



# Austria

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# CHSH

Cerha Hempel Spiegelfeld Hlawati

**Lex Mundi**

# **GUIDE TO DOING BUSINESS IN AUSTRIA**

**By:**

# CHSH

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Rechtsanwälte GmbH

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## 1. THE COUNTRY AT A GLANCE

Austria's official name as spoken in German is "Republik Österreich" ("*Republic of Austria*"). Located in Southern Central Europe and with a land surface of 83.878,99 square kilometres, Austria spreads from the Alps to the Danube Region. Austria shares common borders with Germany, the Czech Republic, Slovakia, Hungary, Slovenia, Italy, Switzerland and Liechtenstein. Due to its geographical location in the heart of Europe and with its long historical, political and cultural ties with the neighbouring countries in Eastern Europe, Austria is the ideal bridge and starting point for doing business in Eastern Europe.

Austria is a federal state consisting of nine provinces ("*Bundesländer*"): Burgenland, Carinthia (*Kärnten*), Lower Austria (*Niederösterreich*), Salzburg, Styria (*Steiermark*), Tyrol (*Tirol*), Upper Austria (*Oberösterreich*), Vienna (*Wien*) and Vorarlberg. Vienna is both, federal province and – as its largest city – Austria's capital.

The capitals of the eight provinces (apart from Vienna) are as follows: Eisenstadt (Burgenland), Klagenfurt (Carinthia), Sankt Pölten (Lower Austria), Salzburg (Salzburg), Graz (Styria), Innsbruck (Tyrol), Linz (Upper Austria) and Bregenz (Vorarlberg).

According to the last census as taken on May 15, 2015, Austria had a population of approximately 8.6 million people, 1.8 million of which live in Vienna (*Wien*). The official language in Austria is German, which is spoken by 98% of the citizens. However, English is widely spoken in business, legal, touristic, academic und other professional circles. Many people in the southern parts of the country also speak Italian.

The religious affiliation is composed as follows: about 61% of the Austrians are Roman Catholic, 3,6% Protestant (principally Augsburg Confession, AC); 6,2% of the population belong to Islamic faiths, the rest does not belong to any religious group or to some other minor faiths. Generally there are no cultural influences or prohibitions on the way business is conducted.

Austria's climate is moderate. Austria is situated in the Central European Time Zone (CET).

On January 1, 2002, the former Austrian currency "Schilling" (ATS) was replaced by the common European currency "EURO" (€). The exchange rate was fixed by the Council Regulation (EC) No. 2866/98 of 31 December 1998 on the conversion rates with the currencies of the Member States with a ratio of 1 € = 13,7603 ATS.

## 2. GENERAL CONSIDERATIONS

### 2.1 Political System

According to its Constitution as of 1920, Austria is a democratic republic and a federal

state. Both, the Federal President and its legislative bodies are democratically elected by direct vote.

The Austrian Parliament is the legislative power and consists of two chambers, the "Nationalrat" and the "Bundesrat". The legislative power of the federal states is exercised by their provincial parliaments.

The Austrian "Nationalrat" consists of 183 Members of Parliament who are elected by the people every five years and represent the interest of the whole country. The members of the "Bundesrat" – currently 62 (the number depends on the number of citizens in each province) – are nominated by the provincial parliaments and represent the interest of the federal provinces.

The "Nationalrat" is the most important governmental body of the Austrian legislative power. After the last national parliamentary election on September 29, 2013, the distribution of seats in the "Nationalrat" is as follows: 52 Social Democratic Party of Austria (SPÖ), 47 Austrian People's Party (ÖVP), 40 Freedom Party of Austria (FPÖ), 24 The Greens (Grüne), 9 The new Austria (NEOS), 11 Team Stronach (FRANK)

The supreme federal executive bodies are the Federal President (*Bundespräsident*) and the members of the Federal Government (*Bundesregierung*), headed by the Federal Chancellor (*Bundeschkanzler*). The supreme state executive bodies are the Provincial Governments, each headed by the Provincial Governor (*Landeshauptmann*).

- Nationalrat: <http://www.parlament.gv.at>
- Federal President: Dr. Heinz Fischer (since 2004 until July 8, 2016); his successor will be elected on October 2, 2016 as the Austrian Constitutional Court has reversed the second ballot in May due to irregularities in the counting of votes. In the interim, Austria will be represented by the three Presidents of the National Assembly.  
<http://www.hofburg.at>
- Federal Chancellor: Christian Kern  
<http://www.austria.gv.at>, <http://www.bka.gv.at>
- Foreign Minister: Sebastian Kurz  
<http://www.bmeia.gv.at>

On January 1, 1995, Austria became a member to the European Union (EU).

## 2.2 Judicial System

In Austria, all public authority is separated into legislative, executive and judiciary power, which are separated at each level.

The judges' independency is laid down in the constitution: They are not bound by instructions and may neither be dismissed nor transferred without their prior consent.

Nobody may be deprived of appearance before a judge as prescribed by law. When it comes to law-suits, proceedings in civil and criminal law are verbal and public in principle; only a few exceptions are defined by law. In case of political crimes and offences, or crimes entailing severe penalties, public participation in trials is foreseen by way of a jury. Furthermore, in labour and commercial cases, lay judges take part in Austrian jurisdiction.

### 2.2.1 Court System

The Austrian judicial system has two court systems, which are – except in very limited cases – strictly separated: the administrative jurisdiction and the judicial system. Generally speaking, there are three levels of appeal in each of these systems.

In the judicial system, the district courts are the first instance. There are also special courts of first instance for commercial law, labour law, family law and criminal law. There are different Courts of Appeal as the second instance, depending on the area of law. The Supreme Court (*Oberster Gerichtshof*) – which is based in Vienna – is the highest court of appeal for civil and criminal proceedings.

Rulings of the Courts of Appeal and the Supreme Court may be downloaded free of charge from the following website: <http://www.ris.bka.gv.at/jus/>

Ordinary jurisdiction is exercised on four levels:

- 116 District Courts
- 18 Regional or *Land* Courts: functioning as courts of first instance in more important cases and as appeal courts vis-à-vis the District Courts.
- 4 Courts of Appeals: vis-à-vis the Regional Courts as trial courts
- 1 Supreme Court: highest tribunal in civil and criminal matters

In case of alleged legal offences in connection with decisions taken by the administrative authorities, the Administrative Court (*Verwaltungsgerichtshof*) is the third instance.

Rulings of the Administrative Court may be downloaded free of charge from the following website: <http://www.ris.bka.gv.at/vwgh/>



The third supreme court is the Constitutional Court (*Verfassungsgerichtshof*), which primarily examines laws for their constitutionality, and ordinances as well as rulings for their legality.

Rulings of the Constitutional Court may be downloaded free of charge from the following website: <http://www.ris.bka.gv.at/vfgh/>

For information concerning Arbitration Practice see Section XIII.3.

Verfassungsgerichtshof Constitutional Court Freyung 8, A-1010 Vienna Tel.+43-1-531 22-0 <a href="http://www.vfgh.gv.at">http://www.vfgh.gv.at</a>
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Verwaltungsgerichtshof Administrative Court Judenplatz 11, A-1010 Vienna Tel.+43-1-531 11 <a href="http://www.vwgh.gv.at">http://www.vwgh.gv.at</a>
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Oberster Gerichtshof Supreme Court Schmerlingplatz 11, A-1011 Vienna Tel. +43-5-21 52-0 <a href="http://www.ogh.gv.at">http://www.ogh.gv.at</a> <a href="http://www.ris.bka.gv.at/jus/">http://www.ris.bka.gv.at/jus/</a>
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## 2.2.2 Legal System

Apart from EU law, the Austrian Federal Constitutional Law represents the top level in the tiered structure of the national legal systems. This tiered structure consists of the constitution, laws, ordinances, verdicts, and rulings. The increasing internationalisation of law, and, in particular, Austria's membership to the European Union in 1995, led to an extension of the traditional structure to include the supranational Community law.

Austria is also member to the European Convention on Human Rights and has even made this convention part of its constitution. Austria's accession to the European Court of Human Rights in Strasbourg has had a lasting influence on the Austrian system of jurisdiction.

The Legal Information System of the Republic of Austria (RIS) makes all the general norms of federal law and state law, as well as the specific norms derived from decisions of the Constitutional Court and of the Administrative Court, available to the public free of charge via internet (<http://www.ris.bka.gv.at>)

## 2.3 Diplomatic Relations

Austria has established diplomatic relations with almost all countries in the world and almost every country is represented in Vienna either by having an embassy or by having a consulate.

Austria is militarily neutral but participates actively in peace keeping and monitoring tasks in fulfilment of resolutions of the United Nations. Austria participated amongst others in KFOR (Kosovo International Security Force) in Pristina and the ISAF (International Security Assistance Force) in Kabul.

Besides its membership to the European Union (EU), Austria is also member to the most important international organizations, especially to the United Nations (UN), the World Trade Organization (WTO), the Organization for Economic Co-operation and Development (OECD) and the Organization for Security and Co-operation in Europe (OSCE).

Along with New York, Geneva and Nairobi, Vienna is one of four cities where the United Nations (UN) maintains its headquarters. Furthermore, the Organization for Security and Co-operation in Europe (OSCE) and the Organization of Petroleum Exporting Countries (OPEC) are headquartered in Vienna.

*(Please find a list of major international organizations to which Austria is a member, and a list of embassies and consulates in the appendix – Section 14. of this memorandum.)*

*For Travel Information, especially regarding the requirement of a visa, please contact:*

Bundesministerium für Europa, Integration und Äußeres Ministry of Europe, Integration and Foreign Affairs Minoritenplatz 8, A-1014 Wien Tel. +43-5-011 50-0 <a href="http://www.bmeia.gv.at">http:// www.bmeia.gv.at</a>
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## 2.4 Economy

The gross national product per capita of the developed market economy in Austria amounts to approx. € 38.540 in 2014. The social market economy is only restricted by social and economic welfare reasons. Being a member of one of the world's largest economic areas, the EU, as well as the EURO-project, Austria's position in the world economy is even more strengthened.

