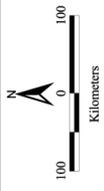




**Republic of Austria**

Capital: Wien (Vienna)  
 Population: 8.2 Million  
 (2002 est.)

Boundaries and place names are representative only and do not imply official endorsement.



Source: CIA World Factbook;  
 Times Atlas of the World; ESRI Ltd.

# Republic of Austria

ANDREAS KIEFER

Austria's federal Constitutional Act (Bundes-Verfassungsgesetz, or B-VG) of 1920 – considerably amended in 1929 and more than ninety times thereafter<sup>1</sup> – established Austria in Article 1 as a democratic republic and in Article 2 as a federal country “consisting of the autonomous *Länder*<sup>2</sup> of Burgenland,<sup>3</sup> Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg, and Vienna.” The B-VG grants equal powers to all *Länder*.

The *Länder* engage in relations with neighbouring regions through bilateral and multilateral cooperation agreements. Since the late 1980s the *Länder* have entered into numerous associations and regional networks; they now participate in regional bodies of the European Union (EU) and the Council of Europe (CoE), namely the Committee of the Regions (CoR) and the Congress of Local and Regional Authorities (CLRAE), both established in 1994. The *Länder*, rather small compared to other European regions, therefore pursue a policy of networking and of having allies when they are needed for political support.

Both federal external and European relations occur in a highly developed structure. The name change of the federal Ministry for Foreign Affairs to the Ministry for European and International Affairs in 2007 demonstrates the increasing importance of Austria's membership in the European Union and demonstrates that European affairs are no longer seen as strictly international. The *Länder* and municipalities, moreover, share in Austria's financial contribution to the EU,<sup>4</sup> and because they are affected by EU legislation, the *Länder* participate in EU lawmaking, in regulating and implementing bodies such as the Council of Ministers, and in comitology within the Austrian delegation and within consultative bodies such as the CoR.

## AUSTRIA AT A GLANCE

On 1 January 2007 Austria had 8,298,923 residents.<sup>5</sup> It shares borders with eight other countries. Only 37.4% of its territory (31,355.16 of 83,871.13 km<sup>2</sup>)

can be permanently inhabited. The Austrian population is rather homogenous, although at 9.4%, it has the second-highest percentage of foreign residents in the EU. The four largest groups are from Serbia/Montenegro (140,000 persons), Turkey (114,000), Germany (104,000), and Bosnia and Herzegovina (88,000). The official language is German, which, according to the 2001 census, is spoken by 88.6% of the population, although officially recognized minority languages such as Croatian (1.6%), Hungarian (0.5%), and Slovenian (0.3%) are also spoken in parts of the country.<sup>6</sup> For cross-border cooperation by the *Länder* in Euro-regions and especially in multilateral forums, English is increasingly becoming the working language.

In 2006 gross domestic product (GDP) per capita amounted to approximately €31,060 (US\$42,293);<sup>7</sup> total GDP constituted 2.3% of the EU-25's GDP. In 2004 GDP per capita ranged from €20,100 (US\$27,160) in Burgenland to €31,800 (US\$42,960) in Salzburg; in Vienna, the capital, it was €40,300 (US\$54,450). Rates of economic growth in recent years have been stable, with 2.4% growth in 2006. *Länder* bordering on the new EU member states show higher rates of economic growth than the western *Länder*, whose economies are oriented toward Germany and Italy. The Austrian Institute for Economic Research expects real GDP growth from 2007 to 2011 to be 2.5% annually, slightly higher than the 2.3% expected for the Euro-area.<sup>8</sup>

Foreign trade figures for 2005 show that the Austrian economy depends more on exports than do the economies of the other member states of the EU. Approximately 84% of its trade is with EU countries.<sup>9</sup>

External relations of the *Länder* complement federal foreign policy. The latter often does not cover all competences, fields of action, or interests of the *Länder*. With their long traditions and identities as former duchies or principalities in the Austro-Hungarian Empire, the *Länder* have always practised cross-border cooperation. Salzburg, for example, became a part of Austria only in 1805. Since the beginning of the thirteenth century, it had been an independent principality ruled by prince-archbishops and had therefore developed its own diplomatic tradition.<sup>10</sup>

As a small country, Austria depends on good relations with its neighbours and the international community. A year after it declared permanent neutrality on 26 October 1955, Austria became a member of both the United Nations (UN) and the Council of Europe. Together with other partners, it co-founded the European Free Trade Association (EFTA) in 1960. After joining the EU in 1995, it held the presidency for two six-month terms in 1998 and 2006.<sup>11</sup>

## THE CONSTITUTIONAL SETTING FOR FOREIGN RELATIONS

### *The Constitutional and Legal Framework*

Article 10 of the B-VG assigns the external political and economic representation of Austria to the federation. The federal order also holds the

treaty-making power, although it must consult with the *Länder* before concluding international treaties that the *Länder* would be required to implement. The views of the *Länder*, however, are not binding. Only if the federation concludes treaties on matters within the jurisdiction of the *Länder* is the approval of the Federal Council, the second chamber of the federal Parliament, required (B-VG, Art. 50). The Federal Council is composed of members in proportion to the number of inhabitants in the *Länder* elected by their parliaments (*Landtage*). As will be explained below, the role of the *Länder* in Austria's EU policy is much stronger than it is in foreign policy generally.

A 1988 amendment to the B-VG<sup>12</sup> grants the *Länder* treaty-making power. Article 16 enables the *Länder* to conclude international treaties with neighbouring countries or other constituent units in matters falling within their autonomous spheres of action. The procedures require the respective *Land* government to inform the federal government before the start of negotiations. Federal approval must then be obtained prior to conclusion of the treaty. On request of the federal government, a *Land* must terminate negotiations of a particular treaty. Finally, according to Article 66 of the B-VG, the federal president can delegate the power to sign an international treaty to a *Land* government but only where such a treaty does not amend or complement existing laws. Not surprisingly, then, the *Länder* have not yet made use of the new provision.

In addition to this type of limited treaty-making power, Article 9, paragraph 2, of the B-VG could possibly serve as a basis for cross-border and transnational activities as well as for the creation of attendant institutions. Designed for Austria's participation in the activities of intergovernmental organizations, this provision states that federal powers can be transferred to intergovernmental organizations and their authorities after approval by Parliament. The activities of foreign authorities in Austria or the activities of Austrian authorities in foreign countries must be regulated in the same way. As the wording is clearly "federal," there is dispute about whether – in view of recent developments in Europe – it can be applied also to the *Länder*. The (first) additional protocol to the Madrid Convention, which came into force for Austria on 18 June 2004, further developed possibilities for cross-border cooperation by providing for the establishment of cross-border institutions (with or without legal personality) and in Article 4 for the establishment of a public law entity "if the national law allows it." But it is doubtful that this would be the case. Thus the *Länder* have very limited power to conclude agreements that establish transnational public law institutions. The European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities of the Council of Europe entered into force in Austria on 19 January 1983 and served as the basis for bilateral agreements with Italy in 1993 and Slovakia in 2003.

*Flexibility and Pragmatism: Agreements and Memoranda of Understanding  
as Subjects of Civil Law*

Thus limited in developing external relations as part of their official activity, the *Länder* have done so as subjects of civil law instead. The federation, *Länder*, and municipalities can exercise their powers as public authorities to enact laws or other generally binding regulations or can exercise executive or judicial powers by issuing general executive decrees, individual administrative rulings, or court judgments. Alternately, they can act as “quasi” private persons; in other words, they can act as subjects of the civil law, or the so-called *Privatwirtschaftsverwaltung*.

