

Allocation of Responsibilities and Duties to the Ombudsman Board, its commissions and the Human Rights Advisory Council

(unofficial translation, version as of February 2020)

CHAPTER I

Ombudsman Board

§ 1. The members of the Ombudsman Board shall discharge the tasks of the Ombudsman Board independently unless the Standing Rules of the Ombudsman Board provide for joint resolution.

§ 2. Tasks of the Chairperson:

- exercising supervisory control over the staff of the Ombudsman Board according to Art. 148h para 2 of the Federal Constitutional Law;
- staff matters of the Ombudsman Board in consideration of Art. 148h para 1 of the Federal Constitutional Law;
- organizational matters of the Ombudsman Board;
- decisions on notifications of lack of impartiality as defined in § 5 of the Ombudsman Act 1982;
- convening and chairing the joint meetings of the Ombudsman Board;
- tasks of the Ombudsman Board which are not included in §§ 3 to 5 of the Allocation of Responsibilities and Duties.

§ 3. Tasks of Werner AMON, MBA:

(1) Those tasks of the Ombudsman Board which according to their contents belong to the area of responsibility of the following Federal Ministries:

- Federal Ministry for European and Foreign Affairs;
- Federal Ministry of Finance;
- Federal Ministry of Justice;
- Federal Ministry of Defense;

(2) Those tasks of the Ombudsman Board which concern the following administrative matters of those *Laender* which declared the Ombudsman Board competent pursuant to Art. 148i of the Federal Constitutional Law:

- municipal matters, except for matters of work regulations of the public sector and remuneration law of provincial and municipal employees and municipal taxes;
- municipal matters of science, research, the arts and culture;
- regional planning, housing and settlement matters, building law, administration of buildings and real properties owned by the *Laender* as well as of funds of the *Laender*;
- matters regarding regional and municipal roads;
- traffic matters, except for the traffic police.

(3) Those tasks of the Ombudsman Board under § 11 para 1 of the Ombudsman Act 1982 insofar as they relate to the Federal Ministries' spheres of action under para 1 and to matters relating to the administration of the *Laender* under para 2.

(4) Those tasks of the Ombudsman Board which according to their content are subject to the jurisdiction of the Federal Administrative Court or the Regional Administrative Court, if the case relates to the Federal Ministries' spheres of action under para 1 and to matters relating to the administration of the *Laender* under para 2.

(5) Those tasks of the Ombudsman Board which according to their content are subject to the jurisdiction of the Federal Finance Court.

§ 4. Tasks of Ombudsman Mag. Bernhard ACHITZ:

(1) Those tasks of the Ombudsman Board which according to their contents belong to the area of responsibility of the following Federal Ministries:

- Federal Chancellery;
- Federal Ministry for Labour, Family and Youth;
- Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology (sectors: railways, innovation and telecommunication, aviation and waterways);
- Federal Ministry for Arts, Culture, Civil Service and Sport (sectors: Civil Service and Sport);
- Federal Ministry of Agriculture, Regions and Tourism (sectors: Postal services and Telecommunication);
- Federal Ministry of Social Affairs, Health, Care and Consumer protection.

(2) Those tasks of the Ombudsman Board which concern the following administrative matters of those *Laender* which declared the Ombudsman Board competent pursuant to Art. 148i of the Federal Constitutional Law:

- matters allocated to the Office of the provincial Government, matters of work regulations of the public sector and remuneration law of provincial and municipal employees, except for teachers employed by the *Laender*;
- health care system and veterinary sector;
- minimum income, social welfare, youth welfare.

(3) The tasks of the Ombudsman Board under § 11 para 1 of the Ombudsman Act 1982 insofar as they relate to the Federal Ministries' spheres of action under para 1 and to matters relating to the administration of the *Laender* under para 2.

(4) Those tasks of the Ombudsman Board which according to their content are subject to the jurisdiction of the Federal Administrative Court or the Regional Administrative Court, if the case relates to the Federal Ministries' spheres of action under para 1 and to matters relating to the administration of the *Laender* under para 2.

§ 5. Tasks of Ombudsman Dr. Walter ROSENKRANZ:

(1) Those tasks of the Ombudsman Board which according to their contents belong to the area of responsibility of the following Federal Ministries:

- Federal Ministry of Education, Science and Research;
- Federal Ministry for Digital and Economic affairs;
- Federal Ministry of the Interior;
- Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology (except for sectors: Railways, Innovation and Telecommunication, Aviation and Waterways);
- Federal Ministry for Arts, Culture, Civil Service and Sport (sectors: Arts and Culture);
- Federal Ministry of Agriculture, Regions and Tourism (sectors: Postal services and Telecommunication).

