

AUSTRIA

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1. Consumer policy institutions

1.1. MINISTRY RESPONSIBLE FOR CONSUMER POLICY

Consumer policy and consumer protection is a horizontal issue. Therefore the competence for consumer policy is not limited to one single ministry, but divided between several ministries.

- **The Federal Ministry of Social Affairs, Health, Care and Consumer Protection** ('Sozialministerium') acts as a general co-ordinator of consumer related affairs in different fields, such as general consumer protection laws, general law of contract, landlord/tenant law, housing law, financial services, trade laws, prices and price marking, data privacy, product safety, product information of consumer relevance, access to law, debt, personal bankruptcy, food-labelling, pharmaceuticals and patients' rights, passenger rights, new media etc.

Direct legislative responsibilities of the Ministry in regard to consumer protection exist in the fields of European consumer protection cooperation (CPC), alternative dispute regulation (ADR), product safety as well as regarding payment accounts for consumers.

Regarding Regulation No. 2006/2004 on consumer protection cooperation, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection acts as the 'central liaison office' and therefore as a hub for the forwarding of all information and enforcement requests from and to other EU Member States.

The Federal Ministry of Social Affairs, Health, Care and Consumer Protection cooperates closely with **other ministries involved in consumer-related issues** such as:

- **Federal Chancellery** (general coordination of government work, legislative responsibilities regarding e.g. data protection, audiovisual media, etc.)
- **Federal Ministry of Justice** (main responsibility for the transposition of EU legislation, e.g. in the field of e-commerce, contract law, distance selling, injunctions, timeshare, travel packages, collective redress etc.)
- **Federal Ministry for Digital and Economic Affairs** (responsible for EU and national legislation in the field of unfair competition, misleading advertising, price indication)
- **Federal Ministry of Finance** (responsible for EU and national legislation in the field of financial services)
- **Federal Ministry for Climate Actions, Environment, Energy, Mobility, Innovation and Technology** (responsible for EU and national legislation in the field of energy, passenger rights etc.)
- **Federal Ministry for Agriculture, Regions and Tourism** (responsible for telecommunication)

Further important partners in consumer protection are the **social partners** (Chamber of Labour, Chamber of Economy, Federation of Trade Unions, Chamber of Agriculture), **non-governmental organisations** dedicated to consumer protection, especially the Consumer Information Association ('Verein für Konsumenteninformation', VKI) as well as several (federal) **surveillance and regulatory institutions**, for example in the areas of financial services, telecommunications, competition, food safety, etc. (e.g.: Federal Cartel Attorney, Federal Competition Authority BWB, Financial Market Authority FMA, Agency for Health and Food Safety AGES, Regulatory Authority for Broadcasting and Telecommunications RTR, Energy-Control Austria).

The Federal Ministry of Social Affairs, Health, Care and Consumer Protection also cooperates closely with the Austrian provinces called '**Bundesländer**'. According to the federal principle laid down in the Constitution, legislative and executive responsibilities are divided between the federal and the 'Bundesländer' level. In many areas concerning consumer protection, the administrative responsibility of enforcement lies with the 'Bundesländer'.

Contact Information:

- **Federal Ministry of Social Affairs, Health, Care and Consumer Protection**
(Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz)
Directorate III - Consumer Policy
Address: Stubenring 1, A-1010 Vienna
Website: www.sozialministerium.at; www.konsumentenfragen.at
- **Federal Chancellery**
(Bundeskanzleramt)
Address: Ballhausplatz 2, A-1010 Vienna
Website: www.bka.gv.at
- **Federal Ministry of Justice**
(Bundesministerium für Justiz)
Address: Museumstraße 7, A-1070 Vienna
Website: www.bmj.gv.at;
- **Federal Ministry of Agriculture, Regions and Tourism**
(Bundesministerium für Landwirtschaft, Regionen und Tourismus)
Address: Stubenring 1, A-1010 Vienna
Website: www.bmlrt.gv.at;
- **Federal Ministry for Digital and Economic Affairs**
(Bundesministerium für Digitalisierung und Wirtschaftsstandort)
Address: Stubenring 1, A-1010 Vienna
Website: www.bmdw.gv.at

- **Federal Ministry of Finance**
(Bundesministerium für Finanzen)
Address: Johannesgasse 5, A-1010 Vienna
Website: www.bmf.gv.at
- **Federal Ministry for Climate Actions, Environment, Energy, Mobility, Innovation and Technology**
(Bundesministerium für Klimaschutz, Umwelt, Mobilität, Innovation und Technologie)
Address: Radetzkystraße 2, A-1030 Vienna
Website: www.bmk.gv.at

1.2. PUBLIC AGENCIES

As mentioned above, the nine “Bundesländer” have many responsibilities in enforcement.