This second kind of exercise of power is of great importance for cross-border and transnational activities. Because many such activities can be considered economic, social, or cultural, they can be undertaken by regional or local authorities acting through the instrumentality of civil law. Accordingly, many memoranda of understanding, cooperation agreements, and so on used in cross-border and interregional activities of both *Länder* and local authorities are based on Article 17 of the B-VG. Although these agreements are not legally binding, they nonetheless express the signatories’ commitment to implement common projects. These cases do not require the supervision or approval of the federation. As no registration takes place, the number of these agreements is not documented centrally.

The importance of Article 17 for activities of both the national government and the *Länder* was demonstrated recently in the coalition agreement of the Austrian federal government sworn in on 11 January 2007. The government clearly stated that the content of Article 17 shall be retained unchanged throughout the constitutional reform process foreseen for the 2007–10 legislative period.

## ROLE AND STATUS OF THE *LÄNDER* WITHIN THE EU

### *Role in Forming and Implementing EU Policy*

The *Länder* actively promoted Austrian membership in what was then known as the European Communities (EC). On 13 November 1987 the *Land* Governors’ Conference (Landeshauptleutekonferenz) requested that the federal government immediately submit an application for membership. In the run-up to Austria’s entry into the European Economic Area (EEA) and the EU, the *Länder* – in a development similar to that of Germany – demanded that their rights to be informed of and to participate in European integration matters be entrenched in the federal Constitution.<sup>13</sup>

This demand was met by the involvement of the *Länder* from 1989 on in the Council for Matters of Integration Policy. In 1992 an amendment was

made to Article 16 of the B-VG that introduced information and participation rights of the *Länder* in developing Austria's EU policy. To specify the implementation of the new provisions, two treaties pursuant to Article 15 of the B-VG<sup>14</sup> were concluded on 12 March 1992: one between the federation and the nine *Länder* and another among the nine *Länder*. The 1994 amendment to the B-VG took account of Austria's imminent entry into the EU. A new section entitled "The European Union" established the necessary provisions in Article 23 of the B-VG, replacing and specifying those introduced in Article 16 in 1992.

With the coming into effect of the Maastricht Treaty in 1994, several EU member states introduced constitutionally or legally granted participation rights for their regions. Negotiation of the Maastricht Treaty (concluded on 7 February 1992) led Germany to introduce Article 23 into its Basic Law as well as a new law detailing the cooperation of the federation and *Länder* in EU matters. Coincidentally, the article of the German Basic Law that served as a model for Austria and the corresponding article of the B-VG have the same number.

Under the new Article 23 of the B-VG, the federal government must inform the *Länder* without delay of all projects in the EU framework that affect their autonomous competences or are otherwise of interest to them; it must also allow the *Länder* to present their views within reasonable time. In return, the *Länder* have established coordination mechanisms to allow a swift response. Conferences of *Länder* experts prepare opinions that are presented to the federal chancellery, the Ministry for European and International Affairs, and if applicable, the responsible federal ministry via a liaison office located in Vienna (Verbindungsstelle der Bundesländer, or VST).<sup>15</sup> If the *Länder* present a uniform position (*einheitliche Stellungnahme* – as opposed to the nonbinding common position, see below) on an EU project that falls within their competence, the federation is bound by that position in negotiations and voting in the EU. It may deviate from the agreed position only for compelling foreign and integration policy reasons.

Previously, the *Länder* enjoyed the right only to express an opinion when international treaties affected their autonomous jurisdiction. The federal government was not obliged to heed a unified view of the *Länder*. This new requirement, therefore, brought a considerable increase both in the role of the *Länder* and in their position vis-à-vis the federal government. However, it should not be forgotten that the *Länder* did not gain new competences but only participation rights as a compensation for transfers of some of their sovereign powers to the EU.

From the introduction of this measure in 1992 to December 2007, the *Länder* passed seventy uniform positions. These dealt with such diverse matters as the acquisition of property, the draft guidelines on voting rights for EU citizens in municipalities, the European Commission's green paper

on tourism, specific aspects of EU entry negotiations with Hungary, and association talks with Turkey. In 2005 the *Länder* adopted positions on three EU initiatives: (1) a proposal for a directive on access to justice in environmental matters; (2) the draft EU Commission decision adopting the list of sites of European Community importance for the Atlantic biogeographical region, with direct impact on development plans and infrastructure projects in the *Länder*; and (3) the proposal for a directive on services in the Internal Market. In negotiations for the General Agreement on Trade in Services (GATS), the EU represents the member states in the World Trade Organization (WTO). The *Länder* adopted several resolutions seeking to exempt from GATS the opening of markets for services of general interest that are often provided by constituent units, such as water, health, education audiovisual services, urban transport, and social services. The federation respected the binding character of the uniform opinions and defended the *Länder* positions in the EU. The *Länder* also introduced these positions in the deliberations of the CoR and in networks of European regional and local authorities.

Because the autonomous legislative powers of the *Länder* are weak, EU legislation affects them only in part while also affecting the federation. Because the Austrian distribution of powers is highly fragmented, EU legislation often requires implementation by both the federation and the *Länder* – each within its sphere of legislation. As a result, the *Länder* often issue common positions (*gemeinsame Stellungnahmen*) that have no binding character. In 2005, 2006, and 2007 they adopted forty-nine common positions that were then generally respected by the federal government.

The reason for this high level of cooperation with the federal government is the strong executive dimension of Austrian federalism. This dimension is characterized both by the *Länder's* own extensive executive functions and by those transferred from the federal government to the *Länder* in the context of what is called indirect federal administration (*mittelbare Bundesverwaltung*) as outlined in Article 102 of the B-VG, whereby *Land* governments administer federal laws in the *Länder*. The *Länder* are responsible for implementing federal law in areas such as craftsmanship and trade, railway transportation, aviation and shipping, certain areas of environmental protection, health, and water. Further, the *Länder* have to implement legislation pursuant to federal framework laws – for instance, in land reform, provision of electricity, hospitals and nursing homes, and the organization of compulsory schooling. Many of these policies have an international dimension because they must take into account international agreements or EU norms. These responsibilities as well as the strong identities of the *Länder* are reasons for their participation in international and European affairs.

Similarly, the *Länder* are bound by Article 23 of the B-VG to take the necessary measures within their autonomous jurisdictions to transpose and

implement EU legislation. Should a *Land* fail to comply expeditiously with this obligation, implementation of EU laws temporarily becomes the responsibility of the federation – but only after a European court has found Austria guilty of failing to implement the legislation. The competence falls back to the respective *Land* once it has passed the required law. Only once (in 2002) has the federation had to act on behalf of a *Land*, when Carinthia failed to incorporate EU labour-protection regulations into its *Land* staff codes.<sup>16</sup>

### *Länder as Subjects and Objects of European Court Proceedings*

Besides introducing and defending *Länder* policy preferences, the federation defends the positions of the *Länder* in infringement procedures. In 2005 the European Commission held Austria responsible for failing to implement 24 of 1,635 directives; 11 of these fell within the jurisdiction of the federation, while 13 fell within the jurisdictions of both the *Länder* and the federation.<sup>17</sup> Over the years, the majority of directives affecting the *Länder* have dealt with nature and wildlife protection, the environment, and ski guides. Conversely, in the case of unlawful action or neglect by EU institutions in matters of *Land* legislation, the federal government – at the request of a *Land* – is obliged by Article 10 of the agreement concluded between the federation and the *Länder* in 1992 to press for appropriate legal remedies before the European Court of Justice (ECJ) – that is, if no other *Land* vetoes the action and no compelling integration or foreign policy reasons are claimed by the federation. The Constitutional Court would decide whether this was claimed rightly. No *Land* has thus far initiated a legal action. The costs of the proceedings are to be borne by the *Länder* that have demanded legal action.

