

Federal Law for the Promotion of Voluntary Engagement

Long title

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Preamble/promulgation clause

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Text**Section 1****General provisions****Objective**

§ 1. (1) This Federal law regulates framework conditions for formal voluntary activities in the interest of the public with the objective of supporting such activities and promoting participation. By means of this, the cohesion between the social groups, generations and cultures, as well as community and social responsibility should be strengthened.

(2) In order to attain the said objectives, this Federal law prescribes as follows:

1. Promotions of voluntary organisations, a volunteer passport and a periodic volunteer report (Section 1).
2. The establishment of a Voluntary Social Year, a Voluntary Environmental Protection Year, Holocaust Memorial Service, Peace and Social Service Abroad and a Voluntary Integration Year, as well as the legal protection of the participants (Sections 2,3 and 4).
3. The establishment of the Austrian Voluntary Council (section 5).
4. The establishment of a Recognition Fund for Voluntary Engagement (Section 6).

Promotion of voluntary engagement

§ 2. (1) In accordance with this Federal law and the means available for such in the respective Federal Finance Law (Bundesfinanzgesetz), the Federal Minister of Labour, Social Affairs and Consumer Protection and the Federal Minister of Economy, Family and Youth can, regardless of the jurisdiction of other Federal Ministers,

grant funds to voluntary organisations as defined in § 3 for voluntary engagement, to volunteer-specific projects and to awareness-creating measures.

(2) Voluntary engagement shall be present if natural persons

1. provide voluntary services for others
2. in an organisational framework
3. without remuneration
4. with the purpose of promoting the general public or from predominantly social motives and
5. without this taking place with the intent of earning, on the basis of an employment relationship or within the framework of vocational training.

Measures for personal and professional training and continued education which are necessary for the voluntary organisation and implementation of the voluntary activities are also deemed to be voluntary engagement. In addition, the participation in the European voluntary service in accordance with the (EU) Ordinance Number 1288/2013 for the establishment of "Erasmus +" ABl. Number. L 347 dated 20.12.2013 p. 50 is deemed to be voluntary engagement.

(3) On application, support can be granted in the form of grants. No entitlement to support exists.

Voluntary organisations

§ 3. (1) Voluntary organisations in the sense of this section are charitable legal persons under public or private law whose activities are primarily undertaken by persons within the framework of voluntary engagement in accordance with § 2 Paragraph 2 which are not intended to make a profit and whose headquarters are located in Austria.

(2) Political parties as defined in the Austrian Political Parties Law (Parteiengesetz, BGB1 I Number 404/1975) are not deemed to be voluntary organisations.

(3) Voluntary organisations can only be supported in accordance with § 2 if they can be proven to have informed their volunteers of the framework conditions for voluntary activities, in particular concerning: Admission criteria, activity fields, contact person, training and education, co-determination opportunities, proof of activities, expense compensation and insurance.

(4) Voluntary organisations can only be supported in accordance with § 2 if they issue the volunteers with the requested proof concerning the duration and type of the work carried out and the competencies acquired during this time, so that the volunteers can make use of the competencies and skills acquired during the period of voluntary activity in the future. This proof must be issued within six months of the end of the period of voluntary activity (proof concerning voluntary activities / volunteer passport).

Volunteer Report and Internet portal

§ 4. (1) The Federal Minister of Labour, Social Affairs and Consumer Protection issues a report concerning the status and development of voluntary engagement in Austria at regular intervals in co-operation with the Austrian Voluntary Council and by agreement with the Federal Minister of Economy, Family and Youth.

(2) An Internet portal of the Federal Ministry for Labour, Social Affairs and Consumer Protection serves as a central information and network platform for and concerning voluntary engagement in Austria.

Section 2

Voluntary Social Year

Subject of regulation

§ 5. This section regulates aspects of the Voluntary Social Year under civil law and its other framework conditions, should this come under the legislation and fulfilment jurisdiction of the Federation, in particular for the purpose of social security and family allowance.

Voluntary Social Year

§ 6. The Voluntary Social Year belongs to the special form of voluntary engagement, is in the interest of the common good and cannot be carried out within the framework of an employment relationship. The objectives of the Voluntary Social Year in particular are the deepening of prior knowledge gained at school, getting to know the world of work at the place of deployment, personality development, the extension and application of knowledge in order to develop capabilities for social professions, professional orientation, the strengthening of social competencies and the promotion of the voluntary social engagement of the participants.

Participants

§ 7. The participants in the Voluntary Social Year are persons over the age of 17 who have not completed vocational training - in cases of special suitability, persons over the age of 16 - who carry out voluntary practical assistance activities on one occasion for a duration of six to twelve months at a place of deployment assigned by a recognised provider (§ 8) in Austria in accordance with § 9 in order to attain the objectives named in § 6 (training relationship). The deployment must focus on learning objectives and takes place with educational

support and professional instruction, supervision and responsibility at the respective place of deployment. The participants may not work for more than 34 hours per week.