- **Amt der Burgenländischen Landesregierung**
Address: Europaplatz 1, A-7000 Eisenstadt
Website: www.burgenland.at
- **Amt der Kärntner Landesregierung**
Address: Arnulfplatz 1, A-9021 Klagenfurt
Website: www.ktn.gv.at
- **Amt der Niederösterreichischen Landesregierung**
Address: Landhausplatz 1, A-3109 St.Pölten
Website: www.noe.gv.at
- **Amt der Oberösterreichischen Landesregierung**
Address: Landhausplatz 1, A-4021 Linz
Website: www.land-oberoesterreich.gv.at
- **Amt der Salzburger Landesregierung**
Address: Chiemseehof, A-5010 Salzburg
Website: www.salzburg.gv.at
- **Amt der Steiermärkischen Landesregierung**
Address: Graz-Burg, A-8011 Graz
Website: www.verwaltung.steiermark.at
- **Amt der Tiroler Landesregierung**
Address: Eduard-Wallnöfer-Platz 3, A-6020 Innsbruck
Website: www.tirol.gv.at

- **Amt der Vorarlberger Landesregierung**
Address: Landhaus/Römerstraße 15, A-6901 Bregenz
Website: www.vorarlberg.at
- **Amt der Wiener Landesregierung**
Address: Rathaus/Friedrich-Schmidt-Platz 1, A-1010 Vienna
Website: www.wien.gv.at

In addition, the following authorities are named as ‘**competent authorities**’ according to EU-Regulation No. 2006/2004 on consumer protection cooperation:

- **Federal Cartel Attorney**
 (Bundeskartellanwalt)
Address: Schmerlingplatz 11, A-1016 Vienna
Website: www.justiz.gv.at

The Federal Cartel Attorney (Bundeskartellanwalt) was set up in 2002 as a subordinate department to the Federal Ministry of Justice. The main task of the Federal Cartel Attorney is to defend the public interests in matters of competition law before the Antitrust Court.

- **Agency for Passenger Rights**
 (Agentur für Passagier- und Fahrgastrechte, apf)
Address: Linke Wienzeile 4/1/6, A-1060 Vienna
Website: www.apf.gv.at

The Agency for Passenger Rights (apf) is the statutory arbitration and enforcement body for rail, bus, air and ship transport. In the framework of its arbitration activities it is responsible for clarification of passenger complaints, using out-of-court dispute resolution (ADR), and helps passengers obtain justice in their disputes. In its function as an enforcement body, the apf audits compliance with passenger rights grounded in EU regulations in rail, bus, air and ship transport.

- **Federal Competition Authority**
 (Bundeswettbewerbsbehörde, BWB)
Address: Radetzkystraße 2, A-1030 Vienna
Website: www.bwb.gv.at

The Austrian Federal Competition Authority (Bundeswettbewerbsbehörde) is a consultative body charged with investigating and dealing with suspected or impending anti-competitive practices and violations of fair competition. It is also in charge of

implementing the European competition regulations in Austria and handles notifications of company mergers as well as complaints regarding breaches of competition law.

- **Austrian Communications Authority**
(Kommunikationsbehörde Austria, KommAustria)
Address: Mariahilfer Straße 77-79, A-1060 Vienna
Website: www.rtr.at

The Austrian Communications Authority (KommAustria) was set up under the KommAustria Act (KOG) for the purpose of handling the administration of regulatory activities in broadcasting. The Regulatory Authority for Broadcasting and Telecommunications (RTR) acts as KommAustria's operational arm in the field of broadcasting regulation, especially for the purpose of providing administrative support. The Broadcasting Advisory Board was set up as an advisory body for KommAustria and consists of six voluntary members. The board is to be consulted before licenses are issued and programming changes are approved. The Federal Communications Senate (BKS) was set up as an appeals authority within the Austrian Federal Chancellery in order to review the decisions of KommAustria in matters related to broadcasting regulation. In addition, the BKS is responsible for legal supervision of the Austrian Broadcasting Corporation (ORF) and for first-instance decisions under the Act on Exclusive Television Rights (Fernseh-Exklusivrechtgesetz, or FERG).

