

**Federal Act on the
Austrian Academy of Sciences**

**Statute
of the Austrian Academy
of Sciences**

established at the Academy's General Assembly
on 4 June 1946

as amended by resolutions made by the Academy as a whole

on 24 May 1949

10 December 1954

28 January 1955

31 May 1960

25 May 1971

14 May 1991

26 April 2002

29 April 2005

12 October 2007

17 December 2010

Vienna, 2010

Please note that this English translation is for purposes of information only. The German version of the statute is solely legally binding.

Statute

§ 1 The “Imperial Academy of Sciences”, founded by Emperor Ferdinand I by virtue of the statute dated 14 May 1847, has borne the name of the “Austrian Academy of Sciences” since 9 May 1947. It promotes all aspects of science, particularly through the independent research of its members and units.

§ 2 (1) The Austrian Academy of Sciences, hereinafter known as the Academy, is a public-law entity enjoying special protection from the federal government. It remains independent of federal and state authorities in its area of activities as defined by this statute, unless this statute stipulates exceptions.

(2) In order to fulfil its tasks, the Academy is entitled to conclude all types of legal transactions and use its assets appropriately.

(3) The Academy establishes and runs research units and a publishing house. The respective organisational structures are governed by the by-laws.

(4) The Academy comments on scientifically relevant issues. It can provide the federal authorities, state authorities or other legal persons with scientific reports.

(5) In the interest of fulfilling its statutory tasks, the Academy can establish and manage foundations, and accept any dedications or gratuities. It maintains relations with units serving scientific or other cultural purposes, and can assign representatives to these. It can particularly contact other academies, sponsoring organisations and scientific companies in order to perform its own or external undertakings.

(6) The Academy awards scholarships and prizes for scientific accomplishments.

(7) The Academy regularly compiles reports on its activities.

§ 3 The Academy’s sphere of activity covers all sciences. The Academy ensures the rules of international proper scientific practices are upheld, has signed the European charter for researchers, and ensures equal treatment of men and women within its sphere of activity.

§ 4 (1) The Academy comprises two sections – the Section for Mathematics and the Natural Sciences and the Section for Humanities and the Social Sciences – as well as the Young Academy. Each section and the Young Academy have their own sphere of activity in scientific matters; administrative tasks are attended to by the Academy as a whole.

(2) The General Assembly is the Academy’s supreme consultancy, supervisory and decision-making body, in which both sections and the Young Academy work together to fulfil the tasks of the Academy as a whole.

(3) The General Assembly establishes by-laws based on this statute.

§ 5 (1) Section meetings, General Assemblies and Young Academy meetings are held regularly. Extraordinary meetings can be called on important occasions.

(2) A ceremonial session, in which the public is given an overview of the Academy’s activities and the changes in the Academy, is held annually. All members are to be invited to this session.

§ 6 (1) The Academy includes (no more than):

a) 90 full members in Austria; 45 in each section;

b) 250 corresponding members, 125 in each section, of which 55 are in Austria and 70 abroad;

- c) 24 honorary members, of which 6 are members of the Academy as a whole, and 9 are members of each section;
 - d) the Young Academy, comprising 70 members elected for a set term.
- (2) Full and corresponding members over 70 years of age are not included in the maximum figures while their rights are fully preserved.
- (3) An even balance between subject areas has to be taken into account when electing members.
- (4) The Academy's full members elect the full and corresponding members, as well as the honorary members. The honorary members of both sections are elected based on outstanding scientific performances, and those of the Academy as a whole based on their services to science or the state and society.
- (5) Young Academy members are elected by the Young Academy; the election must be confirmed as per § 7 para. 5.
- (6) By accepting their election, all members commit themselves to furthering the goals of the Academy and to participate in carrying out its tasks.
- (7) The Academy can confer honorary titles and awards on persons in recognition of their services to the Academy.

§ 7 (1) The members are elected according to the election rules established in the by-laws. By accepting their election, the elected candidates acquire the rights and duties of membership.

(2) Full members, as well as those corresponding members who have been elected according to the by-laws, can attend and vote at all meetings held by their section and the Academy as a whole.

(3) Representatives of the Young Academy who have been elected according to the by-laws are similarly entitled to attend and vote at all meetings held by the Academy as a whole, as well as section meetings as per the by-laws.

(4) All members eligible to vote must be invited to General Assemblies in which decisions are to be made regarding modifications to the statute or by-laws. Invitations must be made in writing and state the agenda items.

(5) Only full members are invited to election meetings in which the full and corresponding members are elected and the election of Young Academy members is confirmed.

(6) Young Academy members are invited to Young Academy election meetings.

