

# The Organisation of the Vienna City Administration



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# 1. Vienna - a part of the Republic of Austria

The City of Vienna is both the national capital of Austria and one of Austria's federal provinces (Bundesländer). With a total size of 414 square kilometres and a population of about 1.92 million, it is by far the largest municipality in the country, and serves as the seat of many international organisations.

The following overview on the structure of the Republic of Austria, its federal provinces and municipalities is to allow for a complete understanding of the City of Vienna's role and place within the federal state of Austria.

## 1.1. The legal structure of the Republic of Austria

Austria is a federal state consisting of nine federal provinces. Its constitution is typically republican-democratic and is based on a (moderately) federalist structure.

The **federal state** (in constitutional terms: the superordinate state; in Austria colloquially known as "Bund", i.e. "the federation") is in charge of key tasks such as federal legislation, external and defence policies as well as general jurisdiction.

The Republic is divided into nine **federal provinces**, which are also vested with legislative and executive powers.

The **municipalities** are the smallest units in the state organisation and as such have no legislative powers. However, they are entitled to issue general regulations (ordinances) and in practice perform many public administrative tasks. They are independent administrative bodies, i.e. their own sphere of competence is defined in and "protected" by the federal constitution. They are not subject to directions from other authorities or institutions in this field, notwithstanding the fact that they are under state supervision.

### 1.1.1. Local and regional authorities

The federal state, the nine federal provinces and the municipalities are referred to as local or regional authorities. Local and regional authorities are legal entities under public law comprising all members of the population who have a geographic relationship to the given authority's geographic area (e.g. by their place of residence or physical presence in that area).

Regional authorities rely on a number of bodies to fulfil their tasks. Most of these bodies are elected, others (such as the municipal council offices and city administrations)

consist of elected bodies, (e.g. political representatives elected for a term of office) as well as nominated or contracted employees.

The bodies representing local and regional authorities are called general representation bodies ("Allgemeine Vertretungskörper"). Specifically, these bodies are the National Assembly, provincial parliaments, municipal councils and, in Vienna only, the district councils ([click here for further information on district councils in German language](#)).

### 1.1.2. Separation of powers

The Austrian constitution is based on the principle of separation of powers. This means that administration is separate from the judiciary and the legislation (which is in the hands of the National Assembly and Federal Assembly at the federal level; and of provincial parliaments at the provincial level) .

- General jurisdiction is a federal matter.
- Federal or provincial laws may, however, provide for cases in which appeals against administrative decisions are to be submitted directly to courts of general jurisdiction instead of filing a complaint with the administrative court.
- Despite the principle of separation of powers, legislative bodies can assume certain administrative tasks and have certain participation rights.
- It should also be noted that the "general representation bodies" operating at the municipal level, i.e. the municipal councils, are not considered legislative bodies.

## 1.2. Organisation of state administration



State administration is effected by the (superordinate) federal state, the federal provinces and the municipalities, as well as (in some cases) by other self-governing institutions such as the chambers.

Administrative districts are units established for administrative purposes only; they do not have elected bodies of their own. In chartered cities, district administration tasks are performed by the municipal institutions.

As a rule, state administration is based on two fundamental principles of organisation: monocratic and the collegial organisation.

### **1.2.1. Monocratic organisation**

An individual person is in charge of carrying out tasks, taking the necessary decisions and therefore assuming full responsibility for the effects. This includes the right to give directions to junior members of staff. The monocratic form of organisation is applied in state administration, but also in other socio-economic bodies (e.g. enterprises, businesses etc.)

### **1.2.2. Collegial organisation**

A group of persons is jointly responsible for carrying out tasks and making decisions. This principle is less common. Collegial organisations are generally found at the level of provincial governments, as well as in some court instances ("senates of judges").

## **1.3. Federal administration**

The federal administration is headed by the head of state (the federal president) and by the federal ministers. The head of state is directly elected by the people every six years.

### **1.3.1. The federal government**

The federal government is made up of the federal chancellor, the vice-chancellor and the other federal ministers.

The federal president is free to appoint a federal chancellor of his or her choice, who then submits to the head of state a proposal for the nomination (or dismissal) of the federal ministers and state secretaries. The federal government is subject to parliamentary supervision: if parliament casts a motion of no confidence in individual ministers or the government as a whole, the entire government or the respective minister must be removed from office.

The federal ministers are not subject to any directions from the federal chancellor in their everyday conduct of business.

The federal government performs its tasks as a collegial or collective body chaired by the Federal Chancellor. Its decisions are taken unanimously.

### **1.3.2. State secretaries**

State secretaries are nominated or dismissed by the federal president upon the proposal of the federal chancellor. They are not part of the federal government but act as aides to the federal ministers, assisting them in their "everyday conduct of business", and representing them "in parliament as needed." Although they may be assigned specific tasks by the competent minister, they are not a priori responsible for any specific duties.

### **1.3.3. Federal ministries**

The federal ministries act as auxiliary bodies to the respective federal ministers. Their number, tasks and designations are laid down in the Federal Ministries Act. They are governed by the principle of monocratic organisation, which means that the federal ministers decide on and are responsible for the conduct of business in compliance with general regulations.

The federal chancellor is the head of the Federal Chancellery.

### **1.3.4. Direct federal administration**

The term "direct federal administration" means that federal authorities have been established specifically for performing administrative tasks reserved to the federal level. In this field, ultimate decision-making power usually rests with the competent federal minister.