Providers

§ 8. (1) Charitable providers of the free welfare work or other not-for-profit legal persons under private law headquartered in Austria can be recognised by means of a notice of the Federal Minister of Labour, Social Affairs and Consumer Protection on application as a provider of the Voluntary Social Year. The recognition can be issued temporarily or permanently. The requirements for recognition as a provider are:

1. The professional and economic requirements as a Voluntary Social Year organisation, in particular
 - a) sufficient funds in order to carry out the Voluntary Social Year
 - b) the presence of a programme for educational support and supervision for the participants to the extent of at least 150 hours in accordance with § 8 Paragraph 4 Line 2
 - c) the presence of a quality assurance concept
 - d) a sufficient number of qualified personnel for the support of the participants (in particular a concrete contact person) as well as for the information and selection of interested persons
 - e) experience in the management of volunteers
2. The availability of at least 15 suitable places of deployment which are suitable in relation to the objectives of the Voluntary Social Year which are also independent of the provider with national reach in at least three different areas of deployment in accordance with § 9 Paragraph 1, which also fulfil the requirement in § 9 Paragraph 2 (labour market neutrality) in particular.

(2) The following must be attached to the application in accordance with Paragraph 1:

1. Drafts of the agreement with the legal providers of the place of deployment
2. Drafts of the agreement with the participant(s) in the Voluntary Social Year
3. Proof of the recognition requirements in accordance with Paragraph 1, in particular a formation, finance and quality assurance concept and the naming of at least 15 planned places of deployment with national reach and in at least three different areas of deployment in accordance with § 9 Paragraph 1
4. Proof of the independence in accordance with § 9 Paragraph 1 final sentence, in particular by means of proof of the legal form of the provider and the planned places of deployment.

(3) The providers of the Voluntary Social Year must immediately inform the Federal Minister of Labour, Social Affairs and Consumer Protection of all changes to the recognition prerequisites in accordance with Paragraph 1 or of changes to the proof in accordance with Paragraph 2.

(4) The providers of the Voluntary Social Year are subject to the following obligations:

1. The advice and information of the participants and interested persons (§ 10),
2. Ensuring specialist instruction of the participants at the place of deployment and educational support and supervision by educationally trained personnel to the extent of at least 150 hours in the areas of reflection, personality formation and specialist seminars, including theoretical orientation,
3. Ensuring coverage under social security laws and the payment of contributions,
4. Compliance with the labour market neutrality when deploying the participants, in particular by means of the selection of places of deployment which fulfil the requirements in § 9 Paragraph 2,
5. Not to provide any participants in the Voluntary Social Year to a place of deployment which has employed participants in the Voluntary Social Year within the framework of an employment relationship, contrary to § 6,
6. To pay pocket money to the participants to the amount of at least 50% and a maximum of 100% of the monthly sum in accordance with § 5 Paragraph 2 Line 2 of the General Social Security Law, BGBl (Allgemeines Sozialversicherungsgesetz, BGBl) Number 189/1955,
7. The conclusion of an agreement and the issuing of a certificate in accordance with § 12,
8. The representation of the interests of the participants in the Voluntary Social Year in relation to the place of deployment and
9. The carrying out of the quality assurance (§ 11)

(5) The recognition as a suitable provider in accordance with Paragraph 1 can be revoked by the Federal Minister of Labour, Social Affairs and Consumer Protection if:

1. The provider of the Voluntary Social Year applies for this
2. The provider no longer fulfils the requirements set out in Paragraph 1
3. The provider no longer fulfils the obligations incumbent on it in accordance with Paragraph 4 despite a warning or

4. for one year of deployment, the employment of at least three of the respective participants brokered by the provider as employees at least two different places of deployment was ascertained by a legally binding judgement or legally binding settlement.

(6) Notices in accordance with Paragraphs 1 and 5 shall be issued by the Federal Minister of Labour, Social Affairs and Consumer Protection by agreement with the Federal Minister of Economy, Family and Youth.

(7) The Federal Minister of Labour, Social Affairs and Consumer Protection shall publish a directory of the recognised providers for the performance of the Voluntary Social Year on the Internet for the information of possible interested persons.

Place of deployment

§ 9. (1) A suitable place of deployment is a charitable institution which does not pursue profit making purposes from the following areas: Emergency services, hospitals social and disability assistance, support of the elderly, support of drug addicts, support of persons affected by violence, support of refugees and displaced persons, support of the homeless, child supervision, work with children, young people and senior citizens. A provider may not be a place of deployment at the same time.

(2) The ongoing operation in the place of deployment and in the local institutions which belong to it must be able to maintain the Voluntary Social Year to the previous extent in full, even without any participants (labour market neutrality). In particular, this means that no reduction in the number of employees at the place of deployment may be caused by the participants in the Voluntary Social Year.

(3) In order to carry out the Voluntary Social Year, the recognised providers and the legal provider of the place of deployment shall conclude a written agreement. The agreement sets out in which manner providers and places of deployment pursue the objectives of the Voluntary Social Year (in particular social competence and professional orientation of the participants in the Voluntary Social Year) together.