- **Austrian Federal Office for Safety in Health Care**
(Bundesamt für Sicherheit im Gesundheitswesen, BASG)
Address: Traisengasse 5, A-1200 Vienna
Website: www.basg.gv.at

The Federal Office for Safety in Health Care (Bundesamt für Sicherheit im Gesundheitswesen, BASG) was set up in January 2006. Its responsibilities include a variety of tasks such as issuing marketing authorization for medicinal products (human and veterinary), assessing the efficacy and safety of medicinal products and medical devices, market surveillance, inspection of manufacturers. The BASG is directly subordinated to the Austrian Federal Ministry of Social Affairs, Health, Care and Consumer Protection and thus carries out sovereign tasks. It consists of three members appointed by the Federal Minister of Health.

- **Telecommunications Office**
(Fernmeldebüro)

The Telecommunications Office (Fernmeldebüro) with 7 regional offices act as competent authorities regarding the EU-Directive on privacy and electronic communications. Please see here for contact information:

<https://www.bmk.gv.at/ofb/organisation/fernmeldebüro.html>

Further enforcement bodies are the regulatory bodies in specific fields (telecommunications, energy supply, food safety, financial services):

- **Energy-Control Austria**

(Energie-Control Austria)

Address: Rudolfsplatz 13a, A-1010 Vienna

Website: www.e-control.at

Energy-Control Austria (E-Control) is the Austrian regulatory body in the field of electricity and natural gas. Its job is to strengthen competition and ensure that security of supply and sustainability are not compromised. It was established as a limited liability company in 2001 and transformed into a public authority in 2011. The E-Control also runs helpful online tools for consumers on its website, like e.g. the so-called 'Spritpreisrechner' that allows consumers to compare prices for vehicle fuels or a tariff calculator that helps consumers to compare offers for gas and electricity.

- **Financial Market Authority**

(Finanzmarktaufsicht, FMA)

Address: Otto-Wagner-Platz 5, A-1090 Vienna

Website: www.fma.gv.at

The Financial Market Authority (Finanzmarktaufsicht, FMA) is an independent, autonomous and integrated supervisory authority for the Austrian Financial Market, established as an institution under public law. It is responsible for the supervision of credit institutions, insurance undertakings, pension funds, staff provision funds, investment funds, investment service providers, companies listed on the stock exchange as well as stock exchanges themselves.

- **Agency for Health and Food Safety**

(Agentur für Gesundheit und Ernährungssicherheit, AGES)

Address: Spargelfeldstraße 191, A-1220 Vienna

Website: www.ages.at

The main tasks of the Agency for Health and Food Safety (Agentur für Gesundheit und Ernährungssicherheit, AGES) comprise examinations and assessments according to the regulations stated in the Austrian Food Act, among others. Human and veterinary examinations are also part of the programme to prevent and combat the spread of transmissible and non-transmissible diseases in the local population. Clean agricultural facilities and the ensuring of Austria's competitiveness are further contributions made by AGES to food safety, in addition to the absence of animal epidemics. AGES examines the safety and effectiveness of pharmaceuticals and medical products to protect sick people.

AGES evaluates risks, provides risk communications, gives risk management

recommendations and carries out risk management in the public sector in line with Austrian Health and Food Safety Act. These diverse activities are provided in six strategic divisions and three inter-divisional departments.

- **Regulatory Authority for Broadcasting and Telecommunications**

(Rundfunk und Telekom Regulierungs-GmbH, RTR)

Address: Mariahilfer Straße 77-79, A-1060 Vienna

Website: www.rtr.at

On April 1 2001, the Austrian Regulatory Authority for Broadcasting and Telecommunications (Rundfunk und Telekom Regulierungs-GmbH, RTR) was established. RTR consists of two divisions (Media and Telecommunications, Postal Service Division) and provides operational support for the Austrian Communications Authority (KommAustria), the Telekom-Control-Commission (TKK) and the Post-Control-Commission (PCK).

As experts in various fields such as law, technology, frequency management, business and economics, RTR's employees prepare the decisions of the two authorities with the overall objective of securing Austria a top position in the information society and ensuring sustainable competition on the country's communications markets. At the same time, RTR's employees also work in RTR's independent areas of activity.