The tasks to be carried out directly by the federal authorities are defined in the Austrian Federal Constitution (sec 102 B-VG). It should be noted that the provinces and municipalities are practically not involved in matters of direct federal administration.

### **1.3.5. Indirect federal administration**

The principle of indirect federal administration implies that the federal state is required to delegate all matters that must not be performed at federal level to the provincial governors or their subordinate authorities. If this is not the case, approval from the federal provinces is required.

From an organisational point of view this constitutes a classic case of decentralisation. Decentralisation in this context refers to the delegation of tasks, decision-making rights and responsibilities to decentralised bodies in accordance with the relevant legal

provisions. In principle, these bodies are free to take their own decisions in compliance with statutory regulations. However, they may be obliged to report to superordinate authorities and to follow directions from these authorities.

As a rule, tasks of indirect federal administration at administrative authority level are performed by provincial bodies, i.e. monocratic administrative authorities in charge of individual administrative districts.

In matters of indirect federal administration, the district administrative authorities are subordinate to the provincial governors. The Offices of Provincial Governments assist the governors in their duties. These offices are headed by legally trained employees with the title "Head of the Office of the Provincial Government".

#### **1.4. Administrative structure at provincial level**

In matters of provincial administration, the provincial governments are superordinate to district administrative authorities established in the federal provinces. At the provincial level the principle of monocratic organisation common to other areas of state administration is relinquished in favour of the collegial principle, which means that the provincial government generally acts and takes decisions as a collegial body. However, the federal constitution does provide for monocratic forms of organisation at the provincial level under certain circumstances.

Provincial governments are headed by provincial governors, whose position is interesting from an organisational point of view: on the one hand, they are representatives of indirect federal administration and as such are responsible for federal tasks; on the other hand, they are representatives of a province and as members of the provincial government must also assume provincial tasks.

#### **1.5. Organisation of municipal administration**

Municipalities are administrative units, local authorities and self-governing institutions. In their own sphere of competence, which is guaranteed by the Federal Constitution, they are not bound to any directions from the state. Their work is, however, subject to a regular supervision system for municipal authorities. The City of Vienna, being both a municipality and a province, forms an exception in this context.

The federal state and provinces can also delegate certain tasks to the municipalities by federal or provincial laws. This is called the delegated sphere of competence. In performing these tasks, the municipalities are bound to the directions they receive from the state or province.

In principle, the size of a municipality or its population has no bearing on the scope and number of tasks it has to assume.

Municipalities are not only in charge of public administration; they are independent economic entities (according to sec 116 of the Austrian Federal Constitutional Act) and as such may also contribute to the general economy by running their own industrial and commercial enterprises.



According to the Austrian Federal Constitution (sec 117), the above bodies must be established in every municipality. The so-called "mandatory bodies" carry out tasks at municipal level.

Further bodies performing municipal tasks may be provided for in the municipal codes or city statutes, which

technically are provincial laws.

### 1.5.1. Municipal council

Municipal councils are general representation bodies elected by the citizens of a municipality. Detailed regulations on council elections are set out in the municipal codes for each province.

The municipal council is the main decision-making body of a municipality. In carrying out tasks pertaining to the municipality's own sphere of competence the other municipal bodies are responsible to the municipal council.

Its main tasks include adopting the municipality's budget and preparing the municipality's final balance.

### 1.5.2. Municipal board (city board, city senate)

The municipal board is elected by the members of the municipal council, and is colloquially referred to as the "municipal government". Essentially it is a pre-advisory body for all decisions to be taken by the municipal council, though it is also vested with limited decision power. In cities, the municipal board is called the "city board", while in chartered cities, like Vienna, it is known as the "city senate".

### 1.5.3. The mayor

The mayor is elected by the municipal council or – if the respective provincial constitution provides for direct elections – by all citizens entitled to elect the municipal council. The mayor of the City of Vienna, however, cannot be elected by direct suffrage because she/he is also governor of the Federal Province of Vienna.

The mayor is answerable to the municipal council for all matters within the municipality's own sphere of competence; in matters pertaining to the delegated sphere of competence he/she is subordinate to the relevant federal and provincial bodies and is subject to their directions.

#### **1.5.4. Municipal council office (city council office, city administration)**

The municipal council office is in charge of the municipality's conduct of business. It is subordinate to the mayor and the municipal council.

In cities, the municipal council office is called the "city council office".

15 cities in Austria have their own statutes. In these "chartered cities", the tasks normally performed by the district commissions are taken over by the relevant municipal bodies, and the city administration takes the place of the municipal council office.

### **1.6. Financing governmental tasks**

The Act Governing Constitutional Rules on Public Finance provides the fundamental instrument for the distribution of financial competencies between the federal state, the provinces and the municipalities.

#### **1.6.1. Distribution of tax revenues**

As a rule, taxes are classified according to which regional authority (federal state, provinces, municipalities) is entitled to dispose of tax revenues in its budget. The main groups are:

- Duties collected at the federal level for the federal budget only
- Federal taxes divided between the state and the provinces, and subsequently allocated to the municipalities based on a quota system (percentages)
- Exclusively provincial or municipal taxes, revenues of which are for provincial or municipal budgets only

In addition, both the federal state and the provinces have the right to introduce new taxes. Municipalities have the right to charge certain dues or taxes by decree. This is part of the "right to independent resolutions" granted to municipalities by federal or provincial law.

