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Content

Part 1 General Provisions Scope of Application..... 6

Part 2 Representation Structures 8

Part 3 Organisation of the Representative Bodies.....20

Part 4 Decision-Making for Members.....28

Part 5 Supervision and Monitoring37

Part 6 Procedural Rules, Transitional and Final Provisions39

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Preamble

Table of Contents

Part 1

General Provisions

- § 1. Scope of Application
- § 2. Definitions
- § 3. The Austrian Students' Union, Students' Unions and Representation Structures at other Educational Institutions

Part 2

Representation Structures

Chapter 1

Austrian Students' Union

- § 4. Tasks of the Austrian Students' Union
- § 5. Rights and Duties of the Austrian Students' Union
- § 6. Register of Members of the Austrian Students' Union
- § 7. Infrastructure of the Austrian Students' Union
- § 8. Bodies of the Austrian Students' Union
- § 9. Federal Representation of Students
- § 10. Chairpersons' Conferences
- § 11. Tasks of the Federal Representation of Students

Chapter 2

Students' Unions

- § 12. Members and Tasks of the Students' Unions
- § 13. Rights and Duties of the Students' Unions
- § 14. Infrastructure of the Students' Unions
- § 15. Bodies of the Students' Unions
- § 16. Higher Education Institution Representation of the Students' Unions
- § 17. Tasks of the Higher Education Institution Representations of the Students' Unions
- § 18. Bodies according to § 15 para. 2
- § 19. Study Representation of the Students' Unions
- § 20. Tasks of the Study Representation of the Students' Unions
- § 21. Student Plenary Assembly of the Students' Unions
- § 22. Activity Report of the Students' Unions

Chapter 3

Student Representatives at Educational Institutions at which no Students' Union has been established

- § 23. Tasks of the Higher Education Institution Representations and the Study Representations at Educational Institutions at which no Students' Union has been established
- § 24. Rights and Duties of the Representations of Students at Educational Institutions at which no Students' Union has been established
- § 25. Infrastructure of the Representations of Students at Educational Institutions at which no Students' Union has been established
- § 26. Student Representation Structures at Educational Institutions at which no Students' Union has been established
- § 27. Tasks of the Higher Education Institution Representations of Students at Educational Institutions at which no Students' Union has been established
- § 28. Study Representation of Students at Educational Institutions at which no Students' Union has been established
- § 29. Tasks of the Study Representation of Students at Educational Institutions at which no Students' Union has been established

Part 3

Organisation of the Representative Bodies

Chapter 1

General Provisions applicable to Student Representatives

- § 30. Student Representatives
- § 31. Legal Implications of the Activity as a Student Representative
- § 32. Delegation of Student Representatives

Chapter 2

Chairpersons and their Deputies

- § 33. Electing and Voting out a Chairperson and a Deputy Chairperson
- § 34. Titles of the Chairperson and the Deputy Chairperson
- § 35. Tasks of the Chairperson and the Deputy Chairperson

Chapter 3

Organisational, Economic, and Financial Matters

- § 36. Administrative Organisation
- § 37. Economic Enterprises
- § 38. Funding
- § 39. Allocation of the students' union fees
- § 40. Budgeting and Accounting
- § 41. Budget Management
- § 42. Legal Transactions

Part 4

Decision-Making for Members

Chapter 1

Elections to the Bodies

- § 43. Holding the Elections
- § 44. Issuing a Voting Card

- § 45. Casting a Vote with a Voting Card
- § 46. Electoral Administration System
- § 47. Eligibility to Vote
- § 48. Reasons to be Excluded from Voting
- § 49. Candidate Groups and Authorised Recipients
- § 50. Composition of the Election Committees
- § 51. Tasks of the Election Committees and Sub-Election Committees
- § 52. The Election Procedure
- § 53. Assigning the Mandates to the Federal Representation of Students and the Higher Education Institution Representations
- § 54. Assigning the Mandates to the Study Representations
- § 55. Expiry of Mandates
- § 56. Objections to the Election of the Federal Representation of Students
- § 57. Objections to the Election of the Higher Education Institution Representations and the Study Representations
- § 58. Repetition of the Election Procedure
- § 59. Constituting the Federal Representation of Students, the Higher Education Institution Representations, and the Study Representations
- § 60. Electoral Regulations of the Austrian Students' Union

Chapter 2

(Direct) Co-Determination of the Members

- § 61. Right to File Motions
- § 62. General Membership Vote

Part 5

Supervision and Monitoring

- § 63. Supervision
- § 64. Control Commission
- § 65. Tasks of the Control Commission
- § 66. Monitoring through the Court of Audit

Part 6

Procedural Rules, Transitional and Final Provisions

- § 67. Procedural Rules
- § 68. Entry into Force
- § 69. Expiration
- § 70. Transitional Provisions
- § 71. Implementation

Part 1

General Provisions

Scope of Application

§ 1. (1) The present Federal Act shall regulate the establishment and organisation of the representation of students at the following educational institutions:

1. the universities listed in § 6 of the Universities Act 2002 (*Universitätsgesetz 2005*) – UG, F. L. G. I No. 120/2002,
2. the university colleges of teacher education under § 1 paras. 1 and 2 of the Higher Education Act 2005 (*Hochschulgesetz 2005*) – HG, F. L. G. I No. 30/2006,
3. the universities of applied sciences and institutions operating university of applied sciences degree programmes under § 1 of the University of Applied Sciences Studies Act (*Fachhochschul-Studiengesetz*) – FHStG, F. L. G. No. 340/1993,

4. the private universities under § 1 of the Private Universities Act (*Privatuniversitätengesetz*) – PUG, F. L. G. I No. 74/2011, and
5. the University for Continuing Education Krems under §§ 1 and 2 of the Act on the Danube University Krems 2004 (*DUK-Gesetz 2004*), F. L. G. I No. 22/2004.

(2) Hereinafter, the institutions under para. 1 will be referred to as educational institutions. The following designations shall be used for the respective educational institutions under para. 1:

1. “university” for the institutions under para. 1 subparas. 1 and 5,
2. “university college of teacher education” for the institutions under para. 1 subpara. 2,
3. “university of applied sciences” for the institutions under para. 1 subpara. 3,
4. “private university” for the institutions under para. 1 subpara. 4,

(3) Degree students under § 2 para. 1 and non-degree seeking students under § 2 para. 2 are full members of the Austrian Students' Union (ÖH). Associate members are all other students at the educational institutions according to para. 1.

(4) The Austrian Students' Union and the respective students' unions also act as the representatives of the associate members' interests. Associate members shall not pay a students' union fee according to § 38 para. 2 and are neither eligible to vote nor to be elected.

(5) References in this Act to provisions in other Federal Acts shall apply as amended.

(5a) Unless otherwise provided for in this Federal Act, Chapters 1 and 2 of the Research Organisation Act (*Forschungsorganisationsgesetz*), F. L. G. No. 341/1981, shall also apply to the area of application of this Act.

(6) References in this Act to the Federal Minister or the Federal Ministry confer jurisdiction on the Federal Minister or the Federal Ministry of Education, Science and Research.

Definitions

§ 2. (1) The designation “degree students” shall comprise the following:

1. at universities all students pursuant to § 51 para. 2 subpara. 15 UG admitted to a degree programme (§ 63 UG) or registered for the continuation of studies (§ 62 UG),
2. at university colleges of teacher education those students admitted to a bachelor or a master degree programme,
3. at universities of applied sciences the degree students pursuant to § 4 para. 2 subpara. 1 FHStG,
4. at private universities all students of degree programmes, with the exception of certificate university programmes for further education, admitted to a degree programme at a private university on the basis of a training contract, and
5. at the University for Continuing Education Krems the students of “PhD” degree programmes under § 5 para. 1 of the Act on the Danube University Krems 2004.

(2) The term “non-degree seeking students” refers to the following:

1. at universities all non-degree seeking students pursuant to § 51 para. 2 subpara. 22 UG,
2. at university colleges of teacher education students who have been admitted to certificate teacher training programmes for further education or certificate programmes for further education pursuant to § 39 HG that cover at least 30 ECTS credits,
3. at universities of applied sciences students pursuant to § 4 para. 2 FHStG who have been admitted to non-degree programmes,
4. at private universities students of certificate university programmes for further education under § 3 para. 4 PUG, and
5. at the University for Continuing Education Krems students of university programmes for further education under § 5 para. 1 of the Act on the Danube University Krems 2004.

(3) Unless otherwise stated, the term “higher education institution representation” refers to the following bodies:

1. the university student representations,
2. the university college of teacher education student representations,
3. the university of applied sciences student representations, and
4. the private university student representations.

The Austrian Students' Union, Students' Unions and Representation Structures at other Educational Institutions

§ 3. (1) The Austrian Students' Union and the students' unions at the higher education institutions are public-law corporations and manage their affairs autonomously within the scope of this Act.

(2) Students' unions shall be established as public-law corporations at those educational institutions under § 1 para. 1 subparas. 2 to 4 at which the Federal Minister, by decree, has confirmed that, on average, over the last three academic years more than 1,000 students pursuant to § 2 paras. 1 and 2 have been admitted. This rule applies until the Federal Minister, by decree, confirms that, on average, over the last three academic years less than 1,000 students pursuant to § 2 paras. 1 and 2 have been admitted, or the prerequisites according to § 1 para. 1 subparas. 2 to 4 are no longer met. The newly established corporations shall take up their activities with the beginning of the term of office that follows the constituting election of their bodies. The number of students enrolled in a jointly offered degree programme shall be allocated to the respective educational institutions according to the allocation key under § 9 paras. 5 and 7 of the University Study Record Decree (*Universitäts-Studienevidenzverordnung 2004*) – UniStEV 2004, F. L. G. II No. 288/2004, as amended, so that the value for each student adds up to 1. The allocation key shall be provided to the Austrian Students' Union by the Federal Minister. If no allocation key has been specified, the number of students shall be equally allocated to the educational institutions involved. The number of students at an educational institution is the sum total of the number of students per educational institution as established, and the other students not admitted to joint degree programmes at this educational institution.

(3) At the educational institutions pursuant to § 1 para. 1 subparas. 2 to 4 at which no students' union has been established as public-law corporation, a higher education institution representation as well as study representations shall be established and represented by the Federal Representation of Students in any legal matters. On application of a higher education institution representation, a students' union may represent them in legal matters. Such an application and approval thereof shall require a two-thirds majority of both of the higher education institution representations and cannot be altered prior to the end of a period of four years, which shall be identical with the bodies' terms of office.

(4) The public-law corporations under paras. 1 and 2 serve the purpose of representing its members' interests and contributing to their advancement. Cultural, sporting, social as well as subject-specific aspects shall be taken into account.

(5) The Austrian Students' Union and the students' unions at the higher education institutions are authorised to bear the Federal Coat of Arms within the meaning of the Coat of Arms Act (*Wappengesetz*), F. L. G. No. 159/1984.

Part 2

Representation Structures

Chapter 1

Austrian Students' Union

Tasks of the Austrian Students' Union

§ 4. (1) The Austrian Students' Union shall be responsible for the representation of its members' general and study-related interests, especially towards government authorities and institutions as well as towards university bodies and bodies of the educational institutions as far as they do not concern solely an individual educational institution.

(1a) Upon authorisation by full or associate members, the Austrian Students' Union shall, within the scope of its remit, be empowered to their representation, to be offered free of charge, towards authorities and administrative courts, especially with regard to issues of study law and student grants. The provisions regarding the requirement of representation by a lawyer remain unaffected.

(2) Within the scope of its responsibilities, the Austrian Students' Union shall submit reports and recommendations on student, higher educational, and educational matters in the area of the educational institutions, especially to the government authorities, the competent Federal Ministers, the university bodies, the bodies of the educational institutions, and the legislature.

(3) Before presenting draft laws concerning student affairs to the Federal Government or issuing any relevant decrees, the competent Federal Ministers shall submit them to the Austrian Students' Union, allowing for a reasonable period for commenting.

Rights and Duties of the Austrian Students' Union

§ 5. (1) The Austrian Students' Union and the candidate groups it represents have the right to organise events at all educational institutions.

(2) The respective institutions shall be notified of such an event at least 72 hours before its start. The competent contact persons are the rector in case of a university or university college of teacher education, the head of a private university, or the representative of the provider of a university of applied sciences, respectively. Failing to notify the institution in due time results in the loss of this right to hold the event. The respective competent body shall decide which rooms will be provided for the duration of the event. In general, these events are open to the public. If necessary, however, it shall be permissible to limit admission to the members of the respective educational institution and to the number of persons that the premises can accommodate. Especially with regard to a lack of adequate premises, the respective competent body may prohibit an event within 48 hours after receiving the notification if its realisation would interfere with the institution's teaching and research activities. Saturdays, Sundays, and public holidays shall not be included in the above-mentioned time limits. Any costs arising from the provision of the premises exceeding those of its regular operations shall be borne by the organiser of the event pursuant to para. 1. The educational institution shall be permitted to collect an appropriate security deposition for any costs incurred by the organisation of major social events outside the legal mandate of representation which exceed the costs of its regular operations.

(3) The limitation of admission to events and the prohibition of events must be declared by official notification by the rector of the university or university college of teacher education, the head of the private university or the representative of the provider of a university of applied sciences degree programme, respectively. An appeal against the official notification can be lodged with the Federal Administrative Court within four weeks.

(4) The Austrian Students' Union and the candidate groups it represents have the right to put up information on the poster boards provided by the bodies under para. 2 and to distribute information material at the educational institutions. When distributing information material in the lecture halls, it must be ensured that this does not interfere with any teaching or examinations.