1.3. NATIONAL CONSUMER ORGANISATIONS

- **The Consumer Information Association**

(Verein für Konsumenteninformation, VKI)

Address: Mariahilfer Straße 81 (Counselling, ECC) and Linke Wienzeile 18 (Law, Testing, Magazine), A-1060 Vienna

Websites: www.vki.at; www.verbraucherrecht.at; www.konsument.at

The VKI is a private association which operates a wide range of activities in the interest of consumer protection and consumer advocacy. It sees its main tasks in the counselling of consumers as well as handling their complaints in technical and legal aspects.

The VKI plays an important role in obtaining pertinent court rulings by bearing the costs of court proceedings in particular cases which are important from a consumer protective point of view (test cases). In this task, the VKI is commissioned with litigation by contract with the Federal Ministry of Social Affairs, Health, Care and Consumer Protection. Moreover, the VKI is also entitled by law to fight against illegal commercial practices (like eg. misleading advertising) as well as unfair clauses in general standard terms and conditions by filing injunctions and bringing cases before a court. In total, the VKI conducts about 250 court proceedings per year.

The Consumer Information Association has two ordinary members (Federal Chamber of Labour, Austrian Confederation of Trade Unions). The Republic of Austria is an

extraordinary member, and – in that context – represented by the Federal Ministry for Social Affairs, Health, Care and Consumer Protection.

The VKI is financed primarily by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection, to a small amount by the members and, finally, it generates own financial resources by legal counseling of consumers as well as its publications (like its monthly magazine “Konsument”, where e.g. results of comparative tests of products and services are published). Furthermore it gets funding for specific projects, expertise and studies.

Moreover, the VKI also hosts the European Consumer Centre Austria.

- **The Chamber of Labour**

Federal Chamber of Labour

(Arbeiterkammer, AK)

Address: Prinz-Eugen-Straße 20-22, A-1040 Vienna

Website: www.arbeiterkammer.at

The Chamber of Labour (Arbeiterkammer, AK), which is organized in accordance with Austria's federal structure (one separate Chamber of Labour in each of the nine Federal Provinces with the Federal Chamber of Labour as the umbrella organization of these nine regional Chambers) represent the interests of three million employees in Austria. Membership is compulsory for almost all employees working in Austria. The AK provides information and advice on different issues such as for example labour law, social insurance, tax law, women's and family policy, worker protection, the protection of apprentices and young workers, unemployment insurance, but a large emphasis in the work of the Chamber is also put on consumer protection: It offers legal counsel in consumer protection matters to its members and also handles consumer complaints. Moreover, the Federal Chamber of Labour is also entitled by law to fight against illegal commercial practices (like e.g. misleading advertising, aggressive commercial practices) as well as unfair clauses in general standard terms and conditions by filing injunctions.

Moreover, there are **further organisations that concentrate on specific consumer issues or groups**, such as e.g.:

- **Internet Ombudsman**

(Internet Ombudsmann)

Address: Ungargasse 64-66, A-1030 Vienna

Website: www.ombudsmann.at; www.watchlist-internet.at

The Austrian Internet Ombudsman (Internet Ombudsmann) is a project run by the Austrian Institute for Applied Telecommunications and funded by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection and the Chamber of Labour. It offers information, mediation and alternative dispute resolution for consumers in the area of e-commerce. Moreover, the Internet Ombudsman runs the so-called ‘Watchlist

Internet' that aims to raise consumers' awareness towards online fraud and fraud-like traps. The 'Watchlist' offers independent and cost-free information on recent cases of internet-fraud, provides advice for effective prevention policies and shows how typical fraud-methods are working (www.watchlist-internet.at). Moreover, victims of online fraud are provided with initial help and advice for possible further legal steps.

