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## Publication of three new reports

14.6.2019 - Verein Wiener Kinder- und Jugendbetreuung (Vienna Child and Youth Care Association), construction of the S10 Mühlviertel Motorway, the system of competition authorities outside the financial market

Today, the Austrian Court of Audit (ACA) published the following reports:

- Verein Wiener Kinder- und Jugendbetreuung (Vienna Child and Youth Care Association)
- Construction of the S10 Mühlviertel Motorway
- The System of Competition Authorities Outside the Financial Market

### Verein Wiener Kinder- und Jugendbetreuung (Vienna Child and Youth Care Association)

From February to May 2018, the Austrian Court of Audit (ACA) carried out an audit at the Verein Wiener Kinder- und Jugendbetreuung (Vienna Child and Youth Care Association), which organized the leisure-time staff at public primary schools in Vienna. The City of Vienna fully financed the association, the last time in 2017 with more than EUR 40 million. Already in its report "Day Care for Pupils" (Vienna 2018/1), which



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## Key recommendations

**(1)** The City of Vienna should exercise its oversight role with regard to the association more intensively. It should exploit all opportunities (e.g. instructions) available to it through the Municipal Department 56, which is in charge of Vienna Schools, in order to intervene in case of undesired developments at the association, especially if different payment levels are offered to the detriment of the City of Vienna.

**(2)** The City of Vienna should assign the (summer) holiday care to the association to ensure continuity of care also in the holiday seasons. To this end, the responsible stakeholders would have to develop a new employment model in line with the staff-related provisions of the day-care centres of the City of Vienna.

**(3)** The Verein Wiener Kinder- und Jugendbetreuung should consistently



director to carry out recruitment processes with regard to the staff of the central unit.

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**(4)** As regards the remuneration of persons in management functions, the Verein Wiener Kinder- und Jugendbetreuung should draw up clearly defined, documented and adequate management bonuses, for which the pay-scales of comparable contract employees of the City of Vienna should be taken as a reference.

**(5)** The Verein Wiener Kinder- und Jugendbetreuung should remunerate additional burdens or higher-level tasks via clearly defined bonuses and an adequate classification in possibly higher employment groups that match the tasks assigned, probably through possibly higher employment groups. Furthermore, the association should also reimburse extraordinary performances via possible rewards defined through transparent and plausible criteria.

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## Construction of the S10 Mühlviertel Motorway

From March to December 2017, the Austrian Court of Audit carried out an audit of the construction of the S10 Mühlviertel Motorway by the ASFINAG Bau Management GmbH from the start of the environmental impact assessment in March 2007 to the accounting of services during the examination on site. The audit aimed at assessing the approval procedures, the reimbursement for the ground assigned for the motorway, the tendering and award of contracts, the construction management, the project governance and modus operandi as well as the assumption of the function as builder-owner by the ASFINAG Bau Management GmbH.

### Key recommendations

- (1) Construction services should be tendered, as a basic principle, always after all necessary approvals have been obtained from the corresponding authorities. The procurement procedures should be started only after coordination with the approving authorities to ensure that the administrative decision is issued in a timely manner in order to prevent additional costs.



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order to safeguard the interests of the public builder-owner, concessions to contractors should be compared to the already known additional charges during the negotiations with contractors. Appropriate priority should be given to the rebuttal of claims regarding additional costs as well as to the granting of possible concessions.

**(3)** In the contracts with consultants (especially planners), clear regulations regarding interfaces, coordination, competences and responsibilities would have to be laid out in order to be able to claim possible indemnifications from the responsible third party.

PDF Datei: 3,829.8 KB

 **Bericht: Errichtung der S 10 - Mühlviertler Schnellstraße**

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### The system of competition authorities outside the financial market

From July 2016 to March 2017, the Austrian Court of Audit (ACA) carried out, with interruptions, an audit of the system of competition authorities outside the financial market at the

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Deregulation and Justice (Federal Ministry of Justice), the Federal Ministry for Transport, Innovation and Technology, the Federal Ministry for Science, Research and Economy, as well as at the

- Austrian Federal Competition Authority,
- E-Control Austria for the regulation of the electricity and gas industry,
- the Austrian media authority KommAustria ,
- the Rundfunk und Telekom Regulierungs-GmbH for the regulation of broadcasting and telecommunications, and
- the Schienenverkehrsmarktregulierung mit beschränkter Haftung (Schienen-Control GmbH) for the regulation of railways

as well as at the Federal Cartel Attorney, who is reporting directly to the Federal Ministry of Justice, and the Supervisory Authority of Collecting Societies (Aufsichtsbehörde für Verwertungsgesellschaften), which is also headquartered at the Federal Ministry of Justice.

## Key recommendations

- (1) A comprehensive review of tasks and, based on that, a reorganization of tasks in particular with regard to the regulation authorities should be carried out. In the course of such a review, numerous non-regulatory tasks should be assessed concerning their organizational allocation in order to create a clear organizational



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**(2)** A comprehensive national competition strategy would have to be elaborated and implemented, which should create the overall regulation framework for the objectives, tasks and organization of the Austrian competition and regulation authorities.

**(3)** A comprehensive structural reform of the competition authorities (in the course of the recommended elaboration of a national competition strategy) should be strongly promoted. In line with this, a legally independent entity with a modern, efficient organizational structure, which is linked to one federal ministry, should be considered.

**(4)** In the context of this comprehensive structural reform of the competition authorities, a binding multiannual financing agreement should be developed as a financial instrument.

**(5)** In order to prevent a duplication of efforts in the future, the pooling of competences of the Austrian Federal Competition Authority and the Federal Cartel

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 **Bericht: System der Wettbewerbsbehörden außerhalb des Finanzmarkts**

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