

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY AUSTRIA

ARTICLE 9, PARAGRAPH 1 UNCAC

PUBLIC PROCUREMENT

AUSTRIA (SEVENTH MEETING)

At first sight personnel procurement doesn't seem to be strongly connected to public procurement, but when looked closely at procurement decision-making it is soon clear, that personnel is a great cost factor and that officials play an important role in procurement decision-making.

There is a huge variety of other platforms dealing with different kinds of procurement, especially government procurement. In addition to that there is also a website providing access to a platform ("Jobbörse der Republik") that deals with personnel procurement: <https://bund.jobboerse.gv.at/sap/bc/jobs/>

For the federal public service the Ausschreibungsgesetz 1989 (AusG), BGBl. Nr. 85/1989 as amended from time to time, governs the procedure for the recruitment of new employees and the filling of leadership roles. Every vacancy has to be advertised via a central platform, which is generally accessible for everybody. In many cases communication is handled via customary channels or via the platform itself.

§ 1 AusG states that every Austrian citizen can apply for jobs or roles for the federal state. Even parts of the Austrian constitution, namely Art 3 StGG, RGBl. Nr. 142/1867 idgF, Art 66/2 StV St. Germain, StGBI. Nr. 489/1920 idgF, and Art 8 StV von Wien, BGBl. Nr. 152/1955 idgF, guarantee a subjective right of every Austrian citizen that the same accessibility is given to apply for a job or a role advertised by administrative bodies.

According to § 5/4 AusG the in §§ 2 to 4 AusG mentioned roles and jobs have to be advertised at the Austrian Federal Chancellery's website "Karriere Öffentlicher Dienst" (<https://bund.jobboerse.gv.at/sap/bc/jobs/>). § 5 AusG generally defines the call for bids. When somebody gets assigned for a role or a job § 15/3 AusG states that every single applicant not considered has to be informally contacted and informed. Transparency is given due to the need to publish the person's name as well as the job or role she or he applied for and the other information enumerated in § 10/2 AusG. These publications have to be made directly after the expert assessment.

§ 20 AusG regulates the case if a role or post can be manned with officials or other people on contractual basis already working for the federal state.

This approach is required for reasons of expediency, economic efficiency, and thrift.

These special rules of procedure can also be seen as preventive measures and as an improvement of transparency.

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In accordance with its national and the EU laws, the Austrian public procurement is based on the principles of economy, relevance and efficiency. Furthermore, the fundamental freedoms under the Community Law, in particular the principle of non-discrimination and the principles of free and fair competition, shall be taken into account in public procurement.

Moreover, a specific procurement workflow is applied in the Austrian Federal Ministry of the Interior.

The benefits and aims of this procurement workflow are the acquisition, processing and evaluation of all procurements in the field of the Austrian Federal Ministry of the Interior and its subordinate bodies. Data (analyses, reports) are simplified. This allows for a better steering (optimization of the procurement costs) and insight into processes as well as into procedures and enables the involvement of the superior which enhances the transparency in procurements procedures.