Register of Members of the Austrian Students' Union

§ 6. (1) Each semester, the rector of the university or university college of teacher education or the head of the private university or the representative of the provider of a university of applied sciences degree programme shall provide the Austrian Students' Union with a list of students at the earliest opportunity, upon application also on an electronic storage device. This list shall include the students' names, and, if available, their matriculation numbers or personal identification numbers, their sex, nationality, birth date, address at the place of study and home address and furthermore, if available, their e-mail address as well as information on the admission to degree programmes. The data in this register may only be processed in accordance with § 4 para. 1. However, § 107 para. 2 of the Telecommunications Act 2003 (*Telekommunikationsgesetz 2003*) – TKG 2003, F. L. G. I No. 70/2003, as amended, shall not apply to the Austrian Students' Union and the candidate groups.

(2) If requested, the Austrian Students' Union shall provide transcripts of these lists of students to the Federal Representation of Students' candidate groups, upon application also on an electronic storage device. The application shall be signed by the authorised recipient of the respective candidate group responsible for processing the data in conformity with the law.

(3) The non-gratuitous or gratuitous transmission of data pursuant to para. 1 and of storage devices for improper use by third parties is an administrative offence punishable by a fine of 3,000 Euro and up to 30,000 Euro, or, in the event of default thereon, up to six weeks of imprisonment.

Infrastructure of the Austrian Students' Union

§ 7. (1) The Federal Minister shall provide the Austrian Students' Union with the premises required to fulfil their tasks.

(2) In accordance with the respective Federal Financing Act (*Bundeshaushaltsgesetz*), the Federal Minister shall contribute five to ten per cent of the total of tuition fees of each academic year (§ 38 paras. 2 and 3) to the payment of the Austrian Students' Union's administrative expenses, to the training of student representatives as well as to providing specialised information for students.

Bodies of the Austrian Students' Union

§ 8. (1) The bodies of the Austrian Students' Union are:

1. the Federal Representation of Students and
2. the election committee of the Austrian Students' Union (WK-ÖH).

(2) The term of office of the Federal Representation of Students commences with the 1 July following the election and ends after the 30 June of the second year following. The election committee of the Austrian Students' Union is set up on a permanent basis.

(3) Unless otherwise provided for in this Act, a decision shall require at least half of a body's members entitled to vote to be present. In that case, an application shall be accepted by a simple majority of the valid votes cast. Abstentions shall not be considered as votes cast. Pursuant to para. 1 subpara. 1, circular resolution is not permissible for a body.

Federal Representation of Students

§ 9. (1) The Federal Representation of Students located in Vienna shall consist of:

1. 55 elected mandataries who have the right to vote;
2. the heads of office of the Federal Representation of Students as non-voting members and with the right to file motions regarding the affairs of their office;
3. the chairpersons of the higher education institution representations as non-voting members and with the right to file motions.

(2) The Federal Representation of Students shall adopt a statute with a two-thirds majority which shall include, in particular, specifications on the following:

1. invitations to meetings,
2. preparing the agenda,
3. the conduct of meetings,
4. stipulations regarding speaking time,
5. the principles of voting,
6. the establishment of committees, if need be with an authorisation to take decisions (optionally),
7. the administrative organisation,
8. the establishment of offices,
9. supervision rights of mandataries,
10. determining the possibility of an oral transfer of voting rights by mandataries to substitute persons during a meeting,
11. regulations concerning the delegation of tasks and powers to the higher education institution representations and the study representations at educational institutions at which no students' union has been established, and
12. regulations on elections not provided for in this Act (such as elections for the representations of each year) at educational institutions at which no students' union has been established.

(3) The statute shall establish that a minimum of two meetings of the Federal Representation of Students shall take place per semester and that an extraordinary meeting shall be called if demanded by at least 20 per cent of the mandataries.

(4) The statute shall be published on the Austrian Students' Union's website and shall enter into force upon its publication or as determined in the decision.

Chairpersons' Conferences

§ 10. (1) The chairpersons of the university student representations and the chairperson of the Federal Representation of Students form a committee which serves the purpose of counselling the Federal Representation of Students and coordinating the tasks and activities of the university student representations, as far as they exceed the sphere of action of a students' union (chairpersons' conference of the university representations).

(2) The chairpersons of the university college of teacher education student representations and the chairperson of the Federal Representation of Students form a committee which serves the purpose of counselling the Federal Representation of Students and coordinating the tasks and activities of the university college of teacher education student representations, insofar as they exceed the sphere of action of the

university college of teacher education student representation at the respective university college of teacher education (chairpersons' conference of the university college of teacher education student representations).

(3) The chairpersons of the university of applied sciences student representations and the chairperson of the Federal Representation of Students form a committee which serves the purpose of counselling the Federal Representation of Students and coordinating the tasks and activities of the university of applied sciences student representations, insofar as they exceed the sphere of action of a university of applied sciences student representation (chairpersons' conference of the university of applied sciences student representations).

(4) The chairpersons of the private university student representations and the chairperson of the Federal Representation of Students form a committee which serves the purpose of counselling the Federal Representation of Students and coordinating the tasks and activities of the private university student representations, insofar as they exceed the sphere of action of a private university student representation (chairpersons' conference of the private university student representations).

(5) Pursuant to paras. 1 to 4, the chairpersons' conference is chaired by the chairperson of the Federal Representation of Students who shall call a meeting at least once per semester.

(6) The chairpersons' conferences are authorised to enact their own rules of procedure by a two-thirds majority. In the case that no rules of procedure have been adopted, the provisions laid down in the Federal Representation of Students' statute shall apply.

Tasks of the Federal Representation of Students

§ 11. (1) The tasks of the Federal Representation of Students are to:

1. represent the interests and contribute to the advancement of the members of the Austrian Students' Union as far as they exceed the sphere of action of a students' union and are not perceived as the responsibility of the students' union established at the respective educational institution;
2. announce and allocate the tuition fees and any extraordinary contributions;
3. decide on the annual estimate of the Austrian Students' Union;
4. use the budget of the Austrian Students' Union;
5. decide on the annual accounts of the Austrian Students' Union;
- 5a. decide on appointing an auditor pursuant to § 40 para. 3;
6. manage the administrative body required for the fulfilment of tasks;
7. decide on the implementation or coordination of projects as far as this activity is outside the sphere of activities of the individual students' unions;
8. provide trainings for student representatives, while having regard to the financial resources available, as far as a nationwide uniform organisation of such training is expedient;
9. give opinions on drafts of laws and decrees;
10. counsel applicants and students.

(2) The individual higher education institution representations may, in agreement with the Federal Representation of Students, delegate tasks to them.

Chapter 2 Students' Unions

Members and Tasks of the Students' Unions

§ 12. (1) Full members and associate members of the respective educational institutions shall be members of the students' unions.

(1a) At educational institutions at which no students' union has been established, the students of a joint degree programme are members of all students' unions and all student representation structures of those educational institutions involved in the joint degree programme.

(2) The students' unions at the higher education institutions shall be responsible for the representation of its members' general and study-related interests, especially towards government authorities and institutions as well as university bodies and bodies of the educational institutions. Furthermore, they shall assume responsibilities in government authorities and institutions, in the university collegial bodies,

including their committees and sub-committees, as well as, in accordance with the legal provisions, in the respective educational institution's bodies.

(2a) Upon authorisation by a full or associate member of the Austrian Students' Union, the students' unions at the higher education institutions shall be empowered to its representation to be offered free of charge within the scope of its remit towards authorities and administrative courts, especially with regard to issues of study law and family allowance. The provisions regarding the requirement of representation by a lawyer remain unaffected.

(3) Within the scope of its responsibilities, the students' unions at the higher education institutions shall submit reports and recommendations on student and higher education issues to the government authorities and especially to the competent Federal Ministers, to the bodies of the respective educational institutions, and to the legislature.

(4) Before presenting draft laws concerning student affairs to the Federal Government or issuing any relevant decrees, the competent Federal Ministers shall submit them to the students' unions at the higher education institutions, allowing for a reasonable period for commenting.

Rights and Duties of the Students' Unions

§ 13. (1) The students' unions at the higher education institutions and the candidate groups they represent shall be entitled to organise events at the respective educational institutions, which shall be notified of such an event at least 72 hours before its start. The competent contact persons are the rector in case of a university or university college of teacher education, the head of a private university or the representative of the provider of a university of applied sciences, respectively. Failing to notify the institution in due time results in the loss of this right to hold the event. The respective competent body shall decide which rooms will be provided for the duration of the event. In general, these events are open to the public. If necessary, however, it shall be permissible to limit admission to the members of the respective educational institution and to the number of persons that the premises can accommodate. Especially with regard to a lack of adequate premises, the respective competent body may prohibit an event within 48 hours after receiving the notification if its realisation would interfere with the institution's teaching and research activities. Saturdays, Sundays, and public holidays shall not be included in the above-mentioned time limits. Any costs arising from the provision of the premises exceeding those of its regular operations, shall be borne by the organiser of the event. The educational institution shall be permitted to collect an appropriate security deposition for any costs incurred by the organisation of major social events outside the legal mandate of representation which exceed the costs of its regular operations.

(2) The limitation of admission to events and the prohibition of events must be declared by official notification by the rector of the university or university college of teacher education, the head of the private university, or the representative of the provider of a university of applied sciences degree programme, respectively. An appeal against the official notification can be lodged with the Federal Administrative Court within four weeks.

(3) The students' unions at the higher education institutions, the candidate groups they represent as well as the candidates admitted for the study representations have the right to put up information on the poster boards provided by the bodies under para. 2 and to distribute information material at the educational institutions. When distributing information material in the lecture halls, it must be ensured that this does not interfere with any teaching or examinations.

(4) Each semester the rector of the university or university college of teacher education or the head of the private university or the representative of the provider of a university of applied sciences degree programme shall provide the respective students' union with a list of the students, upon application also on an electronic storage device. This list shall include the students' names, and, if available, their matriculation numbers or personal identification numbers, their sex, nationality, birth date, address at the place of study and home address and furthermore, if available, their e-mail address as well as information on the degree programmes offered. The data in this list may only be processed in accordance with § 12 para. 2. However, § 107 para. 2 TKG 2003 shall not apply to the students' unions at the higher education institutions or the candidate groups and admitted candidates.

(5) If requested, the respective students' union at a university shall provide transcripts of this list of students to their bodies' candidate groups and the admitted candidates, upon application also on an electronic storage device. The application shall be signed by the authorised recipient of the respective candidate group or the admitted candidate responsible for processing the data in conformity with the law.

(6) The non-gratuitous or gratuitous transmission of data pursuant to para. 4 and storage devices for improper use by third parties is an administrative offence punishable by a fine of 1,000 Euro and up to 10,000 Euro, or, in the event of default thereon, up to four weeks of imprisonment.

(7) The chairperson of each representative of a university has the right to request information from the rectorate of the respective university on the application of tuition fees according to § 91 UG. The rectorate shall be obliged to provide the information in writing. The chairperson of each representative of a university is obliged to inform the students of the respective university accordingly.

(8) Pursuant to § 21 para. 15 UG, the chairperson of each representative of a university shall be entitled to a hearing on agenda items relating to their functions at meetings of the university council, in particular on

1. the approval of the development plan,
2. the approval of the organisation plan,
3. the approval of the draft performance agreement, and
4. an opinion on curricula and degree programmes which are not included in the performance agreements.

Infrastructure of the Students' Unions

§ 14. (1) The rector of the university or university college of teacher education or the head of the private university or the representative of the provider of a university of applied sciences degree programme shall have the obligation to provide:

1. the respective students' union the premises required in order to fulfil their tasks, especially within the respective educational institution's building, and
2. an office equipment that meets the standards of the educational institution's central administration.

(2) The objects that were made available shall be listed in a register. The respective students' union shall be liable for the loss or any damage of the objects received which cannot be subjected to normal use.

(3) The rector shall provide the respective students' union at the universities with:

1. an adequate compensation within the financial framework for any expenditure necessary to ensure academic guidance within the university's area of competence,
2. a contribution, within its financial framework, to the payment of the respective students' unions' administrative expenses, to the training of student representatives as well as to the provision of specialised information for students, and
3. information by 1 May of each year at the latest on the expenditure framework granted to the respective students' union, to be made available in a timely manner.

(4) The students' unions at the other higher education institutions shall receive from the Federal Minister:

1. a contribution, within its financial framework, to the payment of the respective students' unions' administrative expenses, to the training of student representatives as well as to providing specialised information for students and
2. information by 1 May of each year at the latest on the expenditure framework granted to the respective students' union, which is to be made available in a timely manner.

(5) The control commission may request the enactment of a decree by the Federal Minister in order to ensure that the procedures for the allocation of rooms and financial contributions are as uniformly applicable as possible. The students' unions as well as the rectors of the universities or university colleges of teacher education or the heads of the private universities, or the providers of the university of applied sciences degree programmes, respectively, must be heard. At the same time, transitional provisions shall be laid down especially for public-law corporations and higher education institution representations to be newly established at educational institutions at which no public-law corporation has been established, and minimum contributions to administrative expenses shall be specified, taking into account the number of students and the available rooms.

Bodies of the Students' Unions

§ 15. (1) The bodies of the students' unions at the higher education institutions are:

1. the university student representation,
2. the university college of teacher education student representation,
3. the university of applied sciences student representation,
4. the private university student representation,
5. the study representations, and
6. the election committees.

(2) Within the framework of their statute, the higher education institution representations pursuant to para. 1 subparas. 1 to 4 are entitled to establish further bodies in accordance with the organisation plan of the respective educational institution (such as faculty representation, subject representation, department representation, division representation etc.). They shall specify in their statute which study representations shall delegate students to these bodies. The total number of students of the respective degree programme shall be taken into account when determining the number of representatives to be delegated by each study representation.

(3) The term of office of the bodies under para. 1 subparas. 1 to 5 and the bodies under para. 2 commences with the 1 July following the election and ends with the 30 June of the second year following. The election committees are set up on a permanent basis.

(4) Unless otherwise provided for in this Act, a decision shall require at least half of a body's members entitled to vote to be present. In that case, a motion shall be accepted by a simple majority of the valid votes cast. Abstentions shall not be considered as votes cast. Pursuant to para. 1 subparas. 1 to 4, circular resolution is not permissible for the bodies.