Information obligations

§ 10. The recognised providers in accordance with § 8 must provide proof of clarification of the participants concerning the framework conditions of the Voluntary Social Year, in particular concerning the legal regulations, social security and family allowance, fields of activity, contact person and professional instruction at the place of deployment, educational supervision and support, essential contents of the agreement in accordance with § 12, proof of activities, as well as pocket money and any reimbursement of expenses which apply to them

Quality assurance

§ 11. (1) The recognised providers in accordance with § 8 shall be obliged to carry out a regular evaluation, in particular concerning the professional instruction and the educational supervision and support by means of educationally trained persons in the areas of reflection, personality development, subject-specific seminars and the practical deployment.

The recognised providers in accordance with § 8 must submit all written reports concerning the carrying out and evaluation of the Voluntary Social Year, including the total number of employees working at the places of deployment to the Federal Minister of Labour, Social Affairs and Consumer Protection and the Federal Minister of Economy, Family and Youth every three years, or more often if an express request is made.

(3) For the purposes of the evaluation of the Voluntary Social Year and the checking of the recognition prerequisites of the providers, the main association of the Austrian social security providers is obliged to inform the Federal Ministry of Labour, Social Affairs and Consumer Protection and the Federal Ministry of Economy, Family and Youth on request, however at least once per year, of the number, age, sex and duration of the deployment of the participants in the Voluntary Social Year and their place of deployment in the respective federal state of Austria, broken down by providers, as well as the total number of employees working at the respective place of deployment.

Agreement, certificate

§ 12. (1) The recognised provider in accordance with § 8 and the participant(s) in the Voluntary Social Year shall conclude a written agreement prior to the deployment. This must contain:

1. First name and surname, date of birth and address of the participant,
2. The identification of the provider of the Voluntary Social Year and the place of deployment
3. The duration of the Voluntary Social Year, as well regulations in case of premature termination of the deployment, whereby the reimbursement of training costs may not be agreed
4. The mutual declaration that the provisions of this laws are to be complied with during the carrying out of the Voluntary Social Year
5. The statement of the recognition notice of the provider
6. Details concerning the type and amount of any cash or material benefits for accommodation, meals, work clothing and pocket money
7. Statement concerning the extent of the leave and
8. the objectives of the deployment and the essential measures for attaining the objectives

9. The agreement of the participant that the data of the agreement will be passed on
- to the places of deployment and their providers for the purpose of carrying out the Voluntary Social Year,
 - to the main association of the Austrian Social Security Providers for the purpose of checking the recognition requirements of the provider and the evaluation and
 - to the Social Security Providers for the purpose of social security and the
 - tax authorities for the purposes of family allowance.

(2) The recognised providers shall issue the participant with a certificate on completion of the deployment, together with the respective place of deployment. The certificate must state the recognition notice of the provider, the period of time and information concerning the capabilities and competences acquired within the framework of the Voluntary Social Year.

Leave

§ 13. (1) For the Voluntary Social Year, the participant shall be entitled to leave of 25 days. Should the Voluntary Social Year last for less than twelve months, the leave shall be to an extent to which corresponds to the reduced Voluntary Social Year. Should parts of days be ascertained when calculating the extent of the leave, these shall be rounded up to full days.

(2) An agreement shall be concluded between the participant and the legal provider of the place of deployment in good time concerning the taking of the leave, whereby the interests of the place of deployment and the personal interests of the participant shall be reasonably taken into account. Should no agreement be reached, the provider with which the participant has concluded the agreement in accordance with § 12 shall take a decision concerning the leave. During the leave, the participant shall retain the claim to pocket money to be paid in accordance with § 12.

(3) For important personal reasons, the legal provider of the place of deployment can grant reasonable leave during the Voluntary Social Year which goes beyond the extent stated in Paragraph 1, with continued payment of the pocket money.

Time related restrictions

§ 14. The legal provider of the place of deployment shall grant participants who are not subject to the Austrian Law concerning the Employment of Children and Young People 1987 BGBl (Kinder- und Jugendlichen-Beschäftigungsgesetz 1987, BGBl.) Number 599/1987 shall grant participants uninterrupted free time of at least 36 hours per week.

Maternity leave

§ 15. §§ 3 to 9 of the Austrian Maternity Act 1979 (MSchG) BGBl Number 221/1979 shall apply to participants in the Voluntary Social Year accordingly, with the provision that the legal provider of the place of deployment is responsible for compliance with this provision.

Limitation of liability

§ 16. The provisions of the Austrian Employee Liability Act, BGBl (Dienstnehmerhaftpflichtgesetz, BGBl) Number 80/1965 shall be applied accordingly, both to the relationship between the provider of the Voluntary Social Year and the participant and to the relationship between the provider of the place of deployment and the participant working at the said place of deployment.