In recent judgments, however, the EU courts have regarded not only member states but also constituent governments as capable of acting in court on matters falling within their legislative responsibility. On 5 October 2005 the Court of First Instance ruled against certain legal provisions issued by Upper Austria prohibiting the cultivation and planting of genetically modified organisms as well as the breeding and release of transgenic animals for the purposes of hunting and fishing.<sup>18</sup> These provisions were held not to comply with provisions of the treaty establishing the European Community and governing the EU's Internal Market.<sup>19</sup> More relevant than the result, however, was the court's acknowledgment of Upper Austria as a directly concerned legislator exercising powers granted to it by the Austrian constitutional system. This trailblazing decision forms the basis for *Länder* and regions to defend their own jurisdictions in European courts and constitutes an approach to a new role for the regions before European courts. If the domestic constitutional system assigns legislative competence to the regions, action by

the regions against a negative decision pursuant to EU provisions governing the Internal Market is now admissible.<sup>20</sup>

#### FEDERATION—LÄNDER RELATIONS IN FOREIGN AFFAIRS

The federation's relations with the *Länder* are managed by all federal ministries acting within their particular jurisdictions. There are no federal liaison officers or offices for discussing current domestic or foreign policy issues with the *Länder*. The newly appointed secretary of state for EU-region policy and administrative reforms in the federal chancellery deals largely with the *Länder* in these matters but holds no cross-cutting jurisdiction for general political relations with the *Länder*. If issues need to be discussed, the *Länder* invite the federal chancellor and/or ministers concerned to attend the *Land* Governors' Conference. For fundamental questions of Austria's EU and foreign policy and Austria's defence policy, the Council for European and Foreign Affairs and the National Security Council serve as contacts. The federation also includes representatives of bordering *Länder* in all bilateral commissions with neighbouring countries. Both the *Land* Governors' Conference and the Conference of the Presidents of the *Landtage* present the positions of the *Länder* to the federal government.

Since Austria became an EU member in 1995, European affairs and integration policy have become European domestic policy, and *Länder* participation has become a daily routine. With the increase in EU activities, the *Länder* and federal ministries have established working relations that did not previously exist with much intensity, if at all. The B-VG provides a flexible framework, and Article 22 states the rationale: "All authorities of the federation, the *Länder* and the municipalities are bound within the framework of their legal sphere of competence to render each other mutual assistance." Disputes over foreign policy rarely occur because the federation shares information with the *Länder* and involves them in a timely manner. This procedure leads to a general consensus on Austrian priorities in this field.

Implementation of both bilateral treaties and multilateral ones such as European charters is often a *Land* responsibility. Within their autonomous spheres of competence, the *Länder* are constitutionally bound to take all measures necessary to implement international treaties. Should a *Land* fail to comply punctually with this obligation, the legislative competence for taking these measures passes to the federation – without the requirement for a court ruling or arbitration. That said, any legislative measure the federation takes pursuant to this provision becomes invalid as soon as the *Land* involved takes the required action. This stipulation of Article 16 of the B-VG applies only to non-EU matters.

*Land Roles in International Negotiations and Organizations*

When the federation negotiates international agreements, the *Länder* exercise most of their influence in the preparatory phases that shape Austria's position. The *Länder* nominate 42 politicians and 197 civil servants as joint representatives<sup>21</sup> for Austrian delegations in the EU, the CoE, and the most important international organizations. These delegates must make it clear that they act on behalf of all nine *Länder*. To that end, they must seek a mandate and instructions for their activities and negotiations before meetings. They must also provide the relevant meeting documents and information to the other *Länder* and report back after the meetings.

As for representation in major international forums such as United Nations agencies, the *Länder* nominate joint representatives for bodies dealing with matters of *Länder* relevance (e.g., the World Health Organization (WHO) Charter on transport, environment, and health). In addition, joint representatives participate in the UN Environment Program (UNEP), and *Länder* develop their own strategies to implement the UN's Millennium Goals domestically. Within the Council of Europe, *Land* ministers sit in ministerial conferences such as those for regional planning (Conférence Européenne des Ministres responsables de l'Amenagement du Territoire, or CEMAT), local authorities, and the environment. Civil servants – often the sole representatives of Austria – also attend meetings of the Steering Committee on Local and Regional Democracy (CDLR) and its subgroups, committees for the protection of animals in agriculture, the Berne Convention on the conservation of European wildlife and natural habitats, the Pan-European Ecological Network, the European Landscape Convention, and various other committees. But the majority of the 22 politicians and 173 civil servants are appointed to EU bodies, committees, and working parties.

*Involvement of Länder in Austrian External Affairs and Defence*

Between 1989 and 2001 the *Länder* participated in the Council for Matters of the Austrian Integration Policy, which dealt with EU matters only. The Council for Matters of Austrian Integration and Foreign Policy and the National Security Council were established in 2001, replacing the former Council for Foreign Affairs and the Council for (European) Integration. This reorganization enhanced involvement of the *Länder* and allowed their EU experience since 1995 to be taken into account. The *Länder* send two representatives of the *Land* Governors' Conference and two representatives of their *Landtage* to the Council for Matters of Austrian Integration and Foreign Policy. The council advises the federal government on fundamental questions of foreign policy that have not been reserved for the

National Security Council. The latter advises the federal government on all fundamental matters of foreign, security, and defence policy. A representative of the chair of the *Land* Governors' Conference must sit on the council as an advisory member. If the council deals with issues touching on the interests of a *Land*, the respective *Land* governor must also be invited.

Are the various *Länder* permitted to engage in foreign relations with other countries independently? The policy is quite ambiguous here. In 2002 the Federal Council discussed whether a formal coordination of *Länder* foreign activities with the federal government should take place. Benita Ferrero-Waldner, the foreign minister at the time, stated that no such institutional coordination existed; instead, *Land* governments and federal services held ad hoc meetings when appropriate. As a reaction to a public debate caused by several visits – neither clearly private nor clearly official – of the governor of Carinthia to Libya and Iraq, Ferrero-Waldner addressed the *Land* Governors' Conference. She renewed an earlier offer to use the knowledge and experience of the diplomatic service abroad for visits of *Land* representatives abroad. On 6 March 2002 the conference took note that governors would inform the federal Ministry for Foreign Affairs of political visits abroad and, if required, would make use of the support offered. In practice, Austria's embassies and consulates are frequently asked to prepare official visits of *Land* politicians and delegations.

#### *Joint Initiatives and Projects*

Beyond official missions abroad, the federation and *Länder* often implement common projects abroad or joint projects with an international dimension, among them the Austrian School and the Colegio Viena in Guatemala City, Austrian libraries and cultural institutes, and development projects in countries in Asia, Africa, and South America. Directly after the Indian Ocean tsunami of 2004, Austria provided €5.7 million (US\$7.7 million) in humanitarian aid, and the federal government, *Länder*, and municipalities prepared a reconstruction program and provided €50 million (US\$67.5 million) over three years. The federation contributed €34 million (US\$45.8 million), the *Länder* €10 million (US\$13.5 million), and the cities and municipalities €6 million (US\$8.1 million) for projects like national reconciliation, recovery, tourism, and infrastructure.