Higher Education Institution Representation of the Students' Unions

§ 16. (1) The higher education institution representation of the students' unions at the educational institutions shall consist of:

1. nine mandataries in case of up to 7,000 eligible voters, eleven up to 10,000 eligible voters, 13 up to 14,000 eligible voters, 15 up to 18,000, 17 up to 23,000, 19 up to 29,000, 21 up to 35,000, 23 up to 45,000 eligible voters,, 25 in case of up to 60,000 eligible voters, and 27 mandataries from over 60,000 eligible voters;
2. the heads of office of the higher education institution representation as non-voting members and with the right to file motions in matters pertaining to their field;
3. the bodies' chairpersons pursuant to § 15 para. 2 as non-voting members and with the right to file motions or, at the educational institutions' students' unions at which no bodies according to § 15 para. 2 have been established, the chairpersons of the study representations as non-voting members with the right to file motions.

(2) Following consultation with the respective bodies, the higher education institution representation shall adopt a statute with a two-thirds majority for all bodies of the students' union, with the exception of the election committee. These shall include, in particular, specifications on:

1. all established bodies of the students' union,
2. invitations to meetings,
3. the preparation of the agenda,
4. the conduct of meetings,
5. stipulations regarding speaking time,
6. the principles of voting,
7. the establishment of committees, if need be with an authorisation to take decisions (optionally),
8. the administrative organisation,
9. the establishment of offices,
10. supervision rights of mandataries,
11. determining the possibility of an oral transfer of voting rights by mandataries to substitute persons during a meeting,
12. with regard to the university student representations additionally on a regulation concerning the procedure for the delegation of student representatives into the collegial bodies under § 25 para. 8 subparas. 1 to 3 UG, and at all other educational institutions in accordance with the applicable organisational provisions, as well as
13. on any regulations governing elections not provided for in this Act (such as elections for the representations of each year).

(3) The statute shall establish that a minimum of two meetings shall take place per semester and that an extraordinary meeting shall be called if demanded by at least 20 per cent of the mandataries.

(4) The statute shall be published on the homepage of the respective students' union and shall enter into force upon its publication or as determined in the decision. In the case that the students' union has no homepage, the statute shall be published on the homepage of the Austrian Students' Union.

Tasks of the Higher Education Institution Representations of the Students' Unions

§ 17. At the educational institutions the tasks of the higher education institution representations of the students' unions are to:

1. represent their members' interests relating to the respective educational institution as well as contribute to their advancement, insofar as they do not fall under the competence of other bodies of the students' union;
2. decide on the annual estimate of the students' union at the respective university and on the allocation of the funds made available from the tuition fees. At educational institutions at which bodies according to § 15 para. 2 have been established the study representations shall be provided with a total of at least 30 per cent and the bodies under § 15 para. 2 at least 10 per cent. At educational institutions at which no bodies according to § 15 para. 2 have been established as well as at the other educational institutions the study representations shall be provided with a total of at least 30 per cent. When allocating the funds, it shall be ensured that each of these bodies is provided with a minimum amount required to fulfil their tasks;
3. use the budget of the higher education institution representation;
4. decide on the annual accounts of the students' unions at the higher education institutions;
- 4a. decide on appointing an auditor pursuant to § 40 para. 3;
5. manage the administrative bodies required for the fulfilment of the tasks of all bodies of the students' unions at the higher education institutions;
6. give opinions on draft laws and decrees;
7. delegate into and recall student representatives of the committees and sub-committees of the university's senate, in particular with regard to the collegial bodies under § 25 para. 8 subparas. 1 to 3 UG, at all other educational institutions in accordance with the applicable organisational provisions and into government authorities;
8. delegate student representatives into the senate of the university from among the students at the university following the election procedure pursuant to § 52 according to the proportion of votes of the candidate groups represented by the representation of students at the universities and at all other educational institutions in accordance with the applicable organisational provisions;
9. coordinate the tasks of the bodies under § 15 para. 2, provided that they have been established, and
10. counsel applicants and students.

Bodies according to § 15 para. 2

§ 18. (1) The tasks of the bodies under § 15 para. 2 are to:

1. represent their members' interests and contribute to their advancement within the area of their competence;
2. use the allocated budget;
3. coordinate the tasks of the study representations;
4. give opinions on draft laws and decrees;

(2) Members of the bodies under § 15 para. 2 are:

1. five student representatives in case of up to 2,000 eligible voters, seven up to 3,000 eligible voters, nine up to 4,000 eligible voters and from over 4,000 eligible voters eleven student representatives;
2. the chairpersons of the study representations which, in accordance with the organisation plan of the respective educational institutions, delegate students into this body as non-voting members and with the right to file motions.

Study Representations of the Students' Unions

§ 19. (1) A study representation shall be established for each degree programme to which degree students under § 2 para. 1 have been admitted. Study representations may be established by decision of the higher education institution representation for each degree programme to which non-degree seeking students under § 2 para. 2 have been admitted.

(2) The competent higher education institution representation may decide on combining several study representations to one. In the case that more than one educational institution has been entrusted with offering a degree programme, a joint study representation may be established by an unanimous decision of

the higher education institution representations involved. The decisions shall state which students' union the joint study representation shall be organisationally identifiable to.

(3) In case of up to 400 eligible voters, three mandataries shall be part of the study representation, in case of more than 400 eligible voters, five mandataries.

(4) The term of office of the study representation shall end early when the number of the mandataries has fallen below half of the number of mandataries to be distributed. In this case, the body under § 15 para. 2, or, at educational institutions without additional bodies under § 15 para. 2, the respective higher education institution representation shall assume their tasks and take over their budget. The appointment of a person to carry out the tasks for the competent body by decision of the competent higher education institution representation is permissible.

(5) Decisions pursuant to paras. 1 and 2 require a two-thirds majority and shall be taken four months before the first election day of the respective students' union at the latest. Decisions pursuant to para. 2 shall become invalid if own study representations are applied for in writing to the competent election committee by 15 per cent of the eligible voters for the joint study representation within a month after the decision has been taken.

Tasks of the Study Representations of the Students' Unions

§ 20. The tasks of the study representations of the students' unions at the educational institutions are to:

1. represent their members' interests and contribute to their advancement within the area of their competence;
2. nominate the student representatives to be delegated by the university student representation into the collegial bodies pursuant to § 25 para. 8 subparas. 1 to 3 UG in accordance with the statute, or at all other educational institutions in accordance with the applicable organisational provisions;
3. use the study representation's budget;
4. give opinions on draft laws and decrees;
5. counsel applicants and students.

Student Plenary Assembly of the Students' Unions

§ 21. (1) The bodies pursuant to § 15 para. 2 and the study representations may call a Student Plenary Assembly for information and handling study-related matters of students.

(2) In any case, a Student Plenary Assembly shall be called if so requested in writing by at least five per cent of the respective body's eligible voters.

(3) A Student Plenary Assembly shall be called by the chairperson of the respective body.

(4) The provisions laid down by the respective body shall apply to the voting procedure. The decisions of a Student Plenary Assembly shall be discussed by the respective body in its following meeting.

Activity Report of the Students' Unions

§ 22. (1) The Federal Representation of Students, the higher education institution representations, and the bodies pursuant to § 15 para. 2 shall publish an annual activity report, also on their homepage, by 30 June. The report shall set out the allocation of the tuition fees in an adequate manner and describe the fields of activity, in particular the counselling activities and the services offered. This annual activity report shall be submitted electronically to the control commission as well as to the Federal Minister without delay.

(2) The Federal Representation of Students shall submit a report to the Federal Ministry at least biannually for presentation to the National Council. It shall be based on the universities' activity reports under para. 1.

Chapter 3

Student Representatives at Educational Institutions at which no Students' Union has been established

Tasks of the Higher Education Institution Representations and Study Representations at Educational Institutions at which no Students' Union has been established

§ 23. (1) The representation and protection of the students' interests at those educational institutions at which no students' union has been established shall be carried out by the higher education institution representation and the study representations of students at the respective educational institution.

(1a) At educational institutions at which no students' union has been established, students of a joint degree programme are members of all students' unions and all student representation structures of those educational institutions involved in the joint degree programme.

(2) They are responsible, in particular, for the representation of the general and study-related interests of the students at the respective educational institution towards government authorities and institutions as well as towards the bodies of the educational institution. Furthermore, they shall assume responsibilities in government authorities and institutions as well as in accordance with the legal provisions and the provisions laid down in their statute, in the respective educational institutions' bodies.

(3) Pursuant to § 3 para. 3, legal transactions require either the cooperation of the Federal Representation of Students or of a students' union at a university under § 3 paras. 1 or 2.

(4) The chairperson of the Federal Representation of Students or of the students' unions' higher education institution representation under § 3 paras. 1 or 2 may award the elected representatives authorisations for certain legal transactions. These authorised persons shall conclude legal transactions in cooperation with the competent head of the economic office of the participating corporation under para. 3 by applying the provisions of § 42. The authorisation shall be awarded for a period of time not longer than the term of office.

(5) The higher education institution representations shall annually publish an activity report, also on their homepage, by 30 June. It shall set out the allocation of the tuition fees in an adequate manner and describe the fields of activity, in particular the counselling activities and the services offered. This activity report shall be submitted electronically to the control commission as well as to the Federal Minister without delay.

(6) The chairpersons of the higher education institution representations may, with regard to the scope of their tasks and subject to the prior consent of the higher education institution representation, appoint officers. The officers are responsible to the chairperson for their activities.

Rights and Duties of the Representations of Students at Educational Institutions at which no Students' Union has been established

§ 24. (1) The higher education institution representations and study representations as well as the candidate groups they represent shall be entitled to organise events at the respective educational institutions. The respective institutions shall be notified of such an event at least 72 hours before its start. Depending on where the event is held, the competent contact persons are the rector in case of a university college of teacher education, the head of a private university or the representative of a university of applied sciences' provider, respectively. Failing to notify the institution in due time results in the loss of this right to hold the event. The respective competent body shall decide which rooms will be provided for the duration of the event. In general, these events are open to the public. If necessary, however, it shall be permissible to limit admission to the members of the respective educational institution and to the number of persons that the premises can accommodate. Especially with regard to a lack of adequate premises, the respective competent body may prohibit an event within 48 hours after receiving the notification if its realisation would interfere with the institution's teaching and research activities. Saturdays, Sundays, and public holidays shall not be included in the above-mentioned time limits. Any costs arising from the provision of the premises exceeding those of its regular operations shall be borne by the organiser of the event. The educational institution shall be permitted to collect an appropriate security deposition for any costs incurred by the organisation of major social events outside the legal mandate of representation which exceed the costs of its regular operations.

(2) The limitation of admission to events and the prohibition of events must be declared by official notification by the rector of the university college of teacher education, the head of the private university, or

the representative of the provider of a university of applied sciences degree programme, respectively. An appeal against the official notification can be lodged with the Federal Administrative Court within four weeks.

(3) The higher education institution representations and study representations as well as the candidate groups they represent and the candidates admitted for the study representations have the right to put up information on the poster boards provided by the bodies under para. 2 and to distribute information material at the educational institutions. When distributing information material in the lecture halls, it must be ensured that this does not interfere with any teaching or examinations.

(4) Each semester the rector of the university college of teacher education or the head of the private university or the representative of the provider of a university of applied sciences degree programme shall provide the respective students' union with a list of the students, upon application also on an electronic storage device. This list shall include each student's name, and, if available, the matriculation number or personal identification number, sex, nationality, birth date, address at the place of study and home address and furthermore, if available, the e-mail address as well as information on the degree programmes offered. The data in this list may only be processed in accordance with § 23 para. 2. However, § 107 para. 2 TKG 2003 shall not apply to the higher education institution representation and the candidate groups nor to the admitted candidates.

(5) If requested, the respective higher education institution representation shall provide transcripts of this list of students to the candidate groups and the admitted candidates, upon application also on an electronic storage device. The application shall be signed by the authorised recipient of the respective candidate group or the admitted candidate responsible for processing the data in conformity with the law.

(6) The non-gratuitous or gratuitous transmission of data pursuant to para. 4 and storage devices for improper use by third parties is an administrative offence punishable by a fine of 300 Euro and up to 3,000 Euro, or, in the event of default thereon, up to four weeks of imprisonment.

Infrastructure of the Representations of Students at Educational Institutions at which no Students' Union has been established

§ 25. (1) The rector of the university college of teacher education or the head of the private university or the representative of the provider of a university of applied sciences degree programme shall have the obligation to provide:

1. the respective higher education institution representation the premises required to fulfil their tasks, especially within the respective educational institution's building, and
2. an office equipment that meets the standards of the educational institution's central administration.

(2) The objects that were made available shall be listed in a register. The Austrian Students' Union or the competent students' union at the universities shall be liable for the loss or any damage of the objects received which cannot be subjected to normal use.

(3) The Federal Minister shall provide the respective higher education institution representation with:

1. a contribution, within its financial framework, to the payment of administrative expenses, to the training of student representatives as well as to providing specialised information for students, and
2. information by 1 May of each year at the latest on the expenditure framework granted, which is to be made available in a timely manner.

Student Representation Structures at Educational Institutions at which no Students' Union has been established

§ 26. (1) The interests of the students at the respective educational institutions shall be represented by:

1. the higher education institution representation and
2. the study representations.

(2) The term of office of the elected student representatives commences with the 1 July following the election and ends after the 30 June of the second year following.

(3) At the educational institutions the higher education institution representation shall consist of:

1. seven mandataries,
2. the heads of office of the higher education institution representation as non-voting members and with the right to file motions in matters pertaining to their fields of office have been established, and

3. the chairpersons of the study representations as non-voting members and with the right to file motions.

(4) The chairperson of the higher education institution representation shall call a minimum of two meetings per semester; furthermore, an extraordinary meeting shall be called if demanded by at least 20 per cent of the mandataries. The enactment of rules of procedure is permissible with a two-thirds majority, provided that its content corresponds to § 16 para. 2.

