

# FEDERAL LAW GAZETTE

## FOR THE REPUBLIC OF AUSTRIA

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Part I

**33. Federal law: Red Cross Law (RKG)**  
**(NR: GP XXIII RV 233 AB 351 P. 42, BR: AB 7874 P. 751)**

**33. Federal law on the Recognition of the Austrian Red Cross and the Protection of the Red Cross Emblem (Red Cross Law – RKG)**

The National Assembly has decided:

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### The Austrian Red Cross

**§ 1.** (1) The Austrian Red Cross is the recognised national society of the Red Cross in the territory of the Republic of Austria. The establishment of other national societies of the Red Cross and Red Crescent Movement in Austria is impermissible. The Austrian Red Cross can empower its branch associations, their branch associations as well as societies in which it or these branch associations are involved to utilise the name of the Red Cross.

(2) As a component of the International Red Cross and Red Crescent Movement, the Austrian Red Cross is linked to their principles; this also applies to the institutions authorised by it commensurate with Para. 1.

### Tasks

**§ 2.** (1) The Austrian Red Cross carries out those tasks which ensue from the Geneva Conventions on the Protection of Victims of International Armed Conflicts from 12 August 1949, *BGBI.* [Federal Law Gazette] No. 155/1953, the two Additional Protocols to the Geneva Conventions from 1977, *BGBI.* No. 527/1982 (subsequently, “Geneva Conventions and Additional Protocols”), the relevant resolutions of the International Red Cross and Red Crescent conferences and the provisions of its statutes concerning this.

(2) As a voluntary relief society, the Austrian Red Cross supports the Austrian authorities in the humanitarian field. The conditions for this support and the delegation of tasks to the Austrian Red Cross, including the regulation of cost payment, will be stipulated in the agreements between the responsible Austrian authorities and the Austrian Red Cross.

(3) The Austrian authorities support the Austrian Red Cross within the scope of their organisational and financial possibilities in the fulfilment of the tasks mention in Para. 1.

(4) In the realisation of the service for tracing missing persons, the transmission of Red Cross family news and of family reunifications commensurate with the Geneva Conventions and Additional Protocols, the Austrian Red Cross is authorised to obtain the necessary information and to process and transmit the data required for this purpose.

### **Dissemination of the ideology of the Red Cross, Youth Red Cross**

§ 3. The Austrian Red Cross also has the task to disseminate the ideology of the Red Cross as well as the spirit and content of the Geneva Conventions and Additional Protocols. For the realm of schooling and out-of-school educational institutions, this task is realised within the scope of the Austrian Red Cross by the Austrian Youth Red Cross, which in cooperation with teachers, parents, children and young persons particularly endeavours to lead young people to a more humanitarian way of thinking and to human behaviour.

### **Confidentiality**

§ 4. Full-time and voluntary employees of the Austrian Red Cross and the institutions authorised by it commensurate with § 1 Para. 1 are obligated to confidentiality concerning all facts becoming known to them exclusively in the fulfilment of the international tasks of the Red Cross and Red Crescent Movement, the disclosure of which could directly or indirectly hinder or restrict the realisation of these tasks, or which they have been informed or made aware of on account of a special confidential relationship. At the request of a court of an administrative authority, the Austrian Red Cross can release these employees from this confidentiality obligation if this is in the interest of the administration of justice or is otherwise predominant public interest.

### **Emblem**

§ 5. (1) The emblem of the Austrian Red Cross is the Red Cross on a white background. The Austrian Red Cross authorised to utilise this emblem for all its tasks and to authorise other persons and institutions in connection with these tasks.

(2) The Austrian Red Cross is entitled to bear a coat of arms and a seal, in which the Austrian federal eagle as well as the inscription “Austrian Red Cross” appear beside the emblem of the Austrian Red Cross commensurate with Para. 1.

### **Special provisions for armed conflicts**

§ 6. (1) In times of armed conflicts in which the Republic of Austria is involved, the Austrian Red Cross supports the Austrian armed forces medical corps within the scope of its possibilities in accordance with the provisions of the Geneva Conventions and Additional Protocols. The utilisation of the distinctive emblem as defined by the Geneva Conventions and Additional Protocols is only permissible with the approval of the military authority; the Austrian Red Cross is entitled to make its support of Austrian armed forces medical corps dependent on the permission to utilise the distinctive emblem.

(2) As defined by the Geneva Conventions, the military authority is the Federal Minister of Defence as well as the agencies subordinate to him.

### **Jurisdiction**

§ 7. (1) The regional administrative authorities are the responsible authorities for implementation of the provisions of Art. 18 Para. 2 to 4, 20, Para. 2 and 3, 21 and 22 Para. 2 of the Geneva Conventions on the Protection of Civilian Persons in Times of War from 12 August 1949 as well as Art. 18 and Art. 23 Para. 1 of the Additional Protocol to the Geneva Conventions from 12 August 1949 concerning the Protection of Victims of International Armed Conflicts (Protocol I).

(2) During the implementation of the provisions of Art. 18 Para. 4 of the Geneva Conventions concerning the Protection of Civilian Persons in Times of War, the agreement of the regional administrative authorities with the military authority is to be reached.

