

Translation of the “Verordnung des Bundesministers für wirtschaftliche Angelegenheiten über Standesregeln für Betreiber für Technische Büros“.

Regulation of the Federal Minister of Economic Affairs on Professional Rules for Engineering and Consulting Offices, Federal Law Gazette No. 726/1990

Preamble

On the basis of §69 (2) of the Trade and Industry Code 1973, Federal Law Gazette No. 50/1974, last amended by Article IV of the Federal Law Gazette No. 325/1990, it is decreed:

Befitting Behavior

§1 The Professionals operating the licensed craft of a Engineering and Consulting Offices, herein after referred to as “Consulting Engineers”, have to exercise their profession conscientiously and with due diligence. They are obliged to refrain from any professional misconduct (§2).

§2 Professional misconduct to the exercise of the profession in relation to Clients or other Professionals, which is likely to affect the reputation of the profession or to damage common interests of the profession. In any case, a breach of the rules of conduct referred to in §§3 and 4 is to be regarded as a professional misconduct.

§3 Consulting Engineers are obliged to comply with the following rules of conduct when exercising their profession:

1. Consulting Engineers work in the interests of their Clients and must protect the interests of their respective Clients without being influenced by their own interests and the interests of third parties.
2. If Consulting Engineers are authorized by their Client to represent them in matters of the order, they are obliged, without prejudice to their obligations under civil law as ruler, to anticipate all that they deem useful and necessary for the good of the Client. They shall be efficient and diligent in carrying out their orders in accordance with the relevant legal and technical requirements.
3. Conflicts of interest are to be avoided. If a Consulting Engineer has an economic interest in a patent, a pertinent company or the like which could affect its impartiality in the performance of the assignment given to it, it is restrained to inform the Client immediately.
4. As compensation for professional services, only the fees paid by the Clients may be accepted. Consulting Engineers are restrained to refuse contributions that are offered to them by third parties and that may affect their objectivity, neutrality or independence. Furthermore, they must take every precaution to ensure that donations from third parties are not accepted by their employees if such benefits could impair the objectivity, neutrality or independence of the employee.

5. Consulting Engineers are required to maintain secrecy about the matters entrusted to them by their Clients in the course of their professional practice. The duty of confidentiality is waived if and insofar as the Client has expressly exempted the Consulting Engineer from this obligation. Furthermore, Consulting Engineers are not obliged to maintain secrecy, as the observance of the duty of confidentiality would preclude the enforcement of own claims against the Client such as fee claims, claims for damages, etc. or the avoidance of criminal, civil or administrative disadvantages.

§4 Consulting engineers are obliged to comply with the following rules of conduct when exercising their profession in relation to other professionals; in particular, they must follow the following rules of conduct:

1. Consulting Engineers must adhere to the principle of fair competition vis-à-vis their professionals. They are not allowed to improperly degrade other professionals and their services.
2. The application for a specific contract, knowing that this contract has already been assigned to another Consulting Engineer, is inadmissible unless the contract has been demonstrably terminated.
3. Consulting Engineers are allowed to draw up reports on the fee guidelines of the Austrian Association of Consulting Engineers only on behalf of the Austrian Association of Consulting Engineers or a Section of the Austrian Association of Consulting Engineers or as an expert in a proceeding before an Authority.
4. Services may not be offered or provided free of charge or on terms that contradict proper commercial management.

The translation of the regulation was made by IBBL. The German version of the regulation is valid.

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