Austria's surface is mostly covered by woods and forests (48%). While 27% of the surface is covered by grassland, arable land accounts for just 16,1%.

The most important sector for Austria's economy is the tertiary sector which accounts for about 69,83% of the gross domestic product ("GDP"). The tertiary sector covers mainly services, banking, public services, commerce and transport. Especially in the western regions of Austria, tourism plays an important role.

The secondary sector (industry) is also important for Austria's economy. It accounts for some 28,66% of GDP. Austria's industry consists mostly of small and medium sized enterprises (85% of all companies employ less than 100 persons). The most important industries are foodstuffs and luxury commodities, mechanical engineering and steel construction, chemicals and vehicle manufacturing.

The primary sector (agriculture and forestry) in Austria accounts for only about 1,51% of GDP with an employment rate of 4,3% (2010) of all employees. The major agricultural production regions are located along both banks of Austria's longest river, the well known Danube, in the plains of the eastern border as well as in the north of the Alps.

Most enterprises of the three mentioned sectors are privately owned, but some important firms in every sector are still state-owned. However, privatisation is going ahead continuously.

## 2.5 Social Partnership

Although Austrian law protects the individual striker from any kind of legal reprisals, Austria has one of the lowest strike rates in Europe. Austria owes its internationally acclaimed climate of stability first and foremost to the smooth running of the Economic and Social Partnership. This system works on the principle of involving both employers and employees in the preparation and implementation of economic measures, with overall economic priorities as the supreme consideration.

The social partnership consists of the following institutions:

- the Austrian Trade Union Federation,
- the Federal Chamber of Labour,
- the Austrian Federal Economic Chamber and
- the Presidential Conference of the Chambers of Agriculture.

While membership to the trade union is voluntary in Austria, the membership to the chambers of commerce, labour and agriculture is obligatory.

Austria's unions, each covering a different economic sector, belong to a single "umbrella" organization, the Austrian Trade Union Federation. Unlike in countries with separate trade union organizations, Austrian organizations generally do not often compete with each other.

Wirtschaftskammer Österreich (WKÖ) Austrian Federal Economic Chamber <a href="http://www.wko.at">www.wko.at</a>
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Österreichischer Gewerkschaftsbund (ÖGB) Austrian Trade Union Federation www.oegb.at
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## 2.6 Public Services

Austria's infrastructure is very well developed. Nearly all major cities (Graz, Innsbruck, Klagenfurt, Salzburg, Linz and Vienna) have larger airports, which are destinations of most international airlines.

Public transport generally reaches high standards; the state provides a sophisticated railroad system and of course bus and tram service. In Vienna a well developed underground system makes it easy to travel around the city.

Mobile phoning is possible in nearly every part of the country; Austria is one of the leading European countries concerning the mobile phone rate per capita. Public buildings, banks, hotels and cafes provide access to the internet. Privatisation is also pressed ahead continuously in the field of public services.

## 2.7 Telecommunication

The market leader on the Austrian telecommunication sector is the formerly state-owned "A1" (formerly known as Telekom Austria). Once it was a strong monopoly, but in the last few years – as a result of the liberalisation of the telecommunication market – several smaller providers entered the market. Currently there are around ten enterprises providing mobile telecommunication services in Austria.

## 2.8 Financial Facilities

### 2.8.1 Banking System

The role of the Austrian Central Bank (*Österreichische Nationalbank*) has been substantially changed upon the implementation of stage three of the Economic and Monetary Union, which led to the Central Bank's integration into the European Central Bank System ("ESCB"). The Central Bank now has a dual role: as member of the ESCB to implement the monetary policy decisions made by the European Central Bank as Austria's Central Bank.

The historically grown banking system, divided into several groups, represents Austria's

well developed financial infrastructure. The so called "universal bank" – providing a full range of different banking services – is the most common type of bank in Austria. Austrian law does not distinguish between commercial banking and investment banking.

Austria's banking, securities and insurance system is well developed.

**Bank Account:** Although there is no legal requirement for an investor to maintain a bank account in Austria, it is advisable to open one – in particular if the investor is domiciled in a non EU-member state and intends to do business within the EU – in order to avoid the high costs of cross-border monetary transactions.

**Bank Loan:** Banks usually offer a variety of loan facilities. When applying for a bank loan, some specific regulations set up by the banks have to be considered. In most cases, the bank will request collateral and information about the intention of use of the proceeds of the loan.

**Doing Banking Business:** In order to carry on banking business in Austria, a licence is required under the Banking Act. This licence can be obtained from the Financial Market Supervision Authority.

Österreichische Nationalbank - OeNB Otto Wagner-Platz 3, A-1090 Vienna Tel: +43-1-404 20-0 <a href="http://www.oenb.at">http://www.oenb.at</a>
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#### Important domestic banks:

UniCredit Bank Austria AG Schottengasse 6 - 8, A-1010 Vienna Tel: +43 50505 - 0 <a href="http://www.bankaustria.at">http://www.bankaustria.at</a>
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Erste Bank der österreichischen Sparkassen AG Graben 21, A-1010 Vienna Tel: +43-5-01 00-10100 <a href="http://www.erstebank.at">http://www.erstebank.at</a>
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Raiffeisen Zentralbank Österreich AG Am Stadtpark 9, A-1030 Vienna Tel: +43-1-26216-0 <a href="http://www.rzb.at">http://www.rzb.at</a>
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Volksbank Wien-Baden AG Schottengasse 10, A-1010 Vienna Tel: +43 1 401 37-0 <a href="http://www.vbwienbaden.at">http://www.vbwienbaden.at</a>
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Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft Georg Coch-Platz 2, A-1018 Vienna Tel: +43 5 99 05 <a href="http://www.bawagpsk.com">http:// www.bawagpsk.com</a>
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## 2.8.2 Stock Exchange

The Vienna Stock Exchange is one of the oldest European financial markets with a long and traditional history. In order to modernize this market, the new "*Wiener Börse AG*" was founded in December 1997. It is composed of the cash market of the Vienna Stock Exchange and the forward market of the Austrian Options and Futures Exchange. By merging these two parts, the former regional stock exchange has been transformed into an international centre of finance thereby also strengthening Vienna's position in Central and Eastern Europe as an independent market.

Wiener Börse AG Wallnerstraße 8, A-1014 Vienna Tel: +43-1-531 65-0 <a href="http://www.wienerboerse.at">http://www.wienerboerse.at</a>
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## 3. IMMIGRATION REQUIREMENTS

### 3.1 Immigration Requirements / Formalities

A residence permit is required by non-European nationals who intend to reside in Austria for a period exceeding 6 months. Application for residence must be made at an Austrian embassy or consulate abroad. Anybody – EU citizens and foreign nationals alike – residing in Austria needs to be registered with the local community authorities.

### 3.2 Visas

Citizens of most of the western countries will only need a valid passport to enter Austria, but no visa. However, some foreign nationals will need an entry permission for Austria.

## 4. INVESTMENT CLIMATE

### 4.1 General

The investment climate in Austria in general is quite favourable. In order to enforce foreign investments in Austria, only very few restrictions exist. Austria has a highly skilled and well educated workforce, which makes the country interesting for entrepreneurial as well as financial investors. Compared to the European Union, labour costs

are on an average level, whereas the workforce is skilled above-average. As a positive result of Austria's social partnership system, labour conflicts occur very rarely. The duration of strikes in Austria per employed person accounts for as following:

- 4,67 seconds in the year 2012
- 27 seconds in the year 2013

## 4.2 Investment Incentives

Grants and Subsidies of Funds offered to Foreign Investors: The federal, provincial and municipal governments encourage foreign investment by granting either cash, subsidies or other kind of distributions to investors.

National Tax Incentives for Foreign Investors: Tax incentives – most of which are granted in the form of tax exemptions – have been granted to investors in the past.

Export Incentives for Foreign Investors: Foreign investors also took advantage of this opportunity offered by the state.

## 5. STRUCTURES OF DOING BUSINESS

### 5.1 General

There are different forms of business entities from which to conduct business in Austria: corporations, limited companies, partnerships (limited and unlimited), joint ventures or branch offices of foreign companies. The choice of entity should be carefully considered, particularly in the light of method of governance, liability issues and certainly tax issues. The companies legislation is contained in various acts, the most important of which are:

- Business Enterprise Code (Unternehmensgesetzbuch, UGB)
- Act on Limited Liability Companies (*Gesetz über die Gesellschaften mit beschränkter Haftung; GmbHG*)
- Act on Stock Corporations (*Aktiengesetz; AktG*)

The last major reform of Austrian commercial law (BGBl. 120/2005) redefined the scope of applicability of commercial law. Commercial law, which formerly had been restricted to merchants, now addresses all business enterprises. The Austrian “Commercial Code” (Handelsgesetzbuch, HGB) has thus been renamed the “Business Enterprise Code” (Unternehmensgesetzbuch, UGB) and entered into force in 2007. Moreover, the reform amended several provisions of contract law in order to harmonise commercial law, general civil law and consumer law.

The most common form of business entity is the company: the two main types of

companies are the Limited Liability Company ("GmbH") and the Stock Corporation ("AG"). Both companies come into legal existence upon registration with the Commercial Register in Austria (*Firmenbuch*). Please note that all documents submitted to the Commercial Register have to be in German. Documents in other languages have to be translated and legalised.