Monitoring and penal provisions

§ 17. (1) The authorities responsible for employee protection shall immediately notify the respective provider of the Voluntary Social Year of any breaches of employee protection regulations of which they become aware.

(2) The breach of the obligations imposed on the legal providers of the place of deployment set out in § 14 and § 15 shall constitute an administrative offence,

- which shall be punished with a fine of up to 1,090 € in case of offences against § 14
- and in accordance with the criminal provisions of the MSchG in case of offences against § 15,

unless the offence is subject to a stricter punishment under other regulations.

Equal treatment

§ 18. The I and II part Of the Austrian Equal Treatment Act, BGBl (Gleichbehandlungsgesetz, BGBl) I Number 66/2004 and the provisions of the Austrian Disabled Persons Employment Act, BGBl (Behinderteneinstellungsgesetz, BGBl) Number 22/1970 concerning protection against discrimination shall apply accordingly.

Use of personal data

§ 19. (1) The recognised providers in accordance with § 8 and the places of deployment and their providers may only use personal data in accordance with Paragraph 2 if the use of the data is an essential prerequisite for compliance with a duty incumbent on them in accordance with the law.

(2) The recognised providers in accordance with § 8 shall be authorised to transfer the following data to the recipients stated in Paragraph 3 provided that this is necessary for fulfilment of the duties imposed on the respective recipients: Name, date of birth, social security number and address of the participant in the Voluntary Social Year (core data), date of the notice in accordance with § 8 and the agreement in accordance with § 12 duration of the Voluntary Social Year and the type of activities to be undertaken by the participant, identification and address of recognised providers and places of deployment and their legal providers.

(3) The recipients of the data are:

1. The places of deployment in accordance with § 9 and their providers for the enforcement of this section
2. The main association of the Austrian Social Security Providers for the purpose of checking the requirements for recognition of the providers and the evaluation in accordance with § 11 Paragraph 3 and the providers of the social security for the purpose of social security.
3. The tax authorities for the enforcement of the Austrian Family Equalisation Law 1967 BGBl (Familienlastenausgleichsgesetz 196 BGBl) Number 376/1967.

Jurisdiction of the labour and social courts

§ 20. For disputes between participants in the Voluntary Social Year and the recognised provider (§ 8), as well as between the participant and the place of deployment (§ 9), the regional courts shall have jurisdiction as labour and social courts, in Vienna the work and social court. The provisions of the labour and social court for matters under employment law shall be applied accordingly. In this respect, the participant shall be deemed to be an employee, the recognised provider and place of deployment as an employer.

Promotion

§ 21. A Voluntary Social Year can be promoted in accordance with the means available in the respective Federal Finance Law (Bundesfinanzgesetz) by the Federal Minister of Labour, Social Affairs and Consumer Protection, should the requirements in accordance with §§ 8, 10, 11 and 12 be fulfilled and should the Voluntary Social Year be carried out by a recognised provider in accordance with § 8. Claims can be granted in the form of subsidies following an application by a recognised provider in accordance with § 8, however no entitlement to this shall exist.

Section 3

Voluntary Environmental Protection Year

Subject of regulation

§ 22. This section regulates aspects of the Voluntary Environmental Protection Year under civil law and its other framework conditions, should this come under the legislation and fulfilment jurisdiction of the Federation, in particular for the purpose of social security and family allowance.

Voluntary Environmental Protection Year

§ 23. The Voluntary Environmental Protection Year belongs to the special form of voluntary engagement, is in the interest of the common good and cannot be carried out within the framework of an employment relationship. The objectives of the Voluntary Environmental Protection Year in particular are the deepening of prior knowledge gained at school, getting to know the world of work at the place of deployment, personality development, the extension and application of knowledge in order to develop capabilities for professions in the area of the protection of the environment and nature and climate change, professional orientation, the strengthening of competencies in the area of protection of the environment and nature and climate change and the promotion of the commitment of the participants to environmental protection.

Provisions to be applied

§ 24. The regulations in Section 2 shall apply to the Voluntary Environmental Protection Year accordingly with the following deviations:

1. The recognition of the provider of the Voluntary Environmental Protection Year and, if necessary, the revocation of the recognition takes place by means of a notice of the Federal Minister of Agriculture and Forestry, the Environment and Water Management. Prior to the issuing of notices, the Minister must reach agreement with the Federal Minister of Economy, Family and Youth. The providers of the Voluntary Environmental Protection Year must inform the Federal Minister of Agriculture, Forestry, the Environment and Water Management of any changes to the recognition requirements.
2. The Federal Minister of Agriculture, Forestry, the Environment and Water Management shall publish a directory of the recognised providers for the performance of the Voluntary Environmental Protection Year on the Internet for the information of possible interested persons.
3. A suitable place of deployment is a charitable institution which does not pursue profit making purposes from the following areas: General environmental protection, environmental education, protection of nature and species, ecological agriculture with objectives for the common good such as protection of

culture and landscapes, biodiversity, protection of animals, sustainable development and creation of awareness in development co-operation.

