, direct, secret, and personal suffrage of all male citizens who have their domicile within the territorial jurisdiction of the municipal council to be elected. The legislative body of the States shall issue the election regulations. In these election regulations the limitations upon the right to vote or to be elected may not be more restricted than in the regulations for elections to the Landtag. The election regulations may prescribe that the voters shall declare their suffrage in election districts which must be contiguous. A division of the voters into other electoral bodies shall not be permissible. An electoral district shall be the election district. The number of candidates must be proportional among the election districts on the basis of the number of citizens.

(3) Only persons who have their domicile in the district municipality and who are eligible for election to the Landtag may be elected members of the district municipal council.

(4) The municipal council may, in accordance with the principles of proportional representation, elect from among their members, for the different branches of the administration, special administrative committees, which may, in so far as definite professional or interest groups are concerned, be enlarged by the addition of representatives of such professional or interest groups.

(5) The director of the district municipal administration office must be a legally trained administrative official.

Art. 120. (1) Additional fundamental principles for the organization of general public administration in the States shall be prescribed by Federal constitutional law in accordance with Articles 112 - 119. Supplementary laws shall be enacted by the States.

(2) Federal and State laws, respectively, which in their scope of authority as defined by the Constitution, determine what sectors of administration, as to subject matter and administrative organization, shall be the exclusive responsibility of the representative assemblies, administrative committees, and administrative officials, respectively.

(3) The local municipalities shall have the guaranteed scope of authority as to original jurisdiction in respect to the following matters:
   (a) Security of person and property (local security police)
   (b) Fire protection and life saving
   (c) Maintenance of streets, roads, public squares, and bridges of the municipality
   (d) Local street police
   (e) Protection and policing of the fields
   (f) Market and food police
   (g) Sanitary police
   (h) Building and fire police
CONSTITUTION OF 1920

CHAPTER V

Control over the Expenditure of the Federal State

Art. 121. (1) A Court of Audit shall be empowered to examine the expenditures of each and every agency of the Federal State as well as the expenditures of the municipalities, foundations, and institutions administered by agencies of the Federal State. It may also be entrusted with the examination of expenditures of enterprises in which the Federal State is financially interested.

(2) The Court of Audit shall draft the balance sheet of the federal budget and present it to the National Assembly.

(3) The Court of Audit shall have the right to determine the legality of the expenditures and its overreaches as to accounting.

Art. 122. (1) The Court of Audit shall be directly subordinate to the National Assembly.

(2) The Court of Audit shall consist of a President and the necessary officials and employees.

(3) The President of the Court of Audit shall be elected by the National Assembly on recommendation of the Civil Commission.

(4) The President of the Court of Audit may not be a member of any general representative body and may not have been a member of the Federal Government or any State Government within the last five years.

Art. 123. (1) In respect to responsibility, the President of the Court of Audit shall have the same status as members of the National Assembly.

(2) He may be relieved of office by resolution of the National Assembly.

Art. 124. (1) The President shall be represented by the official of the Court of Audit who is next highest in rank.

(2) In case of representation of the President, the provisions of Articles 93 and 146 apply to his representative.

Art. 125. (1) The Federal President shall appoint the officials of the Court of Audit on recommendation, and with the countersignature of, the President of the Court of Audit; the same shall apply to the conferment of titles of office. The Federal President, however, may supersede the President of the Court of Audit to appoint officials of certain classes.

(2) The President of the Court of Audit shall appoint its employees.

Art. 126. No member of the Court of Audit may take part in the direction or administration of enterprises which may render an account to the Federal State or to the States or which receive a subscription from, or have a contract with the Federal State or a State, except enterprises the exclusive object of which is the advancement of immediate economic or the settlement of the economic conditions of public employees or their dependents.

Art. 127. The Court of Audit, upon request of the Federal Government or of a Federal Ministry, has to conduct within its competence (Article 127, Paragraph 1) special audits and to report its findings to the requesting organs.

Art. 128. If controversies arise between the Court of Audit and the Federal Government or a Federal Minister concerning the interpretation of legal provisions relating to the competence of the Court of Audit, the decision rests with the Supreme Constitutional Court, in which both the Federal Government and the Court of Audit may apply. Such hearing is not public, the procedure is regulated by ordinance.