§ 8 (1) Unless otherwise stated in this statute, elections are held with an absolute majority of casted votes.

(2) Unless otherwise stated in this statute, decisions are made with an absolute majority of valid casted votes.

(3) The number of members required to attend the meeting in order for elections/decisions to be made is established in the by-laws, unless otherwise stated in this statute.

§ 9 (1) Changes to the statute require a two-thirds majority of valid casted votes in the presence of two thirds of the total number of full members stated in § 6 para. 1 a of the statute. These changes must be confirmed by the Federal President.

(2) Decisions regarding the by-laws can only be made if two thirds of the total number of full members stated in § 6 para. 1 a of the statute are present.

§ 10 (1) The Presiding Committee is the Academy's management board and supreme executive body. It is particularly responsible for transacting business and organising the administration. The Presiding Committee comprises a President, a Vice President and a secretary from each section. Further details, particularly regarding external representation, are stated in the by-laws.

(2) The secretary of a section acts as the president of his/her section.

(3) The Presiding Committee members are elected for four years and receive appropriate remuneration for their work.

(4) The Presiding Committee members are elected by the General Assembly from among the full members, in accordance with the election rules established in the by-laws. The President and Vice President, as well as both section presidents, must belong to different sections. The election must be confirmed. Presiding Committee members can be re-elected in their position once.

(5) Elected Presiding Committee members must be confirmed by the Federal President.

§ 11 (1) The General Assembly establishes an Academy Council comprising fourteen members to be delegated of and elected from the General Assembly.

(2) The Academy Council must supervise the Academy's business management. Business management tasks cannot be assigned to the Academy Council. However, certain important business transcribed in the by-laws may only be performed with the Academy Council's consent.

(3) An audit committee must be established within the Academy Council, and is particularly responsible for monitoring the accounting process, internal audit system, annual account audit and the effectiveness of the internal control system.

(4) The by-laws regulate further details on the rights and duties of the Academy Council, its internal structure and other relevant agendas.

§ 12 (1) A Senate assists the Academy with fundamental issues. It comprises the following members:

- a) the president of the National Council as chairperson;
- b) the chairperson of the Austrian State Governors' Conference;
- c) the president of the Constitutional Court of Austria;
- d) the president of the Austrian National Library;
- e) the chairperson of the Austrian Council for Research and Technology Development;
- f) the president of the Max Planck Society for the Advancement of Science;
- g) the president of the Swiss Science and Technology Council;
- h) the chairperson of the Austrian Science Board;
- i) two members to be appointed from the Academy's patrons.

(2) The patrons convene upon invitation from the Academy's President, and elect the two Senators from amongst themselves. These members remain in office for four years, and may be re-elected.

(3) The Academy's Senate has the following tasks:

- a) Promoting the Academy's public work;
- b) Making recommendations for the Academy's tasks in national and international research;
- c) Submitting questions of public interest to the Academy;

- d) Advising the Academy on other matters essential to the fulfilment of its legal tasks;
 - e) Accepting the Academy President's report on the previous working year;
 - f) Establishing the Presiding Committee members' remuneration.
- (4) Senate decisions are made with an absolute majority of valid casted votes, in the presence of at least five Senators. If votes are tied, the chairperson's vote decides. The Senate's decision must be reported on at the General Assembly.
- (5) Honorary members, full or corresponding members, members of the Young Academy, and persons employed by the Academy cannot be Senate members. If the mandate is rejected or if there are reasons for exclusion or conflicts of interest, the General Assembly must, at the Senate's request, find a replacement to fill the position.
- (6) The Senate members take up their position in person. The Senate meets at least once a year, and can also make its decisions by polling.
- (7) The Senate sets its own procedural regulations, which must be advised to the Presiding Committee and the General Assembly.

§ 13 (1) A Research Board assists the Academy in maintaining the continuing development and the quality of the research carried out at the Academy.

(2) It is composed of internationally renowned scientists working abroad, who are elected for four years by the General Assembly, in accordance with the election rules stated in the by-laws. Honorary members, full or corresponding members in Austria, members of the Young Academy, and persons employed at the Academy cannot be members of the Research Board. If the mandate is rejected or if there are reasons for exclusion or conflicts of interest, the General Assembly must find a replacement to fill the position. Members can be re-elected once.

(3) The Research Board's tasks particularly include:

- a) Making recommendations to the Presiding Committee and General Assembly regarding the Academy's mid-term research programme, taking into account developments in science;
- b) Establishing the general principles of quality control in consultation with the Presiding Committee, particularly for founding, developing, re-focusing, re-structuring or closing any of the Academy's research units;
- c) Establishing assessment and evaluation groups to scientifically assess new and evaluate existing research units;
- d) Making recommendations to the Presiding Committee and General Assembly regarding the implementation of assessment and evaluation results, as well as any performance agreements and budget allocations for multi-year periods.