### **1.6.2. Financial equalisation**

The system of financial equalisation provides for the distribution of taxation rights and tax revenues between the federal state, the federal provinces and the municipalities of Austria. As the Federal Act on Financial Equalisation has a limited term of validity (usually four to six years), it needs to be renegotiated between representatives of the federal, provincial and municipal levels at regular intervals. The negotiations lead to the conclusion of a "pact" on the terms of financial equalisation. This system is of particular importance for local authorities because it accounts for a significant share of their total revenues.

Apart from the allocation of taxation rights (i.e. determining which authority is entitled to levy a certain tax) and the distribution of joint tax revenues (primary financial equalisation), the system of financial equalisation in Austria also provides for supplementary grants from one local authority level to the other (secondary financial equalisation), e.g. to help finance specific tasks, relieve financial hardship or cover extraordinary expenses.

## **2. Vienna - a regional authority**

The City of Vienna has a special position within Austria because it is

- the federal capital, i.e. the seat of the Republic of Austria's highest authorities,
- a federal province of the Republic of Austria, and
- a municipality with the legal status of a chartered city.

### **2.1. Vienna - the federal capital of Austria**

As the seat of the republic's highest authorities (federal parliament, head of state, federal government and the highest courts), Vienna is the economic and political centre of Austria. It does not, however, enjoy any particular privileges in its role as a federal capital.

## 2.2. Vienna - a federal province of Austria

Since 1 January 1922, Vienna has been one of the nine autonomous federal provinces that form the Republic of Austria.

As a federal province, Vienna has a right to its own legislation and provincial executive body.

It currently designates 10 representatives to the second chamber of federal legislation, the so-called **Federal Assembly**, which is also known as "Chamber of Provinces".

Legislation in Vienna is in the hands of the **Vienna Provincial Parliament**. The highest executive body is the **Vienna Provincial Government**, which is headed by the Governor. The Provincial Parliament has 100 members; the Provincial Government is formed by the Governor and currently 12 members of government called **City Councillors**.

Administrative tasks are performed by the Office of the Provincial Government under the direction of the Head of the Office of the Provincial Government.

## 2.3. Vienna as a municipality

The Federal Constitutional Act stipulates that every municipality in Austria must have three mandatory bodies, which are to be supported by an administrative apparatus.

The mandatory bodies to be established by every municipality are:

- the municipal council (in Vienna: the City Council)
- the municipal board (in Vienna: the City Senate)
- the Mayor

A Municipal Council Office must be established to perform tasks of municipal administration. In Vienna, the City Administration assumes this role, while it also constitutes a body in its own right.

Based on the [Vienna City Statutes](#), a number of other, non-mandatory bodies and offices have been established (i.e. bodies not stipulated by the Federal Constitutional Act). These include the Executive City Councillors, the committees and commissions of the City Council, the District Councils and the Vienna Appellate Senate.

The Vienna City Statutes ("Wiener Stadtverfassung", abbreviated WStV) serve as Vienna's municipal statutes. Their first section takes the form of a provincial law, while

the second section – which defines the tasks and functions of Vienna as a federal province - has the status of a constitutional act at provincial level.

## The City Council

The Vienna City Council is the highest authority in the city.

### Membership

The 100 [members of the Vienna City Council](#) are at the same time members of the [Vienna Provincial Parliament](#). The members of the City Council are elected by the people for a legislative period of five years, as provided for in the [Regulations on Municipal Elections in Vienna](#). Elections are held on the basis of universal, equal, secret, personal and direct proportional representation. According to the EU Directive on municipal elections, citizens of other EU states living in Vienna are eligible to vote at the district level, but cannot participate in elections to the City Council.

Based on the results of the 2020 elections to the Vienna City Council and District Councils, the current distribution of the 100 seats in the Vienna City Council is as follows: Social Democrats (SPÖ) 46 seats; Austrian People ' s Party (ÖVP) 21 seats; Green Party 16 seats; NEOS 8 seats; Freedom Party (FPÖ) 8 seats; 1 non-affiliated member.

### [Seating plan in the Vienna City Council](#)

### Function and tasks

The City Council's function is to safeguard the interests of all members of the municipality. Its tasks include general supervision of the municipality, electing the mayor, the deputy mayors and the city councillors. The City Council adopts the municipal budget plan (i.e. the annual budget), approves staffing plans, and adopts the final balance.

It is also responsible for approving the Rules of Procedure and the Allocation of Competencies in the City Administration (- both documents are subsequently decreed by the Mayor).

Provided that the amount of money involved in the transaction exceeds a specific threshold (pursuant to sec 88 of the Vienna City Statutes), the City Council is also responsible for specific types of transaction including

- real estate transactions
- granting loans and other legal transactions

- authorising subscriptions and subsidies
- write-offs and the waiving of claims.

The City Council may delegate some of its tasks to other municipal bodies .

### **Inquiries, motions and initiatives**

The members of the City Council have the right to address inquiries to the Mayor or the Executive City Councillors in matters within the municipality's own sphere of competence. They may also submit (written) motions, which must be dealt within one month, though the Mayor and Executive City Councillors are not required to approve them. Inquiries and motions may also be submitted as urgent initiatives if this is demanded by at least six members of the City Council.

### **City Council meetings**

The Mayor convenes a meeting of the City Council whenever it is "required for the conduct of daily business", or upon receiving a written request from a minimum of 25 members of the City Council or from a party caucus in the City Council.

The meetings of the City Council are chaired by a chairperson. The City Council must elect four chairpersons from among its members.