Art. 129. The Court of Audit has to communicate every report, before submitting it to the National Assembly, to the Federal Government. If the Federal Government, within three weeks after receipt of the report, does not object to the report, the Court of Audit has to submit these remarks to the National Assembly together with the report. With the consent of the Federal Government, however, the report may be submitted to the National Assembly prior to the expiration of the above-mentioned period of three weeks, after submission to the National Assembly, the report has to be published.
ARTICLES OF 1929

(2) The provisions of this Article shall not be applied to the State Vienne.

(3) In all cases in which the Court of Audit intends to report the results of the control of the properties, the Court shall communicate those reports previously to the Ministry of the State concerned. If the State is a financial department, the Court shall communicate to the Chief of that department. The delegue of the State, as well as the chief of the audit department, just mentioned, may within three weeks make comments on the report of the Court of Audit.

(4) In Paragraph 3, each State Government shall submit to the Court of Audit an annual balance sheet of the budget of the autonomous administration of the State.

(5) The Court of Audit, in auditing the balance sheets, must examine the books and other records relating to the financial dealings at the place where they are kept, and must report its findings to the State Government. The State Government shall submit the complete report on the findings of the audit to the State Government simultaneously with the balance sheet of the State.

(6) With regard to enterprises in which the State is financially interested, or to which the State was a guarantor of sustained losses, the Court of Audit, at the request of the State Government, to examine the activity of the State or guarantor of such enterprises and to report its findings to the State.

(7) The provisions of this Article shall not be applied to the State Vienne.

ARTICLES OF 1929

(2) Amended.

(3) No change.

(4) No change.

(5) No change.

(6) No change.

(7) No change.
The Court of Audit is authorized to audit the financial dealings as a whole or with respect to certain sections by examining the books and other pertinent records at the place where they are kept. Without prejudice to its auditing provided for in the foregoing provisions, the Court of Audit, at the request of the competent State government, may also conduct the audits of the financial dealings of the municipalities referred to in Paragraph 1, and has to report the results of its findings to the State Government.

(3) The provisions of Article 127, Paragraph 2, as applicable to the auditing of the financial dealings of the municipalities, also apply to the auditing of the financial dealings of the municipalities in so far as the place of the legislature of the State mentioned in Paragraphs 2 and 3, each of the municipalities is taken into consideration.

(4) The Court of Audit may conduct the audit of the financial dealings of the municipalities, in so far as the place of the legislature of the State mentioned in Paragraph 2, each of the municipalities is taken into consideration.

(5) The Court of Audit may conduct the audit of the financial dealings of the municipalities, in so far as the place of the legislature of the State mentioned in Paragraph 2, each of the municipalities is taken into consideration.

(6) The Court of Audit shall be responsible for the conduct of the audit of the financial dealings of the municipalities, in so far as the place of the legislature of the State mentioned in Paragraph 2, each of the municipalities is taken into consideration.

(7) Paragraph 3, Article 127, is also applicable to the auditing of the financial dealings of the municipalities with less than 20,000 inhabitants and to the conduct of the audit of the municipalities.

Art. 130. Unchanged.

CHAPTER VI
Constitutional and Administrative Guarantees

A. The Supreme Administrative Court

Art. 129. (1) The Supreme Administrative Court shall render judgment or order of an administrative authority, as the case may be, in matters referred to in Articles 11 and 12, on the complaint against acts (decisions or orders) of the administrative authorities.

(2) Against the decision or order of the administrative authority, a complaint may be filed by:

A. The person who considers that his rights have been violated by the acts; or

B. The person who considers that his rights have been violated by the acts; or

C. The competent Federal Ministry, on account of the illegality of the administrative authority.

(3) In matters of Article 129 and 12, the complaint shall be entertained in the procedure leading to the administrative act, and shall be entertained in the procedure on account of a breach of safety provided by law, or on account of a violation of compulsory legal rules, or for breach of law, or for breach of the Federal Ministry, or for breach of a legal norm or a legal prohibition, or for a breach of the Federal Ministry, or for breach of a legal norm or a legal prohibition, or for a breach of the Federal Ministry.