- **Austrian Automobile Associations:**

- **ÖAMTC** – Austrian Automobile, Motorcycle and Touring Club)

Address: Baumgasse 129, A-1030 Vienna

Website: www.oeamtc.at

- **ARBÖ** – Austrian Driver-, Motor- and Cyclist-Organisation)

Address: Johann-Böhm-Platz 1, A-1020 Vienna

Website: www.arboe.at

- **Debt Counselling Organisations:**

In accordance with Austria's federal structure, several counselling organisations for indebtedness exist in each of the nine Federal Provinces. The 'ASB Schuldnerberatungen GmbH', a limited company, is a private non-profit making organisation and the umbrella organisation of all debt advice services in Austria. Its head office is based in Upper Austria. The ASB Schuldnerberatungen GmbH acts as an interface between debt advice services and creditors as well as ministries, political decision makers and institutions and research institutes. The main activities are - beside the exchange of information - training of debt advisers, development of quality management, coordination of PR-work and lobbying as well as data collection and research on debt-related matters. The ASB also acts as a trustee in legal private bankruptcy proceedings.

ASB Schuldnerberatungen GmbH

Address: Bockgasse 2b, A-4020 Linz

Website: www.schuldnerberatung.at

Further organisations exist which focus on the interest of specific groups, such as for example **counselling associations for elderly**, **associations supporting patients** or such **representing the interests of tenants**.

1.4. NATIONAL COUNCILS/ASSEMBLIES OF CONSUMER ORGANISATIONS AND OTHER STAKEHOLDERS

- **Consumer Policy Forum (Konsumentenpolitisches Forum)**

This Forum, which consists of public bodies and stakeholders engaged in consumer policy, meets once a year in order to coordinate consumer policy activities and share intelligence about emerging consumer issues. The Forum is chaired by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection

- **Product Safety Board (Produktsicherheitsbeirat)**

The Product Safety Board consists of representatives from several federal ministries as well as from various organisations with expertise in product safety and consumer protection. The main task of the board is to advise the Federal Minister of Social Affairs Health, Care and Consumer Protection in fundamental questions of the effective protection of consumers from dangerous products and develop recommendations on these issues.

- **Consumer Council at the Austrian Standards Institute**

The council represents consumer interests in national, European as well as international standardisation bodies.

- **Advisory Board on Consumer Protection Cooperation**

This Committee exchanges experiences made in the context of the enforcement of the EU-Regulation on Consumer Protection Cooperation (CPC). It is chaired by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection as the Single Liaison Office under the CPC Regulation.

Furthermore, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection is also represented in several councils foreseen by law that deal with issues relevant from a consumer protection point of view such as for example energy supply, postal services, price indication or food matters.

1.5. CONSUMER MEDIA

- **Online**

- The Consumer Policy Directorate of the **Federal Ministry of Social Affairs, Health, Care and Consumer Protection** runs a website, which provides news on consumer-relevant topics as well as general information on consumer rights. Moreover, an emphasis of the website is dedicated to consumer education – teaching materials for schools are offered for free on the website. Interested teachers are also provided with a newsletter containing further materials four times a year.

Website: www.konsumentenfragen.at

- The **Consumer Information Association Organisation (VKI)** runs several websites: the general website www.vki.at gives an overview about all activities of the VKI and contains links to several other websites. On www.verbraucherrecht.at, the VKI informs about consumer-relevant news like recent court rulings, important changes in consumers law or its current activities and publications. On www.konsument.at, a

special focus is put on findings of comparative tests of products and services that are also published in the VKI's magazine 'Konsument' (see below).

Websites: www.vki.at; www.verbraucherrecht.at, www.konsument.at

- Important and very useful information for consumers with regard to cross-border problems is provided on the website of the **European Consumer Centre Austria** (see 1.7.).

Website: www.europakonsument.at

- The website of the **Internet Ombudsman** offers information for consumers in the area of e-commerce. Moreover, the Internet Ombudsman runs the so-called 'Watchlist Internet' that aims to raise consumers' awareness towards online fraud and fraud-like traps. The 'Watchlist' offers independent and cost-free information on recent cases of internet-fraud, provides advice for effective prevention policies and shows how typical fraud-methods are working. Moreover, victims of online fraud are provided with initial help and advice for possible further legal steps.

Websites: www.ombudsmann.at; www.watchlist-internet.at

- Consumers can also be find relevant information, e.g. about their rights in specific sectors, on the websites of the organisations and institutions mentioned in the previous chapters.

- **TV and radio**

Various national TV- and radio formats inform about consumer-relevant topics such as emerging consumer problems.

- **Newspapers and magazines**

The VKI publishes a monthly magazine called 'Konsument', which informs its readers about recent consumer trends and presents findings of comparative tests of products and services run by the VKI and its partners.

As a matter of course, consumers can also find information on recent consumer trends and problems in daily newspapers.

