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19. Federal Law: Legal Personality for Religious Confessional Communities

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19. Federal Law about Legal Personality for Religious

Confessional Communities

The National Council has decided:

Concept of a religious confessional community

§ 1. Religious confessional communities in the sense of this federal law are associations made up of adherents of a religion which are not legally recognized.

Acquisition of legal personality by a religious confessional community

§ 2. (1) Religious confessional communities acquire legal personality according to this Federal Law by means of an application to the Federal Minister of Education and Cultural Affairs, after expiration of a period of six months following the filing of this application, if within this period of time a notice has not been served regarding the denial of legal personality (section 5).

(2) The Federal Minister of Education and Cultural Affairs has to announce the reception of applications according to Paragraph 1 in the Official Gazette of the Vienna Newspaper.

(3) Regarding the acquisition of legal personality a decision in writing has to be made which has to mention the name of the religious confessional community as well as the bodies authorized to represent it externally (by general designation).

(4) The Federal Minister of Education and Cultural Affairs must connect the dissolution of each association, whose purpose exists in the proclamation of the religious teachings of that corresponding religious confessional community with the notice of assessment according to par. 3.

(5) If a religious confessional community upon dissolution of an association which serves to support that corresponding religious confession, is newly formed, then the surrendered legal rights are simply to be viewed as a change in the legal form and as a further continuance of one and the same taxable entity (legal entity).

(6) Religious confessional communities who have legal personality according to this Federal Law have the right to call themselves "publicly enrolled religious confessional communities with legal personality".

Application of the religious confessional community for acquisition of legal personality

§ 3. (1) The application of the religious confessional community for its acquisition of legal personality has to be submitted by the authorized representation of the religious confessional community: The authorization of representation is to be substantiated. Furthermore, a mailing address has to be given.

(2) The charter and supplemental records have to be included with the application from which contents and practices of the religious confessional community can be ascertained.

(3) Along with the application, evidence has to be supplied that the religious confessional community has at least 300 adherents who are registered as living in Austria, who are not adherents of a religious confessional community with legal personality or legally recognized church or religious society.

(4) Existing associations in the territory of the federal government whose purpose is the proclamation of religious teachings of the religious confessional community, have party position in the process; they are to be identified with their application.

Charter

§ 4 (1) The charter has to contain:

1. Name of the religious confessional community which has to be made up in such a way that it can be related to the teachings of the religious confessional community and that confusion with any existing religious confessional communities with legal personality and legally recognized churches and religious societies or their establishments are excluded,
2. presentation of the religious teachings which have to be different from the teachings of any existing religious confessional communities in harmony with this federal law as well as from the teachings of any legally recognized churches and religious societies,
3. presentation of the purpose and goals of the religious confessional community, as well as the rights and responsibilities of the adherents of the religious confessional community which result from its religious teachings,
4. regulations as to the beginning of membership and the termination of membership, whereby in any case the termination is to be guaranteed according to section 8 par. 1,

5. manner of appointment of the bodies of the religious confessional community, their factual and local realm of activity, sent and responsibility within the governmental realm,
6. external representation of the religious confessional community,
7. manner of raising funds required to meet its economic needs,
8. regulations in the event of termination of legal personality, whereby it is especially important to make certain that claims against the religious confessional community are to be handled in the required manner and the assets of the religious confessional community are not used for purposes which are contradictory to its established goals.

? (2) The charter may also provide for local sections of the religious confessional

community to acquire their own legal personality. In this case the charter has to determine concerning those sections:

1. designation of the local realm of activities,
2. its own bodies authorized to represent it,
3. directions concerning the transfer of rights in case of liquidation of this legal personality.

Denial of the Acquisition for Legal Personality

§ 5 (1) The Federal Minister of Education and Cultural Affairs has to deny the acquisition of legal personality, if

this, in connection with the teaching or its application is necessary for the protection of the interest of public security, public order, health and moral, or the protection of rights and freedoms of others existing in a democratic society; this especially applies in summons under requirement of paying a fine for conduct violating the law, in hindrance of the psychological development of youth, in violation of the psychological integrity and in application of psychologically therapeutic methods especially for the purpose of disseminating religious belief.

the charter does not comply with section 4.