In general the following costs arise in connection with the registration of a company:

- court fees for incorporation,
- fees of an attorney and notary public,
- (minimum) corporate tax, and
- the fees for the publication in the semi-official Austrian newspaper "*Wiener Zeitung*" (publication is obligatory for Stock Corporations, but since an amendment in 2013 not for Limited Liability Companies any more).

## 5.2 Trade Licence

A number of business activities require a trade licence. These businesses are listed in the Austrian Trade Regulations (*Gewerbeordnung*). A distinction is made between business activities which only have to be notified with the relevant authorities (so called "*freie Gewerbe*") and those for which a permission is required (so called "*reglementierte Gewerbe*"). In case of the "freie Gewerbe", a notification has to be filed with the relevant authorities and several documents have to be submitted in support of the application (i.e. certain statements, personal documents). The business licence is granted upon registration of the notification in the relevant register. In case of a "reglementierte Gewerbe", a formal application has to be filed. In addition, evidence of proficiency is required. Generally, a passing score on an examination or working experience in the particular field is sufficient. If all requirements of the Trade Regulations are met, a licence will be granted.

In case of establishing a foreign-held company in Austria, no governmental authorization or permission is needed. No financing restrictions are imposed on foreign-owned companies. The liberalization of former foreign exchange control restrictions resulted in a free flow of investments. No statutory restriction limit inter-company agreements such as management and contract leases, licences, technical assistance, rental agreements etc., though they are often subject of close review by fiscal authorities in the course of an audit.

There is no difference concerning legal provisions for an Austrian-held corporation and a corporation controlled by a foreign individual or corporation.

## 5.3 Types of companies, Investment methods

There are several ways of organising a company in Austria; however, the most common



forms of companies are the following:

### 5.3.1 Limited Liability Company (Gesellschaft mit beschränkter Haftung; GmbH)

The limited liability company is probably the most common business form used in Austria. The main source of law is the Act on Limited Liability Companies ("*GmbH-Gesetz*"). The constitutional documents for the GmbH are the Articles of Association (*Gesellschaftsvertrag*) which have to be set up in the form of a notarial deed. The Articles of Association are filed with the commercial register upon registration of the company. The registration procedure takes approximately two or three weeks.

The minimum share capital of a limited liability company is € 35.000,- and may be paid up either in cash or in kind. Since the last amendment in 2014 it is possible to start with a share capital of only € 10.000,- ("*Gründungsprivilegierung*"), even though there is an obligation to raise the share capital to the amount of € 35.000,- within 10 years after establishment. The company is represented by one or more managing directors, who are appointed by the shareholders and may be removed by the shareholders at any time without cause. The directors may be appointed for an indefinite time period and are directly bound to shareholders' orders. The election of a supervisory board of directors is – except under certain circumstances – voluntary. The supervisory board is elected by the shareholders and consists of at least three members. In order to protect the rights of the employees it is obligatory under certain conditions that shareholders only elect two thirds of the members of the supervisory board whereas the other third is elected by the employees themselves.

Minority rights: With a minimum of 10% of share capital, certain minority protection rights can be exercised.

Shares of a Limited Liability Company cannot be issued and a quotation on a stock exchange is not possible.

A notarial assignment deed is required for assignment of shares.

### 5.3.2 Stock Corporation (Aktiengesellschaft; AG)

The legal rules on stock corporations (AG) are primarily contained in the Act on Stock Corporations (*Aktiengesetz*). The main constitutional documents for the AG are the Articles of Association (*Satzung*) which have to be notarized. The Articles of Association are filed with the commercial register upon registration of the company. The minimum share capital is € 70.000 which may be paid up in cash or in kind. Shares are issued, and – under certain conditions – quotation on a stock exchange is possible.

The AG is represented by the managing board of directors (*Vorstand*) who is appointed by the supervisory board for a maximum period of five years and is removable for important reasons only. In contrast to the limited liability company, the board members are

not directly bound to the shareholders' orders.

A supervisory board of directors is mandatory and elected by the shareholders. A minimum of three members have to be appointed. However, a maximum number of 20 members ultimately can be ruled in accordance with the Articles of Association. As with the GmbH (see above), the rules regarding the participation of employees in the supervisory board apply.

Minority rights: With a minimum of 5% of share capital one can exercise certain minority rights.

General meetings of a stock corporation must be recorded by a notary public. Auditing is obligatory.

### 5.3.3 Commercial Partnerships

#### 5.3.3.1 General Partnership (Offene Gesellschaft; OG)

This form of enterprise is founded by two or more individuals or corporations, both of them endowed with full liability. The OG is represented by its partners. Although the OG is not a full legal entity it may incur liabilities, real estate, rights and may also be party in lawsuits. General Partnerships are governed by the Commercial Code.

#### 5.3.3.2 Limited Partnership (Kommanditgesellschaft; KG)

The limited partnership has two kinds of partners: at least one partner has full liability (*Komplementär*), the other partners (*Kommanditist*) are liable up to the amount of their invested capital. The KG is represented by its partner(s) with full liability. Just as the OG, the KG is not a full legal entity and governed by the Commercial Code.

#### 5.3.4 Joint Ventures

There are typically three different ways of concluding a joint venture:

- A joint venture company can be incorporated in the form of a stock corporation, a limited liability company or a commercial partnership to which the parties are shareholders or partners. The normal rules for corporations or partnerships – as described above – apply to this form of a joint venture;
- Another way of conducting a joint venture is by executing a co-operation agreement on a contractual basis. In this case, general contract law applies.

- The third typical way of concluding a joint venture is by forming a civil law partnership. This particular form is recommended if the parties intend to work only on a narrowly defined project for a limited period of time because little administrative work is required to conduct a civil law partnership.

### 5.3.5 Subsidiaries and Branches

Setting up a new branch of a non-resident foreign legal entity requires registration with the Commercial Register in order to complete its formal incorporation. In case of establishing a limited liability company or a stock corporation, enterprises residing in non-EU-member states must appoint at least one representative whose customary place of abode is in Austria. Disclosure of complete accounting records on all transactions carried out by the branch office of a foreign enterprise is obligatory.

The decision whether to establish a subsidiary or a branch office is regularly determined by tax considerations (for tax aspects see Section 11.).

## 6. REQUIREMENTS FOR ESTABLISHING A BUSINESS

### 6.1 Anti-Trust and Merger Control Law

The general provisions on anti-trust and merger control are contained in the Austrian Cartel Act (*Kartellgesetz 2005; KartG*). The Cartel Act deals not only with cartels, but also contains provisions on vertical agreements, non-binding recommendations by associations, merger control and abuse of a market-dominating position.

#### 6.1.1 Cartels

Section 1 (1) of the Cartel Act determines that all agreements between undertakings, decisions by associations of undertakings and concerned practices which have the prevention, restriction or distortion of competition as their object or effect, shall be prohibited. This essentially complies with Art 101 (1) TFEU, whereas the latter provision also includes the possibility to affect the trade between Member States.

Cartels by object which negatively affect competition are for instance price fixing or market sharing. While Cartels by object are always covered by Section 1 Cartel Act, Cartels by effect are only prohibited when their negative impact is noticeable in the market. This exemption is either applicable if the aggregated market share held by parties competing each other does not exceed 10% of the relevant market or if the market share held by each of the parties not competing each other does not exceed 15 % on the relevant markets. Since an amendment in 2013, even *de minimis* cartels shall not be exempted irrespective of the market shares in case of price fixing and division of territory.

However, the distinction between Cartels by object or effect has no more significance for the application of Section 1 Cartel Act but it can be relevant for the degree of responsibility in order to charge a penalty.

The non-exhaustive enumeration in Section 1 (2) Cartel Act gives an idea of what is qualified as prohibited restriction of competition. Generally speaking the following practices are covered: price fixing, market sharing, production and market control.

Section 2 Cartel Act provides several exceptions. Whenever one of the exceptions is applicable, no further examination is necessary.

Penalties: The court may upon application by an official party impose substantial fines: up to 10% of the company's worldwide total revenue. This is not to be regarded as a criminal but a civil penalty.

## 6.1.2 Merger Control

Due to the "One-stop-shop" rule, the Austrian merger control law only applies if a concentration does not reach a community dimension and therefore the European Merger Control Regulation is not applicable. Concentrations within the meaning of the Cartel Act have to be notified to the Federal Competition Authority (BWB, Bundeswettbewerbsbehörde) before implementation. Generally speaking concentrations are deemed to arise by:

- acquisition of the whole or a substantial part of an undertaking, especially by means of a merger or transformation;
- acquisition of rights over the business of another undertaking by means of a contract for the exploitation or management of such business;
- direct or indirect acquisition of shares in an undertaking if the participation held after the acquisition is or exceeds 25% or 50%;
- at least half of the members of the management board or supervisory board of two or more undertakings being identical; or
- any other connection of undertakings which confers on one undertaking a direct or indirect controlling influence over another undertaking.

Certain full function joint ventures are also deemed concentrations under the Cartel Act.

Concentrations meeting the following thresholds will have to be notified before implementation (pre-merger notification):

- combined world-wide turnover of € 300 million;

- combined turnover in Austria of € 30 million; and
- at least two undertakings concerned have a world-wide turnover of € 5 million each.

A notification of a concentration has to contain detailed information about the undertakings concerned, as well as general information on the market structure, in order to enable the Cartel Court to decide whether or not the concentration creates or strengthens a dominant position in the relevant market. The application will be transferred to the Austrian Federal Cartel Attorney (Bundeskartellanwalt) and published on the homepage of the Federal Competition Authority. Upon application of the official parties (such application to be filed within four weeks upon receipt of a copy of the application), the Cartel Court has to examine the concentration, otherwise it has to issue a clearance confirmation. If further investigations are initiated due to a request, the cartel court has to make a decision within five months after receiving the request as to whether to issue a clearance confirmation, sometimes subject to commitments or to prohibit the concentration. Appeals against decisions of the Cartel Court have to be filed with the Supreme Court within four weeks.