(4) In matters of Article 129 and 12, the complaint shall be entertained in the procedure leading to the administrative act, and shall be entertained in the procedure on account of a breach of safety provided by law, or on account of a violation of compulsory legal rules, or for breach of law, or for breach of a legal norm or a legal prohibition, or for a breach of the Federal Ministry, or for breach of a legal norm or a legal prohibition, or for a breach of the Federal Ministry.

(5) In matters of Article 129 and 12, the complaint shall be entertained in the procedure leading to the administrative act, and shall be entertained in the procedure on account of a breach of safety provided by law, or on account of a violation of compulsory legal rules, or for breach of law, or for breach of a legal norm or a legal prohibition, or for a breach of the Federal Ministry, or for breach of a legal norm or a legal prohibition, or for a breach of the Federal Ministry.
(3) A violation of a law does not exist, in so far as an administrative authority has been empowered by the provisions of the law to render a discretionary decision of order and has exercised such discretion within the meaning of the law.

(4) The complaint, according to Paragraph 2, a. may be filed only after the administrative remedies have been exhausted. The complaint, according to Paragraph 2, b. and c, only against the order or decision of the administrative authority which has been decided in the last instance.

(5) On account of a violation of rules of procedure, a complaint can only be filed if the administrative authority, and it complied with the rules of procedure, might have come to another conclusion.

(6) The administrative act is not illegal in so far as the administrative authority was authorized by law to act upon the case free discretion and has used its discretion in conformity with the law.

Art. 130. In matters concerning which complaints may be taken to the Supreme Administrative Court, administrative appeals may be instituted by Federal or State law in accordance with the provisions of Articles 10-15 determining sphere of authority.

Art. 130. Excluded from the jurisdiction of the Supreme Administrative Court are the matters:
(a) which belong to the jurisdiction of the Supreme Constitutional Court;
(b) which belong to the jurisdiction of the ordinary courts;
(c) to regard to which the final decision rests with a board if either according to Federal or State law, at least one of its members is a judge, also the other members are in the exercise of their offices not bound to instructions from their superiors, the decisions and orders of the board cannot be cancelled or changed in any way of administrative procedure, and appeal to the Supreme Administrative Court has not been expressly declared as admissible or if Article 127, Paragraph 2, clause 2, is to be applied.

Art. 131. From the jurisdiction of the Supreme Administrative Court are excluded any matters:
(a) which fall within the jurisdiction of the Supreme Constitutional Court;
(b) which fall within the jurisdiction of the ordinary courts;
(c) which are to be decided or decided by a collegiate authority, which, whether acting in an inferior or superior capacity, shall have among its members at least one judge.

Art. 131. (1) In matters of administrative penalties complaint may be filed:
(a) by the punished person against the sentence of the administrative authority or by the private plaintiff against a decision by which the proceedings have been quashed on account of the illegality of the act;
(b) by the punished person if he considers that an improvement of more than one week on a punishment constituting deprivation of privileges or a fine exceeding 200 guilders or a punishment constituting confiscation of objects of this value are, in view of the grade of his guilt and the minor importance of the delict majus or minor to endanger his economic standards on account of the measure (amount) of the punishment.
(c) In all these cases complaint may be filed only after all administrative remedies have been exhausted.

Art. 132. Every chamber (bench) of the Supreme Administrative Court which renders judgment within 24 appeal, from a decision or order of an administrative authority of a State shall as a rule have among its members a judge who formerly belonged to the judicial or administrative service of that State.

Art. 132. (1) The decision of the Supreme Administrative Court by which the complaint is granted, affects enclaves of the contested administrative acts.

(2) The administrative authorities are obliged to render immediately a new decision or order in rendering the new decision or order, they are bound by the judicial opinion of the Supreme Administrative Court.

Art. 132. (2) The parties may appeal to the Supreme Administrative Court:
(a) through an action relating to pecuniary claims;
(b) through a complaint relating to the illegality of the administrative act (decision or order).
ARTICLES OF 1929

ARTICLES OF 1975

Article 133. (1) The Supreme Administrative Court renders judgment in chambers (separate), in so far as according to federal law concerning adjudication by administrative courts and the organization of the Supreme Administrative Court the decision of a plenary meeting is not required.