Tasks of the Higher Education Institution Representations at Educational Institutions at which no Students' Union has been established

§ 27. The tasks of the higher education institution representations are to:

1. represent their members' interests relating to the respective educational institution as well as contribute to their advancement,
2. use the budget, allocated by the chairperson of the Federal Representation of Students pursuant to § 39 para. 6, together with the competent head of the economic office,
3. coordinate the tasks of the study representations,
4. give opinions on draft laws and decrees,
5. delegate into and recall student representatives of the bodies, committees and sub-committees of the educational institutions in accordance with the applicable organisational provisions, and the government authorities, and
6. counsel applicants and students.

Study Representation at Educational Institutions at which no Students' Union has been established

§ 28. (1) A study representation shall be established for each degree programme.

(2) The competent higher education institution representation may decide on combining study representations to one. In the case that several educational institutions have been entrusted with offering a degree programme, a joint study representation may be established by an unanimous decision of the higher education institution representations involved.

(3) In case of up to 400 eligible voters, three mandataries shall be part of the study representation, in case of more than 400 eligible voters, five mandataries.

(4) The term of office of the study representation shall end early when the number of the mandataries has fallen below half of the number of mandates to be distributed. In this case, the respective higher education institution representations shall assume their tasks and take over their budget. The appointment of a person to carry out these tasks by decision of the competent higher education institution representation is permissible.

(5) Decisions pursuant to para. 2 require a two-thirds majority and shall be taken four months before the first election day of the respective students' union election at the latest. These decisions shall become invalid if own study representations are applied for in writing to the competent election committee by 15 per cent of the eligible voters for the joint study representation within a month after the decision has been taken.

Tasks of the Study Representation at Educational Institutions at which no Students' Union has been established

§ 29. The tasks of the study representation are to:

1. represent their members' interests and contribute to their advancement within the area of their competence;
2. nominate the representatives to be delegated by the higher education institution representation into the bodies, committees, and sub-committees of the educational institutions in accordance with the applicable organisational provisions;
3. use the budget allocated to the study representation in accordance with § 42 together with the competent head of the economic office;
4. give opinions on draft laws and decrees;
5. counsel applicants and students.

Part 3

Organisation of the Representative Bodies

Chapter 1

General Provisions applicable to Student Representatives

Student Representatives

§ 30. (1) Student representatives are:

1. the mandataries,
2. the representatives of the Austrian Students' Union and of the students' unions at the higher education institutions as well as the higher education institution representations delegated into the government authorities, into university collegial bodies and, in accordance with the statutory provisions, into the collegial bodies at the educational institutions as well as into their committees and sub-committees and into the international student organisations,
3. the heads of office as well as the deputy heads of the economic office,
4. the officers,
5. the representatives delegated into the bodies of the economic enterprises, in the case that they are students, and
6. persons under § 19 para. 4, § 28 para. 4 and § 52 paras. 3 and 4.

(2) Student representatives are furthermore the tutors at universities pursuant to § 66 para. 4 UG and pursuant to § 41 para. 3 HG at university colleges of teacher education, in the case that they are students and have been designated by the respective students' union.

(3) The student representatives shall carry out their tasks in a diligent and altruistic manner.

(4) The chairperson of the competent election committee shall issue an identity document to the head of the economic office of the Federal Representation of Students and the higher education institution representations with a photograph which shall be valid for the duration of the respective term of office. On application by the chairperson, identity documents shall be issued to other student representatives under paras. 1 and 2. In case of the premature termination of a student representative's service, the identity document shall be returned without delay to the competent election committee. The production and design of the identity documents shall be specified by decree by the Federal Minister.

(5) The chairperson of the Federal Representation of Students and the chairpersons of each higher education institution representation shall keep an up-to-date list of the student representatives of the respective educational institution. This list shall include the name, address, field of activity, term of office and signature of each student representative. The premature termination of a student representative shall be made known to the competent chairperson and documented by the competent chairperson, including the date of termination. All members of the Austrian Students' Union shall have the right to inspect the list.

Legal Implications of the Activity as a Student Representative

§ 31. (1) The student representatives perform their activities on an honorary basis. They shall be entitled to reimbursement for any expenses arising from their activities. In view of the importance of their function and the commonly associated work, the Federal Representation of Students or the respective higher education institution representation may decide on granting a regular fixed payment as compensation. These decisions shall be transmitted to the control commission electronically without delay.

(2) With regard to the award of study grants under the Student Support Act 1992 (*Studienförderungsgesetz 1992*), F. L. G. No. 305/1992, the terms of office as student representatives up to a maximum of four semesters, in consideration of the function and the time commitment, shall not be taken into account as to the maximum permissible duration of studies. The Federal Minister shall, by decree, determine the detailed requirements for such a case.

(3) Terms of office as student representatives shall replace a number of ECTS credits envisaged in the curriculum for modules or courses designated accordingly as well as for courses and modules to be chosen freely (e. g. electives), for each semester in which such a function was exercised continuously, as follows:

1. for the chairpersons and deputy chairpersons of the Federal Representation of Students and the higher education institution representations, the heads of office as well as the deputy heads of the economic office to the extent of 8 ECTS credits each,

2. for the chairpersons of the bodies under § 15 para. 2 and the study representations as well as the officers of the Federal Representation of Students and of the higher education institution representations to the extent of 6 ECTS credits each,
3. for the mandataries in the Federal Representation of Students, the higher education institution representations, the bodies under § 15 para. 2 and the study representations to the extent of 6 ECTS credits each,
4. for all other student representatives to the extent of 2 ECTS credits each.

(3a) Terms of office as student representatives at educational institutions at which no students' union has been established shall replace half of the ECTS credits pursuant to para. 3 as envisaged.

(4) Modules of courses which are to be chosen freely are modules or courses which may be chosen from among the courses offered at the educational institutions. These do not include modules or courses to be chosen on a compulsory basis from among a range of courses set out in the curriculum. The competent body for issues of study law at the respective educational institution shall be responsible for confirming the replacement of ECTS credits pursuant to paras. 3 and 3a.

(5) Instead of taking examinations before one examiner, student representatives shall be entitled to examinations before a committee. In case of a second resit, a request for a specific examiner shall be permissible. These entitlements shall extend to the two subsequent semesters following the semester upon termination of office as student representatives.

(6) Where attendance at courses is obligatory at an educational institution, student representatives may further exceed exceptions to the obligatory attendance in existing provisions by a maximum of 30 per cent. This shall not apply when attendance is required without exception in order to obtain professional authorisation. The teacher of a course shall be entitled to request the presentation of appropriate proof. In the case of degree programmes for teacher training, work experience within the framework of the practical teacher training designated in the curricula shall be exempt from the possibility of exceeding the exceptions to obligatory attendance.

(7) Paras. 2 to 6 shall apply to the chairperson and the spokesperson of the representative of the students' hostels as well as their deputies under § 7 Halls of Residence Act (*Studentenheimgesetz*), F. L. G. No. 291/1986, as amended.

Delegation of Student Representatives

§ 32. (1) The delegation of student representatives, in particular into government authorities and university collegial bodies and, in accordance with the legal provisions, into the bodies of the educational institutions as well as the committees and sub-committees, and furthermore the appointment of delegates into international student organisations shall be carried out pursuant to § 52 according to the proportion of votes of the candidate groups represented by the respective delegating body and by decision of this body. When delegating into bodies under § 25 para. 8 subparas. 1 to 3 UG, the university student representation shall select the student representatives from among the nominations of the respective study representations. With the exception of delegations into bodies under § 25 para. 8 subparas. 1 to 3 UG, the student representatives to be delegated shall be determined by the respective candidate groups. Upon delegating, it shall be voted on a general proposal. The delegation of student representatives at the other educational institutions shall be carried out in accordance with the applicable organisational provisions.

(2) The delegation of student representatives, in particular into government authorities, and of delegates into international student organisations for the Federal Representation of Students shall be carried out pursuant to § 52 by decision of the Federal Representation of Students. In any case, one person shall be nominated by the chairperson. Upon delegating, it shall be voted on a general proposal.

(3) A dismissal before the end of the term of office shall be permissible with a two-thirds majority.

(4) The term of office of student representatives delegated into the collegial bodies of the educational institutions, with the exception of habilitation and appointment committees, corresponds to the term of office under § 15 para. 3, providing that delegated student representatives shall carry out their function until a new student representative is delegated.

Chapter 2 Chairpersons and their Deputies

Electing and Voting Out a Chairperson and a Deputy Chairperson

§ 33. (1) The Federal Representation of Students, the higher education institution representations, the bodies under § 15 para. 2, and the study representations shall elect a chairperson and two deputies from among their number when at least a third of their voting members are present. The election shall be held in the constituent meeting, over which the chairperson of the competent electoral committee shall preside.

(2) The election of the chairperson shall be held in up to four rounds in accordance with the following procedure:

1. Only those mandataries shall be electable who have been nominated prior to the first round of the election for the first and second ballot as well as prior to the third round of the election for the third and fourth ballot.
2. The mandatory who receives the absolute majority of the valid votes cast during one of the first three rounds of the election, or a relative majority of the valid votes cast in the fourth and last round, shall be elected.

(3) In the event that no candidate achieves the relative majority of the valid votes cast in the constituting meeting, the election is decided by drawing lots between the two candidates with the highest number of votes. The winner is then to be authorised with the function of executive chair and shall immediately call a meeting of the body for the election of a chairperson.

(4) A voting out of a chairperson or deputy chairperson shall be held with at least half of the voting members present and shall require a two-thirds majority of the valid votes cast.

(5) A voting out shall be held with at least half of the voting members present by way of new elections, requiring an absolute majority of the valid votes, if an application for such new elections appears as an own agenda item on the invitation to the meeting which in that case shall be sent out at least two weeks prior to the date of the meeting. In addition to the application for a new election, which must be signed by at least 10 per cent of the eligible mandatory voters for the respective body, the candidates' names shall be communicated for each vacant function (chairperson or deputy) to be elected. In that case, only the designated candidates may stand for election.

(6) The Federal Minister shall immediately be informed of an election or voting out of the Federal Representation of Students' chairperson and the chairpersons of the higher education institution representations.

Titles of the Chairperson and the Deputy Chairperson

§ 34. (1) The chairperson of the Federal Representation of Students shall be designated as chairperson of the Austrian Students' Union and shall represent them externally.

(2) The chairpersons of the higher education institution representations shall be designated as chairpersons of the respective students' unions, with the names specifying the educational institution, and shall represent them externally.

(3) The chairpersons of other bodies of the students' unions shall be designated as chairpersons of the respective students' unions' bodies with the name specifying the students' unions at the respective educational institution.

(4) The chairpersons of the higher education institution representations and study representations at educational institutions at which no students' union has been established shall be designated as chairpersons of the respective representation with the name specifying the educational institution.

Tasks of the Chairperson and the Deputy Chairperson

§ 35. (1) The chairperson shall be responsible for implementing the decisions of the respective body or the representative and for handling the current affairs. In urgent matters the chairperson has decision-making powers.

(2) The chairpersons of the Federal Representation of Students or a higher education institution representation may delegate precisely defined parts of their tasks to their deputy. In that case the deputy acts on behalf of and under the responsibility of the chairperson.

(3) On the recommendation of the respective chairperson, the Federal Representation of Students or a representation of students at a higher education institution may delegate precisely defined parts of their tasks to their deputy. In this decision, arrangements shall be made for the representation by the authorised deputy. In that case, the deputies act in their own name and on their own behalf.

(4) In the case of a chairperson's indisposition, the first deputy shall act as his or her substitute. In the case of the first deputy's indisposition, the second deputy shall act as his or her substitute.

(5) In the event that the chairpersons as well as their deputies are permanently indisposed, the most advanced member in terms of academic years, or, in case of a tie, the older member in terms of age shall take over the function of executive chairperson and shall immediately call a meeting of the body for the election of a chairperson. The executive chairpersons shall be responsible for paying the salaries, allocating the tuition fees, implementing expenditures necessary for maintaining the infrastructure as well as for appointing an interim head of the economic office for the duration of their term of office.

(6) The chairpersons and their deputies shall abide by the laws, decrees, statute, rules of procedure, and decisions and shall be responsible to the bodies for their activities.

Chapter 3

Organisational, Economic, and Financial Matters

Administrative Organisation

§ 36. (1) The administration shall be carried out in accordance with the principles of expediency, economy, and efficiency, while using modern technologies.

(2) The administration and other fields of activity shall be managed by offices. The Federal Representation of Students and the higher education institution representations of the students' unions at the higher education institutions shall establish the offices in the respective statute. In any case, the following offices shall be established:

1. an office for education policy,
2. an office for social policy, and
3. an office for economic affairs.

(3) The offices shall fall under the management of heads of office. A deputy may be appointed for the head of the economic office to whom precisely defined parts of their tasks may be delegated. In that case the deputy head of the economic office acts on behalf of and under the responsibility of the head of office. In the case of the head of the economic office's indisposition, the deputy head shall take over the tasks. With the exception of para. 4, the heads of office shall be full members of the Austrian Students' Union and have the necessary qualifications. With regard to the scope of their tasks, the chairperson may provide the heads of office with officers and employees to support them.

(4) On the recommendation of the chairperson, the competent body may entrust qualified employees with heading an office. These employees shall represent the students' interests in a diligent and altruistic manner.

(5) The heads of office as well as the delegates into international student organisations are bound to the decisions of the competent bodies. Furthermore, the heads of office are bound by the chairperson's instructions and obliged to provide the chairperson and the mandataries with information on their activities in the area of their office.

(6) The heads of office as well as possible deputies of the head of the economic office shall be proposed for appointment by the chairperson on the basis of a public advertisement. The appointment shall be carried out by the competent body. A dismissal before the end of the term of office shall be permissible with a two-thirds majority. A dismissal before the end of the term of office shall be permissible with a simple majority of the valid votes cast if and when the application for dismissal appears as the only agenda item on the invitation to the meeting, which in that case shall be sent out at least two weeks prior to the date of the meeting. The statute may specify that the chairperson may preliminarily entrust adequately qualified persons with heading an office until a successor has been appointed.