A further example of joint international projects is the Reconciliation Fund, involving reparations for an estimated 150,000 persons pressed into forced labour during the Second World War. On 24 October 2000 bilateral agreements were signed with Belarus, Poland, the Czech Republic, Ukraine, and Hungary,<sup>22</sup> as well as an executive agreement with the United States. By the end of 2003 the fund included contributions from the federation

totalling €268.9 million (US\$363.3 million), from the *Länder* totalling €36.3 million (US\$49 million), and from the Austrian private sector totalling €133.8 million (US\$180.8 million), as well as funds from other donors.<sup>23</sup>

From 1985 onward, Austrian cities, *Länder*, and the federal government opposed a decision of the minister-presidents of the German *Länder* in 1979 to build a nuclear reprocessing plant in eastern Bavaria. They passed resolutions against this project and made representations to German administrators, arguing that the safety of the citizens was not guaranteed. On 22 July 1998 Austrians presented their concerns at a public hearing in Bavaria. Members of *Land* governments and parliaments, mayors and municipal councillors, and even the federal minister for the environment defended the Austrian position. After the death in autumn 1989 of the main political promoter of the plant, the minister-president of Bavaria, Franz-Josef Strauss, the operating company withdrew the project.<sup>24</sup> Similarly, *Land* governments and *Landtage* adopted resolutions against nuclear plants in the Czech Republic (Temelin and Dukovany), the Slovak Republic (Bohunice and Mochovce), Slovenia (Krsko), and Bulgaria (Kosloduy), asking the federal government to introduce them at the European level. This Austrian antinuclear activity led to considerable tensions with these countries.<sup>25</sup>

#### DOMESTIC AND INTERNATIONAL MANIFESTATIONS OF *LÄNDER* DIPLOMACY

Size affects external relations. Austria, as a small country, and the *Länder*, as small polities, depend on coexistence, cooperation, and mutual exchange with their neighbours and with partners that have similar interests. *Länder* external relations occur in bilateral, multilateral, and institutional contexts as well as in the framework of Austria's federal foreign policy. The German and Swiss term "*kleine Aussenpolitik*" (minor foreign policy) is not used in Austria.

Foreign and European affairs of a political as opposed to functional nature are the governors' responsibility. They receive ambassadors, pay official visits to other countries, and represent their *Länder* both politically and legally. In most *Länder*, matters such as visits of international dignitaries and general partnership agreements are the responsibility of protocol offices. European affairs offices manage institutional involvement in the CoR and the CLRAE as well as in interregional associations. Integrated into the general staffs or the legal and constitutional services of the administration, these offices deal with cross-cutting issues.<sup>26</sup>

Foreign and external activities of the *Länder* are well documented in the annual report on Austrian federalism published by the Innsbruck-based Institute for Federalism, in the annual foreign policy report of the federal Ministry for European and International Affairs, and in many publications of the *Länder* themselves.<sup>27</sup> All these provide a good overview of external

activities of the *Länder*, including official visits abroad. Budget data and human resources, however, are not specified, as foreign activities also occur in the portfolios of the ministers for culture, economy, tourism, agriculture, youth, and most others too. All *Länder* and the federation have agencies to promote investment and/or exports.<sup>28</sup> Subsidies for foreign investments in the *Länder* are limited due to the Internal Market and the state-aid regime of the EU. The *Länder*, therefore, focus their economic development strategies on establishing research clusters, adjusting their educational priorities to take account of the needs of the economy, and offering affordable land with rail, road, and air connections. Because of the party composition of governments and the *Landtage*, external activities are carried out mainly by politicians of the two largest political parties, the Sozialdemokratische Partei Österreichs (SPÖ) and the Österreichische Volkspartei (ÖVP). In the *Land* parliaments, the SPÖ and the ÖVP have 183 and 168 seats, respectively, or 78.3% of the total of 448. The *Land* governments are led by four SPÖ governors, four ÖVP governors, and one Alliance for the Future of Austria (Bündnis Zukunft Österreich, or BZÖ) governor. From 2000 to 2005 *Land* politicians conducted 273 official visits to 49 countries. The majority of these visits (180) were to 18 EU countries – not counting institutional activities in the CoR, plenaries and committee meetings in Brussels, and CLRAE activities. The federal president also invites *Land* representatives to join delegations on state visits. Examples since 2000 have included the governors of Burgenland (to Germany and Iran), Salzburg (China and India), Tyrol (India), and Upper Austria (Germany).

In practice, the official foreign activities of legislators are generally limited to acting as speakers and chairpersons of the European and integration committees of the *Landtage*. The annual conferences of the presidents of the constituent-unit parliaments of Germany, Austria, South Tyrol (Italy), and the German Community in Belgium have become valued forums. Some regional parliaments have organized study visits – many to Brussels but also to other parts of Europe. The European Affairs Commission of the *Landtag* of Upper Austria, for example, visited 25 of 27 EU member states and therefore developed European contacts and knowledge of Europe's affairs. All political parties participate. *Landtage*, particularly opposition parties, sometimes raise issues like the cost of official visits abroad, the composition of the delegations, and actual achievements of the objectives of the missions.

The *Länder*, regardless of their size or budget situations, also engage in bilateral cooperation with other regions or countries. This happens in partnerships not only with neighbouring regions but also with regions and sovereign states far from Austria, although their competence to enter into formal state treaties is limited to neighbouring states. The following examples, by no means exhaustive, demonstrate the geographic scope and the

nature of the agreements made by virtue of Article 17 of the B-VG: Salzburg and the Republic of Slovenia (common declaration of the governor and the minister-president of Slovenia, 1992), Salzburg and the Chinese province of Hainan (partnership agreement, 2000), Upper Austria and the Western Cape province of South Africa (agreement, 1995), Upper Austria and Israel (memorandum of understanding, 2004), and Styrian cooperation projects with thirty-five countries. Cooperation by *Länder* with constituent units of the Russian Federation is documented on the website of the Austrian embassy in Moscow.<sup>29</sup> Of the thirty-six agreements concluded between the Russian Federation and Austria,<sup>30</sup> several areas – such as tourism, culture, science, technology, and health – affect the jurisdiction of the *Länder*.

After bilateral cooperation and partnership agreements, the *Länder's* involvement since the 1970s in so-called “working communities” (*Arbeitsgemeinschaft*, or ARGE) has marked a period of growing international activity. ARGE ALP (1972), ARGE Alpen Adria (1978), and ARGE Donauländer (1990) were established with active participation by the *Länder*. The driving force behind these communities was the practice of the principle of subsidiarity, the will to find solutions for common problems without involving the national governments, and the will to present common proposals to them. These working communities also run projects with a people-to-people approach, including family activities and sports events such as the ARGE ALP Trophy, which unites figure skaters from the ten member regions of Austria, Germany, Switzerland, and Italy. A particularly successful network was established in 1972 when the governments of Baden-Württemberg and Bavaria in Germany, the Swiss cantons Appenzell-Außerrhoden, Appenzell-Innerrhoden, St Gallen, Schaffhausen, Thurgau, and Zürich, the Austrian *Land* Vorarlberg, and the duchy Liechtenstein founded the International Conference of Lake Constance (Bodenseekonferenz) to protect and develop the lake area in an environmentally friendly fashion for human use.<sup>31</sup>

Vienna has developed its own external-relations policy to promote the establishment of CENTROPE: an organization involving three Austrian *Länder* and regions from the Czech Republic, the Slovak Republic, and Hungary. As the seat of several international organizations (e.g., UN and OPEC) and their agencies (e.g., the EU's Fundamental Rights Agency, or FRA), Vienna enjoys special support from the federation. Together with the Vienna Chamber of Commerce, the *Land* and city run the Vienna Business Agency, which maintains representative offices for the promotion of commerce and tourism in Brussels, Hong Kong, and Tokyo.