4. The reports in accordance with § 11 Paragraph 2 shall also be forwarded to the Federal Minister of Agriculture, Forestry, the Environment and Water Management.
5. For the purposes of evaluation of the Voluntary Environmental Protection Year and in order to check the recognition requirements of the providers, the main association of the Austrian social security providers shall be obliged to also notify the Federal Minister of Agriculture, Forestry, the Environment and Water Management of the data stated in § 11 Paragraph 3 on request.
6. A Voluntary Environmental Protection Year can be promoted in accordance with the means available in the respective Federal Finance Law (Bundesfinanzgesetz) by the Federal Minister of Agriculture, Forestry, the Environment and Water Management, should the requirements in accordance with this section be fulfilled and should the Voluntary Environmental Protection Year be carried out by a recognised provider. Claims can be granted in the form of subsidies following an application by a recognised provider in accordance with § 8 and § 24, however no entitlement to this shall exist.

Section 4

Holocaust Memorial Service, Peace and Social Service Abroad

Subject of regulation

§ 25. This section regulates aspects of Holocaust Memorial Service and Peace and Social Service Abroad and its other framework conditions, should this come under the legislation and fulfilment jurisdiction of the Federation, in particular for the purpose of social security and family allowance.

Holocaust Memorial Service, Peace and Social Service Abroad

§ 26. The Holocaust Memorial Service and Peace and Social Service belongs to the special form of voluntary engagement, is in the interest of the common good and cannot be carried out within the framework of an employment relationship. The objectives are the deepening of prior knowledge gained at school, getting to know the world of work at the place of deployment, personality development, the extension and application of knowledge in order to develop capabilities for social professions, professional orientation, the strengthening of social and intercultural competencies and the promotion of the voluntary social engagement of the participants. The special objective of the Holocaust Memorial Service is the promotion of commemoration of the victims of National Socialism and the associated creation of awareness and clarification work. The special objective of the Peace and Social Service Abroad is the contribution towards ensuring peace in connection with armed conflicts or towards the economic and social development of a country

Provisions to be applied

§ 27. The regulations in Section 2 shall apply accordingly with the following deviations:

1. The Holocaust Memorial Service takes place in Austria and abroad;
2. The Peace and Social Service takes place exclusively at deployment locations abroad;
3. Suitable places of deployment for the Holocaust Memorial Service in Austria are domestic places of commemoration for the victims of National Socialism recognised by the respective state governor in accordance with § 4 of the Civil Service Act 1986 (Zivildienstgesetz - ZDG) Number 679/1986 in one of the following areas: Educational and clarification work, academic analysis, work with surviving victims, work with victim associations and their successor organisations support of the elderly and work with young people;
4. Suitable places of deployment abroad for commemoration of the victims of National Socialism are recognised by the Federal Minister of Labour, Social Affairs and Consumer Protection in agreement with the Federal Minister for Europe, Integration and Foreign Affairs following an application by the respective provider, taking into account the eternal interests of the Republic of Austria from the areas of educational and clarification work, academic analysis, work with surviving victims, work with victim associations and their successor organisations, support of the elderly and work with young people;
5. Suitable places of deployment for Peace and Social Service Abroad, in any case institutions for the attainment or safeguarding of peace in connection with armed conflicts (peace work) or the economic and social development of a country (social work) are recognised for a limited period which corresponds to the expected duration by the Federal Minister for Labour, Social Affairs and Consumer Protection by agreement with the Federal Minister for Europe, Integration and Foreign Affairs following a request by the respective provider from one of the following areas, taking into account the foreign interests of the Republic of Austria: Education and clarification work, academic and background analysis, child and youth support, social assistance and caring for the disabled, support of persons affected by violence, support of refugees and displaced persons, support of the homeless,

- support of the elderly, medical facilities, co-operation in the creation and restoration of infrastructure, assistance in the social work with affected population groups, assistance with teaching in schools and places of learning and adult education;
6. Should the place of deployment be located abroad, the provider shall, in addition to the obligations under § 8 Paragraph 4,
 - a) be obliged to agree compliance with §§ 7 final sentence, 13, 16 and 18 with the place of deployment. The provider shall be obliged to immediately end the service should it be aware or should it be expected to be aware that the provisions are not being complied with the place of deployment despite a request;
 - b) the provider shall be obliged to take out any necessary additional health insurance and travel insurance for the participant;
 - c) in case of loss events which occur in relation to the personal property of the participants within the framework of a deployment abroad in accordance with the agreement, the provider shall be obliged to hold the participant harmless;
 7. Should the place of deployment be located abroad, the amount of the pocket money to the participants in accordance with § 8 Paragraph 4 Line 6 shall amount to at least 10% and a maximum of 100% of the monthly sum in accordance with § 5 Paragraph 2 Line 2 of the General Social Security Act, BGBI (Allgemeines Sozialversicherungsgesetz, BGBI) Number 189/1955;
 8. For the recognition as a provider in accordance with this section, the presence of at least eight suitable places of deployment in relation to the objectives of the Holocaust Memorial Service, Peace and Social Service shall be a prerequisite, in deviation from § 8 Paragraph 1 Line 2.