(2) Every chamber of the Supreme Administrative Court which renders judgment upon an appeal from a decision or order of administrative authority of a State shall, as a rule, have among the members a Judge who formerly belonged to the judicial or administrative service of that State.

(3) If the decision or order of the administrative authority is cancelled, the administrative authorities are bound, with all legal means which are at their disposal, to immediately render the case at issue to the legal opinion of the Supreme Administrative Court.

(4) In the cases of Articles 131 and 132, Paragraph 2, the Supreme Administrative Court has to fix the period of time within which the claim has to be satisfied. The ordinary courts have to execute these decisions of the Supreme Administrative Court.

Article 134. (1) The members of the Supreme Administrative Court shall have the qualifications for the office of Judge.

(2) At least one-third of the members must have the qualifications for the office of Judge.

(3) The provisions of Articles 27, Paragraph 1 and 2, and Articles 28, Paragraphs 1 and 2, are also applicable to the members of the Supreme Administrative Court.

(4) The President, the Vice-President and the members of the Supreme Administrative Court shall be appointed by the Federal President upon nomination by the Federal Government. The nomination by the Federal Government shall require, for the President and one-half of the members, the consent of the Half Committee of the National Assembly for the Vice-President and the other half of the members, the consent of the Senate.

Amendment of 1975

(5) In case a declaratory action has been decided upon directly or indirectly in an administrative procedure, an action according to Paragraph 2, Clause 2, can be filed only if a complaint against the administrative act (decision or order) according to Paragraph 2, Clause 2, is being filed too.

(6) If it is not possible, according to federal law, to bring immediately the action or complaint, it can be brought only after the administrative remedies have been exhausted or if the competent authority of first or higher instance has not decided the merit of the case within the period of time prescribed by federal law. Either the action or the complaint may be based on the alleged illegality of a sentence in matters of disciplinary law.

(7) In the cases of Articles 131, Article 132, Paragraph 1, and Article 132, Paragraph 2, the Supreme Administrative Court has to declare the contested decision or order as cancelled, if the Court does not reject the complaint or decide that the complaint is not justified.

(8) Because of an illegality which merely consists of a violation of the rules of procedure, a decision or order may be cancelled only if the administrative authority, and it compiled with the rules of procedure, might have come to another conclusion.

(9) If the decision or order of the administrative authority is cancelled, the administrative authorities are bound, with all legal means which are at their disposal, to immediately render the case at issue to the legal opinion of the Supreme Administrative Court.

(10) In the cases of Articles 131 and 132, Paragraph 2, the Supreme Administrative Court must fix the period of time within which the claim has to be satisfied. The ordinary courts have to execute these decisions of the Supreme Administrative Court.

(11) The provisions of Articles 27, Paragraph 1 and 2, and Articles 28, Paragraphs 1 and 2, are also applicable to the members of the Supreme Administrative Court.

(12) The President, the Vice-President and the members of the Supreme Administrative Court shall be appointed by the Federal President upon nomination by the Federal Government. The nomination by the Federal Government shall require, for the President and one-half of the members, the consent of the Half Committee of the National Assembly for the Vice-President and the other half of the members, the consent of the Senate.
Art. 336. The adjudication by administrative courts and the organization of the Supreme Administrative Court shall be regulated by federal law.

B. The Supreme Constitutional Court

Art. 337. The Supreme Constitutional Court shall render judgment upon all cases against the Federal State, the States, or the municipalities, which cannot be brought before the regular courts.

Art. 338. The Supreme Constitutional Court shall also render judgment upon conflicts of competence:
(a) between courts and administrative authorities;
(b) between the Supreme Administrative Court and the courts, and in particular between the Supreme Administrative Court and the Supreme Constitutional Court itself;
(c) between the States, as well as between a State and the Federal State.

Art. 339. (1) The Supreme Constitutional Court shall render judgment upon the illegality of ordinance of a Federal or State authority on the application of a court, but if such an ordinance constitutes the basis of a judgment of the Supreme Constitutional Court, it may render judgment on appeal. It shall also render judgment upon the illegality of ordinance of a State authority on application of the Federal Government. It shall also render judgment upon the illegality of ordinances of a Federal authority on application of a State Government.