## **2.3.1. The City Senate**

The [Vienna City Senate](#) consists of the Mayor and the City Councillors.

According to a unique regulation found only in the [Vienna City Statutes](#), not all members of the City Senate, i.e. the Vienna City Government, necessarily have a portfolio of their own. This means that, apart from Executive City Councillors, there may be City Councillors without portfolio, who have a seat and vote in the City Senate but do not head a specific administrative group.

The City Councillors are elected by the City Council in accordance with the principle of proportional representation. This means that, depending on the total number of City Councillors (which may range from 9 to 15), every political party has the right to be represented in the Vienna City Senate in proportion to the number of its seats in the City Council. The political parties nominate the candidates by majority vote. In the subsequent voting procedure, only votes cast for a lawfully nominated candidate are counted as valid.

After the 2020 elections to the Vienna City Council and District Councils, the City Council fixed the number of City Councillors for this election period at twelve. This has resulted in the following distribution of seats in the City Senate: 6 for the Social Democrats (SPÖ), 2 for the Austrian People's Party (ÖVP), 2 for the Green Party, 1 for the NEOS and 1 for the Freedom Party (FPÖ).

### **Function and tasks**

In general, the City Senate takes counsel on all issues the City Council has to pass a decision on. In particular, the City Senate has been assigned the task of assessing and debating the municipality's budget estimate and final balance in cooperation with the financial committee.

Further tasks of the City Senate (pursuant to sec 97 of the Vienna City Statutes) include

- drawing up and submitting to the City Council the nomination list of Executive City Councillors
- appointing the Chief Executive Director of the Vienna City Administration
- approving the filing of complaints with the Austrian Constitutional Court

Just like the Mayor, the City Senate has "emergency competence" (pursuant to sec 98 of the Vienna City Statutes), i.e. it can take decisions on behalf of the City Council or one of its committees in certain cases of special urgency.

### **Meetings**

The Mayor presides over the City Senate and convenes its meetings.

Motions and requests to be dealt with by the City Senate are, as a rule, submitted by the competent Executive City Councillors.

City Senate meetings are held in camera but members of the City Council, district chairpersons and other (competent) individuals may be asked to attend.

The Chief Executive Director of the City Administration has the right to attend the meetings of the City Senate and submit motions.

## **2.3.2. The Mayor**

The Mayor is elected by the City Council, with a term of office equivalent to the City Council's legislative period. The Mayor remains in office until a successor has been elected. The Mayor need not be a member of the City Council but must be eligible for it.

The Mayor is officially represented by the Vice Mayors, who are elected by the City Council.

### Functions and tasks

- In her/his function as Provincial Governor, the Mayor also presides over the provincial government (- in line with Vienna's dual function as a federal province and a municipality).
- The Mayor is the head of the City Administration and senior to all
  - Executive City Councillors
  - district chairpersons and
  - employees of the City Administration.
- The Mayor convenes City Council sessions and City Senate meetings. She/He has a seat in all committees, subcommittees and commissions of the City Council, and chairs the meetings of the City Senate.
- As Provincial Governor she/he carries out all tasks assigned to her/him by the Federal Constitution - she/he is assisted in this task by the Office of the Provincial Government, i.e. the City Administration.
- The Mayor is also responsible for the municipality's so-called "delegated sphere of competence", e.g. for all tasks that are delegated to the municipality by federal or provincial law and must be performed in accordance with federal or provincial directions.
- With the consent of the City Council, the Mayor decrees the Rules of Procedure and the Allocation of Competencies of the City Administration

It should be noted that the Mayor, just like the City Senate, has "emergency competence" in certain cases. She/he also has comprehensive cancellation and arrogation rights (pursuant to sec 92 and 93 of the Vienna City Statutes).

### Emergency competence

The term "emergency competence" refers to the right to take a decision instead of the body that has primary decision competence in a given matter if the urgency of the situation so requires, i.e. if substantial reasons make it impossible to wait for this body to decide.

### Arrogation right

This term refers to the right to arrogate documents and administrative cases, i.e. to assume responsibility for these cases and for performing the related tasks.

### **Cancellation right**

The term “cancellation right” means that a body is entitled or – if substantial reasons so require – obliged to cancel the implementation of a decision taken by another (collegial) body in order to allow for a new decision to be taken in the same matter.

### **2.3.3. Executive City Councillors**

The [Executive City Councillors](#) are municipal bodies of the City of Vienna (pursuant to sec 8 of the Vienna City Statutes). At the same time, they are members of the Vienna City Senate and part of the City Administration.

Within the City Administration, they serve as the head of their respective Administrative Group. Currently there are 7 Executive City Councillors, each heading one Administrative Group. In this function, the Executive City Councillors are responsible to the Mayor and the City Council as they perform tasks pertaining to the City Administration's everyday conduct of business in the municipality's own sphere of competence.

### **2.3.4. The City Administration**

The City Administration is both the municipal council office of the City of Vienna and the central district authority of the administrative district of Vienna. In addition, it also serves as the Office of the Provincial Government of Vienna.

The City Administration consists of the Mayor, the Executive City Councillors (but not the City Councillors without portfolio), the Chief Executive Director and the required number of staff.

District authorities (district councils, district chairpersons, district council committees) do not form part of the City Administration.

The [Chief Executive Director of the City Administration](#) plays a particularly important role as the head of internal services. Like the Mayor, the Chief Executive Director is senior to all staff members of the City Administration, except for the Executive City Councillors and district chairpersons. The Chief Executive Director may represent the Mayor in her or his function as head of the City Administration.