Subsidies

§ 27a. (1) In order to support the realisation of the Holocaust Memorial Service and the Peace and Social Service Abroad via the organisations approved in this section, the federal government provides annual grants totalling €1,200,000. These grants shall be used in particular for costs incurred due to the stay abroad, such as travel expenses or insurance cover for the participants.

(2) The Federal Minister of Labour, Social Affairs and Consumer Protection can grant additional funding amounting to a maximum sum of €100,000 to recognised organisations for expenditure on information activities and for raising awareness and educational work in relation to the crimes of National Socialism. There is no legal entitlement to the granting of subsidies.

(3) Organisations which have been approved in accordance with this section have to combine the grants offered to participants in voluntary service abroad with an obligation on the part of these participants to draw up a written report for the Federal Minister for Europe, Integration and Foreign Affairs.

(4) Austrian consular and diplomatic representations abroad have to provide information to the Federal Ministry of Labour, Social Affairs and Consumer Protection on how they perceive the activities carried out in the places of deployment abroad.

Section 4a

Voluntary Integration Year

Subject of regulation

§ 27b. This section regulates the civil law aspects of the Voluntary Integration Year for persons entitled to asylum and persons granted subsidiary protection status and its other framework conditions, should this come under the legislative and enforcement jurisdiction of the Federation.

Voluntary Integration Year

§ 27c. The Voluntary Integration Year belongs to the special forms of voluntary engagement, is in the interest of the common good and cannot be undertaken within the framework of an employment relationship. The objectives are integration in the sense of entry into Austrian life and society and the acquisition of Austrian values and the German language, the improvement of equal opportunities by means of the occupational orientation of persons entitled to asylum and persons granted subsidiary protection status, the further development of knowledge acquired at school, familiarisation with work at the place of deployment, personality development, the extension and application of knowledge in order to acquire the necessary capabilities for certain professional fields, the strengthening of social and intercultural competence and the promotion of the social engagement of the participants.

Provisions to be applied

§ 27d. (1) The regulations in Section 2 shall apply accordingly with the following deviations:

1. Participants are persons entitled to asylum and persons granted subsidiary protection status who start the Integration Year within two years of recognition of this status.
2. As a provider of the Voluntary Integration Year as defined in § 8, the providers recognised in accordance with Sections 2 and 3 as well as by the respective state governor in accordance with § 4 of the Austrian Civil Service Act 1986 BGBl (Zivildienstgesetz 1986, BGBl) Number 679/1986 shall apply.
3. The obligation of the providers to pay pocket money in accordance with § 8 Paragraph 4 Line 6 shall lapse.
4. Suitable places of deployment for the Voluntary Integration Year are the institutions in accordance with Sections 2 and 3 of this law, which are of a charitable nature and do not pursue profit making objectives, as well as the civil service places of deployment in the areas of § 3 Paragraph 2 of the Austrian Civil Service Act 1986 BGBl (Zivildienstgesetz 1986, BGBl) Number 679/1986.
5. § 11 Paragraph 3 is not applicable.
6. In addition to § 19 Paragraph 3, the recipient of the data is the body which has concluded an agreement with the Labour Market Service (AMS) in accordance with Paragraph 3 and the Federal Ministry for Labour, Social Affairs and Consumer Protection.
7. A Voluntary Integration Year can be promoted by the Federal Minister of Labour, Social Affairs and Consumer Protection by means of the funds available in the respective Federal Finance Act (Bundesfinanzgesetz), provided that the requirements in accordance with this section are fulfilled. Claims can be granted in the form of subsidies following an application by a recognised provider in accordance with Line 2, however no entitlement to this shall exist. More precise regulations, in particular the amount of the fixed sum per participant shall be set out in the guidelines to be issued by the Federal Minister of Labour, Social Affairs and Consumer Protection, whereby in respect of the determination of a maximum limit per provider recognised in accordance with the Austrian Civil Service Act 1986 (Zivildienstgesetz 1986), agreement with the Federal Minister of the Interior must be reached.

(2) The Voluntary Integration Year is offered by the AMS persons who belong to the target group of the persons entitled to asylum and persons granted subsidiary protection status (§ 27c) and which receive the minimum needs based income in line with necessity. This is to be carried out by the AMS as work training. The presence of the requirements on the part of the possible participants must be confirmed by the AMS. The brokerage on the first labour market shall have priority. Aid in accordance with the Austrian Labour Market Service Law, BGBl (Arbeitsmarktservicegesetz, BGBl) Number 313/1994 shall not be granted for this purpose. Any claims in relation to the claiming of family allowances which exist directly prior to the Voluntary Integration Year shall continue to be granted during this period, provided that the necessary claim requirements are present

(3) In order to carry out the Voluntary Integration Year, the AMS must conclude an agreement with a suitable provider, by means of which this will become the service provider of Labour Market Service in this respect.