Since Austrian accession to the EU, the *Länder* and municipalities have joined the federal government in cross-border cooperation programs with neighbouring countries. Between 1998 and 2002 Austria seconded experts

from federal and *Land* administrations to help implement approximately 160 twinning partnerships with regions and cities in the Czech Republic, Hungary, Slovakia, and Slovenia.

*Regions with Legislative Powers, Euro-Regions, and Others*

EU regions with legislative powers have established two networks through which to pursue their interests – especially in institutional matters but also in improved lawmaking, subsidiarity, the safeguarding of regional spheres of legislation, access to European courts, and regional democracy and autonomy. These networks are the Conference of the European Regional Legislative Parliaments (CALRE), founded 1997 in Asturias, Spain, and the Conference of Presidents of Regions with Legislative Powers (REGLEG), established in Barcelona in November 2000. Only 8 of the 27 EU member states – Austria, Belgium, Finland, Germany, Italy, Portugal, Spain, and the United Kingdom – have regions with legislative powers (there are 74 such regions in total).<sup>32</sup> All nine Austrian *Länder* participate in the two networks.

Beginning in 1995, cross-border Euro-regions composed of local authorities have been established in Upper Austria, Salzburg, Tyrol, and Vorarlberg with significant support from the *Länder*. Legally nonbinding development strategies – for example, concerning transport, health, infrastructure, and sports facilities – are being implemented with financial support from the EU, Germany, Austria, and the *Länder*. The fall of the Iron Curtain finally brought new opportunities for the eastern *Länder* to cooperate with their neighbours in the fields of infrastructure, economic development, tourism, and so on. In 2003 Burgenland, Lower Austria, and Vienna joined Bratislava (in Slovakia), Trnava and Brno (in the Czech Republic), and Győr and Sopron (in Hungary) in signing the founding document to create a new Euro-region.

In addition to associations with a broad mandate, there are also networks or associations of regions with a narrower focus – for example, organic farming. In Austria 8% of farming is organic. With the highest rate in the EU, followed by Finland with 6%, it is only natural for Upper Austria, Salzburg, Burgenland, Styria, Carinthia, Tyrol, and Lower Austria to engage actively in a European network of GMO-Free Regions.<sup>33</sup> It comprises forty regions from six countries. These *Land* activities complement the position of the federal government. The federation and the *Länder* share the cost of the required national co-financing for EU subsidies for agriculture at an average ratio of 60:40.

Other significant pan-European regional associations with Austrian membership are the Council of European Municipalities and Regions (CEMR), the Association of European Border Regions (AEBR), the Assembly of European Viticultural Regions (AREV), and the Airport Regions Conference (ARC).

THE EU: A NEW KIND OF DOMESTIC POLITICS

Due to their experiences in interregional associations and networks, the *Länder* were well prepared for Austria's EU membership. EU politics have become regular matters of domestic politics wherever *Länder* competencies are affected. Depending on different *Land* constitutional settings, *Landtage* discuss EU affairs in their EU committees and pass the legislation required for transposition of EU directives. In general, however, foreign and European affairs are the domains of the executives.

*Participation in Austrian Delegations and the Council of Ministers*

Article 23d, paragraph 3, of the B-VG implements Article 203 of the Treaty Establishing the European Community (TEC)<sup>34</sup> in Austria. In matters of *Land* legislation, the federation can transfer participation in the creation of an opinion in the EU to a representative named by the *Länder*. Due to swift coordination mechanisms between the federation and the *Länder* and the possibility of *Land* participation in all preparatory interministerial meetings, political representatives of the *Länder* have rarely participated in meetings of the Council of Ministers. The federation generally feeds *Land* positions into the official Austrian position. Here, it should not be forgotten that the autonomous legislative competences of the *Länder* are reflected not in a single Council of Ministers committee but only as small elements in several of them. Early participation of *Land* representatives in preparatory meetings has therefore proven to be more effective than single appearances at the council's meetings, where the coordinated position of the member nation-state has to be presented.<sup>35</sup>

The agreement concluded between the federation and the *Länder* on 12 March 1992 calls for *Land* politicians or officials to be included as representatives in the Austrian delegations. For instance, one or two *Land* presidents have participated in ministerial meetings on EU membership negotiations and were able to influence the Austrian delegation's position in important areas such as transalpine transport and secondary residences. At the same time, *Land* representatives were able credibly to explain the Austrian position and negotiation results to their people before the referendum on EU membership of 12 June 1994.

For the 2000 Intergovernmental Conference on institutional reform of the EU (Treaty of Nice), the *Länder* successfully introduced their positions via the federal government as well as via the interregional networks. The treaty extends majority voting to a series of additional areas, whereby Austria – supporting the extension in principle – managed to have unanimous voting retained in particularly sensitive areas touching on *Land* competences such as water management, land use, choice of energy, strategic transport policy, and some environmental questions. Austria is a

nuclear-free country. This position is shared by the federation, the *Länder*, and the municipalities and is also defended on the international scene.

The governors of Salzburg and Vorarlberg were nominated to participate in the 1996 and the 2000 Intergovernmental Conferences and to prepare the Austrian position domestically. Only Austria, Belgium, and Germany include representatives of the constituent states in these delegations. On the civil service side, the representative of the *Länder* in Austria's permanent representation to the EU is nominated for all European Council meetings and participates as a member of the Austrian delegation.

#### *Presence of the Länder in Brussels*

The *Länder* are entitled to second staff – at their own expense – to Austria's Permanent Representation to the EU in Brussels. Two officers from the staff of the Vienna-based liaison office of the *Länder* work there permanently, with diplomatic status. Their full integration opens early access to nearly all documents that pass from the Permanent Representation to the national capital. Thus the *Länder* receive documents and briefings from their representative in the Permanent Representation, from the Ministry for European and International Affairs, and from their own offices. Between 1992 and 1995, eight of the nine *Länder* established liaison offices to the European Union in Brussels to collect information and lobby primarily the European Commission and the European Parliament for specific projects and policies and for secondments of staff and student internships. Due to the small size of these offices (one to five people), each *Land* focuses on specific topics and develops expertise on these topics, which is then shared among the *Länder*.

Cross-border cooperation between Austrian Tyrol and the autonomous provinces of Bolzano/Südtirol and Trento in Italy provided the motive for establishing a shared liaison office of the Europaregion Tyrol in Brussels in 1995. Although Tyrol ran the office together with the chambers of commerce of the Italian partners, the Italian government considered this an illegal act of regional foreign policy and launched proceedings at the Constitutional Court. In 1997 the court found that cooperation procedures had been ignored, but it also underlined that, according to the principle of subsidiarity, the state could not permanently hinder offices of this kind. In the meantime, a 1996 Italian law permitted all regions to establish liaison offices in Brussels.