(2) Those tasks of the Ombudsman Board which concern the following administrative matters of those *Laender* which declared the Ombudsman Board competent pursuant to Art. 148i of the Federal Constitutional Law:

- financial matters of the *Laender*, regional and municipal taxes;
- trade and energy matters;
- citizenship matters, electoral register, traffic police;
- school and educational matters, sports and cultural matters, matters of work regulations of the public sector and remuneration law of teachers employed by the *Laender*;
- matters of agriculture and forestry; hunting and fishing laws; matters of nature conservation and environmental protection as well as waste management;
- matters of science, research and arts.

(3) The tasks of the Ombudsman Board under § 11 para 1 of the Ombudsman Act 1982 insofar as they relate to the Federal Ministries' spheres of action under para 1 and to matters relating to the administration of the *Laender* under para 2.

(4) Those tasks of the Ombudsman Board which according to their content are subject to the jurisdiction of the Federal Administrative Court or the Regional Administrative Court, if the case relates to the Federal Ministries' spheres of action under para 1 and to matters relating to the administration of the *Laender* under para 2.

§ 6. For well-founded reasons a specific task of the Ombudsman Board may be allocated to another member of the Ombudsman Board by a Board resolution upon a motion of the member in charge of that matter according to this Allocation of Responsibilities and Duties. Such resolution shall require unanimity of the members of the Ombudsman Board. The complainant shall be notified of the change of the Ombudsperson in charge.

CHAPTER II

Commissions set up by the Ombudsman Board

§ 7. Six commissions have been set up to perform the duties set forth in § 11 para 1 of the Ombudsman Act 1982.

§ 8. (1) Territorial jurisdictions of the commissions:

Commission 1: the judicial district of the Court of Appeal of Innsbruck;

Commission 2: the judicial district of the Court of Appeal of Linz;

Commission 3: the judicial district of the Court of Appeal of Graz;

Commission 4: Vienna municipal districts 3 to 19 and 23 in the judicial district of the Court of Appeal of Vienna;

Commission 5: Vienna municipal districts 1, 2, and 20 to 22 and the political districts of Gänserndorf, Gmünd, Hollabrunn, Horn, Korneuburg, Krems, Mistelbach, Tulln, Waidhofen a.d. Thaya, and Zwettl in the judicial district of the Court of Appeal of Vienna;

Commission 6: Burgenland and the political districts of Amstetten, Baden, Bruck a.d. Leitha, Lilienfeld, Melk, Mödling, Neunkirchen, Scheibbs, St. Pölten, Waidhofen a.d. Ybbs, and Wiener Neustadt in the judicial district of the Court of Appeal of Vienna.

(2) The commissions or their designated individual members (commission delegations) shall perform visits and inspections on behalf of the Ombudsman Board. Interregional commission delegations may be formed.

CHAPTER III

Human Rights Advisory Council

§ 9. The Chairperson of the Human Rights Advisory Council and, in his/ her absence, his/her deputy, shall have the following responsibilities:

1. organizational matters of the Human Rights Advisory Council;
2. exercising technical supervision over the officials of the OPCAT Secretariat (SOP) to the extent that they are assigned to perform tasks for the Human Rights Advisory Council (§ 26 para 2 of the Standing Rules of the Ombudsman Board);
3. convening and chairing the meetings of the Human Rights Advisory Council;
4. coordinating the activities of the Human Rights Advisory Council with those of the Ombudsman Board and its commissions;
5. representing the Human Rights Advisory Council to the outside world.

§ 10. The advisory activities of the Human Rights Advisory Council under Art. 148h para 3 of the Federal Constitutional Law are delegated to the Council as a whole. Pursuant to the provisions of the Standing Rules of the Ombudsman Board, they require a joint resolution of the Council.

§ 11. All members or substitute members of the Human Rights Advisory Council are required to participate in the meetings of the Council (§ 32 of the Standing Rules of the Ombudsman Board). At the invitation of the Chairperson and in accordance with their technical expertise, they are also required to participate in working groups and preparatory meetings of the Council.

§ 12. The representatives of the Federal Ministries and the *Laender* in the Council (§ 15 of the Ombudsman Act 1982) shall, in particular, be responsible for collaborating on preparations for the Council's tasks that, based on their content, fall within the legal sphere of action of the Ministries or *Laender* represented by them.

§ 13. The members proposed by non-governmental organizations (§ 15 of the Ombudsman Act 1982) shall be responsible, in particular, for collaborating on preparations for the Council's tasks that, based on their content, fall within the legal sphere of action of the organizations that proposed them.

§ 14. The present allocation of duties comes into force the 30th January 2020.

Amon Achitz Rosenkranz