(4) The Federal Ministry for Labour, Social Affairs and Consumer Protection shall issue statistics concerning the Voluntary Integration Year annually. This must contain the number, age, sex and country of origin of the participants, broken down by federal state.

Section 5

Austrian Voluntary Council

Formation

§ 28. (1) An Austrian Voluntary Council shall be set up at the Federal Ministry for Labour, Social Affairs and Consumer Protection.

(2) The functional period amounts to five years respectively.

Objective

§ 29. The objective of the Austrian Voluntary Council is the recognition and evaluation of voluntary activities of the civil society in their diversity as a contributor to the community. In addition, it serves the purpose of improving the framework conditions for voluntary activities in fulfilment of its activities in accordance with § 30.

Duties

§ 30. As an institutionalised dialogue forum between civil society and the state, the Austrian Voluntary Council has the following duties:

1. Advising the Federal Minister of Labour, Social Affairs and Consumer Protection in matters connected to volunteer policy,
2. Promotion of the networking, co-operation and use of synergies within civil society/ voluntary organisations

3. Provision of proposals and recommendations for the implementation and further development of volunteer policy,
4. Assistance in the conception and priority setting of the Volunteer Report to be produced periodically.

Members

§ 31. The following belong to the Austrian Voluntary Council:

1. The Federal Ministry for Labour, Social Affairs and Consumer Protection as the chairman and one representative in all Federal Ministries;
2. Three representatives of the federal states, one representative each of the city and local council, the interest representations of the employers, employees, agriculturalists, the social economy, the senior citizens, youth and the voluntary speaker of the political parties represented in the national council;
3. Representatives from all important areas of voluntary work, who shall be nominated from the following fields: non-statutory welfare; not-for-profit services and social services; families; women; education; work with children and young people; the arts and culture; environmental protection, nature conservation, the protection of animals; sport; emergency and disaster relief services; self-help groups; work with people with disabilities; migration; volunteers' centres. Proposals for these nominations shall be made by the organisations which can be considered representative for their respective field in terms of their composition and number of members. Organisations are considered to be representative if they are either umbrella organisations or - if they are not - are of significance throughout Austria.
4. one representative each of the organisations recognised in accordance with this federal law in the field of domestic voluntary services (FSJ and FUJ) and voluntary services abroad (Holocaust Memorial Service, Peace and Social Service Abroad).

Appointment

§ 32. (1) The members and replacement members shall be appointed for a functional period of 5 years by the Federal Minister of Labour, Social Affairs and Consumer Protection.

(2) At the latest four months prior to the end of the current functional period,

1. all Federal Ministries,
2. the federal states via the liaison office of the federal states,
3. the city and municipal councils and the political parties represented in the national council
4. and the organisations listed in § 31 Line 3 which are entitled to make proposals

shall be made aware of their respective right of proposal by the Federal Minister of Labour, Social Affairs and Consumer Protection.

(3) Should an insufficient number of proposals be received within two months of the information process in accordance with Paragraph 2, the number of members of the Austrian Voluntary Council shall be reduced by the number of members who have not been proposed for a place for the duration of the non-exercising of the right of proposal.

(4) Should a member (replacement member) of the Austrian Voluntary Council leave prior to the expiry of the functional period, the office of the Federal Ministry for Labour, Social Affairs and Consumer Protection must be informed of such within two months of the withdrawal of the party with a right of proposal and, at the same time, a new member (replacement member) must be proposed for the remaining functional period.

(5) The Federal Minister of Labour, Social Affairs and Consumer Protection shall dismiss a member (replacement member) from its function if:

1. It applies for such.
2. The party on whose proposal the member (replacement member) was appointed applies for dismissal.
3. The member (replacement member) culpably neglects its duties.

Calling of the meetings

§ 33. (1) The meetings of the Austrian Voluntary Council shall be called by the chairman when required, however at least once per year. The Austrian Voluntary Council shall also be called if at least one third of the members apply for this with written notification of the subject matter of the negotiation.

(2) The meetings shall not be public.

(3) The chairman shall be entitled to engage specialists with an advisory vote.

Capability of passing resolutions

§ 34. (1) The Austrian Voluntary Council shall have a quorum if at least half of the members (replacement members) are present following a proper invitation. The quorum must be ascertained by the chairman at the start of the meeting.

(2) The Austrian Voluntary Council shall pass its resolutions with a majority of the members present.

Management and rules

§ 35. (1) When managing the transactions, the Austrian Voluntary Council shall be supported by the Federal Ministry for Labour, Social Affairs and Consumer Protection.

(2) More precise regulations concerning the duties of the chairman, the management of the transaction, the preparation and calling of the meetings, the course of procedure in case of the provision of advice and the deployment or working groups shall be concluded by the Austrian Voluntary Council in a code of procedure, which shall be approved by the Federal Minister of Labour, Social Affairs and Consumer Protection.