(7) The heads of office are responsible to the respective bodies for their activities. The officers are responsible to the heads of office for their activities.

(8) It is not permissible for chairpersons or their deputies to simultaneously be entrusted with the position of head or deputy head of the office for economic affairs.

(9) For the duration of their activities, chairpersons of the Federal Representation of Students and the higher education institution representations, their deputies and the heads of the economic offices as well as their deputies are not permitted to continue or enter into a business relationship of any nature to the legal entity to which they belong, or to an economic enterprise under § 37. These persons may not carry out the function of General Manager or chair of an economic enterprise. These incompatibilities shall remain unchanged for two years after termination of their function.

Economic Enterprises

§ 37. (1) In the interest of the students, the Austrian Students' Union and the students' unions at the higher education institutions are authorised to run economic enterprises in the form of corporations or to participate in corporations. The authorisation to run economic enterprises and to participate in corporations requires the approval of the Federal Minister, which shall be granted if they can be run in an efficient, expedient, and economic way in the interest of the students.

(2) The statute of the corporations shall provide for the establishment of a supervisory board.

(3) The General Manager or the chairperson of the respective economic enterprise shall submit the annual accounts pursuant to §§ 193 ff, the management report pursuant to §§ 243 ff, the audit report pursuant to § 273 and the audit certificate pursuant to § 274 of the Corporate Code (*Unternehmensgesetzbuch*) – UGB, L. G. of the German Reich p. 219/1897, to the control commission four months following the end of a financial year. Furthermore, the annual budget shall be submitted to the control commission every year in advance.

(4) The General Manager or the chairperson of the respective economic enterprise shall also forward the annual reports, quarterly statements, and any special reports to be submitted to the supervisory board (§ 81 Stock Corporation Act 1965 (*Aktiengesetz 1965*), F. L. G. No. 98/1965, § 28a Limited Liability Companies Act (*GmbH-Gesetz*), Imperial L. G. No. 58/1906), and the minutes of the supervisory board meetings to the control commission without delay. The General Manager or the chairperson of the respective economic enterprise shall, upon application, provide the control commission with information, verbally or in writing, and grant them access to the books and other records.

(5) The control commission may request the enactment of a decree by the Federal Minister in order to regulate the preparation of annual reports, quarterly statements, and special reports of the economic enterprises. The decree shall specify, in particular, the format.

Funding

§ 38. (1) The financial means required for covering the expenses which arise from the activities of the Austrian Students' Union and the students' unions at the educational institutions, in particular:

1. the tuition fees, including any extraordinary contributions (para. 6),
2. income from assets,
3. income from foundations that have been founded for the benefit of the Austrian Students' Union or the students' unions at the educational institutions,
4. gifts and other private or public donations,
5. income from events, and
6. income from economic enterprises.

(2) Full members of the Austrian Students' Union must pay a students' union fee to the Austrian Students' Union. This students' union fee shall be 18.00 Euro per semester.

(3) The students' union fee shall increase each academic year by the valid growth rate in accordance with the consumer price index 2010. The resulting amount shall be rounded up to the next half or full Euro. The initial value shall be the June 2014 rate of the consumer price index 2010. The chairperson of the Federal Representation of Students shall appropriately announce the amount of the students' union fee for the following academic year by 1 May of each year at the latest.

(4) The admission to and registration for the continuation of studies at the universities and university colleges of teacher education requires the payment of the students' union fee, including any extraordinary contributions (para. 6), for the respective semester. The collection or payment, respectively, of the students' union fee, including any extraordinary contributions (para. 6), for students at all educational institutions shall be managed or checked in an appropriate manner by the rector of a university or university college of teacher education or the head of a private university or the representative of the provider of a university of applied sciences degree programme. The students' union fees, including any extraordinary contributions (para. 6), received by then, shall be forwarded to the Austrian Students' Union by the 31 January, the 30

April, the 31 August as well as the 30 November of each year at the latest, while specifying the number of students and indicating a precise and clear purpose of payment, allowing for an allocation of the fees, and any extraordinary contributions received (para. 6), to the respective semester.

(5) In view of their social situation, the higher education institution representations may grant students reductions or exemption from paying the students' union fee on the basis of general guidelines, which shall be decided upon by the Federal Representation of Students.

(6) The collection of an extraordinary contribution to fulfil special tasks by the Austrian Students' Union shall be permissible in accordance with the additional expenses and while having regard to the principles of economy, efficiency, and expediency, on the basis of a decision passed by a two-thirds majority of the members of the Federal Representation of Students. Before determining the amount of the extraordinary contributions, the representations of the educational institutions affected must be heard. The collection of an extraordinary contribution may be limited to certain members or certain locations or educational institutions.

Allocation of the Students' Union Fees

§ 39. (1) The Federal Representation of Students' chairperson shall determine the total amount of the students' union fees, divided into the fees of the students at universities, university colleges of teacher education, universities of applied sciences, and private universities, including the extraordinary contributions. The extraordinary contributions shall be subtracted from the sum total of the students' union fees to be allocated.

(1a) The number of students enrolled in a degree programme offered jointly shall be allocated to the respective educational institutions according to the allocation key under § 9 paras. 5 and 7 UniStEV 2004 so that the value for each student adds up to 1. The allocation key shall be provided to the Austrian Students' Union by the Federal Minister. If no allocation key has been specified, the number of students shall be equally allocated to the educational institutions involved. The number of students at an educational institution is the sum total of the number of students per educational institution as established and the other students admitted to non-joint degree programmes at this educational institution.

(2) The chairperson of the Federal Representation of Students shall allocate 84 per cent of the determined sum total of the students' union fees of students at universities to their student representations. 30 per cent of the amount every university student representation is entitled to shall be allocated in equal parts to the university student representations as a lump sum. The remaining sum shall be allocated in accordance with the number of students.

(3) The chairperson of the Federal Representation of Students shall allocate 95 per cent of the determined sum total of the students' union fees of students at university colleges of teacher education to their student representations. 30 per cent of the amount every university college of teacher education student representation is entitled to shall be allocated in equal parts as a lump sum to the university college of teacher education student representations at which a public-law corporation pursuant to § 3 para. 2 has been established. The remaining sum shall be allocated in accordance with the number of students. The university college of teacher education student representations at which no public-law corporation pursuant to § 3 para. 2 has been established shall receive a basic amount pursuant to para. 6.

(4) The Federal Representation of Students' chairperson shall allocate 95 per cent of the determined sum total of the students' union fees of students at universities of applied sciences to their student representations. 30 per cent of the amount every university of applied sciences student representation is entitled to shall be allocated in equal parts as a lump sum to the university of applied sciences student representations at which a public-law corporation pursuant to § 3 para. 2 has been established. The remaining sum shall be allocated in accordance with the number of students. The university of applied sciences student representations at which no public-law corporation pursuant to § 3 para. 2 has been established shall receive a basic amount pursuant to para. 6.

(5) The Federal Representation of Students' chairperson shall allocate 95 per cent of the determined sum total of the students' union fees of students at private universities to their student representations. 30 per cent of the amount every private university student representation is entitled to shall be allocated in equal parts as a lump sum to the private university student representations at which a public-law corporation pursuant to § 3 para. 2 has been established. The remaining sum shall be allocated in accordance with the number of students. The private university student representations at which no public-law corporation pursuant to § 3 para. 2 has been established shall receive a basic amount pursuant to para. 6.

(6) Depending on the number of students, higher education institution representations at which no public-law corporation pursuant to § 3 para. 2 has been established receive a basic amount of

1. 3,000 Euro up to 200 students,
2. 6,000 Euro up to 400 students,
3. 12,000 Euro up to 1,000 students, and
4. 15,000 Euro from over 1,000 students.

(7) By 15 December in the winter semester and 15 May in the summer semester at the latest, the Federal Representation of Students' chairperson shall allocate at least 90 per cent of the determined amount the higher education institution representations at which no public-law corporation pursuant to § 3 paras. 1 and 2 has been established are entitled to. The remaining sum shall be allocated to the higher education institution representations on the basis of the actual numbers of students by 30 June of each year.

(8) The chairperson of each higher education institution representation shall provide the study representations and, if established, the bodies under § 15 para. 2 the total sum available pursuant to § 17 subpara. 2. The allocation key determined in § 17 subpara. 2 shall also be applied regarding the study representations under § 28.

Budgeting and Accounting

§ 40. (1) By 1 June of each year, the head of the economic office shall draw up an annual estimate for the period from 1 July of the year to the 30 June of the following year (budgeting) and submit it to the chairperson for countersigning, who, after having countersigned the budget immediately, shall then forward it to the respective mandataries. The annual estimate shall include the income and expenditure of all bodies, and shall be structured expediently, including sufficient information on the funding of the bodies' tasks. The annual estimate shall be carried over from a structure according to the bodies and offices to a calculatively concordant annual estimate formatted as an income statement of the annual accounts, giving information on the students' unions' management of finances on the whole.

(2) The Federal Representation of Students and each higher education institution representation of a students' union shall adopt the annual estimate and each amendment by a simple majority and submit it to the control commission in written and electronic form. If a decision on the annual estimate cannot be taken in a timely manner, the last annual estimate adopted by the respective body shall be applied until a decision on the new estimate has been reached, providing that each month no more than a twelfth of this estimates' valuation shall be used. Payments based on existing legal obligations shall remain unaffected.

(3) The head of the economic office shall draw up the annual accounts in written form and, following the countersigning of the chairperson, submit it to the mandataries and the control commission in written and electronic form by the end of December of the respective year at the latest. In addition to the annual accounts, an auditor's written audit report shall be enclosed. The provisions of §§ 268 to 276 UGB shall apply by analogy. The audit report shall specify the number of service contracts and state separately if their conclusion complies with the relevant laws and decrees. An auditing of the annual accounts may be omitted if the control commission has already commissioned an auditor with a corresponding audit. This shall also apply to the auditing of the economic enterprises' annual accounts. Auditors shall be excluded as examiners for a public-law corporation under § 3 or of an economic enterprise under § 37, if they have already signed more than five audit certificates for the audit of this public-law corporation's or the economic enterprise's annual account; this shall not apply in case of an interruption of these auditing activities for at least two consecutive financial years. The provisions for the annual estimate shall apply by analogy to the adoption of the annual accounts.

(4) At least two weeks before the meeting at which the approval of the annual estimate and the annual accounts shall be decided on, those two documents including the audit report shall be made available for the public in the premises of the Austrian Students' Union or the respective students' unions at the higher education institutions. The period in which the public shall be granted access to the annual estimate and the annual accounts, to the adopted annual estimate and annual accounts as well as to the written audit report of an auditor shall be published on the homepage of the Austrian Students' Union or the respective students' unions at the higher education institutions.

(5) The control commission may request the enactment of a decree by the Federal Minister on the detailed regulation for drawing up annual estimates (budgeting) and annual accounts. This decree shall include the respective general principles as well as a specification of the individual positions for drawing up an annual estimate or the annual accounts, and furthermore the respective minimum contents (sets of accounts, positions etc.) and their format as well as the principles to specify the budget-actual-comparison's structure.

(6) The control commission may request the enactment of a decree by the Federal Minister on the detailed regulation for auditing annual accounts. This decree shall include specifications on the general principles of auditing annual accounts of students' unions and their economic enterprises, the

commissioning and audit assignment, the scope of the audit as well as the summary of the audit results (especially the auditor's certificate) and the obligation to report to the Federal Minister or the control commission. Sample forms may define in more detail the contents to be audited or the information to be submitted. These shall be used for the audit.

Budget Management

§ 41. (1) The management of finances shall be based on the approved annual estimate and shall be carried out in accordance with the principles of correctness, expediency, economy, and easy inspection. Exceedance or reallocation of the annual estimate requires the prior approval of the respective body.

(2) The bodies under § 15 para. 2 and the study representations may make amendments by a simple majority to the allocation of the funds made available to them.

(3) As a principle, financial transactions shall be carried out as cashless payments via a bank account.

(4) Books and records shall be maintained on the financial management in accordance with the generally accepted accounting principles, as defined by corporate law. Student representatives shall keep register of their cash income in a cash book. A students' union with more than 2,500 full members shall include a statement of financial position in their accounting. Smaller students' unions shall contain at least a revenue expenditure bill in accordance with §4 para.3 of the Income Tax Act 1988 (*Einkommensteuergesetz 1988*), F. L. G. No. 400/1988. Additionally, they shall represent existing assets and liabilities as of the accounting date.

(5) All movable assets and immovable assets for the area of the Austrian Students' Union and for the area of each students' union at the universities shall be recorded in separate lists; fixed assets exceeding the acquisition costs of 400 Euro shall be entered into a list of investments.

(6) All accounting documents and accounting records shall be retained for seven years. This period shall begin as of the end of the financial year to which the documents and records relate; not, however, prior to the preparation of the annual accounts referred to.

(7) The control commission may request the enactment of a decree by the Federal Minister on a detailed regulation for a proper and uniform budget management and the conclusion of legal transactions. In particular, the principles of a proper budget management and the conclusion of legal transactions and, as a result, the requirements for record keeping shall be specified.

Legal Transactions

§ 42. (1) Legal transactions entailing financial movements shall require the mutual agreement between the chairperson of the Austrian Students' Union or a students' union at a university and the head of the economic office.

(2) The conclusion of legal transactions which entail the receipt or payment of amounts exceeding 6,000 Euro per transaction shall require the decision of the competent committee of the respective higher education institution representation. If no such committee has been established, the respective higher education institution representation shall decide. In any case, financial movements above a threshold of 12,000 Euro shall be subject to the decision of the respective higher education institution representation. A limit of 9,000 Euro shall be applicable to the required decisions taken by the committee of the Federal Representation of Students and to those higher education institution representations for which at least 15 mandataries are elected; a limit of 18,000 Euro shall be applicable to the decisions taken by the Federal Representation of Students and the respective higher education institution representation.