### 2.3.4.1. Tasks

- Independently of its other tasks, the City Administration is responsible for administrative processes, documentation and file management in all matters of the municipality ("Geschäftsbesorgungsmonopol").
- The City Administration performs all public authority tasks that are not specifically assigned to other bodies ("subsidiary power of general competence in local authority matters").
- The City Administration has a number of further tasks; for instance, (pursuant to sec 105 para3 of the Vienna City Statutes, it is in charge of the municipality's direct finance and property management, concluding and terminating employment contracts for the municipality, as well as drawing up (i.e. preparing) its (pre-)budget and final balance.
- Under the direction and responsibility of the Mayor, the City Administration is in charge of local policing tasks within the municipality's sphere of competence.

### 2.3.4.2. Organisational Structure of the City Administration

As a rule, the entire City Administration is subdivided into Administrative Groups, which in turn consist of several Municipal Departments and enterprises. There are three exceptions, however: the Chief Executive Office, the City of Vienna Court of Audit and the Municipal District Offices are part of the City Administration but do not form part of an Administrative Group.

#### Administrative Groups

The Administrative Groups must correspond to the administrative units decreed by the City Council. A separate Council Committee is established for each unit, and thus for each Administrative Group. In terms of public law, the Administrative Groups are portfolios comprising related local government tasks and competencies. Every Administrative Group is subdivided into several departments and enterprises. Currently, the City Administration consists of the following Administrative Groups:

- [Administrative Group for Finance, Business, Labour, International Affairs and Vienna Public Utilities](#)
- [Administrative Group for Education, Youth, Integration and Transparency](#)
- [Administrative Group for Social Affairs, Public Health and Sports](#)

- [Administrative Group for Housing, Housing Construction, Urban Renewal and Women's Issues](#)
- [Administrative Group for Innovation, Urban Planning and Mobility](#)
- [Administrative Group for Climate, Environment, Democracy and Personnel](#)
- [Administrative Group for Cultural Affairs and Science](#)

In accordance with the current version of the Allocation of Competencies for the Vienna City Administration, the seven Administrative Groups currently comprise 57 Municipal Departments plus three enterprises: the [Vienna Health Association \(Wiener Gesundheitsverbund\)](#), [Housing in Vienna \(Wiener Wohnen\)](#) and [Vienna Wastewater Management \(Wien Kanal\)](#).

As mentioned above, the Chief Executive Office, the City of Vienna Court of Audit and the [Municipal District Offices](#) in Vienna are not part of an Administrative Group, and are therefore not headed by an Executive City Councillor.

### **Chief Executive Office**

The Chief Executive Office is headed by the Chief Executive Director and currently comprises the Executive Office of the Mayor (MDP), the Executive Office for the Coordination of Climate Protection Measures (MD-KLI), the Office of the Vienna Public Utilities (MD-PWS), the Executive Office for Strategic Communication (MD-SKO) and the following four Executive Groups:

- Executive Group for Legal Affairs
- Executive Group for Personnel and Internal Auditing
- Executive Group for Organisation, Safety and Security
- Executive Group for Construction and Technology

The following units are directly subordinate to the Chief Executive Director, and are formally part of the Chief Executive Office as well: "Coordination Unit of the Chief Executive Office" ("Büro MD"), "Group European and International Affairs", "Coordination Group", "Group for Municipal District Offices and Chauffeur Service", "Communication and International Relations" and "Budget Coordination".

### **City of Vienna Court of Audit**

The City of Vienna Court of Audit forms part of the Vienna City Administration. Its Director is appointed by the Vienna City Council for a term of five years upon the

proposal of the Mayor, and may be reappointed after the five-year term has ended. The Director of the City of Vienna Court of Audit can only be recalled by a qualified majority (i.e. two thirds) of the Vienna City Council, and is not subject to any directions concerning the extent and nature of audits.

The City of Vienna Court of Audit is in charge of operational audits (pursuant to sec 73b of the Vienna City Statutes) and safety audits (sec 73c Vienna City Statutes). Operational auditing means ensuring that all management operations conducted by the Vienna City Administration or by funds, foundations with legal personality, and other institutions or facilities managed by bodies of the Vienna City Administration are conducted correctly, in good order and in line with the principles of economy, efficiency and effectiveness. Further auditing tasks are based on the above legal regulations. The City of Vienna Court of Audit is required to submit an annual report on its activities to the Vienna City Council.

### **Municipal District Offices**

Although the currently 15 [Municipal District Offices](#) are part of the City Administration as a single public administrative authority, they do not form part of an Administrative Group. The Municipal District Offices are headed by legally qualified civil servants, who are provided with the necessary number of staff depending on the requirements of the respective district. They perform the tasks assigned to them in the Allocation of Competencies of the Vienna City Administration.

#### **2.3.4.3. Departments of the City Administration**

The departments are headed by officials referred to as Heads of Department, who have full responsibility for their departments and are both authorised and obligated to give instructions to all members of their staff. Departments thus follow a monocratic structure.

All heads of departments have a basic right to self-organisation, i.e. they are entitled to determine the internal structure of their department in accordance with the tasks assigned to it. When it comes to the number and rank of service posts in their department, however, they are bound by the decisions and standards set by the Chief Executive Office. The rights and duties of heads of departments and their staff are laid down in the Rules of Procedure of the Vienna City Administration.