Section 6

Recognition Fund for Voluntary Engagement

Fund, beneficiaries

§ 36. (1) A fund will be set up for the special recognition and appreciation of voluntary engagement. This fund shall be known as "recognition fund for voluntary engagement". Allowances from the fund can be granted to natural and legal persons who contribute to the development or actual performance of innovative measures, special activities or initiatives for the sustainable safeguarding of voluntary engagement in Austria.

(2) Recipients of allowance from the fund can be

1. Austrian citizens or persons whose place of residency is located in the territory of Austria or
2. domestic legal persons.

(3) The fund is solely for charitable purposes and possesses its own legal personality. It shall be located and maintain its place of jurisdiction in Vienna

Allowances

§ 37. (1) The allowances shall take place in accordance with the available funds in the form of cash payments in accordance with the guidelines issued by the Federal Minister of Labour, Social Affairs and Consumer Protection following a hearing of the Voluntary Council. The said guidelines shall be published on the Internet.

(2) The said guidelines shall, in particular, contain precise provisions concerning the requirements for the granting of allowances, as well as their type and amount.

§ 38. (1) No legal claim shall exist to the granting of allowances.

(2) Allowances may only be granted following an application, a proposal of the Federal Minister of Labour, Social Affairs and Consumer Protection or a proposal of the Austrian Voluntary Council and shall always be subject to proof of use in accordance with the intended purpose. The use shall be checked by the fund. Hereby the fund shall ensure that the necessary information is issued and the necessary documents submitted.

§ 39. Prior to the granting of allowances, the fund shall ensure that the benefit is to be repaid or the payment shall not take place if:

1. it is incompletely or falsely informed of significant circumstances by the recipient;
2. the supported project is not carried out or not carried out on time due to fault on the part of the recipient;
3. the allowance is not used in accordance with the intended purpose or terms are not complied with due to fault on the part of the recipient;
4. the checking of the use of the allowance in accordance with the intended purpose is refused by the recipient.

Jurisdiction

§ 40. Applications for the granting of allowances shall be submitted to the Federal Ministry for Labour, Social Affairs and Consumer Protection, together with proof concerning the presence of the requirements.

Resources

§ 41. The fund finances shall be provided by means of the following in particular:

1. Allowances, gifts, inheritances and legacies;
2. Interest and other revenues of the fund assets.

§ 42. The fund shall be deemed to be a corporation under public law in relation to tax laws.

Administration of the Fund

§ 43. The administration of the fund shall be the responsibility of the Federal Minister of Labour, Social Affairs and Consumer Protection.

Bearing of costs

§ 44. The administration expenses connected to the enforcement of the provisions in respect of the fund shall be borne by the Federal Ministry for Labour, Social Affairs and Consumer Protection.

Section 7

Closing provisions

§ 45. Should other federal laws be referred to in this federal act, these shall be applied in the respectively applicable version.

§ 46. (1) This federal law shall take effect on 1 June 2012.

(2) § 9 Paragraph 1 in the version of the federal law BGBl. I Number 163/2013 shall take effect on 1 October 2013. The term “emergency services” in § 9 Paragraph 1 shall cease to apply on expiry of 31 December 2017.

(3) The table of contents § 1 Paragraph 2 Line 2 2, § 2 Paragraph 2 Final Sentence, § 25, § 26, § 27 Line 3 to 8, § 27a plus header and section 4a in the version of the Austrian Budget Accompaniment Act 2016 (Budgetbegleitgesetz 2016) BGBl. I Number 144/2015 shall take effect on 1 January 2016.

The organisations recognised on 31 December 2015 in accordance with § 12b paragraphs 4 and 5 of the 1996 Civilian Alternative Service Act (ZDG) as amended (Federal Law Gazette I no. 163/2013) shall be considered recognised organisations in accordance with section 4 until 31 December 2018.

(5) (5) The table of contents, § 9 para. 1, § 27a, § 31 lines 3 und 4 and § 46 as amended (Federal Law Gazette I No. 156/2017) shall come into effect on 1 January 2018.

§ 47. The following are entrusted with the enforcement of this federal law:

3. In respect of § 2, the Federal Minister of Labour, Social Affairs and Consumer Protection and the Federal Minister of Economy, Family and Youth;
4. In respect of §§ 4 Paragraph 1, 8 Paragraphs 1, 5 and 7 and § 27, the Federal Minister of Labour, Social Affairs and Consumer Protection by agreement with the Federal Minister of Economy, Family and Youth;
5. In respect of § 20, the Federal Minister of Justice;
6. In respect of § 24, the Federal Minister for Agriculture and Forestry, Environment and Water Management by agreement with the Federal Minister of Economy, Family and Youth;
7. In respect of the remaining provisions of Section 3 (Voluntary Environmental Protection Year), the Federal Minister for Agriculture and Forestry, Environment and Water Management by agreement with the Federal Minister of Labour, Social Affairs and Consumer Protection and the Federal Minister of Economy, Family and Youth;
8. Otherwise, the Federal Minister of Labour, Social Affairs and Consumer Protection.