

Information regarding the appointment of responsible representatives

In general, any physical person who is responsible for external representation (ie. the entrepreneur him/herself or, for example, the managing director, under trade law, of an LLC) is responsible for the administrative regulations applicable to companies.

This responsibility **CAN** be transferred to an appropriate person (e.g. a branch manager, site manager or regional manager). Both an individual entrepreneur and a legal person have the possibility (but not the obligation!) to appoint a "responsible agent" for special responsibility cases. This usually makes sense for companies with a larger range of activity or multiple workplace sites or workplaces.

The central coordination centre is exclusively responsible for:

- the appointment of a *responsible representative* for compliance with the Law on the Employment of Foreign Nationals [Ausländerbeschäftigungsgesetz - AuslBG]. This appointment is made by domestic (Austrian) companies (Form ZKO1-1) or
- by appointment according to the Wage and Social Dumping Combat Law [Lohn- und Sozialdumping-Bekämpfungsgesetz - LSD-BG]. This appointment applies to companies with legal headquarters in the EU-EEA region (Form ZKO1-A)

Note:

The health insurance institutions are responsible for the appointment in regards to domestic companies according to the LSD-BG.

The prerequisites for a valid appointment of a responsible representative are:

- a proper written notification of the appointment (this can be done electronically via a WEB application)
- including the documented consent of the appointee and his/her regular employer
- a timely notification to the central coordination centre

The central coordination centre is responsible for the receipt and administration of the appointment. A decision as to whether an appointment of a responsible representative that has been submitted is legal is the responsibility of an administrative penal authority in the course of an administrative penal proceedings.

It is also required that the departure of the appointed person from the company or the revocation of the appointment be notified. The Form ZKO1-W is available for this purpose.

Note:

Similar provisions apply for the appointment of responsible representatives according to the employment protection regulations (Section 23 of the Work Inspection Act [Arbeitsinspektionsgesetzes - ArbIG]) or according to the General Law on Social Security [Allgemeinen Sozialversicherungsgesetz - ASVG]. Please note that these appointments will only become legally valid once they have been received by the responsibility authority, together with proof of the consent of the appointee. Therefore, if appointments for several legal norms are made, all the competent authorities must be notified of these.