As a rule, departments have only limited competencies with regard to the utilisation of funds for the tasks assigned to them. Once a year the City Council decides on the extent to which the City Administration (and its departments) may dispose of these funds

without prior consultation of the City Council, City Senate or competent Council Committee.

[German version of the City Council decision determining autonomous spending thresholds for 2023 \(in German\)](#)

Important stipulations on the implementation of the budget (i.e. the budget estimate) are laid down in the 2018 Budget Regulations for the Vienna City Administration. It should be noted that every project the City Administration plans to spend money on must be provided for in the budget (which is adopted by the City Council). Expenses not provided for in the budget require separate approval.

#### **2.3.4.4. Employees with Special Assignments**

Staff members of the City Administration may be appointed as "Employees with Special Assignments" to better accomplish large-scale municipal projects and specific coordination tasks within the City Administration.

Employees with Special Assignments are appointed by the Mayor. The Chief Executive Director of the Vienna City Administration issues a decree to officially announce their tasks. To carry out the tasks assigned to them they are vested with the right to issue directions to the heads of departments within whose field of competence their tasks fall.

#### **2.3.5. Vienna Appellate Senate**

The Vienna Appellate Senate consists of a chairperson and two other members, all of whom are to be appointed by the City Senate from the group of civil servants of the City Administration with legal training, for a term of five years. In addition, one substitute member is to be appointed for each member. The sessions of the Vienna Appellate Senate are to be convened by the chairperson at least once every quarter and are not open to the public.

##### **Functions and tasks**

The Vienna Appellate Senate decides on appeals against decisions in matters within the municipality's own sphere of competence as well as on violations of the duty to reach such a decision, provided that recourse in the municipality's own sphere of competence is not excluded by law. The provision of section 75 (1) second sentence of the Vienna City Statutes (WStV) provides for such an exclusion of the intra-municipal appeal procedure, namely for the matters of the municipality's own sphere of competence

regulated by provincial provisions. Therefore, the Vienna Appellate Senate ultimately only has the power to decide in those matters of the municipality's own sphere of competence that are regulated by federal laws and where the federal legislator has not excluded the intra-municipal appeal procedure.

## 2.4. Bodies of the Province of Vienna

The Vienna City Council also exercises the functions of the [Vienna Provincial Parliament](#). Likewise the City Senate, in its function as the Provincial Government, is the highest executive body at the provincial level. The Mayor also serves as the Provincial Governor of Vienna, and the Vienna City Administration doubles as the Office of the Vienna Provincial Government.

### 2.4.1. The Provincial Parliament

The Provincial Parliament is the legislative body of the province of Vienna. The main regulation of the Vienna City Statutes governing the Provincial Parliament (sec 113, para 1 of the [Vienna City Statutes](#)) sets forth that "the Vienna City Council is at the same time the Provincial Parliament of the province of Vienna. The Committees and Commissions elected by the City Council are at the same time Committees and Commissions of the Provincial Parliament." Given this dual role, the electoral period of the Provincial Parliament is identical to that of the City Council.

Unlike the sessions of the City Council, sessions of the Provincial Parliament are convened by the (First) President of the Vienna Provincial Parliament (in accordance with the rules of procedure of the Provincial Parliament, three presidents are currently elected). Written and oral requests as well as urgent motions can be submitted to the Provincial Parliament.

Drafts for legal acts are generally filed in Provincial Government meetings by the competent member of the Provincial Government, and, after consultation, are forwarded to the President of the Provincial Parliament. Drafts for legal acts may equally be tabled by any member of the Provincial Parliament, provided that the proponent is supported by a minimum of four other members of the Provincial Parliament.

There are two readings for legislative acts, which may, however, be held at the same time. Every Provincial Act needs to be adopted by the Provincial Parliament, recorded by the Provincial Governor, countersigned by the Head of the Office of the Vienna Provincial Government, and published in the Official Gazette of the Province of Vienna ("Landesgesetzblatt für Wien"). The role of the federal authorities in provincial

legislation is defined in the relevant federal-level provisions (sec 97, para2 of the B-VG, the Austrian Federal Constitutional Act; sec 9 and 14 of the F-VG, the Act Governing Constitutional Rules on Public Finance). For example, the consent of the Federal Government must be obtained if the execution of a Provincial Act requires the active cooperation of federal bodies (sec 97 para2 B-VG). The Federal Government is considered to have given tacit consent unless it declares within eight weeks' time that the federal level refuses to cooperate in the execution. Before the eight weeks have passed, the Provincial Act may only be published with the express consent of the Federal Government.

### **2.4.2. The Provincial Government**

The City Senate also fulfils the functions of the [Vienna Provincial Government](#). The Provincial Government is the highest executive body of the province, and is based on the principle of collective responsibility. Vienna has not made use of its right to introduce the "monocratic" principle at the provincial level (i.e. to allocate portfolios to the individual members of the Provincial Government). A specific ordinance (Delegation Ordinance), however, does allow for frequently recurring matters of similar nature and issues of minor significance to be delegated to the Office of the Vienna Provincial Government, which subsequently deals with them on behalf of the Vienna Provincial Government itself.

The tasks of the Provincial Government are laid down in the relevant federal and provincial acts.

### **2.4.3. The Office of the Vienna Provincial Government**

The Vienna City Administration also serves as the Office of the Vienna Provincial Government. By consequence, its Chief Executive Director is also the Head of the Office of the Provincial Government. The Office of the Vienna Provincial Government is an auxiliary body to the Provincial Governor and the Provincial Government.