(3) The chairperson of the Austrian Students' Union or a students' union at a university may authorise the head of the economic office together with the competent division or the competent head of office to conclude legal transactions which entail the receipt or payment of an amount up to a maximum 900 Euro per transaction.

(4) The head of the economic office, together with the chairperson of the respective body under § 15 para. 2, shall be entitled to conclude legal transactions entailing financial movements of amounts up to a maximum of 1,800 Euro.

(5) The head of the economic office, together with the chairperson of the competent study representation, shall be entitled to conclude legal transactions entailing financial movements of amounts up to a maximum of 900 Euro.

(6) The service contracts concluded within a financial year shall be submitted to the auditor together with the annual accounts. Signed service contracts and employees' council agreements shall, upon request,

be transmitted to the control commission electronically without delay. In the event that gross deficiencies are identified, the Federal Minister shall be informed.

(7) The control commission may request the enactment of a decree by the Federal Minister regarding the prerequisites for the conclusion and requirements for an employment contract. The Austrian Students' Union shall be heard. The calculation of the fee at the time of the conclusion of the employment shall be aligned to similar activities in accordance with the payment of federal contractual employees in administration. Any agreements contrary to the decree shall be invalid.

Part 4

Decision-Making for Members

Chapter 1

Elections to the Bodies

Holding the Elections

§ 43. (1) Elections to all bodies of the Austrian Students' Union, to the students' unions at the higher education institutions as well as to the higher education institution representations and study representations at educational institutions at which no students' union has been established, with the exception of the election committee and the bodies under § 15 para. 2, shall be held every two years. Separate elections shall be held at the same time for each of these bodies and shall conform to the principles of equal, direct, secret, and personal voting and proportional representation. The right to vote must be exercised in person before the competent election committee. Casting a vote by means of postal voting in the form of submitting a voting card shall be permissible for the elections of the Federal Representation of Students and the higher education institution representations.

(2) The elections shall be held from Tuesday to the following Thursday some time between mid-April and mid-June. In derogation thereof, the election committees and sub-election committees at educational institutions under § 1 para. 1 subparas. 2 to 5, at which part-time degree programmes or dual degree programmes have been established, may move forward the first and/or second election day to the Friday or Saturday of the week preceding the elections. Periods of time depending on the election days stipulated by this Act shall remain unaffected. Following consultation with the Austrian Students' Union, the students' unions at the higher education institutions, and the higher education institution representations at the educational institutions at which no students' union has been established, the Federal Minister shall, by decree, determine the election days and the resulting periods.

(3) Official ballot papers shall be used for the elections of the students' unions. The regulations of the National Council Elections Act 1992 (*Nationalrats-Wahlordnung 1992*) – NRWG, F. L. G. No. 471/1992, regarding the judging of the validity and invalidity of votes and the form of casting a vote shall apply.

(4) To ensure an equal voting right, the election committee of the Austrian Students' Union shall draw up an electoral roll without social security number. These electoral rolls shall include all persons eligible to vote at all educational institutions. Controller pursuant to Art. 4 No. 7 of the Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ No. L 119 of 04.05.2016 p. 1, (hereinafter: DSGVO) is the election committee of the Austrian Students' Union.

(5) The following data may be used for the preparation of the electoral roll:

1. surname,
2. first name,
3. personal identity code specific to the educational institution (matriculation number, personal identification number, personal identity code etc.),
4. social security number or replacement means of identification,
5. date of birth,
6. gender,
7. address at the place of study and home address,
8. the degree programmes offered at the respective educational institution, including their coding,
9. the name of the educational institution, including its coding,
10. the student's e-mail address at the educational institution, and
11. the area-specific personal identification code BF.

(6) The rector of a university or university college of teacher education, the head of a private university or the representative of the provider of a university of applied sciences degree programme shall submit the data pursuant to para. 5 electronically to the electoral committee of the Austrian Students' Union by 31 December of each year preceding an election of the students' unions at the latest, provided that they are not queried pursuant to § 7a para. 7 subpara. 4 of the Education Documentation Act (*Bildungsdokumentationsgesetz*), F. L. G. I No. 12/2002, by the chairperson of the election committee of the Austrian Students' Union. Immediately after the qualifying date pursuant to § 47 para. 5 this data shall again be queried or submitted electronically to the election committee of the Austrian Students' Union.

(7) Detailed arrangements regarding the submission, processing, and erasure of data and the compilation of the electoral roll shall be established in the Electoral Regulations of the Students' Unions (*Hochschülerinnen- und Hochschülerschaftswahlordnung*).

Issuing a Voting Card

§ 44. (1) Eligible voters have the right to be issued a voting card for the election of the Federal Representation of Students and the higher education institution representations. The voting card entails the right to cast one's vote by sending back the sealed voting card to the election committee of the Austrian Students' Union.

(2) The application for the issuing of a voting card has to be submitted in written form, in person or electronically within the period determined in the decree adopted by the Federal Minister. Credible evidence of the applicant's identity must be presented.

(3) Voting cards applied for shall be personally collected or, upon application, sent by mail to the address provided by the applicant. If the voting card is sent by mail, the envelope containing the voting card is to be marked with the notice "*Wahlkarte für die ÖH-Wahl*" (Voting card for the Union of Students Election) with the addition of the respective year. The risk of a delayed receipt in the case of a postal delivery of a voting card applied for shall be borne by the applicant.

(4) The following applies to the handing over or delivery of voting cards applied for:

1. If the voting card is handed over personally, the applicant shall sign a confirmation of receipt.
2. Voting cards sent by mail shall be delivered by means of a registered letter which is to be marked with the notice "*Nicht an Postbevollmächtigte*" (Not to authorised mail recipients) and addressed exclusively to the recipient personally. Those applications filed personally or electronically using the citizen card, including applications filed using the Mobile Phone Signature, which expressly opt out of receiving their voting card as a registered letter may be exempt from the above-mentioned requirement.

(5) The voting card has to be produced as a sealable envelope and shall already have the text to be specified in an Appendix to the Austrian Students' Union's Electoral Regulations printed on it. In accordance with the technical properties of the voting card, it may feature printed text containing notices on how to use the voting card.

(6) The election committee of the Austrian Students' Union shall enclose the following documents necessary for casting a vote by means of a voting card in a sealed envelope:

1. The voting card in the form of a ballot paper envelope which shall, by analogy, conform with the template to be determined in an Appendix to the Austrian Students' Union's Electoral Regulations and must state or include, in particular, the following details:
 - a. name and address of the student eligible to vote,
 - b. matriculation number, personal identification number, personal identity code, or social security number,
 - c. number and name of the bodies to be elected, and
 - d. the address of the election committee of the Austrian Students' Union to which the voting cards shall be returned to.
2. The ballot papers together with the ballot paper envelopes.

(7) The issuing of a voting card has to be marked with a visible indication in the electoral administration system by entering the words "voting card" next to the name of the voter.

Casting a Vote with a Voting Card

§ 45. (1) If a voting card has been issued, a vote for the election of the Federal Representation of Students as well as the respective higher education institution representation and study representations may

only be cast personally if the voting card as well as all documents are handed over to the competent election committee and sub-election committee or sub-committee. After handing over the voting card and all documents, the voters may exercise their right to vote in person before all other relevant election committees and sub-election committees or sub-committees.

(2) Voters who want to exercise their right to vote by sending back the sealed voting card to the election committee of the Austrian Students' Union (postal voting) shall enclose the completed ballot paper in the respective ballot paper envelopes. They shall close the ballot paper envelopes and put them in the voting card. After that, the voters shall declare in lieu of an oath by their personal signature that they have completed the ballot paper personally, unobserved, and uninfluenced. Following that, the voters shall seal the voting card and submit it to the election committee of the Austrian Students' Union in due time so that they receive it no later than 18:00 on the second election day. Otherwise, they cannot be considered.

(3) Casting a vote by means of postal voting is null and invalid if

1. the declaration in lieu of an oath on the voting card has not been made by, or there is evidence that it has not been made by, the person entitled to vote,
2. the cover does not contain a voting card or contains more than one voting cards, respectively,
3. the voting card does not contain a ballot paper envelope,
4. the cover or the voting card contains more ballot paper envelopes than the voter is entitled to complete,
5. the examination of integrity has revealed that the voting card is so damaged that it cannot be ruled out that the ballot paper envelope inside has been previously improperly taken out or put back,
6. the data or the signature of the voter is no longer distinguishable, or
7. the voting card has not been received by the competent election committee by 18:00 on the second election day.

(4) The election committee of the Austrian Students' Union shall safely store the voting cards until they are counted and shall enter the data on the voting card in the electoral administration system.

(5) In the event that no more than three voting cards were sent back for the election of the Federal Representation of Students and for a higher education institution representation at an education institution, they shall not be taken into account for the election results and be destroyed. The same applies to voting cards which are not inside a ballot paper envelope.

(6) Detailed arrangements on voting cards and the procedure of postal voting shall be established in the Electoral Regulations of the Students' Unions. In particular, it may be stipulated that the declaration in lieu of an oath pursuant to para. 2 shall be made on a form provided, which shall be enclosed and then handed in with the voting card, or that a cover shall be used for sending back the voting card.

Electoral Administration System

§ 46. In order to ensure equal voting for the election of the Federal Representation of Students and the higher education institution representations as well as to support the elections, the election committee of the Austrian Students' Union shall provide an electronic electoral administration system. Half of the costs of this electoral administration system shall be borne proportionately by the Austrian Students' Union and the second half of the costs depending on the number of the full members of the students' unions at the educational institutions.

Eligibility to Vote

§ 47. (1) All full members of the Austrian Students' Union at the respective educational institutions who have been admitted or are registered for the continuation of their studies or those who have been admitted to a degree programme on the basis of a training contract and have paid the students' union fee pursuant to § 38 para. 2 for the semester in which the elections shall be held shall be eligible to vote and be elected for the election of the Federal Representation of Students and the higher education institution representations.

(2) For the study representations the students at the respective educational institution who have been admitted to the respective degree programme and are registered for the continuation of their studies or those who have been admitted to a degree programme on the basis of a training contract and have paid the students' union fee pursuant to § 38 para. 2 for the semester in which the elections shall be held shall be eligible to vote.

(2a) Provided that the prerequisites under paras. 1 and 2 are met, students of degree programmes offered jointly at several educational institutions shall, notwithstanding paras. 1 and 2, be eligible to vote for

two higher education institution representations of their choice and the corresponding study representations and shall be eligible to be elected for the higher education institution representations and the corresponding study representations at all educational institutions involved in the joint degree programme.

(3) The study representations shall delegate students into the bodies under § 15 para. 2 in accordance with the statute. The number of the students of the respective degree programme shall be taken into account for the delegation of students.

(4) Upon application, the election committee shall admit degree students admitted to an individually designed diploma, bachelor, or master degree programme to the election for the study representation of the degree programme which represents the main focus of their individual studies.

(5) Irrespective of the voting age, the eligibility to vote and to be elected shall be judged based on a qualifying date seven days before the first election day. The full members who have reached the age of 14 by the first election day shall be eligible to vote. The full members who have reached the age of 18 by the first election day shall be eligible to be elected.

Reasons to be Excluded from Voting

§ 48. Unless otherwise provided hereunder, the reasons to be excluded from voting as well as the eligibility conform with the provisions of the NRW. Persons who have been convicted by final judgement for violations of the 1947 Law Banning National Socialist Activities (*Verbotsgesetz 1947*), State L. G. No. 13/1945, shall be excluded from voting.

Candidate Groups and Authorised Recipients

§ 49. (1) Groups wanting to participate in the elections and whose election proposals have been accepted by the election committee or the sub-election committee under § 50, are candidate groups. The authorised recipient designated by the candidate group shall be authorised to their representation.

(2) Upon having received no mandate after the election procedure has been concluded, the candidate groups shall lose their legal position as such.

(3) Candidate groups who have received a mandate shall lose their legal position as such with the end of the body's term of office.

(4) The election proposal of a candidate group shall include no more than twice as many persons as mandates to be assigned for the respective body.

Composition of the Election Committees

§ 50. (1) The Austrian Students' Union and the students' unions at the educational institutions shall establish permanent election committees.

(2) The election committee established for the Austrian Students' Union shall consist of:

1. a representative of each of the three candidate groups who received the most votes in the last election for the Federal Representation of Students and
2. a legally educated civil servant to be delegated by the Federal Minister as a chairperson (chairperson of the election committee of the Austrian Students' Union).

(3) The election committees established for the students' unions at the educational institutions shall consist of:

1. a representative to be chosen from among each of the three candidate groups who received the most votes in the last election for university, private university university of applied sciences, or university college of teacher education representation and
2. a legally educated chairperson to be determined by the rector of a university or university college of teacher education, the head of a private university, or the representative of the provider of a university of applied sciences degree programme and to be appointed by the Federal Minister (chairperson of the election committee of the students' unions at the educational institutions).

(4) Educational institutions at which no students' union has been established shall establish a sub-election committee to the election committee of the Austrian Students' Union for conducting the elections. It shall consist of:

1. a representative of each of the three candidate groups who received the most votes in the last election for the higher education institution representations and

2. a legally educated chairperson to be determined by the rector of a university college of teacher education, the head of a private university, or the representative of the provider of a university of applied sciences degree programme and to be appointed by the Federal Minister.

(5) The Federal Minister may determine a legally educated civil servant as deputy in the case of the chairperson's indisposition.

(6) It is not permissible for the representatives of the candidate groups in the election committees or the sub-election committees to be included in the election proposal submitted for the respective body. Each of the candidate groups is entitled to delegate an observer into the election committee. The process of restructuring the election committee shall be carried out no later than two months after the election has become final; however, delays shall have no effect on the validity of the election committee's decisions. In the case that less than three candidate groups of an election committee or sub-election committee are entitled to delegate, they shall be deemed to be constituted in conformity with the law. Representatives of candidate groups that are no longer entitled to delegate are excluded from the election committee or the sub-election committee after the election has become final.