Although competitors have no right to request an investigation, the Cartel Act provides competitors affected by the merger with the right to file comments within 14 days from publication of the application with the Cartel Court.

Furthermore, upon application by the official parties (Federal Competition Authority, Federal Cartel Attorney), associations representing business interests (in case such interests are affected by the cartel), any company whose legal or economic interests are affected, the Austrian Economic Chamber (*Wirtschaftskammer Österreich*) the Federal Chamber of Labour (*Bundesarbeitskammer*) and other parties listed in the Cartel Act, the Cartel Court has to establish whether or not a concentration has been implemented without prior notification and/or approval.

Penalties: In case a concentration has been implemented without prior clearance, the Cartel Court may impose a fine of up to 10% of the company's worldwide total revenue.

### 6.1.3 Abuse of a market-dominating position

According to the Cartel Act, an undertaking is deemed to be market-dominating if it is neither exposed to any (considerable) competition on the relevant market, or if it has a paramount market position in relation to its competitors (due to i.e. its financial power, its access to supply and after-markets, barriers for other competitors to enter the market or customers/suppliers being dependent on maintaining their business relationship with the undertaking). If an undertaking exceeds certain market share thresholds it is presumed to be dominant.

The abuse of a dominant position is prohibited. The Cartel Act contains a non-exhaustive list of practices which may constitute an abuse, i.e. direct/indirect imposition of unreasonable purchase/selling prices, discrimination of business partners by imposing different conditions to similar transactions etc. Upon application by the official parties (Federal Competition Authority, Federal Cartel Attorney), associations representing business interests (in case such interests are affected by the cartel), any company whose legal or economic interests are affected, the Austrian Economic Chamber (*Wirtschaftskammer Österreich*) the Federal Chamber of Labour (*Bundesarbeitskammer*) and other parties listed in the Cartel Act, the cartel court has to issue an order to the undertaking to refrain from its abuse.

Penalties: The Cartel Court may impose substantial fines: up to 10% of the company's worldwide total revenue.

## 6.1.4 EU Competition Law

Art 101 and Art 102 TFEU (Treaty on the Functioning of the European Union) are directly applicable in Austria. If an anti-competitive behaviour has Community dimension, in principle both laws – EU competition law and the Austrian Cartel Act – will apply. However, in case of a conflict between EC competition law and Austrian Cartel Act, EU law prevails: prohibitions or authorizations granted under EU law cannot be challenged under Austrian law. During an ongoing parallel procedure under EU law, an Austrian court may not prohibit or authorize a cartel.

With the EC Regulation No 1/2003, EC cartel law has been fundamentally changed by making Art 101 (3) TFEU directly applicable – thus eliminating the former system of individual exemptions granted by the Commission – and transferring the competence for the enforcement of Art 101 and 102 TFEU to the national competition authorities.

The EC Merger Regulation (Council Regulation (EEC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings) is also directly applicable in Austria. According to Section 21 of the Merger Control Regulation, Austrian law will not apply in case of a merger having community dimension. However, if such merger constitutes or strengthens or is likely to constitute or strengthen the undertaking's dominant position in the Austrian relevant market, the Commission may refer the case to the National Cartel Court in Austria under Section 9 of the Merger Control Regulation.

## 6.2 Intellectual Property

### 6.2.1 Copyright

#### 6.2.1.1 Scope of Protection

The Austrian Copyright Act (*Urheberrechtsgesetz, UrhG*) provides protection for "works", which are original intellectual creations in the field of literature, music, fine arts and

cinematography. Thereby the individual original achievement must be outstanding against others. It thus is not enough for the work to be statistically unique. Neighbouring rights, ranging from performances, recitations, photographic works (irrespective whether they also qualify as works of fine art), phonograms, radio broadcasts and editions of posthumous work to database (irrespective of whether they also qualify as collective works) are also, although less extensively, protected. The copyright protection is granted as soon as the work is created – even if it has not yet been brought into a substantial form. The author is the individual who created it.

## 6.2.1.2 Rights

The Act's purpose is to protect the creator's economic and moral interest in the work. A number of exclusive exploitation and moral rights are provided for:

- right of adaptation and translation;
- right of reproduction (right to copy the work by any means and to any extent);
- right of dissemination (right to distribute copies of the work);
- broadcasting right (right to broadcast the work);
- right of publication (right to publicly perform, recite or display the work);
- right of making the work available to the public (i.e. via Internet);
- right to claim authorship in the work;
- right to decide whether the author should be credited on the occasion of using the work;
- right to object to any distortion, mutilation or other modification of the work.

Copyrights are inheritable but not transferable within the meaning of a full assignment. However, the author may grant an exploitation permit (non-exclusive licence) or an exploitation right (exclusive licence) to a third party, authorising the use of the work in a specific manner. For this purpose a written form is required. The author may join a collecting society (*Verwertungsgesellschaft*) which grants, for a certain consideration, exploitation permits for specific works.

## 6.2.1.3 Duration of Protection

Generally, the term of copyright for literature, musical, phonograms and artistic works is 70 years after the end of the year of the author's (or last co-author's) death. In case of cinematographic works, the protection expires 70 years after the last of the following person's death: i.e. main director; author of the script; author of the dialogues and author

of the music. Neighbouring rights such as performances or photographic works enjoy a uniform protection of 50 years and posthumous work 25 years after the first publication.

#### 6.2.1.4 Jurisdiction

Civil law claims based on copyright infringements are heard by the Commercial Court of Vienna in first instance. Appeals have to be brought before the Regional Courts of Appeal and in final instance before the Supreme Court. In case of a copyright infringement, the owner has a cease and desist claim (including preliminary injunction), claim for abolition, claim for appropriate consideration, claim for damages and the surrender of profits, publication of the judgement and a claim for rendering of accounts.

#### 6.2.2 Trade Marks

##### 6.2.2.1 Scope of Protection / Registration

Trade marks are defined by the Austrian Trade Mark Protection Act (*Markenschutzgesetz, MSchG*) as special signs used in the course of business and capable to distinguish goods and services of one company from goods and services of another company. In principle, the right to a trademark does not hinder another person to use the same trademark for different goods and services. However, the scope of protection is extended for well known trademarks: It protects the trade mark owner in case a third party takes advantage of, or impairs the distinctive feature or the valuation of the trade mark in an unfair manner. In this case it is irrelevant whether the goods and services described by the sign are different from those which the trademark is registered for. Nobody is allowed to use the name, the firm or a special designation of another enterprise in order to characterise at least similar goods or services without the consent of the trademark holder.

Signs that

- consist only of coats of arms, flags or other state symbols, official signs and hallmarks, international organizations, etc.;
- specify kinds of goods or services (i.e. generic words);
- contain representations or inscriptions that are scandalous or contrary to *bonos mores*; or
- are deceptive;

cannot be registered. Furthermore descriptive signs, consisting of words referring to place, time, quality, purpose etc. may only be registered provided that the sign is considered by the public to be a distinct representation of the goods and services of the applicant's business (secondary meaning).



Trademarks held by enterprises having their seat abroad enjoy the protection of the *MSchG* on the condition that

- under the respective foreign legal order, trademarks held by an enterprise having its seat in Austria enjoy in the respective foreign country the same protection as trademarks held by an enterprise having its seat in that country; and
- the granting of the same legal protection is established in bilateral international treaties or in an announcement by the Federal Minister for Economic Affairs.

The application for registration has to be filed with the Austrian Patent Office. It has to specify the goods and services for which the mark is intended to be used. The application is examined in respect of formal and substantial obstacles by the legal department of the Patent Office. The applicant has the right to give his written comment within a certain period of time. If objections raised by the Patent Office cannot be dispelled, the application is dismissed. The Patent Office also examines whether the applied mark resembles a prior mark. However, prior conflicting trade marks do not impede the registration of a mark, but represent a reason for the owner of the older trademark to cancel the younger trade mark after its registration. After the registration procedure is completed, the mark is registered in the trade mark register and published.

#### 6.2.2.2 Rights

The registered trade mark allows the owner to exclude others in course of business to use

- an identical sign for goods and services identical with those the trademark is registered for;
- an identical or similar sign for identical or similar goods and services if likelihood of confusion (including the likelihood to associate the sign with the trade mark) is entailed.

The protection of well-known trade marks is even broader (see above).

The term of protection for trademarks is set at 10 years after the registration at the Patent Office and can be renewed for further periods of 10 years at a time.

The term "*likelihood of confusion*" is determined by European Law. The overall impression by an average consumer is relevant for the evaluation of the cited term. The likelihood of confusion has to be judged objectively, which means that neither intention nor imagination of the user of the later sign is relevant. When evaluating the likelihood of confusion, the interplay of similarity of sign, goods and distinction of the trademark has to be assessed. A lower degree of similarity of the signified goods may be equalised by a higher degree of similarity of the signs and the other way round. The likelihood of confusion is the weaker, the stronger the distinction of the (older) trademark is, if the trademark, for instance, shows certain features in sound, picture and meaning.

### 6.2.2.3 Jurisdiction

Civil law claims regarding trade mark infringements fall under the jurisdiction of the Commercial Courts. The owner may lodge a cease and desist claim (including preliminary injunction), claim for abolition, claim for appropriate consideration, claim for damages and the surrender of profits, publication of the judgement and a claim for rendering of accounts. The owner of an "older" trade mark can apply to cancel entries at the Austrian Patent Office. Intentional infringements are referred to the criminal courts.