### **2.4.4. Other bodies at the provincial level**

#### **Administrative Court of the province of Vienna**

The 2012 amendment to the system of administrative jurisdiction (Austrian Federal Law Gazette I/51) stipulated the establishment of administrative courts of first instance. Accordingly, since 1 January 2014 every federal province in Austria has one administrative court of first instance; two have been set up at federal level (i.e. the

Federal Administrative Court and the Federal Fiscal Court). The previous stages of appeal within the public administrative system have thus been replaced by a two-stage system of appeals within the administrative court system itself ( administrative courts – Supreme Administrative Court) in all matters except for matters pertaining to the municipality's own sphere of competence. However, even this one exception can be overruled by law. The 2012 amendment has thus led to fundamental changes to the entire legal protection system in public administrative matters.

Based on the stipulations of the Austrian Federal Constitutional Law, the (Provincial) Act on the Vienna Administrative Court specifically provides for the establishment of an administrative court of first instance in the Province of Vienna. The Act also contains a number of further stipulations, such as specific requirements regarding the appointment of judges and court clerks at the Vienna Administrative Court as well as other court bodies (plenary assembly, human resources and business allocation committee) as well as the rules of procedure and allocation of business within the court.

In particular, the administrative courts rule on complaints filed against decisions taken by public administrative authorities, on appeals against direct acts of enforcement by an administrative authority, and on complaints that the responsible administrative authority has failed to take a decision. To a limited extent, further responsibilities can be designated to the administrative courts by federal or provincial law (in accordance with sec 130 para2 of the Austrian Federal Constitutional Act).

### **Vienna Ombuds Office for Environmental Protection**

The legal basis of the [Ombuds Office for Environmental Protection](#) is provided by the Vienna Environmental Protection Act. The Ombuds Office is part of the Office of the Vienna Provincial Government and consists of the Environmental Ombudsperson and the required number of staff. Its tasks include participating as a party in administrative procedures concerned with environmental matters as well as assessing draft acts and ordinances of particular relevance to environmental protection. The Environmental Ombudsperson is not subject to any directions in exercising her or his functions.

### **Vienna Hospital Ombuds Office**

Based on the Act on the Vienna Hospital Ombuds Office, this service was established at the Office of the Vienna Provincial Government to uphold and safeguard the rights and interests of patients in all matters of healthcare. It deals with complaints, looks into defects and grievances and makes recommendations. In order to exercise these functions, the Vienna Hospital Ombuds Office is independent and not bound to any directions.

### **Vienna Children's and Youth Ombuds Office**

The Vienna Act on Children's and Youth Services 2013 stipulates the establishment of the Vienna Children's and Youth Ombuds Office as part of the Office of the Vienna Provincial Government. This service is to safeguard the interests of children and young persons. In fulfilling their tasks, the children's and youth ombudspersons are not subject to any directions.

### **External Reporting Office of the Province of Vienna for Breaches of EU Law**

The EU Directive on the protection of persons who report breaches of Union law ("EU Whistleblowing Directive") has been implemented in Vienna via the Vienna Informant Protection Act (Wiener Hinweisgeberinnen- und Hinweisgeber-Schutzgesetz, W-HSchG).

The measures stipulated in the Act include the establishment of an external reporting office with the following tasks:

- receiving and verifying information on breaches of law in the areas specified by Art. 3 W-HSchG, provided that they fall within the legislative competence of the Province of Vienna;
- guaranteeing protection of the identity of informants ("whistleblowers") and of individuals affected by their reports
- providing information according to Art. 21 W-HSchG.

The head of the External Reporting Office of the Province of Vienna for Breaches of EU Law is appointed by the Vienna Provincial Government for a term of 5 years, during which she/he exercises the office independently and is not subject to directions.

## **3. Decentralisation in Vienna**

<https://www.wien.gv.at/bezirke/dezentralisierung/index.html> (German)

## **4. Vienna and its relationship to neighbouring regions**

Vienna has close ties to its neighbouring regions and the other federal provinces of Austria. This allows for various forms of interregional cooperation.

Regardless of the city's political and legal separation from its neighbouring regions, i.e. parts of the Province of Lower Austria, there are very strong economic and physical ties between the two provinces.

The provinces of Vienna and Lower Austria have therefore decided to cooperate in various fields. In some cases, the province of Burgenland has also joined the cooperation, as is illustrated by the following examples.

**Planungsgemeinschaft Ost** (Planning Cooperation East) is an organisation set up by the Provinces of Vienna, Lower Austria and Burgenland to develop joint measures for improving the infrastructure in eastern Austria. It mainly focuses on issues of traffic planning, infrastructure and spatial planning.

Public transport in eastern Austria is a major issue, particularly with a view to the high number of commuters in this area. By establishing **Verkehrsverbund Ostregion** (Transport Cooperation East, abbreviated VOR), the provinces of Lower Austria, Vienna and Burgenland have provided a framework for preparing and implementing attractive transport solutions.

With the **City Environs Management** (Stadt-Umland-Management, SUM) the City of Vienna, its surrounding municipalities and the Province of Lower Austria place an emphasis on increased regional cooperation. The City Environs Management is anchored in the association "Lower Austria / Vienna – Shared Development Spaces" (Niederösterreich-Wien - Gemeinsame Entwicklungsräume). It supports the City of Vienna and the districts on the outskirts of the city in the cooperation with the surrounding municipalities in Lower Austria in matters of regional development.