#### *The Committee of the Regions (CoR)*

The CoR is the EU counterpart of the CLRAE and became operational in 1994. Because approximately three-quarters of EU legislation is implemented by local or regional governments, local and regional representatives need a voice in developing EU laws. The 344 CoR members work in six committees,

and preparatory work is done in the 27 national delegations and four political groups. The nine *Länder* nominate one member and one alternate each; local authorities nominate three.<sup>36</sup> In 1994, following the German model, the *Länder* decided to nominate *Land* governors as members of the CoR. Alternate members include deputy governors, presidents of regional parliaments, and members of government or Parliament. From 1995 until 2007 Austrian members drafted 21 of 744 opinions adopted by the CoR, or 2.82%.<sup>37</sup> Given that the CoR is merely advisory, with neither the European Commission nor the European Council being bound by its opinions, it is not always certain how effective in fact the involvement of the *Länder* can be.

### *An Enhanced Status for Regions*

In general, European states have been very reluctant to acknowledge the autonomous activities of regional authorities. However, both EU regional policy and the EU program INTERREG have encouraged them, and future options of territorial cooperation will foster interregional cooperation in a way that member states alone would not have promoted or permitted. Nor would bilateral cooperation alone have achieved such cooperation. European legislation provides the basis for concrete actions across and beyond borders. Effective 1 August 2007, the European Grouping for Territorial Cooperation (EGTC) will enhance this basis by providing a formal cross-border legal structure for the cooperation of member states, *Länder* or regions, local authorities, bodies governed by public law, and the associations of those bodies.<sup>38</sup> By spring 2008, however, Austria had not passed the required domestic legislation, while all others had done so.

In the seven years from 2007 to 2013, EU regional policy will provide €308 billion (US\$416.1 billion) for projects stimulating interregional cooperation. That is approximately 36% of the EU budget. The new Objective 3, on “European territorial cooperation,” is funded to the extent of €7.75 billion (US\$10.5 billion), or 2.4% of the EU budget. Its three components of cross-border cooperation, transnational cooperation, and interregional cooperation will result in a doubling of EU funds, as these initiatives must be co-financed by national and mostly regional contributions.

Presently, the *Länder* participate in two transnational programs (formerly INTERREG III B): Central, Adriatic, Danubian, and South-Eastern European Space (CADSES) and Alpine Space (a program for spatial development in the Alpine region of several adjacent countries).<sup>39</sup>

### COUNCIL OF EUROPE

Analogous to the EU scheme but without a specific legal basis, the *Länder* participate in Austrian delegations to both ministerial conferences and

bodies of the Council of Europe (CoE) such as the Steering Committee for Local and Regional Democracy (CDLR). The *Land* and local authorities also appoint representatives to the CLRAE.

*The Congress of Local and Regional Authorities of Europe*

The CoE was the first European institution to set up a body for matters concerning the regions and local authorities. It began in 1952 with a parliamentary committee for local and regional questions, followed by a committee for local affairs established in 1954. In 1957 the Conference of Local and Regional Authorities was established. But the establishment of the Congress of Local and Regional Authorities of Europe (CLRAE) as a consultative body in the Council of Europe in 1994 marked a breakthrough. Its 315 full and 315 substitute members work in a Chamber of Regions and a Chamber of Local Authorities. As directly elected local and regional politicians, members represent the 200,000 local and regional authorities of the Council of Europe's member states. The *Länder* have three members and three substitute members. In 2007 these represented Tyrol, Lower Austria, Vienna and Carinthia, Upper Austria, and Salzburg.

Because the CLRAE established a working group for regions with legislative powers, it can consider the specific situation of these components better than can the CoR. The mandate and composition of this working group are updated and renewed every two years. It addresses, among other things, the role of second chambers of national parliaments as representative bodies for the regions/*Länder*, and it promotes a European charter on regional democracy.

*“Proxy Representation”*

In 2000 Austrian foreign policy was confronted with extremely difficult and unusual conditions arising from bilateral sanctions imposed by the other fourteen EU member states.<sup>40</sup> These sanctions aimed to undermine the formation of a federal government composed of ministers from the Christian Democratic *ÖVP* and the right-wing populist *Freiheitliche Partei Österreichs (FPÖ)* after elections on 3 October 1999. On 31 January 2000, after consultations with the other governments, Portugal announced that the fourteen EU member states would not promote or accept any bilateral official contacts at the political level with an Austrian government integrating the *FPÖ*. There would be no support in favour of Austrian candidates seeking positions in international organizations, and Austrian ambassadors in EU capitals would be received only at a technical level. Belgium, for example, completely froze military cooperation with Austria. The mayor of Brussels acted to exclude Austrian *Länder* from a tourism trade fair, the

Belgian foreign minister called for a boycott on vacations in Austria, and the French Community placed a ban on school visits there. France cancelled all events that could have had a public effect in the 2000 bilateral program of military cooperation. Individual school and student-exchange programs with France and Belgium were cancelled. Cultural, educational, and scientific cooperation were also affected – especially in Belgium and France but also in Luxembourg and the Netherlands.

Due to its isolation, Austria had difficulty safeguarding its interests in the EU and farther afield. It was also difficult to maintain a degree of objectivity in foreign public opinion, although the federal government immediately issued a clear commitment to Europe's common values and obligations when it took office on 4 February 2000. Austrian federal president Thomas Klestil appealed to the European Parliament on 12 April, asking it “not to lose sight of the principles of objectivity and fairness”<sup>41</sup> and to find a way out of the current situation. The president of the European Parliament, Nicole Fontaine, expressed the hope “that Austria can once again become a full partner in our Union.”<sup>42</sup> This statement, later described as a misunderstanding, was regarded in Austria as a deliberate provocation.

Although the opposition in the federal Parliament rejected motions against the sanctions, the *Land* Governors' Conference, representing the three major parties – ÖVP, SPÖ, and FPÖ – issued a joint declaration on 17 May 2000 expressly supporting diplomatic and political efforts by the federal government to lift the sanctions. The *Länder* supported these efforts through their own contributions at the regional level. Thus the regional parliaments of Carinthia, Styria, Tyrol, Salzburg, Vorarlberg, and Upper Austria adopted resolutions demanding that their respective *Land* governments actively work for the lifting of what they described as unjustified and undemocratically imposed sanctions. A number of German *Länder* adopted a noticeably independent and friendly attitude toward Austria in 2000.

The Belgian federal government avoided bilateral political contacts with members of the Austrian federal government, reducing all contact to a technical level. The *Länder* then used their political contacts established in the CoR, the Assembly of European Regions (AER), and the networks of regions with legislative powers (REGLEG and CALRE) to break the ice and attempt to explain the situation to their regional Belgian counterparts. Michael Häupl, governor of Vienna, met Elio di Rupo, the Walloon minister-president on 5 April 2000. Salzburg's governor, Franz Schausberger, was the first senior ÖVP politician to meet officially with the Flemish minister-president, Patrick Dewael, on 11 April 2000. Governor Wendelin Weingartner of Tyrol met with the minister-president of Belgium's German Community on 12 April and 5 August 2000. Finally, following the recommendations of “Three Wise Men,”<sup>43</sup> the sanctions were lifted on

12 September 2000. This cleared the path for a normalization of relations with the other partner countries and led to a new legal procedure in the EU Treaty. The EU Reform Treaty agreed on 19 October 2007 slightly amended the provisions of Article 7, which foresees a mechanism to deal with assumed violations of European values. This is to avoid unilateral political measures without transparent and structured procedures. Austria contributed painfully to the creation of a legal framework for the EU, whose member states have finally learned their lesson. Although the sanctions were felt to be unjust by most Austrians, with opinion polls showing dissatisfaction with the EU, the FPÖ could not take advantage in elections. It fell from 26.9% of the vote in 1999 to 10% in 2002 and 11% in 2006.

