

AUSTRIA

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1. Consumer policy institutions

1.1. MINISTRY RESPONSIBLE FOR CONSUMER POLICY

At ministerial (state) level consumer policy is dealt with by several ministries: the Federal Ministry for Labour, Social Affairs and Consumer Protection is responsible for the coordination of national consumer policy, for product safety and the EU-Regulation on Consumer Protection Cooperation. It cooperates closely with relevant ministries involved in consumer-related issues like the Federal Ministry for Economic Affairs, Family and Youth (responsible for unfair competition, misleading advertising, price indication), the Federal Ministry for Justice (responsible for e-commerce, distant selling, injunctions, timeshare, travel packages etc.), the Federal Ministry for Finance (responsible for consumer credit etc.), the Federal Ministry for Health (responsible for foodstuffs and health claims etc.), the Federal Ministry for Transport, Innovation and Technologies (responsible for passenger rights etc.) and the Ministry for Education, Arts and Culture.

The Federal Ministry for Labour, Social Affairs and Consumer Protection cooperates closely with the provinces called 'Länder': according to the federal principle laid down in the Constitution Austria has a decentralized system of indirect administration where the 'Länder' are responsible for enforcement and where the minister is normally the last instance.

Further important partners are the social partners (the Chamber of Labour, the Chamber of Commerce, the Trade Unions' Association, the Association of the Chambers for Agriculture), other federal surveillance institutions in the areas of finance, insurance, telecommunications, competition etc. and non-governmental organisations dedicated to consumer protection especially the Austrian Consumer Association called 'Verein für Konsumenteninformation' (VKI).

Contact Information:

- **Federal Ministry for Labour, Social Affairs and Consumer Protection**
Directorate General III - Consumer Protection
Address: Stubenring 1, AT-1010 Wien
Website: <http://konsumentenfragen.at>
- **Federal Ministry for Economic Affairs, Family and Youth**
Address: Stubentor 1, AT-1010 Wien
Website: www.bmwfj.gv.at
- **Federal Ministry for Justice**
Address: Museumstraße 7, AT-1070 Wien
Website: www.bmj.gv.at
- **Federal Ministry for Finance**
Address: Himmelpfortgasse 8, AT-1010 Wien
Website: www.bmf.gv.at

- **Federal Ministry for Health**
Address: Radetzkystraße 2, AT-1031 Wien
Website: www.bmg.gv.at
- **Federal Ministry for Transport, Innovation and Technologies**
Address: Radetzkystraße 2, AT-1031 Wien
Website: www.bmvit.gv.at
- **Federal Ministry for Education, Arts and Culture**
Address: Minoritenplatz 5, AT-1014 Wien
Website: www.bmukk.gv.at

1.2. PUBLIC AGENCIES

According to the federal principle the "Länder" (provinces) are responsible for enforcement and the minister (at state level) is normally the last instance. The structure of the provinces starts at the district level with the district administrations and ends at the provinces administrations:

- **Amt der Niederösterreichischen Landesregierung**
Address: Landhausplatz 1, AT-3109 St Pölten
Website: www.noel.gv.at
- **Amt der Oberösterreichischen Landesregierung**
Address: Landhausplatz 1, AT-4021 Linz
Website: www.ooe.gv.at
- **Amt der Kärntner Landesregierung**
Address: Arnulfplatz 1, AT-9010 Klagenfurt
Website: www.ktn.gv.at
- **Amt der Wiener Landesregierung**
Address: Rathaus, AT-1010 Wien
Website: www.magwien.gv.at
- **Amt der Salzburger Landesregierung**
Address: Chiemseehof, AT-5020 Salzburg
Website: www.salzburg.gv.at
- **Amt der Vorarlberger Landesregierung**
Address: Landhaus, AT-6901 Bregenz
Website: www.vorarlberg.at
- **Amt der Tiroler Landesregierung**
Address: Eduard-Willnöfer-Platz 3, AT-6020 Innsbruck
Website: www.tirol.gv.at

- **Amt der Burgenländischen Landesregierung**
Address: Europaplatz 1, AT-7000 Eisenstadt
Website: www.bgld.gv.at
- **Amt der Steiermärkischen Landesregierung**
Address: Burgring, AT-8010 Graz
Website: www.stmk.gv.at

Enforcement bodies foreseen according to the EC-regulation on consumer protection cooperation are:

- **Federal Cartel Attorney within the Federal Ministry for Justice**
Address: Schmerlingplatz 11, AT-1016 Wien
Website: www.bmj.gv.at
- **Federal Ministry for Transport, Innovation and Technologies**
Address: Radetzkystraße 2, AT-1031 Wien
Website: www.bmvit.gv.at
- **Federal Competition Authority**
Address: Praterstraße 31 (Galaxy Tower), AT-1020 Wien
Website: www.bwb.gv.at
- **Communication Authority 'KommAustria' within the Federal Chancellery**
Address: Mariahilfer Straße 77-79, AT-1060 Wien
Website: www.bka.gv.at or www.rtr.gv.at
- **Federal Communication Board**
Address: Ballhausplatz, AT-1014 Wien
Website: www.bundeskanzleramt.at/site/3480/default.aspx
- **Austrian Federal Agency for Safety in Health Care**
Address: Schnirchgasse 9, AT-1030 Wien
Website: www.basg.at

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

- **Energie-Control GmbH**
Address: Rudolfsplatz 13a, AT-1010 Wien
Website: www.e-control.at
- **Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH, AGES – Agency for health and food safety**
Address: Spargelfeldstraße 191, AT-1226 Wien
Website: www.ages.at

- **Finanzmarktaufsicht (FMA) – Financial Market Authority**

Address: Praterstraße 23, AT-1020 Wien

Website: www.fma.gv.at

There is no publicly funded research organisation or observatory, state financing is done individually on a project-base.