In cooperation with the Republic of Austria and the Province of Lower Austria, Vienna has founded the **Danube Wetlands National Park** to protect a unique natural habitat.

## 5. Federal authorities operating in Vienna

The Republic of Austria has established a number of authorities to perform federal tasks. The most important authorities of this kind are the following:

### 5.1. School authorities

The Education Reform Act 2017 (Bildungsreformgesetz, Federal Law Gazette I No 138/2017) has brought substantial changes to the school system. By 31 December 2018 the Provincial School Boards (in Vienna: Vienna School Board), which had been in charge of school administration in the federal provinces, were dissolved. As at 1 January 2019 an Board of Education (Bildungsdirektion) was established for each federal province as joint authority of the federal state and the respective federal province. For Vienna, this is the [Vienna Board of Education](#).

The Boards of Education are responsible for executing school legislation in accordance with sec14 of the Austrian Federal Constitutional Law (B-VG). This includes tasks like quality assurance, school supervision and educational evaluation, unless these tasks are formally assigned to other authorities for individual sections of the education system (e.g. central education and training facilities - Zentrallehranstalten). Boards of Education are also generally in charge of executing teacher employment laws and staff representation rights for teachers employed at provincial or federal level.

The Education Director is the head of the Board of Education. She or he is appointed by the competent federal minister upon proposal and in consultation with the Governor of the province in question.

It can be stipulated by provincial law that the Governor acts as President of the Board of Education.

## **5.2. Universities**

The establishment and management of universities and university-like colleges are federal matters and as such do not fall within the competence of provinces or municipalities.

## **5.3. Federal financial administration**

The financial administration of the federal state is carried out by federal authorities established for that purpose.

Every local office of the Tax Authority Austria (Finanzamt Österreich) in Vienna is responsible for several municipal districts at a time. Complaints against decisions taken by a tax office can be submitted directly to the Federal Fiscal Court.

The City of Vienna has no influence on any of these authorities.

## **5.4. Courts of general jurisdiction**

One of the fundamental principles of the Austrian Federal Constitution provides that "all general jurisdiction is a federal matter", i.e. general jurisdiction is exclusively in the hands of the federal state (- as stipulated in sec 82 para1 of the Federal Constitutional Act).

Vienna is the seat of the supreme court of justice (and the other supreme courts, i.e. the Constitutional Court and the Supreme Administrative Court). Jurisdiction at provincial level (and beyond, in some cases) rests with the Vienna regional court for civil matters, the Vienna regional court for criminal matters, the Vienna commercial court and the Vienna labour and social security court. Additionally, the Vienna supreme provincial court (which is in charge of the federal provinces of Vienna, Lower Austria and Burgenland) as well as several district courts are located in Vienna. Vienna has the right to participate in the nomination of juries and lay assessors.

## 5.5. Public Employment Service Austria

As of 1 July 1994, the provision of labour market services (e.g. unemployment counselling) was transferred from direct federal administration to a service enterprise under public law: [Public Employment Service Austria \(AMS\)](#).

AMS is made up of one federal office, nine provincial and several regional offices.

## 5.6. Social insurance institutions

Social insurance institutions, e.g. [health insurance](#), [general accident insurance](#) and [pension insurance](#), are set up as self-governing bodies. They are composed of representatives of the groups immediately concerned and, in matters pertaining to their independent own sphere of competence, they are not subject to directions but only to supervision by the federal authorities.

## 5.7. Chambers

Chambers carry out specific (federal) tasks in Austria. Chambers established include the Chamber of Labour, the Economic Chamber, the Chamber of Agriculture, the Medical Society and the Law Society. They are also responsible for disciplinary matters with respect to their members.

## 5.8. Police services

[Vienna Provincial Police Directorate](#) (German)

Emergency number: 133

General information: +43 1 313 10 78-900, Monday to Friday, from 8 am to 6 pm

"Police tasks" in terms of the Austrian administration refers to all official measures which, by warning or by force, are to prevent or avert threats to and disruptions of public order.

This includes all official functions where the federal state, a province or a municipality acts as an agency of public power vis-à-vis its citizens to prevent or remove threats to or disruptions of law and order among the population, and may therefore take enforcement action if necessary. Apart from the security police tasks, other examples for police tasks in Austria are market police, sanitary police, building inspection and the policing of events.

### **5.8.1. Organisation of the Austrian federal police**

The Federal Minister of the Interior is the highest law enforcement authority. The Regional Police Directorates - established as federal authorities in the provinces - are subordinate to the Federal Minister. District administrative authorities (i.e. provincial-level authorities fulfilling tasks of indirect federal administration in this field) are subordinate to the Regional Police Directorates.

### **5.8.2. Special structure in Vienna**

Vienna's special position is equally reflected in the field of security.

The Vienna Police Directorate also fulfils the tasks of first instance law enforcement authority for the Vienna municipal area. As a result, the district administrative authority for Vienna, i.e. the Vienna City Administration, does not carry out any general security police tasks.

Being the seat of a regional police directorate also implies that, in accordance with sec 78d, para 2 of the Austrian Federal Constitutional Act, Vienna is not entitled to its own (municipal) corps of police officers.

The Vienna City Hall Guards are not a municipal law enforcement corps, but rather are a subdivision of Vienna's full-time fire brigade (Municipal Department 68) and as such do not carry out any law enforcement functions. Their tasks are to provide preventive fire protection in office buildings of the City of Vienna, to assist in fire extinguishing, as well as to guard the City Hall and to provide technical assistance.

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