1.6. REDRESS BODIES: COURTS AND ADRS

1.6.1. COURTS

Courts of ordinary jurisdiction deal with all matters outside the competence of the public law courts, i.e. matters of private law, criminal law as well as aspects of competition law.

- *Courts of first instance*: Depending on the facts of the case, such as the amount claimed in civil cases or the type of offense in criminal cases, the case falls within the jurisdiction of either a District Court (Bezirksgericht) or a Regional Court (Landesgericht) in the first instance. If the first instance court is a District Court, decisions are taken by a single judge. Also in civil cases before Regional Courts,

decisions are taken by a single judge. On the other hand, the composition of the Regional Court in criminal matters differs according to the nature of the proceedings and the possible penalty.

- *Courts of second instance*: In civil matters where a case was initially brought before a District Court, an appeal must be made to a Regional Court. If the court of first instance is a Regional Court, appeals against its decisions fall within the competence of a Higher Regional Court (Oberlandesgericht). In criminal matters, when the court of first instance is a Regional Court, there are cases in which the appellate court is the Supreme Court (depending on the legal remedy and the nature of the alleged crime). In criminal proceedings, there are just two stages.
- *Supreme Court*: The **Austrian Supreme Court** is one of three judicial bodies charged with final appellate jurisdiction in the Republic of Austria. Whereas the Constitutional Court deals with constitutional law and the Supreme Administrative Court with public law, the Supreme Court is the highest instance in civil and criminal matters. These three Courts are hierarchically on the same level, there being no superiority or subordination between them.

Basically, a further appeal in civil matters to the Supreme Court is possible in cases requiring a decision on legal issues of fundamental importance.

In its comprehensive guiding role in the administration of justice within the ordinary court system, the Supreme Court seeks to safeguard legal uniformity, legal certainty and the development of the law. Although precedents are not legally binding, the Court's jurisprudence has an essential purpose in giving specific content to the law, determining the meaning of provisions of law and assuring the legal protection of the citizens.

More information on the organisation of courts can be found on www.bmj.gv.at.

1.6.2. ADR-BODIES

The European Directive on alternative dispute resolution for consumer disputes (2013/11/EU) was implemented into the Austrian legal system through the **Alternative Dispute Resolution Act (AStG)**. From 9 January 2016 there has been a service responsible for alternative resolutions to almost all disputes which result from a contract between a consumer and a trader.

- There are a total of eight officially recognised ADR-bodies which are responsible for different fields. Some of them already existed before, such as those in the fields of energy, telecommunications, passengers' rights and postal services. These eight government-approved conciliation bodies are characterised by guarantees laid down in the Act (AStG) such as independence, transparency and effectivity. A new element introduced by the AStG is a conciliation body for consumer transactions which do not fall under the responsibility of sector-specific bodies – the 'Schlichtung für

Verbrauchergeschäfte.' The European Consumer Centre Austria, ECC functions as OS-contact point for crossborder issues according to the Regulation (EU) Nr. 524/2013.

Outside this system there are already other (especially regional) existing conciliation services in some fields (for disputes related to chimney sweeps, for example). These will continue to exist, but they are not subject to the provisions of the AStG.

Please find below the contact details of the eight arbitration bodies that fall under the scope of the AStG as well as a short reference to their respective responsibilities:

- **Conciliation for Consumer Transactions**
(Schlichtung für Verbrauchergeschäfte)
General arbitration body – responsible for cases that do not fall under the competence of any of the sector-specific bodies below
Address: Mariahilfer Straße 103/1/18, A-1060 Vienna
Website: www.verbraucherschlichtung.at
- **Energy Control**
(Energie-Control-Austria, E-Control)
ADR body in the field of energy
Address: Rudolfsplatz 13a, A-1010 Vienna
Website: www.e-control.at/schlichtungsstelle
- **Arbitration Body for Telecommunication**
(Rundfunk und Telekom Regulierungs-GmbH, RTR)
Conciliation in the field of telecommunications
Address: Mariahilfer Straße 77-79, A-1060 Vienna
Website: www.rtr.at/en/tk/TKKS_Schlichtung01
- **Arbitration Body for Postal Services**
(Rundfunk und Telekom Regulierungs-GmbH, RTR)
Conciliation in the field of postal services
Address: Mariahilfer Straße 77-79, A-1060 Vienna
Website: https://www.rtr.at/en/post/PKS_Schlichtung
- **Agency for Passenger Rights**
(Agentur für Passagier- und Fahrgastrechte, apf)
Arbitration body for rail, bus, ship and air transport
Address: Linke Wienzeile 4/1/6, A-1060 Vienna
Website: www.apf.gv.at
- **Austrian Banking Ombudsman**
(Gemeinsame Schlichtungsstelle der Österreichischen Kreditwirtschaft)