(7) The chairpersons of the election committees of the students' unions at the educational institutions (and their deputies) shall be inaugurated by the rector of the university or university college of teacher education or the head of the private university or the representative of the provider of a university of applied sciences degree programme, the chairperson of the election committee of the Austrian Students' Union (and his or her deputy) by the Federal Minister or a deputy. The chairpersons of the sub-election committees shall be inaugurated by the chairperson of the election committee of the Austrian Students' Union. The other members of the election committees shall be inaugurated by the respective chairperson.

(8) Elections held for the first time at newly established educational institutions under § 1 para. 1, notwithstanding para. 3, the election committee and, notwithstanding para. 4, the sub-election committee shall consist of:

1. a representative of each of the three candidate groups who received the most votes in the election for the Federal Representation of Students and
2. a legally educated chairperson to be determined by the rector of a university or university college of teacher education, the head of a private university or the representative of the provider of a university of applied sciences degree programme and to be appointed by the Federal Minister.

Tasks of the Election Committees and Sub-Election Committees

§ 51. (1) The election committees for the students' unions and the sub-election committees shall be responsible for holding the elections at the respective educational institutions. They shall furthermore carry out organisational tasks during the elections for the Federal Representation of Students at the individual educational institutions. The establishment of sub-committees is permissible. The representatives of the candidate groups in the sub-committees may be included in an election proposal for this respective body. The election committees and the sub-election committees shall be responsible for:

1. determining the number of mandates to be distributed within each body,
2. examining the election proposals,
3. administering the voting procedure,
4. establishing the voters' identity and their eligibility to vote,
5. collecting the ballot papers and judging their validity,
6. establishing the election results,
7. assigning the mandates to the candidate groups and the candidates for the study representations,
8. informing the elected mandataries,
9. announcing the election results,
10. determining the expiry of mandates pursuant to § 55 by official notification and assigning mandates to persons pursuant to §§ 53 and 54 ex post, and
11. holding a general membership vote pursuant to § 62 if it takes place together with the Union of Students Elections.

(2) The election committee of the Austrian Students' Union shall be responsible for the postal voting. The establishment of sub-committees is permissible. The determination of a sphere of action adapted to the time and location shall be permissible. The committee shall be responsible for:

1. examining the election proposals,
2. managing the postal voting and counting procedure,
3. assigning the mandates for the Federal Representation of Students,

4. deciding on objections under § 57,
5. informing the elected mandataries,
6. announcing the election results, and
7. determining the expiry of mandates pursuant to § 55 by official notification and assigning mandates to persons pursuant to §§ 53 and 54 ex post.

(3) The election committees or the sub-election committees, respectively, shall announce the valid election proposals that have been accepted in the order laid down in § 44 para. 3 HSWO 2014 three weeks prior to the first election day at the latest. The announcement shall be carried out by public announcement in the premises of the Austrian Students' Union and the students' unions at the higher education institutions as well as on the poster boards to be provided at the educational institutions under § 1 para. 1. At the same time, they shall be published on the homepage of the Austrian Students' Union or of the students' unions at the respective university.

(4) The election results shall be announced within one week from the last election day. Simultaneously with the announcement of the election results, the mandates shall be distributed among the elected mandataries, who shall be informed.

(5) The election committees or sub-election committees shall have a quorum when the chairperson and at least half of the other members are present. They shall reach their decisions by simple majority. If no decision is reached within the election committee, the chairperson shall decide alone.

(6) The chairpersons of the election committees or the sub-election committees, respectively, as well as their deputies shall receive a compensation to be determined by the Federal Minister.

The Election Procedure

§ 52. (1) The elections for the Federal Representation of Students and the higher education institution representations shall be carried out in accordance with the list-voting system. The number of the mandates to be allocated to the individual candidate groups shall be determined using the elections figure on the basis of the d'Hondt procedure to be applied as follows:

1. The number of valid votes cast for each candidate group shall be written down side by side and ranked; below each total, the result of dividing this number by two, three, four as well as the subsequent fractions, if necessary, are to be written down. The election figure is the third biggest number when there are three mandates to be allocated, the fourth biggest number, when there are four mandates to be allocated, and so on.
2. Each candidate group receives as many mandates as the times the election figure is contained in the total number of valid votes cast for the candidate groups.
3. In case, according to these calculations, two or more parties are entitled to receive the last mandate to be allocated, the decision as to which one receives it is made by drawing lots.

(2) For the elections of the study representations, the candidates are elected as individual persons. In an election of persons a voter may not vote for more candidates than there are mandates available for the respective study representation. If a voter indicates a candidate several times on his ballot paper, this vote shall be counted as only one.

(3) If the number of candidates is less than half of the mandates to be assigned for a higher education institution representation, no election shall be held. In that case, the Federal Representation of Students shall take over their tasks and the budget. The appointment of a person to carry out these tasks for the Federal Representation of Students is permissible.

(4) If the number of candidates is less than half of the mandates to be assigned for a study representation, no election shall be held. In this case, the body under § 15 para. 2, or, at educational institutions without additional bodies according to § 15 para. 2, the higher education institution representation shall assume its tasks and take over its budget. The appointment of a person to carry out these tasks by decision of the competent higher education institution representation is permissible.

Assigning the Mandates to the Federal Representation of Students and the Higher Education Institution Representations

§ 53. (1) The mandates assigned to a candidate group on the basis of the elections shall be distributed among the candidates in the same order in which they appeared on the election proposal. The persons included in this election proposal who have not been elected are substitutes.

(2) If an election proposal is exhausted, the respective candidate group may nominate the number of persons necessary to complement the election proposal to include double as many candidates as mandates to be distributed for the respective body.

(3) If a candidate group fails to meet the request for a nomination of persons pursuant to para. 2 by the chairperson of the competent election committee within a period of three weeks, the vacant mandates shall be assigned to the other candidate groups in accordance with the procedure under § 52.

Assigning the Mandates to the Study Representations

§ 54. (1) The mandates for the study representations shall be distributed among the candidates following the number of the votes received in such a way that the first mandate shall be assigned to the candidate with the highest number of votes, the second mandate to the candidate with the second highest number of votes etc. In case, according to these calculations, two or more parties are entitled to receive the last mandate to be assigned, the decision as to which one receives it is made by drawing lots.

(2) If a mandate expires, the candidate with the next highest number of votes shall be assigned the mandate.

Expiry of Mandates

§ 55. (1) A mandate for the Federal Representation of Students shall expire if the respective mandataries give up their mandate or lose their status as full member of the Austrian Students' Union.

(2) A mandate for the respective higher education institution representation shall expire if the mandatary gives up the mandate or is no longer admitted to any degree programme at the respective educational institution.

(3) A mandate for the study representation or for the body under § 15 para. 2 shall expire if the mandatary gives up the mandate or is no longer admitted to any degree programme at the respective educational institution.

(4) It is not permissible to give up a mandate for a limited period of time. A mandate shall expire upon completion of a degree programme only if the earliest possible admission to another degree programme at the respective educational institution has not been effected by the mandatary.

Objections to the Election of the Federal Representation of Students

§ 56. (1) The Federal Minister shall, by official notification, decide on objections concerning non-compliance with the provisions on the election procedure for the election of the Federal Representation of Students.

(2) Each candidate group for the Federal Representation of Students is entitled to appeal to the chairperson of the election committee of the Austrian Students' Union against the respective election within two weeks after the election results have been announced.

(3) The election committee of the Austrian Students' Union shall give its opinion to the objection and submit the objection as well as the opinion to the Federal Minister.

(4) An objection shall be granted and the election shall become invalid in case of infringements against essential provisions of the election procedure, which results in the distribution of mandates to have been possibly influenced. If the elections are declared invalid, the election procedure shall be repeated.

(5) If an objection to the numerical calculations of an election committee or sub-election committee or to the calculations for assigning the mandates is granted, the results shall be corrected, the announcement of the election committee or sub-election committee revoked, and the corrected results announced. In that case, if need be, the mandates shall be newly distributed. The mandates shall expire upon entry into force of the decision on the objection.

(6) An appeal against the official notification of the Federal Minister can be lodged with the Federal Administration Court within four weeks.

(7) During the decision procedure on an objection or an appeal, all candidate groups for the Federal Representation of Students shall have the right to be parties.

Objections to the Election of the Higher Education Institution Representations and Study Representations

§ 57. (1) The election committee of the Austrian Students' Union shall, by official notification, decide on objections concerning non-compliance with the provisions on the election procedure for the elections to all bodies of the students' unions and at educational institutions at which no students' union has been established to the higher education institution representations and study representations.

(2) Each candidate group and each candidate for the study representations is entitled to appeal to the chairperson of the respective election committee or sub-election committee against the election within two weeks after the election results have been announced.

(3) The election committee or the sub-election committee shall give their opinion on the objection and submit the objection as well as the opinion to the election committee of the Austrian Students' Union.

(4) An objection shall be granted and the election become invalid in case of infringements against essential provisions of the election procedure, which results in the distribution of mandates to have been possibly influenced. If the elections are declared invalid, the election procedure shall be repeated.

(5) The election committee of the Austrian Students' Union shall give its opinion to the objection and submit the objection and the opinion to the Federal Minister. In that case, if need be, the mandates shall be newly distributed. The mandates shall expire upon entry into force of the decision on the objection.

(6) An appeal against the official notification of the election committee of the Austrian Students' Union can be lodged with the Regional Administration Court within four weeks.

(7) During the decision procedure concerning an objection or appeal, all candidate groups and the candidates admitted to the election for the respective body or the respective higher education institution representation or study representation shall have the right to be parties.

Repetition of the Election Procedure

§ 58. (1) If an election has to be repeated as a result of an objection concerning non-compliance with the provisions on the election procedure, the election shall be repeated within 60 days upon the decision's becoming final. Recess periods and admission periods shall not be counted into this period. Casting a vote by means of postal voting in the form of submitting a voting card shall not be permissible for the repeated elections.

(1a) If an election has to be repeated as a result of an objection concerning non-compliance with the provisions on the election procedure pursuant to § 57, the competent election committee or sub-election committee shall determine whether the electronic electoral administration system is necessary for the repeated election procedure.

(2) The repeated elections shall be held from Tuesday to Thursday of one week. It shall not be permissible to hold the repeated elections during recess periods or within the admission period. Following consultation with the Austrian Students' Union, the students' unions at the higher education institutions and the higher education institution representations at the educational institutions at which no students' union has been established, the Federal Minister shall, by decree, determine the election days.

(3) The election proposals that have been accepted for the annulled elections are to remain unchanged for the repeated election, provided that they have not been withdrawn before the election. The introduction and acceptance of new election proposals, and including new candidate groups, is permissible. The election proposal presented by the candidate groups for the annulled election shall be considered withdrawn as soon as the new election proposal has been accepted by the election committee or the sub-election committee, respectively.

(4) If the decision on the annulment of the election becomes legally binding only in the last quarter of the term of office, the repeated election shall be omitted and the bodies or the higher education institution representations and study representations shall continue to exercise their function until the end of the term of office.

(5) These provisions also apply to the candidates for the elections of the study representations.

Constituting the Federal Representation of Students, the Higher Education Institution Representations and Study Representations

§ 59. (1) The chairperson of the election committee or the sub-election committee, respectively, shall invite the elected members to a constituent meeting of the respective body or the respective higher education institution representation or study representation at the earliest opportunity following the announcement of the election results.

(2) During a meeting, only substitute persons (§ 53 para. 1) may act as a substitute for a mandatary, with the exception of those of the study representations. The mandataries shall name their permanent substitute persons in the constituent meeting or, in the case of an assignment of a mandate at a later date, in the first meeting following the assignment. The naming of another permanent substitute person at a later date shall be permissible.

(3) In the case that the permanent substitute person named is indisposed or if the mandatary has not named any permanent substitute person, another person to be chosen from the respective election proposal may act as a substitute. In the constituent meeting only substitute persons pursuant to § 53 para. 1 may act as a substitute. The right of representation shall be proved by a written authorisation which has been certified by the court, by a notary, or the chairperson of an election committee or sub-election committee.

Electoral Regulations of the Austrian Students' Union

§ 60. (1) The Federal Minister shall adopt detailed provisions regarding the election procedure (personal and postal voting) by decree (Electoral Regulations of the Students' Unions, *Hochschülerinnen- und Hochschülerschaftswahlordnung*). This decree shall include, in particular, provisions on the decision-making process in the election committee or sub-election committees and sub-committees, on the composition of the sub-committees, the announcement of the election days, the registration of the persons entitled to vote, the introduction and acceptance of election proposals as well as the declarations of support required for the election proposals to be accepted. Furthermore, provisions on the voting procedure and the exercising of the right to vote and especially on the procedure of postal voting, the functions of the electoral administration system and the notarisation, and establishment of the election results.

(2) The Federal Minister shall, by decree, specify the respective duties of the rectors of the universities or university colleges of teacher education or the heads of the private universities and the representatives of the providers of the university of applied sciences degree programmes regarding their participation in the election procedure.

Chapter 2

(Direct) Co-Determination of the Members

Right to File Motions

§ 61. (1) Motions may be brought forward by at least five per cent of a minimum of 200 eligible voters of a body or a higher education institution representation or study representation. The application must fall within the scope of remit of the body or the higher education institution representation or study representation, respectively.

(2) These applications shall be submitted to the chairperson one week before the meeting of the respective body or higher education institution representation or study representation at the latest. Applications received after this deadline shall be postponed to the following meeting of the respective body or higher education institution representation or study representation.

(3) The first signatory of an application is its representative, who shall be entitled to orally plead the application's case in the meeting of the respective body or higher education institution representation or study representation.

General Membership Vote

§ 62. (1) The Federal Representation of Students and the higher education institution representations may decide for their area of responsibility by a two-thirds majority that general membership votes shall be held.

(2) The results of the general membership vote shall be binding for the particular bodies or the respective higher education institution representations if the participation in the general membership vote is at least two thirds of the participation in the last election of the particular bodies or the respective higher education institution representation.