(4) The by-laws regulate further details.

§ 14 (1) The Academy establishes a Financial Advisory Board to evaluate and analyse financial matters in terms of their thriftiness, profitability and usefulness. Delegates of the Academy as a whole, the Senate and the Academy's financiers are appointed as members. The term of office lasts for four years, and re-appointment is permitted.

(2) The by-laws regulate further details on the appointment of members and the task area of the Financial Advisory Board.

§ 15 (1) During every budget period, the Academy receives an overall budget to complete its tasks or the activities agreed on with the federal government. This budget is established by the federal government on request or as part of performance agreements. If these funds have

not been fully used by the end of a budget period, the excess remains at the Academy's disposal and is carried over to the next period. This does not justify a reduction in the federal government's monetary allowances.

(2) Other income earned is kept by the Academy and does not reduce the overall budget mentioned in para. 1.

(3) The Academy annually compiles a statement of account on the usage of the funds allocated to it by the federal government. This statement must be presented to the Austrian Court of Audit for reviewing.

(4) The by-laws regulate further details.

§ 16 The Academy is allocated the federally owned building situated at Dr. Ignaz Seipel-Platz 2, 1010 Vienna, handed over to it by virtue of an imperial decision in 1857, for its full usage. The federal government pays any property maintenance costs.

This constitution was confirmed by Federal President Dr. h. c. Karl Renner on 27 March 1950, in accordance with § 3 of the Federal Act dated 14 October 1921 BGBl (Federal Gazette) 1921/569 as amended on 9 May 1947 BGBl 1947/115, and this confirmation was advised to the Academy by virtue of a letter from the Federal Ministry for Education, dated 31 March 1950, No. 15385-1/2/50. The changes made to the constitution of 1921/1925 and 1954/1955 were decided on at the Academy General Assemblies dated 4 June 1946, 24 May 1949, 10 December 1954 and 28 January 1955 (confirmed by Federal President Dr. h. c. Theodor Körner on 30 March 1955, No. 4737, according to the letter from the Federal Ministry for Education, dated 13 April 1955, No. 43.987/1-4/55).

The change to §§ 12 and 16 of the constitution, decided on at the Academy General Assembly on 31 May 1960, was confirmed by Federal President Dr. Adolf Schärf on 23 September 1960, No. 8287, according to the letter from the Federal Ministry for Education, dated 29 September 1960, No. 93.094-2/60.

The new change to § 6 of the constitution, decided on at the Academy General Assembly on 25 May 1971, was approved (confirmed) by virtue of a decision by Federal President Franz Jonas on 13 October 1971, No. 10456, according to the letter from the Federal Ministry for Science and Research, dated 25 October 1971, No. 253.560-II/3/71.

The change to §§ 6, 8 and 19 of the constitution, decided on at the Academy General Assembly on 14 May 1991, was confirmed by virtue of a decision by Federal President Dr. Kurt Waldheim on 2 August 1991, according to the letter from the Federal Ministry for Science and Research, dated 13 August 1991, No. 4200/18-23/91.

The change to the constitution, decided on at the Academy General Assembly on 26 April 2002, was confirmed by virtue of a decision by Federal President Dr. Thomas Klestil on 25 July 2002, No. 502000/1-BEV/2002, according to the letter from the Federal Ministry for Education, Science and Culture, dated 6 August 2002, No. 4.200/9-VI/A/2002.

The change to the constitution, decided on at the Academy General Assembly on 29 April 2005, was confirmed by virtue of a decision by Federal President Dr. Heinz Fischer on 28 July 2005, No. 502.000/1-BEV/2005, according to the letter from the Federal Ministry for Education, Science and Culture, dated 10 August 2005, No. 8.405/0015-VI/1/2005.

The change to the constitution, decided on at the Academy General Assembly on 12 October 2007, was confirmed by virtue of a decision by Federal President Dr. Heinz Fischer on 30 November 2007, No. 502.000/1-BEV/2007, according to the letter from the Federal Ministry for Science and Research, dated 9 January 2008, No. 50811/07.

The change to the constitution, decided on at the Academy General Assembly on 17 December 2010, was confirmed by virtue of a decision by Federal President Dr. Heinz Fischer on 16 February 2011, No. S400020/1-BEV/2011, according to the letter from the Federal Ministry for Science and Research, dated 2 March 2011, BMWF-9.041/0018-II/9a/2010.