### 6.2.3 Patents

#### 6.2.3.1 Scope of Protection

The Austrian Patent Act (*Patentgesetz, PatG*) provides for the protection of inventions, which are new, not obvious to an expert and applicable in the industrial field. The *PatG* excludes certain inventions from the patentability, such as inventions being contrary to *bonos mores*, others are not regarded as inventions, for instance scientific theories. The inventor or his legal successor has the right to be granted a patent. The first person applying is deemed to be the inventor, until the contrary is proven. An employee is generally entitled to the grant of a patent, unless otherwise provided. In the latter case he is entitled to a special equitable remuneration for dismissing his invention.

The application for a patent must be filed with the Austrian Patent Office. It has to embody a full disclosure of the invention, so that a review by the examiner is possible. The application is refused if formal defects are not removed and objections as to the patentability are not dispelled. Where there are no obstacles for granting the patent, the application is published in the Austrian Patent Gazette. Due to the complex examination procedure, application proceedings sometimes extend over years.

#### 6.2.3.2 Duration

The maximum protection period of a patent is 20 years from the filing date onwards. The patent expires before the end of the 20-year term if the annual fee is not paid or the patent owner waives his right to the patent. Granted patents may also be withdrawn, revoked or declared null and void under certain circumstances.

#### 6.2.3.3 Rights of the Owner

The patent owner has the exclusive right to produce, trade, use or possess the object of invention. A person having used the invention in *bona fide* within Austria prior to patenting may continue using the patent in his own business, since the granting of a patent does not

affect the so-called pre-user.

#### 6.2.3.4 Jurisdiction

In case of an infringement, the owner has a cease and desist claim (including preliminary injunction), claim for abolition, claim for appropriate consideration, claim for damages and the surrender of profits, publication of the judgement and a claim for rendering of accounts. These claims fall within the jurisdiction of the Vienna Commercial Court. Intentional patent infringements are sanctioned with fines up to 360 times the daily rate with the competent authority being the Vienna Regional Criminal Court.

#### 6.2.4 Further Intellectual Property Rights

The Austrian law system further provides protection for models/designs (protected by the Model Protection Act (*Musterschutzgesetz, MSchuG*)) and utility models (protected by the Utility Model Act (*Gebrauchsmustergesetz, GebrmG*)). Models are prototypes for the design of industrial products, utility models are technical developments which do not have the high inventive level for protection under the Patent Act.

## 7. LABOUR AND EMPLOYMENT

### 7.1 Employment Regulations

Labour relations and individual rights and duties of employer and employee are regulated by a great number of federal statutes. Therefore, Austrian labour law is a field composed of a large variety of sources on different levels. Additionally, more detailed terms of regulation and conditions of employment are provided by collective bargaining agreements ("*Kollektivvertrag*"). These contracts are concluded between employers' and employees' organizations (each responsible for a specific group of business). They are binding on the individual employer and employee of the respective group irrespective of whether or not they have explicitly been made part of the employment contract.

In Austria, statutory law and collective agreements reserve several matters to be dealt with by so-called plant agreements ("*Betriebsvereinbarung*") which are written contracts concluded between an employer and the works council. Within such limits, a plant agreement has the legal force of a statute, granting individual rights to employees.

### 7.2 Labour Permits

Under Austrian law (*Ausländerbeschäftigungsgesetz; AuslBG*) following persons do not need to apply for a work permit:

- EU/EEA citizens (Croatian citizens excepted)

- Third-country nationals who are family members (spouse and minor) of Austrian citizens
- Spouse and minor of EEA citizens (Croatian citizens excepted)
- Parents and parents-in-law of EEA citizens (new Croatian citizens excepted)
- Asylum-seeker with asylum decision

In general, the employment of Non-EU/EEA nationals requires a residence permit and work permit.

There are different kinds of residence permit thereby work permit is covered (issued by the Immigration Office):

- Red-White-Red Card (*Rot-Weiß-Rot-Karte*)

Residence and work permit applied for a specific working position and valid for 12 months. Entitled employees are highly qualified workers, professionals and key workers from third countries.

- Blue Card- EU (*Blaue Karte- EU*)

Applicable for foreign skilled employees holding an undergraduate degree with guaranteed minimum wage of 1,5 times the Austrian average gross annual salary. It means a gross monthly salary of 4.100 € plus special payment for 2015. The Blue Card is only valid for the specific working position and for a maximum period of 2 years.

- Red-White-Red Card plus (*Rot-Weiß-Rot-Karte Plus*)

Extension of the Red-White-Red Card or Blue Card-EU and entitles to unrestricted access to the labour market. The validity is 1-3 years.

- Permanent Residence EU (*Daueraufenthalt- EU*)

The application is possible after uninterrupted establishment for 5 years and it is equivalent to unlimited residence entitlement.

Under Austrian law it is an offence to employ a foreign person without valid permission. In case of violation, the local employment centre may levy fines against the employer; in case of repeated violation the fines may be doubled.

## 7.2.1 Work Permit ("Beschäftigungsbewilligung")

A work permit has to be applied for by the employer at the competent employment centre (AMS). It gives the employer the right to employ an individual person for a particular

position. A work permit may be issued for a maximum period of one year and the working relationship must be started 6 weeks after authorisation otherwise the work permit expires. The employment centre may issue a work permit only under certain circumstances. Generally speaking, the employment centre has to determine whether the current state and development of the labour market allows the employment of foreigners. Other important public or economic reasons also have to be considered before a work permit may be granted. Further criteria are listed in the relevant laws.

Special provisions apply for Turkish and Croatian citizens:

Due to an association agreement between Austria and Turkey, Turkish citizens obtain better access to the labour market. Croatian employees are entitled to a confirmation of free movement (*Freizügigkeitsbestätigung*) if they have been admitted to the labour market for an uninterrupted period of at least twelve months or have been established in Austria for 5 years.

### **7.3 Social Insurance Standards**

All employees effectively working in Austria are automatically insured under the social insurance system in Austria. It covers insurance types like health, occupational and pension insurance. Additional insurance exists under the unemployment insurance system.

Once an employee has started work, his employer is liable to file registration with the competent social insurance authority. Moreover, the employer has to pay a part of the social insurance contributions and channel both, the employer's and employee's contribution directly to the social insurance authority.

### **7.4 Trade Unions**

Eventhough the number is declining, still 35% of all Austrian employees are represented by the Austrian Trade Union Federation (*Österreichischer Gewerkschaftsbund, ÖGB*), which makes it a highly influential and powerful voluntary association. Traditionally, there are almost no strikes or lockouts in Austria. "Compromise" is the keyword in Austria's industrial relations.

This unique working relationship has become worldwide known under the informal label of the "Social Partnership" (*Sozialpartnerschaft*). For the past fifty years, this effective means of cooperation between employers and employees has been successfully practiced in Austria.

### **7.5 Termination of Employment**

Generally speaking, an employment contract may be terminated either by mutual

agreement, by giving notice or by dismissal.

The relevant labour laws set out minimum notice periods to be given by each party, the length of which depends on how long the employee has been employed in the company. The employer and the employee each have the right to terminate the employment contract with immediate effect for important reasons. The labour laws give a non-exhaustive list of causes in which an immediate termination is possible. In case of a *collective* dismissal the employer has to notify the employment centre.

## **8. TERMINATION OF A BUSINESS**

### **8.1 Termination**

A business in Austria can be terminated at any time without the need of a governmental approval. However, before terminating a business, all creditors must have been satisfied and all available capital must have been distributed. Once the relevant documents have been filed with the commercial register and with other relevant authorities (i.e. tax authority), the termination process is completed.

### **8.2 Insolvency / Bankruptcy**

*(In the following overview only the insolvency/bankruptcy of a corporate entity is dealt with.)*

In light of the financial crisis in 2008 the Austrian insolvency law has been reformed in 2010 in order to facilitate the rehabilitation and continuation of undertakings.

Insolvency proceedings in Austria can either be initiated by the involved company itself or a creditor. If the company is insolvent ("*Zahlungsunfähigkeit*") or its liabilities exceed its assets ("*Überschuldung*"), the management of a company is responsible to file a petition for insolvency proceedings without delay, but not later than 60 days from the date of insolvency or date of over-indebtedness. This 60-days time allows the management to prepare restructuring proceedings in self administration. A manager's failure to initiate an insolvency proceeding may constitute a criminal offence under certain circumstances and triggers personal liability towards the creditors under civil law.

Another requirement for the opening of an insolvency procedure is that the company has sufficient assets to cover the anticipated costs caused by the insolvency proceeding. If there aren't sufficient assets to cover the anticipated costs the court may still open insolvency procedures if the company – upon the court's request – paid an advance on costs. If the company cannot pay the advance, the court may request the individuals with statutory representation power (the company's directors) as well as the majority shareholder to pay the advance.

As soon as the insolvency procedure has been opened, the company's management is no

longer authorised to run the company's business. Instead, the court appoints an administrator or receiver who takes over the management of the company. Under certain conditions there is also the possibility of a restructuring proceeding in self administration that gives the debtor the chance to keep the power to run the business. In such a proceeding a so called restructuring administrator controls the debtor's actions.

Under the supervision of the court and, in some cases, a creditors' committee, the administrator/receiver is fully in charge of the bankruptcy estate. The first task is usually to determine the true economic situation of the debtor's business and whether there are any possibilities to carry on the business. If there are no prospects for doing so, the administrator/receiver is obligated to sell all assets and use the proceeds to satisfy the creditors.

Since July 1st 2010, there is one uniform insolvency procedure which is subdivided into a restructuring proceeding (*Sanierungsverfahren*) and a bankruptcy proceeding (*Konkursverfahren*):

- Restructuring proceeding (*Sanierungsverfahren*):

This procedure complies essentially with the bankruptcy proceeding but pursues different aims: The restructuring of the company is the main objective.

If the insolvency procedure is initiated by a creditor, the debtor has to be informed that it is possible for him to obtain a restructuring proceeding by presenting a restructuring plan and applying for the opening of the restructuring proceeding.