(2) The judgment of the Supreme Constitutional Court, by which an ordinance is declared as being illegal, shall obligate the competent authority to publish the summons immediately. The summons shall become effective on the day of publication.

Art. 340. (1) The Supreme Constitutional Court shall render judgment upon the unconstitutionality of a State law on application of the Federal Government, upon the unconstitutionality of federal law, not if such a law constitutes the basis of a judgment of the Supreme Constitutional Court, it may render judgment on appeal.

(2) The application mentioned in Paragraph 1 may be made at any time; the authority that makes the application must communicate it immediately to the competent State Government or the Federal Government, as the case may be.

Art. 341. (1) The Supreme Constitutional Court shall render judgment upon all cases of jurisdiction in which the ordinary courts have no jurisdiction.

(2) The Supreme Constitutional Court shall render judgment especially upon cases of the employees of the Federal State, the States (districts), and the municipalities resulting from this constitutional law. In such cases the action can be brought before the Supreme Constitutional Court, if it is immediately according to law a question of the Federal State, the States (districts), and the municipalities to be determined by a court, in which, in the end, the action can be decided by the Supreme Constitutional Court, if the ordinary court, has determined the action in accordance with the law prescribed by Federal law, such a claim cannot be based on the alleged illegality of a sentence in matters of disciplinary law.

Art. 342. (1) The Supreme Constitutional Court shall also render judgment upon conflicts of competence:
(a) between the courts and administrative authorities;
(b) between the Supreme Administrative Court, all other courts, especially between the Supreme Administrative Court and the Supreme Constitutional Court itself, as well as between the ordinary courts and other courts;
(c) between the States themselves as well as between a State and the Federal State.

(2) On application of the Federal Government or a State Government, the Supreme Constitutional Court shall decide whether an act of legislation or execution falls, according to Articles 10 - 15, within the competence of the Federal State or the State.

Art. 343. (1) The Supreme Constitutional Court shall render judgment upon the unconstitutionality of a federal or State law on application of the Federal Government, upon the unconstitutionality of a federal or State law. The judgment of the Supreme Constitutional Court must be restricted to the decision of the question as to whether the ordinance was illegal.

(2) The judgment of the Supreme Constitutional Court by which an ordinance is declared as being illegal, shall obligate the competent authority to publish the summons immediately. The summons shall become effective on the day of publication.

(3) If the ordinance to be applied by the court has not been revised, the obligation to publish the summons shall become effective upon the expiration of six months, this period of time may not exceed six months.

Art. 344. (1) The Supreme Constitutional Court shall render judgment upon the unconstitutionality of a federal or State law on application of the Supreme Administrative Court if such a law shall constitute the basis of a judgment of the Supreme Constitutional Court, the latter may render judgment as officials.

(2) The application mentioned in Paragraph 1 may be made at any time; the authority that makes the application must communicate it immediately to the competent State Government or the Federal Government, as the case may be.
CONSTITUTION OF 1950

ARTICLES 111, 112, 113

Amendment of 1950

(1) The Supreme Constitutional Court shall render judgment on constitutional challenges to the constitutionality of laws, to the extent that the law in question has not been enacted by a legislative body with the requisite constitutional authority.

(2) Impeachment proceedings may be brought:
(a) by the President on account of violations of the Federal Constitution; or by resolution of the National Assembly;
(b) against members of the Federal Government, or any other officer of the Federal Government, by the President, on account of contempt of the Federal Constitution, or on account of violation of a law; or on account of violation of a law by a resolution of the National Assembly;
(c) against members of the State Governments, by any of the above-mentioned bodies, on account of contempt of a law, or on account of violation of a law; or on account of violation of a law by a resolution of the State Government;
(d) against a State Government on account of violation of a law, as well as on non-compliance with the ordinances of the Federal Government, or orders of the Federal constitutional administration by resolution of the Federal Government.