Address: Wiedner Hauptstraße 63, A-1045 Vienna

Website: www.bankenschlichtung.at

- **Internet Ombudsman**
(Internet Ombudsmann)
Conciliation in the field of e-commerce
Address: Ungargasse 64-66, A-1030 Vienna
Website: www.ombudsmann.at
- **Conciliation Office for Premanufactured Houses**
(Ombudsstelle Fertighaus)
Address: Gonzagagasse 4/3/3, A-1010 Vienna
Website: www.ombudsstelle-fertighaus.org

1.7. EUROPEAN CONSUMER CENTRE

The European Consumer Centre Austria is one of 30 European Consumer Centers set up by the European Union within the framework of the ECC-Network. In Austria, it is hosted by the Consumer Information Association (Verein für Konsumenteninformation, VKI). Its mission is to inform and assist consumers in cases of cross-border complaints. Moreover, the ECC Austria is the OS-contact point for crossborder conciliation matters (see 1.6.2.).

European Consumer Centre Austria, ECC

(Europäisches Verbraucherzentrum)

Address: Mariahilfer Straße 81, 1060 Wien

Website: www.europakonsument.at

1.8. SELF OR CO-REGULATIONS

A self-regulatory body for the field of advertising is the Advertising Board (Werberat). More information can be found under www.werberat.at.

Other quality labels exist in many fields like e.g. for the Internet, foodstuffs and textiles.

2. Consumer Policies

2.1. CONSUMER PROTECTION LEGISLATION

Please find below an overview of some of the most important Austrian legal acts in the field consumer protection, many of them implementing the respective EU directives into the Austrian legal system:

- Consumer Protection Act (Konsumentenschutzgesetz, KSchG)
- Act on Distance and Off-premises Contracts (Fern- und Auswärtsgeschäfte-Gesetz, FAGG)
- Unfair Competition Act (Bundesgesetz gegen den unlauteren Wettbewerb, UWG)
- E-Commerce Act (E-Commerce-Gesetz, ECG)
- Price Indication Act (Preisauszeichnungsgesetz, PrAG)
- Alternative Dispute Resolution Act (Alternative-Streitbeilegung-Gesetz, AStG)
- Product Safety Act (Produktsicherheitsgesetz 2004, PSG)
- Product Liability Act (Produkthaftungsgesetz, PHG)
- Telecommunications Act 2003 (Telekommunikationsgesetz 2003, TKG)
- Electricity Industry and Organization Act (Elektrizitätswirtschafts- und -organisationsgesetz, ElWOG)
- Gas Management Act 2011 (Gaswirtschaftsgesetz 2011, GWG)
- Energy Efficiency Act (Bundes-Energieeffizienzgesetz, EEffG)
- Postal Market Act (Postmarktgesetz, PMG)
- Payment Services Act (Zahlungsdienstegesetz, ZaDiG)
- Consumer Payment Account Act (Verbraucherzahlungskontogesetz, VZKG)
- Consumer Credit Act (Verbraucherkreditgesetz, VKrG)
- Distance Financial Service Act (Fern-Finanzdienstleistungs-Gesetz, FernFinG)
- Mortgage Credit Act (Hypothekar- und Immobilienkreditgesetz, HIKrG)
- Insurance Contract Act (Versicherungsvertragsgesetz, VersVG)
- Deposit Guarantee and Investor Compensation Act (Einlagensicherungs- und Anlegerentschädigungsgesetz, ESAEG)

All Austrian laws can be found on www.ris.bka.gv.at, some are also available in English.

2.2. CONSUMER ORGANISATIONS

There is no official legal definition or criteria in Austria for ‘consumer organisation’. For an overview of the most important institutions in the field of consumer protection, please see Chapter 1.