During this proceeding the company's assets cannot be sold until the restructuring plan has been refused. The proceeding is concluded with the final and legally binding confirmation of the restructuring plan. If the attempt to restructure the company fails, the proceeding has to be continued and renamed into the bankruptcy proceeding.

The restructuring proceeding can be conducted either with an administrator appointed by the court or in self administration.

- Bankruptcy proceeding (*Konkursverfahren*):

In case that the court refuses the debtors application for a restructuring proceeding or the creditors do not accept the restructuring plan or not even 20% of the creditors' claims can be satisfied, the companies' assets will be liquidated and the proceeds will be used to satisfy the creditors claims. In principle the debtor remains liable for all unsettled debts. This is usually insignificant because the debts remain in most of the cases irrecoverable.

- Restructuring Plan

There is the possibility for the debtor to apply for such a restructuring plan in the restructuring proceeding as well as in the bankruptcy proceeding. The plan shall be prepared within 90 days after the opening of the insolvency proceeding. Within 2 years, the debtor has to offer a minimum of 20% of the creditor s' claims. The result is that the unsettled debts cannot be enforced in court anymore.

## **9. IMPORT & EXPORT REGULATIONS**

### **9.1 Customs & Foreign Trade Regulations**

#### 9.1.1 Foreign trade regulations

As a member of the UN, Austria must respect any UN-embargoes. Austria is also a member of many international organizations (see Section 14.1). Therefore, foreign trade regulation is adjusted to the rules of those organizations such as WTO, European Economic Area (EEA) and especially the EU.

#### 9.1.2 Customs

Austria, as a member of the EU, participates in the EU customs union. European customs law regulations are directly applicable in Austria and binding in their entirety. There are no dues, duties or custom tariffs on products imported from or exported to an EU member state.

Regarding trade and customs towards third countries, Austria applies the rules and regulations as harmonised by the EU. Uniform external tariffs for all member states are prescribed in the annually published European Common Customs Tariff.

### **9.2 Export Regulations**

The Austrian export system is – unless relevant EU law is directly applicable – governed by the Foreign Trade Act 2011 (*Außenwirtschaftsgesetz 2011*; AusWG) including implementation of EU law. There are in principle no restrictions to exports to member states of the European Union. However, exports to third countries may be subject to prior export authorisation (export licence) or notification, or might be subject to other restrictions (i.e. quantitative restrictions). The Foreign Trade Act 2011 also authorises/empowers the Ministry of Science, Research and Economics (BMWF) to determine countries or goods for which authorisation or a licence has to be obtained before export. Exporting goods without having obtained an export licence is sanctioned with



substantial fines or with imprisonment.

### 9.3 Import Regulations

There are some import regulations in Austria; Austria refers to European directives on import regulations. In general, the import regulations are quite liberal; however there are a number of exceptions and restrictions:

- Import quotas
- Antidumping Taxes
- UN Embargos on import and export

Specific regulations apply to certain products such as:

- “dual-use” goods
- Arms
- Iron and Steel (Eastern Europe)
- Textiles
- Trading with China

Not all kinds of products may be transferred across the border without restriction. In certain cases strict embargoes on export, import, and transit exist. In such cases specific permissions, reports and attestations are required to handle the formalities.

The presentation of those documents may only be refrained under certain circumstances when holiday traffic is concerned. Restrictions and prohibitions in the case of holiday traffic are primarily valid in following fields:

- medical goods;
- plants and plant goods;
- animals and animal products;
- transmitters and bleeper stations;
- protection of nature;

Generally only goods traded with non-EU member states are subject to customs procedures. The responsibility for filing the proper customs declaration and for paying import duties and dues bears the individual or legal entity that is either in possession of the goods at the time of import or in possession of the appropriate shipping documents or valid assignment documents. As experience shows, this will usually be the carrier or the forwarding agent.

The following documents must be filed in case of importing goods:

- Declaration of the import value for tariff classification;
- Assessment of the amount of import duties;
- Description of the goods;

The customs authorities must be informed about the place of production of the imported goods, the actual delivering place and the receiving party. After payment of all necessary import duties and dues, the goods are free to circulate within the EU.

Import turnover tax is either collected by the Austrian Custom Office when clearing goods in Austria for free circulation in the EU or a tax-deliveries-account, kept with the Tax Office, is debited. Exempt goods from customs duties are normally not subject to import turnover tax. The rate of this tax is equal to the normal Value Added Tax. Import Turnover Tax payments may be used as a pre-tax credit by the importer to the extent the importer is generally entitled to VAT tax credit.

## 10. (CURRENCY) EXCHANGE CONTROL

The Austrian Central Bank (*Österreichische Nationalbank, OeNB*) administers the exchange control system under the Foreign Exchange Act (*Devisengesetz 2004*). The *OeNB* is appointed to regulate all foreign exchange transactions, it is authorized to issue general regulations, by which it usually grants its approval to specific kinds of transactions. This system provides swift adjustment to the applicable legal framework, if required by changes in the international or national financial environment.

The Austrian foreign exchange system for transaction has been liberalized according to European law resulting in extensive facilitation for the average business person. However, exchange regulations are frequently altered by the *OeNB*, therefore it is advisable to demand updated information from Austrian credit institutions. Particularly in case of complex transactions, assistance of a legal counsel is recommended, since the Foreign Exchange Act entails grave sanctions for violations.

Exceptions to the general approval for all business transactions concern accounts of Austrians abroad, banking transactions, and credit and loan transactions; in financial transport or transaction, notification requirements need to be considered.

There are no restrictions in Austria concerning purchase and exchange of foreign currency into European currency. The regulations under the Austrian general Income Tax concerning dividends are valid for foreign shareholders without any difference.

Income repatriation does not generate any exchange control related taxes, fees or duties of any kind. No limitations at all exist on capital remittances when operations are decreased or dissolved. Payment of employees, suppliers and others is not subject to any

exchange regulations, it can also be carried out in foreign currency.

However, labour law rules might provide that payments by an Austrian company – whether it is a subsidiary or branch of a foreign entity – to its employees might be required in local currency.

## 11. TAX

### 11.1 Categorization of Taxes

The following forms of taxes are most important when doing business in Austria:

- Corporation Income Tax (*Körperschaftsteuer*),
- Income Tax (*Einkommensteuer*) and
- Value Added Tax (*Umsatzsteuer*).

A tax reform has come into force on January 1, 2016, the main concerned amendments are considered.

#### 11.1.1 Corporation Income Tax

Corporations are subject to corporation income tax in Austria. If the corporate entity's registered office or management is located within Austria, it is subject to unlimited tax liability. In this case, corporations are subject to tax on their worldwide income. Limited tax liability exists only in the following cases:

- tax-exempt corporations with domestic income on which withholding tax is imposed;
- corporations which have neither their place of management nor their principle office nor a branch in Austria – such corporations are taxed only on income derived from certain Austrian sources;
- foreign corporations with a branch in Austria – not including those mentioned in the second point above – are taxed only on income generated by the branch office.

The total taxable income of a resident corporation is taxed with a flat rate of 25%. However, there is a minimum corporation tax (*Mindestkörperschaftsteuer*) for corporations if no or a low taxable income exists. The minimum corporation tax depends on the minimum share capital of the entity, i.e. 5% per calendar year. A limited liability company (*GmbH*) would have to pay 1.750 € and a stock corporation (*Aktiengesellschaft*) 3.500 € per year of minimum corporate tax in poor economic situations. The paid minimum corporate tax is dealt as an advance payment for further corporation income tax.

The part of a non-resident corporation's income subject to Austrian corporation tax is determined either by way of annual assessment or by way of deduction at the source.

Austrian tax law classifies all income received by a company as business income. No special rates direct to capital gains or losses. If a corporation operates in more than one state, according to the OECD model, double taxation treaties usually instruct that the place of operative management implies tax liability.

## 11.1.2 Income Tax

Individuals are subject to Income Tax in Austria. Any person resident in Austria (i.e. any person whose domicile or customary place of abode is in Austria), is subject to unlimited tax liability, whereas non-residents are only subject to a limited tax liability (i.e. only on certain categories of income from Austrian sources). If an individual stays in the country for more than six months during a year, he is regarded as a resident.

Seven categories of income exist in Austria:

- Income from agricultural and forestry activities;
- Income from professional or self-employed activities;
- Income from conducting a business;
- Income from dependent employment;
- Income from capital investments;
- Income from rentals and leasing;
- Other income according to the Income Tax Act (including certain recurring income, gains on speculative transactions).

Receipts from donations, gifts, private lottery winnings and any other income which does not fall under one of those specific categories mentioned above is not taxable.

The taxable income of resident taxpayers is taxed at graduated marginal rates ranges from 25% to 55% (progressive rate).

An overview of the income tax rate in Austria due to the tax reform 2016:

Income Tax from 01.01.2016 (per year)	
up to 11.000€	Tax-free

over 11.000€ - 18.000€	25%
over 18.000€ - 31.000€	35%
over 31.000€ - 60.000€	42%
over 60.000€ - 90.000€	48%
over 90.000€ - 1 Mio €	50%
over 1 Mio €	55% (temporary from 2016-2020)

Apart from certain exceptions for artists, sportsmen, writers or those in similar professions, whose income is subject to a 20% withholding tax, the standard Austrian income tax rates are also applied on wages and salaries of non-resident individuals.

Unless otherwise predetermined in the relevant tax treaty, foreign withholding tax on passive income from other countries is habitually credited against the Austrian Income Tax. The capital gains tax rate on dividends paid by corporations to their individual shareholders is currently 27,5% without any further income tax being levied, i.e. interest on bank deposit and debt securities; profit on shares in stock corporations and limited liability companies; disposal of shares and derivatives. The tax reform has increased the capital gains tax rate from 25% to 27,5%. The application of 25% withholding tax rate only applies for capital gain on cash deposit and non securitised receivables.