### CONCLUSION

To recapitulate, the foreign relations activities of the *Länder* are frequently based on the flexible Article 17 of the B-VG. This provision has also served as the basis for implementing common projects, although unclear legal provisions sometimes cause obstacles. Success in interregional cooperation is a function not mainly of size but also of priorities and integration into the relevant networks, as well as of the presence of political and administrative structures capable of swift action. Internal intergovernmental and external international activities helped the *Länder* to achieve their policy objectives. In addition to political cooperation, *Land* economic missions are often supported by the Austrian embassies and consulates as well as by the Austrian trade commissioners. Recent examples are missions of Salzburg's minister for economy and tourism to Kuban and Sochi, Russia, and of his Upper Austrian counterpart to Shandong, China, as well as missions of Viennese politicians and representatives of enterprises to Dubai and a delegation of Styria to Dubai and Qatar, all in autumn 2007. Success and cost effectiveness are difficult to evaluate. As economic missions always take place on proposals from economic actors and in close cooperation with the Austrian trade commissioners, and as missions occur repeatedly, the aims seem to be achieved. The same holds true for tourism promotion.

The participation scheme set up for Austria's EU membership marked a compensation for the *Länder* – not a gain of autonomous powers. Participation of senior *Land* politicians in the CoR has improved the knowledge and skills of both politicians and civil servants in dealing with EU issues, in establishing and maintaining networks of like-minded regions, and in presenting Europe to the citizenry.

Since 1995 EU politics have increasingly become domestic politics, and the term "*Europäische Innenpolitik*" (European domestic policy) has been introduced. Both ÖVP and SPÖ politicians understand themselves as pro-European,

and this attitude is shared by the representative bodies of the municipalities, employers, and employees.<sup>44</sup> With the exception of transalpine transit traffic of heavy weights governed by EU legislation, international and/or EU issues do not affect *Land* or municipal elections, and they have played a minor role in the federal arena. The discussion of whether to hold a referendum about the EU Reform Treaty, which is strongly demanded by the FPÖ and the BZÖ and by the country's largest newspaper, may be cooled down by the next federal election, scheduled for 2010. On attaining participation rights, the *Länder* have used their possibilities by presenting proposals and positions to be incorporated into Austria's European policies. Although there is no constitutional provision for involvement of the *Länder* in the Council of Europe, the federation and the *Länder* have established a practice analogous to the one used in the EU framework.

Institutional involvement in the EU and financial incentives provided by the EU's regional policy have created the contacts, capacities, and structures necessary for enhanced foreign relations for the *Länder*. Cooperation of the federation and the *Länder* in European and foreign affairs has improved since EU membership, just as the *Länder* have gained significant experience and professionalism through membership.

EU regions, as well as regions and local authorities in neighbouring countries, can expect to gain new impetus from the European Grouping for Territorial Cooperation (EGTC), which began operation in August 2007 (although most member states or their regions had not yet adopted the required national legislation). The EGTC will both facilitate cooperation and help to establish structures with cross-border legal personalities. In the Council of Europe, member states are also negotiating a legal instrument to facilitate interregional and cross-border cooperation in their sphere.

Although membership in the Council of Europe and the EU is limited to member states, federal countries have gradually involved their regions in organizing delegations and preparing European-level legislation on matters affecting subnational government. Together with the federal countries of Belgium and Germany, Austria has contributed its share to establishing the participation of regions in European bodies as a normal procedure.

External activities of the *Länder* are an important element of Austrian federalism, and the federation does support them. Maintaining the key provision in the federal Constitution (Article 17) in the current constitutional reform shows that there is a consensus between the federation, the *Länder*, and the municipalities on external relations and activities both within and beyond the European Union and the Council of Europe. It also has proved useful to include such actors as entrepreneurs, universities, research institutes, and sports and cultural activists in foreign missions. This ensures that travelling does not just serve as end in itself but also achieves broader policy objectives.

## NOTES

- 1 Theo Öhlinger, *Verfassungsrecht* (Vienna: wuv Universitätsverlag, 2005), 26.
- 2 *Land/Länder* refer to Austria's constituent units. "Regional" refers to the *Länder* and follows the definition of "region" set out in the December 1996 Declaration on Regionalism in Europe issued by the Assembly of European Regions (AER). Here, "region" is described as the first territorial body of public law established immediately below the country and endowed with political self-government. On the role of the AER, consult Lisbeth Weihe-Lindeborg, *Zum regionalen System: Stellenwert der Versammlung der Regionen Europas* (Marburg: Tectum Verlag, 2005).
- 3 Burgenland became part of Austria after a referendum in 1921.
- 4 § 9 para 3 of the Financial Equalization Act (Finanzausgleichsgesetz) of 2008, in *Bundesgesetzblatt* [Federal law gazette], part 1, no. 103 (2007), 5, governs the sharing of the costs of Austria's EU membership between the federation, *Länder*, and municipalities.
- 5 Details from the website of the federal statistical service, Statistik Austria: [http://www.statistik.gv.at/web\\_de/statistiken/bevoelkerung/bevoelkerungsstand\\_jahres\\_und\\_quartalswerte/bevoelkerung\\_zu\\_jahres\\_quartalsanfang/022497.html](http://www.statistik.gv.at/web_de/statistiken/bevoelkerung/bevoelkerungsstand_jahres_und_quartalswerte/bevoelkerung_zu_jahres_quartalsanfang/022497.html) (accessed 23 May 2007).
- 6 A provision of the Basic Law (Staatsgrundgesetz) of 1867 — "On the General Rights of Nationals in the Kingdoms and *Länder* Represented in the Council of the Realm" — grants the use of these languages. This law from the period of the Austro-Hungarian Empire was transposed to the republican era and granted constitutional status.
- 7 See Statistik Austria at [http://www.statistik.gv.at/web\\_de/static/volkswirtschaftliche\\_gesamtrechnung\\_hauptgroessen\\_019505.pdf](http://www.statistik.gv.at/web_de/static/volkswirtschaftliche_gesamtrechnung_hauptgroessen_019505.pdf) (accessed 5 July 2007).
- 8 Österreichisches Institut für Wirtschaftsforschung, "Monatsbericht" [Monthly report], February 2007, 121–3, [http://www.wifo.ac.at/www/jsp/index.jsp?fid=23923&id=28261&typeid=8&display\\_mode=2](http://www.wifo.ac.at/www/jsp/index.jsp?fid=23923&id=28261&typeid=8&display_mode=2) (accessed 15 October 2007).
- 9 See Statistik Austria at [http://www.statistik.at/web\\_de/services/wirtschaftsatlas\\_oesterreich/aussenhandel/index.html](http://www.statistik.at/web_de/services/wirtschaftsatlas_oesterreich/aussenhandel/index.html); and Austrian Chamber of Commerce at <http://wko.at/statistik> (both accessed 31 January 2007).
- 10 Johann Kolmbauer, *Von Konsuln und Gesandten: Die Geschichte der Diplomatie in Salzburg*, Sonderpublikationen Nr 116 der Schriftenreihe des Landespressebüros (Salzburg: Land Salzburg, 1998).
- 11 For a concise discussion of Austria's way into the EU with special attention to the role of the *Länder*, see Andreas Kiefer, "Aspekte der Europapolitik Österreichs," in Martina Haedrich and Karl Schmitt, eds, *Schillerhausgespräche 1999*, 135–70 (Berlin: Schriftenreihe des Hellmuth-Loening-Zentrums für Staatswissenschaften Jena, Band 10, 2000).
- 12 See *Bundesgesetzblatt* [Federal law gazette], no. 685 (1988), 4495–6.
- 13 Resolutions of the *Land* Governors' Conferences of 8 June 1990 and 23 November 1990.