2.3. ENFORCEMENT/REDRESS

In Austria, the enforcement of consumer protection law is mainly sought through injunctions brought by consumer associations. Although several institutions are entitled by law to bring actions against traders that use unlawful terms in their general terms and conditions or conduct in unfair commercial practices, the Consumer Information Association (Verein für Konsumenteninformation, VKI) and the Austrian Chamber of Labour (Arbeiterkammer) are the only ones which have adopted a consistent policy of making use of their right to bring

injunctions before court. They are also entitled to fight against illegal practices according to the scope of the European Injunctions Directive like e.g. misleading advertising, unfair clauses in general standard terms and conditions by filing injunctions. Furthermore, these institutions can also file for an injunction if a trader injures general consumer interests by offending the provisions regarding door-to-door sales, distance-selling contracts, timeshare contracts, legal guarantee and warranty credit contracts and others. In most cases, the trader gets the possibility to avoid the lawsuit if he signs a cease-and-desist statement secured by a reasonable penalty within a reasonable period.

The Consumer Information Association is commissioned with litigation by contract with the Federal Ministry of Social Affairs, Health, Care and Consumer Protection and performs this task with financial subsidies from the ministry. Moreover, the Consumer Information Association assumes liability for the legal costs of suits with the aim of obtaining pertinent court rulings in particular cases that are important from a consumer protective point of view (test cases). Another way for consumer associations to obtain pertinent court decisions is the so called "joint action under Austrian law": Although the Austrian procedural law does not explicitly foresee the possibility of group actions, consumers can assign their claims to a consumer association that then files a complaint in its name.

Moreover, in some sectors, public enforcement bodies (see 1.2.) are entitled to take appropriate enforcement measures including administrative fines.

2.4. INFORMATION AND EDUCATION

The Consumer Policy Directorate of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection puts an emphasis on consumer information as well as education. As already mentioned under 1.4., parts of its website www.konsumentenfragen.at are dedicated to the provision of ready-to-use teaching materials for schools covering a wide range of consumer-relevant topics in order to prepare pupils from all age groups for various challenges of everyday life as a consumer. The materials get regularly updated and enhanced. To spread the knowledge of this possibility among teachers and schools, the Ministry also participates in several trade fairs and conferences for teaching staff. Interested teachers are also provided with a newsletter containing further materials four times a year. The participation in this programme is free and is provided all over Austria.

Moreover, news on a wide range on consumer-relevant topics as well as general information on consumer rights are also published on the website.

The Federal Ministry of Social Affairs, Health, Care and Consumer Protection also regularly publishes information brochures and leaflets on consumer-relevant topics. These information materials are spread through relevant stakeholders as well various trade fairs

and other events with consumer attendance. They are also available as hardcopies or download versions on the website of the ministry www.sozialministerium.at.

2018 the Ministry founded a permanent exhibition for young consumers “COCO lab” (**conscious consumers lab**), aiming at raising consumer awareness. Its approach is interactive and discussion-based in order to motivate children and young consumers to reflect their role as consumers and its impact on economics, society and environment. For details see <https://cocolab.wirtschaftsmuseum.at/>

2.5. INFORMATION GATHERING/RESEARCH

The Consumer Policy Directorate within Federal Ministry of Social Affairs, Health, Care and Consumer Protection maintains regular contact and exchange with all relevant stakeholders in the field of consumer protection.

For that reason, it also hosts events like for example its series of conferences entitled ‘Konsumentenpolitik im Gespräch’, which provides attendants with information on scientific and practical background on a specific consumer-relevant topic and also offers room for discussion. Topics covered in recent years were e.g. young consumers as a focal point of the economy or alternative dispute resolution. Another important platform for the regular exchange of information is the ‘Consumer Policy Forum’ (‘Konsumentenpolitisches Forum’). Consisting of the most relevant public bodies and stakeholders engaged in consumer policy, it meets once a year in order to coordinate consumer policy activities and share intelligence about emerging issues. The Forum is chaired by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection.

Every second year the Consumer Policy Yearbook is published. It contains theoretical as well as practical contributions about consumer relevant issues. Furthermore it comprises a comprehensive summary of rulings and relevant legislation and events during this period. Moreover, the Ministry also directly deals with complaints of consumers. This is also an important source of receiving a better and deeper understanding of emerging consumer trends and problems.

In the field of product safety, important sources for information and research are the European RAPEX-database, the Information and Communication System for Market Surveillance (ICSMS) as well as the Injury Database (IDB).