### 11.1.3 Value Added Tax (Turnover Tax)

The most important taxable procedures triggering Value Added Tax in Austria are delivery, transfer and sale of goods and the performance of services for consideration by a commercial enterprise within Austria as well as the importation of goods by an entrepreneur located in Austria from an entrepreneur of a non-EU member state. Additionally, the removal of goods and services as well as the withdrawal of an entire business or parts of it by a businessman for reasons unrelated to the conduct of his business is a taxable procedure.

The common Value Added Tax rate currently amounts to 20%; some certain transactions are subject to a reduced rate of 10%. A new implemented tax rate of 13% applies to supply of live animals, animal feed, plants, art objects, rental for residential purposes, revenues from artistic activities and operation of theatres, nature parks and swimming baths.

Regardless of the legal form, any individual or corporation that carries on a business or professional activity producing income – even if it is done without a profit aim – is an "entrepreneur" under Value Added Tax provision. Consolidated corporations are treated as one taxpayer under VAT provisions (including parent companies or foreign subsidiaries).

## 11.2 Competent Authorities

Taxes in Austria are levied by the local tax authorities. Last instance for tax administration is the Minister of Finance.

Bundesministerium für Finanzen  
Ministry of Finance  
[www.bmf.gv.at](http://www.bmf.gv.at)

## 11.3 Double Taxation Treaties

Following the OECD model convention in most cases, Austria has concluded many double taxation treaties. In order to avoid double taxation, tax credits and some mixed methods are applied.

Austria has concluded Tax treaties with the following countries (as per 26.05.2015):

- |                          |                 |                |
|--------------------------|-----------------|----------------|
| ▪ Albania                | ▪ Hongkong      | ▪ Philippines  |
| ▪ Algeria                | ▪ Hungary       | ▪ Poland       |
| ▪ Armenia                | ▪ India         | ▪ Portugal     |
| ▪ Azerbaijan             | ▪ Indonesia     | ▪ Qatar        |
| ▪ Australia              | ▪ Iran          | ▪ Romania      |
| ▪ Belarus                | ▪ Ireland       | ▪ Russia       |
| ▪ Barbados               | ▪ Israel        | ▪ San Marino   |
| ▪ Bahrein                | ▪ Italy         | ▪ Singapore    |
| ▪ Belgium                | ▪ Japan         | ▪ Slovakia     |
| ▪ Belize                 | ▪ Korea         | ▪ Slovenia     |
| ▪ Bosnia and Herzegovina | ▪ Kuwait        | ▪ Saudi Arabia |
| ▪ Brazil                 | ▪ Kazakhstan    | ▪ Serbia       |
| ▪ Bulgaria               | ▪ Kyrgyzstan    | ▪ South Africa |
| ▪ Canada                 | ▪ Latvia        | ▪ Spain        |
| ▪ China                  | ▪ Liechtenstein | ▪ Sweden       |

- Croatia
- Cyprus
- Cuba
- Czech Republic
- Denmark
- Egypt (UAR)
- Estonia
- Finland
- France
- Georgia
- Germany
- Greece
- Libya
- Lithuania
- Luxembourg
- Malaysia
- Malta
- Macedonia
- Mexico
- Moldova
- Mongolia
- Montenegro
- Morocco
- Nepal
- Netherlands
- New Zealand
- Norway
- Pakistan
- Switzerland
- Syria
- Tajikistan
- Taiwan
- Thailand
- Tunisia
- Turkey
- Turkmenistan
- Ukraine
- Uzbekistan
- United Arab Emirates
- UK and Northern Ireland
- USA
- Uzbekistan
- Venezuela
- Vietnam

## 12. JURISDICTION, CHOICE OF LAW AND ARBITRATION

For the ordinary Court System see Section 2.2.1

### 12.1 Jurisdiction and Choice of Law

Whenever a contract has an international element many questions arise in case of a dispute in relation to such contract. Which court is competent to solve the dispute, who may sue in his home-country, who has to take on the troubles of a process abroad? Which law has to be applied by the court: the law of the home state, the law of the other party's state or even the law system of a third country?

#### 12.1.1 Jurisdiction

The international jurisdiction is determined in respect to member states of the European Union (except Denmark) by the Regulation (EU) 1215/2012 of the European Parliament and of the Council on jurisdiction, recognition and enforcement of judgements in civil and commercial matters (Brüssel Ia-VO) that has become effective on January 10, 2015, thereby replacing the former EC Council Regulation (EC Council Regulation 44/2001; Brüssel I-VO). The "parallel" Convention of Lugano (*LGVÜ*) is applicable in relation to Switzerland, Norway and Iceland. The Regulation and the Convention are –

exceptions provided – very similar. Outside of the application of the Regulation and Convention – for instance where all the parties involved are domiciled or have their corporate seat in Austria – the Austrian Rules of Jurisdiction (*Jurisdiktionsnorm*, JN) will apply to determine where litigation proceedings may be brought.

## 12.1.2 General Place of Jurisdiction

Disputes arising from international contracts can be brought before the place of jurisdiction of the defendant, as to say at the place of domicile of the defendant (Art. 4 Brüssel Ia-VO; Art. 2 LGVÜ; §§ 66, 75 JN). According § 66 (2) JN (outside of the application of the Regulation and Convention), even the habitual residence of a party justifies jurisdiction of that state.

## 12.1.3 Choice of Place of Jurisdiction

The parties also have the option to choose the competent court for a particular dispute. The permissibility of such choice of jurisdiction clauses is to be assessed upon the relevant law, in Austria upon Art. 25 Brüssel Ia-VO / Art. 23 LGVÜ and in respect of purely domestic cases according to § 104 JN: Agreements about place of jurisdiction basically have to be done in written form and have to be signed by the parties.

## 12.1.4 Consumer Contracts

If one party to an agreement is a consumer (a person concluding a contract for a purpose which is outside of his trade or profession; the private purpose of the owned performance has to be objectively recognisable), the Brüssel Ia-VO /LGVÜ provide for special rules which warrant the consumer a place of jurisdiction at the place of his residence (Art. 18 Brüssel Ia-VO; Art. 16 LGVÜ). Although the JN does not have a comparable provision, § 14 of the Austrian Consumer Protection Act (*Konsumentenschutzgesetz*; *KSchG*) states that in case of the consumer having his place of domicile or working place within Austria, only the jurisdiction of a court situated in the district of such domicile or place of work can be agreed upon between the parties.

However, not all consumer contracts concluded for private purposes enjoy this special treatment. In the sector of eCommerce, solely those contracts warrant the consumer a place of jurisdiction at his place of residence, which are concluded with a person who pursues commercial or professional activities in the member state of the consumer's domicile or directs such activities to that member state ("directs such activities to that member state" was first included in the Brüssel I-VO and then equally adopted by the Brüssel Ia-VO. This clause was added especially for the new situation of internet advertisements. In any case, the provision of the LGVÜ is interpreted in the same way). The criteria to assess



when a web-site aims at a certain country are i.e. language, currency, product, etc.; all these factors have to be considered. Providers aiming at a certain member state have to comply with its consumer protection requirements. The Brüssel Ia-VO also protects "active" consumers, whereas the LGVÜ requires that the consumer gives his consent in his state of residence.

## 12.1.5 Choice of Law

The Convention on the Law Applicable to Contractual Obligations, Rome 1980 (*EVÜ*) has been replaced by the Rome I Regulation (593/2008). The Regulation applies to contractual obligations involving a choice between the laws of different countries and partly replaces the Austrian International Private Law Act (*Internationales Privatrechts-Gesetz, IPRG*; in so far as the contractual obligation is excluded from the scope of the Rome I, § 35 *IPRG* provides the choice of law by the parties, in the absence of the latter, §§48, 49 *IPRG* regulate which law system has to be applied) in the field of contractual obligations unless otherwise provided: Art 1(2) Rome I excludes certain fields of the international contract law; the Rome I does not apply to questions involving the status or legal capacity of natural persons; contractual obligations relating to wills and succession, rights in property arising out of a matrimonial relationship, rights and duties arising out of a family relationship, parentage, marriage or affinity; obligations arising under bills of exchange, cheques and promissory notes and other negotiable instruments to the extent that the obligations under such other negotiable instruments arise out of their negotiable character; arbitration agreements and agreements on the choice of court; questions governed by the law of companies and other bodies corporate or unincorporate; the question whether an agent is able to bind a principal, or an organ to bind a company or body corporate or unincorporate, to a third party; the constitution of trusts and the relationship between settlers, trustees and beneficiaries; evidence and procedure; contracts of insurance which cover risks situated in the territories of the Member States.

The Convention is characterised by the principle of the parties' freedom to choose the applicable law, just as the *IPRG*. This means that the contract shall be governed by the law chosen by the parties. The choice of law must be expressed or demonstrated with reasonable certainty by the terms of the contract or circumstances of the case. The chosen law can be either applied to the whole or only to a certain part of the contract. However, the choice of law may be displaced by mandatory rules of another relevant jurisdiction (i.e. in case of an employment contract choice of law will not deprive the employee of the protection of mandatory rules of the law which would otherwise have governed the employment agreement) or may be inapplicable for reasons of the public policy of the law of the country in which proceedings are brought.

To the extent that no law has been chosen, the contract shall be governed by the law of the

country with which it is most closely connected. It is presumed that the contract is most closely connected with the country where the party who is to effect the performance which is characteristic of the contract has his habitual residence or central administration. Although the Convention does not define "characteristic performance", such performance will seldom be the payment of money but rather the performance for which payment is due. Thus in case of a contract of sale, the law of the vendor's place of business will usually apply, since the characteristic performance is the delivery of goods regularly effected by the vendor.