### **Improper utilisation of emblem**

§ 8. (1) It is forbidden to utilise

- a) the emblem of the Red Cross on a white background or the words “Red Cross” or “Geneva Cross” in all languages,
- b) the emblem of the Red Crescent on a white background, the emblem of the Red Lion with a red sun on a white background, the words “Red Crescent” or “Red Lion with Red Sun” in all languages,
- c) the emblem of the Additional Protocol to the Geneva Conventions from 12 August 1949 concerning the adoption of an additional distinctive emblem (Protocol III), “Red Crystal on a white background” or the words “Red Crystal” in all languages,

- d) emblems and designations which represent an imitation of the emblems and designations according to lit. a) to c), which could engender cases of mistaken identity or errors, or unjustifiably allude to a connection with the Austrian Red Cross, or
- e) other internationally recognised symbols, badges or signals conferring protection commensurate with Art. 38 of Protocol I, insofar as no other special legal provisions have been granted to their protection

contrary to the provisions of the Geneva Conventions and Additional Protocols or as an emblem without authorisation of the Austrian Red Cross commensurate with § 5 Abs. 1.

(2) Furthermore, it is forbidden to utilise the coat of arms of the Swiss Confederation – a white cross on a red background – as well as emblems which represent an imitation of this coat of arms

- a) as a brand or as a component of brands,
- b) for a purpose contrary to public policy, or
- c) under conditions which are suited to violate the Swiss national consciousness.

(3) The words and emblems specified under Para. 1 lit. a to d may only be registered as a brand with the approval of the Austrian Red Cross. This also applies to emblems which merely include these words and emblems as components. After the entry into force of this federal law, brands registered contrary to this provision are to be cancelled via appropriately justified request. Words and emblems registered as brands before entry into force of this federal law commensurate with Para. 1 lit. a, b and d, the latter insofar as it concerns imitations of the emblem commensurate with lit. a and b, are to be cancelled via appropriately justified request if they have been registered contrary to the utilisation prohibition of Para. 1; however, in the event of words in other languages than German only if they have not already been utilised in a lawful manner before the entry into force of this federal law.

The realisation of the cancellation is retroactive to the commencement of the period of protection.

(4) The emblem specified under Para. 1 lit. c, or an emblem that represents an imitation thereof, may be utilised if this utilisation in times of an armed conflict does not give the impression as if the protection of the Geneva Conventions and Additional Protocols is guaranteed as a result, and insofar as the rights for utilisation of this emblem have been acquired before 8 December 2005.

#### **Administrative penalties**

§ 9. (1) Whoever contravenes the provisions of § 8 Para. 1 and 2 commits, insofar as a judicially punishable element of a case is not at hand, an administrative violation, and is to be punished with a fine of 360.-- Euro to 3,600.-- Euro.

(2) Whoever commits the offence commensurate with Para. 1 in a form through which the utilisation of improperly designated objects becomes known to a broad public is to be punished with a fine of 800.-- Euro to 15,000.-- Euro.

(3) If an administrative violation is committed according to § 8 Para. 1, the regional administrative authorities have to order the removal of the unlawful designation at the owner's expense. Objects designated as unlawful can be declared invalid.

(4) At the request of the Austrian Red Cross, the publication of portions of the decision in the administrative penalty is to be adjudicated at the expense of the convicted party if the communication regarding notification of the public concerning the administrative violation and its prosecution is required. The portions to be published are to be specified in the decision. The provisions of the Austrian Media Act, BGBl. No. 314/1981 as amended in the federal law BGBl. I No. 151/2005 concerning the publication of the decision are to be applied.

(5) The Austrian Red Cross is entitled to be a party to the proceedings throughout the entire administrative procedure commensurate with § 8 General Administrative Procedure Act (AVG), BGBl. No. 51/1991 in the currently prevailing version.

(6) However, if the infringement of the provisions of § 8 Para. 1 and 2 is committed through a person who is subject to Austrian military disciplinary law, Para. 1 is not applied; but irrespective of penal law responsibility, a disciplinary procedure is to be conducted against such a person commensurate with the provisions of the Federal Armed Forces Disciplinary Act (HDG) 2002, BGBl. I No. 167 in the version of the federal law BGBl. I No. 116/2006.

#### **Exemption from fees**

§ 10. Obtaining registration information through the tracing service of the Austrian Red Cross and the disclosure and utilisation of an enquiry authorisation from the Central Register of Residents commensurate with § 16a Para. 5 Austrian Registration Act (MeldeG) 1991, BGBl. No. 9/1992 in the

currently prevailing version for this purpose as well as the transmission of family news are exempt from all fees and federal administrative charges.

#### **Entry into force**

**§ 11.** (1) This federal law enters into force effective .....

(2) The federal law from 27 June 1962 on the Protection of the Emblem and the Name of the Red Cross (Red Cross Protection Law), BGBl. No. 196/1962, becomes inoperative with the entry into force of this federal law.

#### **Enforcement**

**§ 12.** (1) Insofar as this does not concern matters which are issues of Austrian provincial enforcement, the following agencies and officials are entrusted with the enforcement of this federal law

- a) in terms of § 3, the Austrian Federal Minister for Education, the Arts and Culture;
- b) in terms of § 4, the Austrian Federal Minister of Justice;
- c) in terms of §§ 6, 7 and 9 Para. 6, the Austrian Federal Minister of Defence;
- d) in terms of § 8 Para. 3, the Austrian Federal Minister of Transport, Innovation and Technology;
- e) in terms of § 10 relating to the fees and federal administrative charges, the Austrian Federal Minister of Finance; in relation to the administrative charges upon utilisation of the Central Register of Residents, the Austrian Federal Minister of the Interior;
- f) in other respects, the federal government.

(2) Insofar as matters which are issues of Austrian provincial enforcement will be governed through this federal law, their enforcement is always incumbent upon the locally responsible provincial government.

**Fischer**

**Gusenbauer**