(3) In general, the results of a general membership vote are valid until they are annulled or altered by a further general membership vote. The respective body or the respective higher education institution representation may only annul or alter the results of a general membership vote by a two-thirds majority.

(4) The form of carrying out a general membership vote shall be specified in the statute or the rules of procedure.

(5) The organisation of the general membership vote shall be carried out by the competent election committee or sub-election committee if it takes place at the same time as the election of a students' union.

Part 5

Supervision and Monitoring

Supervision

§ 63. (1) The Austrian Students' Union and the students' unions at the educational institutions as well as the higher education institution representations and study representations of students at educational institutions at which no students' union has been established shall be subject to the supervision of the Federal Minister. The Federal Representation of Students, the higher education institution representations and the election committees or sub-election committees, respectively, shall, without request, submit the records on the decisions taken to the Federal Minister within two weeks after the decision has been taken; all other bodies shall submit it to the rector of the university or university college of teacher education, the head of the private university, or the representative of the provider of the university of applied sciences degree programme.

(2) If necessary, any required information shall be given and inspections permitted for the purpose of assessing the decision's legality. The Federal Minister shall be informed in case the rector of the university or university college of teacher education, the head of the private university, or the representative of the provider of the university of applied sciences degree programme establishes that a decision is not legal as defined by para. 3.

(3) In exercise of his or her supervision right, the Federal Minister shall, by decree, repeal the decision of a body or a higher education institution representation or study representation, respectively, and annul the election or voting out of the chairperson and the deputy chairpersons if the decision or the election

1. was taken by a body or higher education institution representation or study representation not competent in this respect, or
2. was adopted in considerable infringement of the procedural rules, or
3. contradicts applicable laws or decrees, or
4. is not executable owing to the financial consequences of the decision.

The decree shall oblige the bodies or a higher education institution representation or study representation, respectively, to, without delay and with all legal means available, bring about the legal situation which accords with the legal opinion of the Federal Minister.

(4) In exercise of his or her supervision right, the Federal Minister shall, by decree, establish the unlawfulness of a chairperson's or deputy chairperson's actions in exercise of their function, if they performed or omitted actions in conflict with the applicable laws or decrees.

(5) In the case of para. 4, the chairperson or deputy chairperson is obliged, without delay, to bring about the legal situation which accords with the legal opinion of the Federal Minister.

(6) The unlawful action of a chairperson or deputy chairperson pursuant to para. 4 is an administrative offence punishable by a fine of 300 Euro and up to 3,000 Euro, or, in the event of default thereon, to up to two weeks of imprisonment if the act does not constitute a punishable offence coming under the jurisdiction of a court of law or does not accord to other rules of administrative penalty subject to more severe punishment.

(7) If an official representative of a body or a member of a higher education institution representation or study representation culpably failed to fulfil the statutory obligation to report to the control commission pursuant to § 40 para. 2 or 3 even after receiving at least two written requests by the control commission, the control commission may request, upon application, the dismissal from office by official notification by the supervisory authority. They also may be dismissed from their office if they fail to answer to, without

delay, the legal opinion of the Federal Minister as established in the supervisory procedure (para. 3). Regarding financial and budgetary matters, the control commission must be heard in the supervisory procedure.

(8) The Federal Minister shall, by decree, revoke decrees in the case that they contradict applicable laws or decrees.

(9) Once a supervisory procedure has been formally initiated by the Federal Minister, the Minister may, by decree, prohibit the implementation of decisions underlying the relevant procedure for a month at a time. The proportionality of such a measure shall, however, be justified in the decree. A repeated prohibition is permissible up to a maximum duration of six months.

(10) The Federal Minister shall, by decree, establish the unlawful omission of an election and instruct the elections to be held within 60 days. § 58 shall apply by analogy. An appeal has no suspensory effect.

Control Commission

§ 64. (1) A control commission consisting of fourteen members is established to advise the Federal Minister and monitor the financial management of the Austrian Students' Union, the students' unions, and the higher education institution representations and study representations of students at the educational institutions at which no students' union has been established, as well as of their economic enterprises.

(2) The members of the control commission shall be appointed for a term of four years. Re-election is permissible.

(3) The control commission consists of:

1. five representatives to be delegated by the Federal Minister,
2. *(removed)*
3. two representatives of the Financial Procurator's Office to be delegated by the Federal Minister of Finance,
4. three representatives to be delegated by decision of the Federal Representation of Students,
5. one representative to be delegated by each of the individual chairpersons' conferences of the higher education institution representations.

(4) The acting chairpersons of the Austrian Students' Union and the students' unions at the educational institutions as well as their acting deputies, and the acting heads of office shall be excluded from being part of the control commission. This also applies if they have exercised such functions within the two years immediately preceding the beginning of the respective term of office.

(5) The Federal Minister shall appoint a chairperson and deputy chairperson from among the representatives delegated by him or her for the duration of a term of office. Re-election is permissible.

(6) The Federal Minister shall provide the control commission the means necessary to cover the administrative expenses, and including the costs for staff and material required to fulfil their tasks.

(7) As a principle, the costs required to fulfil additional audit assignments shall be borne by the Federal Minister. Whenever such additional audit assignments are self-inflicted by the Austrian Students' Union or a students' union at an educational institution, the respective body itself shall bear the costs arising thereof, provided that significant shortcomings have been identified.

(8) The representatives delegated by the Federal Government shall receive a compensation to be determined by the Federal Minister.

Tasks of the Control Commission

§ 65. (1) The control commission's tasks comprise:

1. a continuous monitoring of the financial management and economic situation as well as compliance with the budgetary provisions,
2. advice and monitoring regarding matters of employment and salary law as well as financial management matters,
3. participation in the training of student representatives,
4. filing motions on the issuing of decrees by the Federal Minister pursuant to § 14 para. 5, § 37 para. 5, § 40 paras. 5 and 6, § 41 para. 7 and § 42 para. 7.

(2) The control commission shall be entitled to undertake any investigations and inspections in situ which are required to fulfil its tasks. It may furthermore call accountants or other experts, in particular expert federal employees.

(3) In the event that gross deficiencies are identified in the fulfilment of their statutory duties regarding the student representatives' budget management, the control commission shall immediately inform the respective higher education institution representation and the Federal Minister.

(4) The control commission shall electronically submit an annual activity report to the Federal Minister, the Austrian Students' Union, the students' unions as well as the higher education institution representations at educational institutions at which no students' union has been established.

(5) Decisions of the control commission and of any senates shall require a simple majority with at least half of the members being present. In the case of a tie, the chairperson shall have the casting vote.

(6) The control commission shall adopt rules of procedure which may stipulate the establishment of senates for an autonomous and self-dependent treating of business. The rules of procedure require the approval of the Federal Minister.

(7) The rules of procedure or the control commission shall be published on the official notice boards and on the homepages of the Federal Ministry and of the Austrian Students' Union.

Monitoring through the Court of Audit

§ 66. The financial management of the Austrian Students' Union and the students' unions at the higher education institutions as well as their economic enterprises shall be examined by the Court of Audit.

Part 6

Procedural Rules, Transitional and Final Provisions

Procedural Rules

§ 67. (1) Each member is entitled to lodge an appeal to the Federal Minister against decisions of the Federal Representation of Students and the higher education institution representations, of the bodies under § 15 para. 2, and the study representations on the grounds of alleged unlawfulness. The Federal Minister shall decide upon such appeals without delay and no later than within three months.

(2) In any case, an appeal which has been signed by a sixth of the mandataries or five members of the respective body, the respective higher education institution representation or study representation at an educational institution at which no students' union has been established, respectively, shall be handled by official notice. The complainants shall designate an authorised recipient.

(3) The respective higher education institution representation shall be responsible for the enactment of official notifications on the rights and duties of the members, in particular on the establishment of a student's obligation to pay the students' union fee including any extraordinary contribution (§ 38 para. 1 subpara. 1). An appeal against such official notifications can be lodged with the respective Regional Administrative Court within four weeks. The Federal Representation of Students shall be responsible for the enactment of official notifications on the rights and duties of the other members, in particular on the establishment of the obligation of students at educational institutions without their own students' union to pay the students' union fee including any extraordinary contribution (§ 38 para. 1 subpara. 1).

(4) An appeal against official notifications by the election committee on the expiry of mandates can be lodged with the respective Regional Administrative Court within four weeks.

(5) The General Administrative Procedure Act 1991 (*Allgemeines Verwaltungsverfahrensgesetz 1991*), F. L. G. No. 51/1991, shall apply to procedures pursuant to paras. 2 to 4 as well as in accordance with § 5 para. 3, § 13 para. 2 and § 24 para. 2.

Entry into Force

§ 68. (1) The present Federal Act shall enter into force on 1 October 2014.

(2) Decrees based on this Act may be issued beginning already on the day following the promulgation of this Act, but shall enter into force not earlier than 1 October 2014.

(3) § 1 para. 5a, § 6 paras. 1 to 3, § 13 paras. 4 to 6, § 24 paras. 4 to 6 and § 43 paras. 4 to 7 as amended by the Data Protection Amendment Act 2018 – Science and Research (*Datenschutz-Anpassungsgesetz 2018 – Wissenschaft und Forschung*), F. L. G. I No. 31/2018, shall enter into force on 25 May 2018.

Expiration

§ 69. (1) The Students Union Act 1998 (*Hochschülerinnen- und Hochschülerschaftsgesetz 1998*), F. L. G. No. 309/1998, except for § 20a paras. 1 to 6 and 8 as well as § 58a, shall expire at the end of 30 September 2014.

(2) § 20a paras. 1 to 6 and 8 Students Union Act 1998, F. L. G. No. 309, shall expire at the end of 31 December 2014.

(3) The Electoral Regulations of the Students' Unions 2005 (*Hochschülerschaftswahlordnung 2005*), F. L. G. II No. 91/2005, shall expire at the end of 30 September 2014.

(4) If reference is made in other Federal Acts to provisions in place of which new provisions will take effect upon the entry into force of this Act, such citations refer to the corresponding new provisions.

Transitional Provisions

§ 70. (1) The term of office of the bodies under HSG 1998, F. L. G. I No. 22/1999, last amended by F. L. G. I No. 79/2013, in office at the time of the entry into force of this Act shall end after 30 June 2015.

(2) Until the end of the term of office pursuant to para. 1, the bodies, with the exception of the election committees, shall continue to apply the provisions under HSG 1998 instead of those of this Act. The election committees and the sub-election committees shall apply the provisions of this Act.

(3) The rules of procedure and statute of the Federal Representation of Students and of the university representations which were adopted based on the HSG 1998 shall be modified or amended in accordance with the provisions laid down in this Act by 31 December 2015 at the latest.

(4) The election committees established prior to the entry into force of this Act pursuant to §§ 34 to 48 HSG 1998 shall remain in office.

(5) The establishment of new election committees and sub-election committees under § 50 at an educational institution pursuant to § 1 para. 1 subparas. 2 to 5 shall be carried out by 31 December 2014 at the latest.

(6) The university of applied sciences study representation pursuant to § 5 para. 1 FHStG and the university college of teacher education representation pursuant to § 20a HSG 1998 shall delegate representatives into all election committees or sub-election committees to be newly constituted for the Union of Students Election 2015 on the basis of this Act. In accordance with the provisions of § 50 para. 2 subpara. 1, the Federal Representation of Students shall delegate representatives into the election committees and sub-election committees pursuant to § 1 para. 1 subparas. 4 and 5. The representatives delegated on the basis of this provision shall terminate their service upon entry into force of this Act at the latest.

(7) The control commission established pursuant to §§ 52 and 53 HSG 1998 prior to the entry into force of this Act shall remain in office, and the additional members pursuant to § 64 para. 3 shall be included immediately.

(8) The rules of procedure of the control commission under § 53 para. 6 HSG 1998 shall apply until the new rules of procedure have been approved by the Federal Minister. The guidelines of the control commission pursuant to § 53 para. 1 subparas. 4 to 7 HSG 1998 shall apply until the Federal Minister has issued the respective decrees pursuant to § 14 para. 5, § 37 para. 5, § 40 paras. 5 and 6, § 41 para. 7 as well as § 42 para. 7.

(9) §§ 33 para. 8 and 53 para. 1 subpara. 8 HSG 1998 shall continue to apply until the entry into force of a decree pursuant to § 42 para. 7.

(10) The corporations established in accordance with § 3 para. 2 shall constitute their bodies immediately after the Union of Students Election 2015. They shall commence their duty on 1 July 2015.

(11) By 31 October 2015 at the latest, the head of the economic office shall prepare an annual estimate for the period until 30 June of the following year for the corporations established pursuant to § 3 para. 2, notwithstanding § 40 para. 1, and submit it to the chairperson for countersigning.

(12) The term of office of the degree-programme representations and the university college of teacher education representations elected in accordance with § 20a HSG 1998 shall end after 30 June 2015.

(13) The rector of a university or university college of teacher education, the head of a private university, or the representative of the provider of a university of applied sciences degree programme shall forward a student's social security number or the replacement means of identification pursuant to § 43 para. 5 subpara. 4 only in case the area-specific personal identification code BF pursuant to § 43 para. 5

subpara. 11 is not available for all full members of the Austrian Students' Union. The election committee of the Austrian Students' Union shall determine by decision if the area-specific personal identification code BF pursuant to § 43 para. 5 subpara. 11 is available for all full members of the Austrian Students' Union, and inform the rector of a university or university college of teacher education, the head of a private university, or the representative of the provider of a university of applied sciences degree programme about it.

Implementation

§ 71. The following authorities shall be entrusted with the implementation of this Act:

1. in respect of § 64 para. 3 subpara. 2 the Federal Minister of Education, Science and Research,
2. in respect of § 64 para. 3 subpara. 3 the Federal Minister of Education, Science and Research in consultation with the Federal Minister of Finance,
3. otherwise, the Federal Minister of Education, Science and Research.