## 12.1.5.1 Convention of the United Nations on Contracts for the International Sale of Goods (CISG; UN-KaufR)

The *UN-Kaufrecht (UN-KaufR)* applies to contracts of sale of goods between parties whose places of business are in different states, when the states are members to the CISG or when the rules of private international law lead to the application of the law of a contracting state.

The *UN-KaufR* however does not apply to sales

- of goods bought for personal, family or household use, unless the seller, at any time before or at the conclusion of the contract, neither knew nor ought to have known that the goods were bought for any such use;
- by auction;
- on execution or otherwise by authority of law, of stocks, shares, investment securities, negotiable instruments or money;
- of ships, vessels, hovercraft or aircraft;
- of electricity;

Software is to be considered a "good" within the meaning of the Convention.

## 12.1.5.2 International Private Law Act (IPRG)

Subsidiary to the *UN-KaufR* and the Rome I, the International Private Law Act (*IPRG*) determines which law is applicable to contracts involving parties coming from different countries. The law applicable to obligations falling outside the scope of the Rome I is either determined by the law chosen by the parties or – in the absence of such choice – has to be determined in accordance with the special provisions of the *IPRG*.

## 12.1.5.3 Consumer Contracts

A choice of law made by the parties shall not have the result of depriving the consumer of the protection granted to him by the mandatory rules of the law of the country in which he has his habitual residence. In the absence of a choice of law, the contract shall be governed by the law of the country in which the consumer has his habitual residence if it is entered into under the circumstances described above.

This protective provision is not applicable to contracts of carriage, nor to contracts of service where the services are to be supplied to the consumer in a country other than in which he has his habitual residence.

Summarising the aforementioned, the possibility of choice of law is restrained in favour of the consumer. In the absence of a choice of law, the law of the country in which the consumer has his habitual residence is to be applied.

§ 13a of the Austrian Consumer Protection Act (*Konsumentenschutzgesetz, KSchG*) also contains protective provisions in relation to the applicable law in respect of consumer contracts. It provides that the choice of law of a state outside of the European Economic Area is unremarkable if the chosen law is prejudicial compared to the law which would have been applicable in default of a choice – provided that the latter is the law of a member state of the European Economic Area. This protective provision only concerns the evaluation of validity and the consequences of invalidity of a term of contract, not concerning the main performance, the evaluation of unclear and incomprehensible terms of contract as well as warranty and guarantee of movable objects. In practice, however, § 13a of the Austrian Consumer Protection Act is only applicable in rather rare cases.

## 12.2 Arbitration Practice

Arbitration courts ("*Schiedsgericht*") in Austria offer swift and efficient low-cost settlement of civil and trade law disputes. The Austrian Code of Civil Procedure provides for the settlement of disputes arising out of or in connection with a contract by arbitration only if the parties have agreed to submit the dispute to arbitration by prior written agreement.

Like in most other industrial countries, civil and trade law disputes are often settled by arbitration, i.e. under the ICC Rules of Arbitration or the Austrian Chamber of Commerce Rules of Arbitration. Both institutional arbitration and ad-hoc arbitration is possible. In the latter case, arbitration frequently happens before a panel of three arbitrators. The defendant and plaintiff parties each nominate one arbitrator, and the chairman is selected by these two arbitrators.

Arbitral awards are enforceable just like other court judgements. Only in certain cases an arbitral award can be challenged in courts of law. That is, if:

- there is no valid arbitration agreement (an arbitration agreement must be made in written form and must describe precisely the nature of the disputes to be referred to arbitration);
- a party was not given proper notice of the appointment of an arbitrator or was otherwise not able to present its case;
- the constitution or composition of the arbitral tribunal is not in accordance with the provisions of the Austrian Code of Civil Procedure or with a valid agreement of the parties;
- the arbitration proceedings were conducted in a way so as to violate Austrian public policy;
- the preconditions for a retrial are satisfied (e.g. when the award was obtained by forged documents, perjury or sworn false testimony or through other crimes)
- the arbitrators exceeded their legal authorities;
- the arbitral award violates Austrian public policy;

It has to be mentioned that the option of disputing an arbitral award cannot be waived. Nevertheless, disputing an arbitral award is only possible after the arbitrators have rendered a decision.

### 13. ENVIRONMENTAL CONSIDERATIONS

The federal parliament in Austria is empowered by Austrian constitution to legislate and to enact laws concerning business and industrial activity, water and hazardous waste and excessive emission levels. Worth mentioning is the fact that the federal provinces also have the competence to pass environmental legislation. Due to the EU-membership, Austria is obliged to implement EU environmental directives. In comparison to EU environmental provisions, Austria's environmental laws are in many areas stricter than required under EU legislation. In that case it is possible that Austrian regulations may remain in force if they are in other aspects compatible with EU Treaties. In certain cases, where adjustment is required, Austria has negotiated transition periods.

Before starting to operate a plant in Austria, compliance with the provisions of the Austrian Trade Regulations has to be ensured. The owner has to apply for a permit from the trade authority, which decides whether or not to grant an operating licence according to certain criteria:

- dangers to: water quality; life, health or property of employees and neighbours;
- pollution caused by smoke, noise, etc;

There are numerous other public laws regulating environmental matters: I.e. the

consumption of water resources, industrial waste water discharges, etc. are subject to the Austrian Water Act. The Hazardous Waste Act regulates the distributor's obligation in relation with the treatment, storage and disposal of hazardous waste. The Austrian Chemical Act obliges producers of new chemicals to inform the Federal Ministry of Environment of their intention. In case of notification of dangerous chemicals, the Ministry may limit or prohibit their use. Several provincial laws, the Trade Regulations, and the Ozone Act (which fixes the current emission level) deal with air pollution. Recently, certain private and public projects (e.g. airports, power stations) need to submit an environmental impact statement to get authorized under the Environmental Impact Assessment Law. Additionally, the Criminal Code provides criminal penalties for environmental offences.

Environmental provision can also be found in the Civil Code, where e.g. tort law and neighbour property rights are regulated, which may impose liability on a party causing contamination. Therefore, even if a plant is operated in accordance with Austrian Public Law (i.e. under a valid operating licence, in accordance with Hazardous Waste Law etc.), civil actions may still be brought forward against the owner of the plant under the Civil Code.

## **14. APPENDIX**

### **14.1 List of major International Organisations that Austria is a member to**

- United Nations (UN)
- most of the special organizations of the UN (International Atomic Energy Agency [IAEA], United Nations Industrial Development Organization [UNIDO] und United Nations Commission on International Trade Law [UNCITRAL] are headquartered in Vienna)
- International Monetary Fund (IMF)
- World Trade Organization (WTO)
- World Bank
- NATO Partnership for Peace
- Organization for Economic Co-operation and Development (OECD)
- Organization for Security and Co-operation in Europe (OSCE)
- Council of Europe (Europarat)
- Inter-American Development Bank
- Asian Development Bank

## 14.2 List of Federal Ministries

### **Bundeskanzleramt**

Office of the Federal Chancellor  
Ballhausplatz 2  
A-1010 Vienna  
Tel: +43-1-53 115-0  
<http://www.bka.gv.at>

### **Bundesministerium für Europa, Integration und Äußeres**

Ministry of Europe, Integration and Foreign Affairs  
Minoritenplatz 8  
A-1010 Vienna  
Tel: +43-5-011 50-0  
<http://www.bmeia.gv.at>

### **Bundesministerium für Finanzen**

Ministry of Finance  
1010 Vienna  
Tel: +43-1-514 33-0  
<http://www.bmf.gv.at>

### **Bundesministerium für Wissenschaft, Forschung und Wirtschaft**

Ministry of Science, Research and Economics  
Stubenring 1  
A-1010 Vienna  
Tel: +43-1-711 00  
<http://www.bmwf.gv.at>

### **Bundesministerium für Inneres**

Ministry of the Interior  
Herrengasse 7  
A-1014 Vienna  
Tel: +43-1-531 26-0  
<http://www.bmi.gv.at>

### **Bundesministerium für Justiz**

Ministry of Justice  
Museumstraße 7  
A-1070 Vienna  
Tel: +43-1-521 52-0  
<http://www.justiz.gv.at>

### **Bundesministerium für Arbeit, Soziales und Konsumentenschutz**

Ministry of social Labour, Social Issues and Consumer Protection  
Stubenring 1  
A-1010 Vienna  
Tel: +43-1-711 00-0  
<http://www.bmask.gv.at>

**Bundesministerium für Gesundheit**

Ministry of Health  
Radetzkystraße 2  
A-1030 Vienna  
Tel: +43-1-711 00-0  
<http://www.bmg.gv.at>

**Bundesministerium für Land und Forstwirtschaft, Umwelt und Wasserwirtschaft**

Ministry of Agriculture and Forestry, Environment and Water Management  
Stubenring 1  
A-1010 Vienna  
Tel: +43-1-711 00-0  
<http://www.bmlfuw.gv.at>

**Bundesministerium für Bildung und Frauen**

Ministry of Education and Women  
Minoritenplatz 5  
A-1014 Vienna  
Tel: +43-1-531 20-0  
<http://www.bmbf.gv.at>

**Bundesministerium für Verkehr, Innovation und Technologie**

Ministry of Transport, Innovation and Technology  
Radetzkystraße 2  
A-1030 Vienna  
Tel: +43 (0) 1 711 62 65 0  
<http://www.bmvit.gv.at>

**Bundesministerium für Landesverteidigung und Sport**

Ministry of Defence and Sports  
Roßauer Lände 1  
A-1090 Vienna  
Tel: +43 (0)50201 - 0  
<http://www.bundesheer.at>

**Bundesministerium für Familien und Jugend**

Ministry of Family and Youth  
1010 Vienna  
Tel: +43 1 711 00  
[www.bmfj.gv.at](http://www.bmfj.gv.at)