- 14 Article 15a of the B-VG enables the federation and the *Länder* to conclude agreements among themselves about matters within their respective spheres of competence. The principles of international law concerning treaties apply to these agreements.
- 15 The liaison office of the *Länder* was established in 1951. It serves as the technical platform for coordination of the *Länder* and as a mouthpiece vis-à-vis the federal government in domestic and international matters.
- 16 173. Verordnung: Schutz von Bediensteten des Landes Kärnten sowie der Gemeinden und Gemeindeverbände dieses Landes gegen Gefährdung durch biologische Arbeitsstoffe, in *Bundesgesetzblatt* [Federal law gazette], part 2, no. 173 (2002), 701. See also Gerhard Hörmanseder, "Probleme der EG-Richtlinienumsetzung aus Ländersicht," in *Kärntner Verwaltungsakademie*, ed., 4. *Klagenfurter Legistik-Gespräche*, 133–50 (Klagenfurt: K-Verlag, 2007).
- 17 Institut für Föderalismus, ed., 30. *Bericht über den Föderalismus in Österreich* (Wien: Braumüller Verlag, 2005), 117.
- 18 Judgement of the EU Court of First Instance (Fourth Chamber) of 5 October 2005, Joined Cases T 366/03 and T 235/04, Land Oberösterreich and Republic of Austria versus Commission of the European Communities. The question of the admissibility of the action brought by Oberösterreich is dealt with in paragraphs 25 to 30.
- 19 The judgment referred to Article 95, paragraph 5, of the Treaty Establishing the European Community (TEC), consolidated version published in the *Official Journal of the European Union*, C 321, 20 December 2006, 1–331.
- 20 Institut für Föderalismus, ed., 30. *Bericht über den Föderalismus in Österreich*, 112.
- 21 A full list of the representatives (*Gemeinsame Ländervertreter*) is provided annually by the liaison office of the *Länder* and communicated to the federation, in addition to the immediate communication of individual nominations.
- 22 The Russian Federation signed the agreement on 27 November 2000.
- 23 See <http://www.versoehnungsfonds.at> (accessed 21 December 2006).
- 24 The movement against the nuclear reprocessing plant in Wackersdorf is documented at <http://www.plage.cc/de/history/history2.shtml> (accessed 15 October 2007).
- 25 Consult <http://www.anti.atom.at> (accessed 15 October 2007) for documentation of activities especially concerning the Czech Republic.
- 26 Peter Bußjäger and Andreas Rosner, *Mitwirken und Mitgestalten – Europa und die österreichischen Länder* (Wien: Braumüller Verlag, 2005).
- 27 The federal legal framework and some practices of Salzburg are documented in Roland Floimair, ed., *Die regionale Außenpolitik des Landes Salzburg* (Salzburg: Salzburg Dokumentationen 108, 1993).
- 28 All *Länder* agencies are listed on the website of the federal Austrian Business Agency (ABA): <http://www.aba.gv.at/de/pages/714D3-227F2.html> (accessed 15 October 2007).

- 29 See the list of cooperation agreements at [http://www.aussenministerium.at/view.php3?f\\_id=5302&LNG=de&version=](http://www.aussenministerium.at/view.php3?f_id=5302&LNG=de&version=) (accessed 15 October 2007).
- 30 A full German-language list of these agreements – as well as of bilateral agreements with almost all countries – can be found at <http://www.bmeia.gv.at>.
- 31 See <http://www.bodenseekonferenz.org>.
- 32 Descriptions and analysis of the two networks of regions with legislative powers and their activities are published in German in the *Jahrbuch des Föderalismus* for 2004, 2005, and 2006, edited by Europäisches Zentrum für Föderalismus-Forschung (Baden-Baden: Nomos). For the English version, see Andreas Kiefer, “The Contribution of the Regions with Legislative Competences to the European Constitutional Process,” in Institute of the Regions of Europe, ed., *Occasional Papers 2/2007: The EU-Constitutional Treaty and the Regions of Europe*, 165–206 (Salzburg: edition pm, 2007).
- 33 This is a network of regions that want to remain free of genetically modified organisms (GMOs), established in 2003; see <http://genet.iskra.net/en> (accessed 30 September 2007).
- 34 Article 203 of the Treaty Establishing the European Community (TEC) reads: “The Council shall consist of a representative of each Member State at ministerial level, authorised to commit the government of that Member State.” See *Official Journal of the European Union*, C 325, 24 December 2002, 136.
- 35 Recent developments in Spain, Italy, and the United Kingdom also seek to involve the regions both in the domestic process and in these states’ delegations to the Council of Ministers and its preparatory bodies. For details, see also Committee of the Regions (CoR), ed., *Procedures for Local and Regional Authority Participation in European Policy Making in the Member States* (Luxemburg: Office for Official Publications of the European Communities, 2005).
- 36 For the composition of the Austrian delegation, consult the website of the Committee of the Regions (CoR) at [http://www.cor.europa.eu/en/presentation/national\\_delegations.htm#](http://www.cor.europa.eu/en/presentation/national_delegations.htm#) (accessed 15 October 2007).
- 37 Andreas Kiefer, “Aktivitäten der Länder in europäischen Institutionen, Verbänden und Netzwerken,” in Stefan Hammer and Peter Bussjäger, eds, *Außenbeziehungen im Bundesstaat*, 69–85 (Wien: Schriftenreihe des Instituts für Föderalismus, Band 105, 2007).
- 38 *Official Journal of the European Union*, L 210, 31 July 2006, 19.
- 39 Participating countries and regions/*Länder*, objectives, and priorities can be found at <http://www.cadses.net/en/programme.html> and at <http://www.alpine-space.eu> (both accessed 25 March 2008).
- 40 See in-depth analysis, documentation, and views of observers from all over the world in Erhard Busek and Martin Schauer, eds, *Eine europäische Erregung: Die “Sanktionen” der Vierzehn gegen Österreich im Jahr 2000: Analysen und Kommentare* (Vienna: Böhlau, 2003).
- 41 Minutes of the debate in the European Parliament on 12 April 2000, published in English at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//>

TEXT+CRE+20000412+ITEM-009+DOC+XML+Vo//EN&language=EN (accessed 11 August 2008). The statement of Mr Klestil appears in paragraph 12 of his speech.

- 42 Ibid. The statement of Ms Fontaine appears in paragraph 8 of her closing speech.
- 43 In July 2000, on request of the governments of the fourteen EU member states, the president of the European Court of Human Rights invited Jochen Frowein, a German expert in international law, Martti Ahtisaari, former president of Finland, and Marcelino Oreja, former foreign minister of Spain, to edit a report about the situation in Austria. On 8 September 2000 the report was presented to the French president, Jacques Chirac, who then chaired the European Council.
- 44 On its website, the ÖVP calls itself “Europapartei”; see <http://www.oevp.at>. And the SPÖ has the Austrian flag and the EU stars in its logo; see <http://www.spoe.at>.