(3) If the impeachment proceedings are brought by the Federal Government according to Paragraph 2, Clause 3, only against the State Governor or his deputy, and if it is proved that another member of the State Government was actively involved, the Federal President shall be accused by the Federal constitutional administration according to Article 10, Paragraph 2, if it is alleged by a group in the sense of Paragraph 1, Clause 3, that the Federal Government may at any time until the judgment of the Supreme Constitutional Court has been rendered, extend the impeachment to this member of the State Government.

Cf. notes to Chapter II, Sections B and C.
AMENDMENTS OF 1919

(4) The condemning verdict of the Supreme Constitutional Court shall declare the loss of office and other particularly aggregate circumstances as also temporary loss of political rights. In the event of minor infringements in the cases mentioned in Paragraph 2, Clause 4, the Supreme Constitutional Court may limit its decision to the declaration that the law has been violated.

(5) The Federal President may appeal himself of the cases of the Clauses 5, Paragraph 2, Clause 5, or the cases stated in the provisions of the other paragraphs of this article, to the Supreme Constitutional Court only with consent of the Federal Government in all cases, only with the consent of the accused,

Art. 103. Unchanged.

Art. 104. Unchanged.

Art. 105. Unchanged.

Art. 106. Unchanged.


Art. 108. Unchanged.


Art. 110. Unchanged.

Art. 111. Unchanged.

Art. 112. Unchanged.

Art. 113. Unchanged.

Art. 114. Unchanged.

Art. 115. Unchanged.


Art. 117. Unchanged.
CONSTITUTION OF 1960

CHAPTER VII

Concluding Provisions

Art. 148. (1) In addition to this law (the Federal Constitution) the following laws shall, within the meaning of Article 68, Paragraph 1, be regarded as constitutional laws with due consideration for the changes necessitated by this law:

Fundamental Law of the State, of December 21, 1960, St.B.L. No. 123, concerning the general rights of citizens for the kingdoms and territories represented in the Reichstag.

Law of October 27, 1952, St.B.L. No. 87, for the protection of personal liberty.

Law of October 27, 1952, St.B.L. No. 88, for the protection of the individuality of the home.

Resolution of the provisional Constituent Assembly of October 30, 1918, St.B.L. No. 31.

Law of April 3, 1918, St.B.L. No. 809, concerning the expulsion and the taking over of the property of the House of Hohenzollern-Sigmaringen.

Law of April 3, 1919, St.B.L. No. 211, concerning the exclusion of the unility, of the secular orders of knights or of ladies, and certain titles and honors.

Law of May 9, 1920, St.B.L. No. 257, concerning the coat of arms and the seal of the State of the Republic of German States with the changes effected by Articles 21, 23, and 6 of the Law of October 23, 1919, St.B.L. No. 109.

Section 7 of Part VII of the Treaty of St. Germain, of September 10, 1919, St.B.L. No. 929, Article 50 of the Fundamental Law of State, of December 21, 1960, St.B.L. No. 110, as well as the Law of May 5, 1950, St.B.L. No. 66, promulgated by reason of the aforementioned Articles, shall cease to be in force.

Art. 150. The transition to this Constitution of the Federal State shall be regulated by a special constitutional law, which shall become effective at the same time as this law.

Chapter VII

Art. 151. The detailed organization and the procedure of the Supreme Constitutional Court shall be regulated by federal law.

Amendments of 1979

Art. 150. Unchanged.

Art. 151. Unchanged.

* Cf. notes to Chapter II, Sections 5 and 7.
CONSTITUTION OF 1960

Art. 151. (1) This law shall become effective on the day of the first sitting of the National Assembly, except as otherwise provided by the law referred to in Article 150.

(2) The provisions, however, of Article 50, Paragraph 1, and of Article 60, Paragraph 2, shall become effective on the day of publication; and thereafter, until the other provisions of this law come into force, the powers of ratification shall be exercised by the Constituent Assembly instead of the National Assembly.

Art. 152. The execution of this law is entrusted to the Government.

AMENDMENTS OF 1975

Art. 151. (1) Unchanged.

(2) Unchanged.

Art. 152. Unchanged.

AMENDMENTS OF 1979

Art. 151. (1) Unchanged.

(2) Unchanged.

Art. 152. Unchanged.