(2) The denial of legal personality is to be announced in the "Official Gazette

the Vienna Newspaper".

Acquisition of legal personality for local sections of a religious confessional community *

§ 6 The acquisition of legal personality for local sections of a religious confessional community requires an application by the religious confessional community to the Federal Minister of Education and Cultural Affairs and becomes effective on the day of its receipt. The Federal Minister of Education and Cultural Affairs has to confirm the receipt of the enrollment notice.

Notification duties of the religious confessional community with legal personality

§7 Religious confessional communities and their sections with legal personality have to report the names and addresses of their respective bodies authorized to represent them as well as any change of their charter without delay to the Federal Ministry of Education and Cultural Affairs. The notification of denial is to be given; if an appointment of bodies contrary to the charter becomes known to the authority respectively, if the change of the charter would give cause for a denial according to section 5.

Termination of Membership to a religious confessional community

§ 8 (1) The termination of membership to a religious confessional community takes place in any case through the declaration of withdrawal before the District Administrative authority. These are to inform the respective religious confessional community of the withdrawal.

(2) Fees for the withdrawal may not be requested.

Termination of Legal Personality

§9 (1) Legal personality is terminated by

1. voluntary liquidation, which has to be announced to the Federal Minister of Education in writing,
2. deprivation of legal personality.

(2) The Federal Minister of Education and Cultural Affairs has to deprive a religious confessional community or its section of its legal personality, if

1. it does not meet or no longer meets one of the requirements relevant for the acquisition of legal personality,
2. it has not been possessing representative bodies legally capable to function in the public realm for at least one year,
3. in case of conditions existing for a denial of legal personality according to section 5, if the cause for deprivation continues to exist despite request to remedy the matter or
4. conduct contrary to the charter, if it continues to exist despite request to remedy it.

(3) The denial of legal personality is to be announced in the Official Gazette of the Vienna Newspaper.

Register about the religious confessional community with legal personality

§10 (1) The Federal Minister of Education and Cultural Affairs has to keep a register of the religious confessional communities with legal personality. This is to contain:

1. Name of the religious confessional community,
2. legal personalities for sections,
3. business number and date of notice of assessment according to section 2, par. 3,
4. representative bodies and signatory power,
5. when terminating legal personality, the reason.

(2) The register is public.

(3) Information as to the address of the religious confessional community and

the authorized representative members, is to be given to anyone requesting it. Further, upon application of the religious confessional community or also otherwise persons or institutions, which prove a legitimate interest, to give certification of who is the authorized representative of the religious confessional community in the public realm according to the present charter and the registration in section 7.

Additional requirements for recognition according to the law of recognition

§ 11 (1) Additional requirements to the requirements described in the law concerning legal recognition of religious societies, RGB1.Nr. 68/1874, are:

1. Existence as a religious association for at least 20 years, and of these, at least 10 years as a religious confessional community with legal personality in the sense of this federal law,
2. number of adherents in the amount of at least 2 of 1,000 of the inhabitants of Austria according to the last poll of the number of inhabitants,
3. use of receipts and assets for religious purposes (which also include purposes of common benefit and of charity as based in its religious objective)
4. positive basic attitude towards society and government,
5. no unlawful disturbance in the relationship toward existing legally recognized churches and religious societies or other religious associations.

(2) This federal law applies to current administrative proceedings on the basis

of the law concerning legal recognition of religious societies. Applications for recognition as a religious society are to be considered as enrollment notice according to section 3, with the day of this federal law becoming effective being viewed as the day of its submission.

Concluding requirements

§ 12 This federal law takes effect on the day following its announcement.

§ 13 The Federal Finance Minister has been entrusted with the execution of section 2, par. 5, of this federal law, in other respects, the Federal Minister of Education and Cultural Affairs has been entrusted with its execution.