1.3. NATIONAL CONSUMER ORGANISATIONS

- **The Consumer Association VKI (Verein für Konsumenteninformation)** is dealing exclusively with consumer affairs on a broad basis. It counts four ordinary members (the social partners) and one extra-ordinary member (the Federal Ministry for Labour, Social Affairs and Consumer Protection) which is responsible for consumer protection. It is financed primarily by the Federal Ministry for Labour, Social Affairs and Consumer Protection, to a small amount by the four members and, finally, it generates own financial resources (about 2/3 of its budget) mainly by its monthly magazine 'Konsument'. Furthermore it gets funding for specific projects, expertise, studies.

VKI-Verein für Konsumenteninformation- Consumer Association

Address: Mariahilfer Straße 81, AT-1061 Wien

Tel: +43 01/588 77 - 0

Fax: +43 01/588 77 - 71

E-mail: konsument@vki.or.at

Website: <http://www.konsument.at/konsument/>

- The main objective of the **Chamber for Workers and Employees** -with its 9 organisations in the Länder- is protecting the right of employed people, but they are also very active in consumer protection issues:

BAK- Bundesarbeitskammer für Arbeiter und Angestellte

Address: Prinz Eugen Straße 20-22, AT-1040 Wien

Website: <http://www.ak.at/>

Further organisations exist which concentrate on specific consumer issues or groups like the Internet Ombudsman, the counselling organisations for indebtedness, housing associations, auto touring clubs, counselling associations for the elderly, associations supporting patients.

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

- **The Product Safety Council (Produktsicherheitsbeirat)** within the Federal Ministry of Social Affairs and Consumer Protection is counselling the minister.
For more information, see www.konsumentenfragen.at
- **The Consumer Protection Cooperation Council** is foreseen in the national transposition of the EC-regulation on consumer protection cooperation which came into force on 29.12.2006; the Federal Ministry for Labour, Social Affairs and Consumer Protection is the lead ministry.

- **The Consumer Policy Forum** has been installed in 2006 to have public bodies and stakeholders engaged in consumer policy in order to coordinate consumer policy activities, especially sharing information and knowledge to develop priorities. It meets once a year. Ad hoc Working Groups can gather on specific subjects. It is chaired by the Federal Ministry for Labour, Social Affairs and Consumer Protection.
For more information, see www.konsumentenfragen.at
- **The Consumer Council** in the national standardisation institute has to make sure that consumer interests are heard in the standardisation process.
For more information, see www.on-norm.at/publish/home.html
- **The Federal Ministry of Social Affairs and Consumer Protection** is also represented in several councils foreseen by law which deal with energy supply, postal services, price indication, food matters.

1.5. CONSUMER MEDIA

Special attention shall be drawn to a common website of the major actors in consumer policy which is run by the VKI and financed by the Federal Ministry of Social Affairs and Consumer Protection. It is open to the public and has an intranet for information sharing among consumer protection bodies.

www.verbraucherrecht.at

www.konsument.at

www.europakonsument.at

Information can also be found under the website addresses of the public bodies and private organisations listed above. They all issue publications.

National TV-and radio programmes for consumer rights are 'Help Radio' 'Gut beraten', 'Help TV'. More information on

<http://www.orf.at>

www.help.orf.at

There are also single articles in daily newspapers.

1.6. REDRESS BODIES: COURTS AND ADRS

All information on the organisation of courts may be found on

www.bmj.gv.at

ADR-Information may be found on

http://ec.europa.eu/consumers/redress/out_of_court/ecc_austria_en.htm

1.7. EUROPEAN CONSUMER CENTRE

Europäisches Verbraucherzentrum:

Address: Mariahilfer Straße 81, AT-1060 Wien

Tel: + 43/1 588 77 342

Fax: + 43/1 588 77 99 342

E-mail: info@europakonsument.at

Website: www.europakonsument.at

1.8. SELF OR CO-REGULATIONS

A self-regulatory organisation for advertising may be found under www.werberat.at Quality labels exist in many fields especially for the Internet, foodstuffs, textiles.

2. Consumer policies

2.1. CONSUMER PROTECTION LEGISLATION

The directives listed in the annex of the EC-regulation Regulation (EC) No 2006/2004 on Consumer Protection Cooperation which are not part of the *acquis* review¹ have been transposed in a variety of laws: the most important are the Unfair Competition Act (UWG), the e-Commerce Law (E-commerce-G), the Banking Act (BWG), the Private TV-Act (PrivatfernsehG), the Public TV-Act (ORF-G), the Price Indication Act (PrAG), the Human Medicines Act (AMG), the Financial Services Distance Selling Act (FernFinG) and the Civil Aviation Act (Luftfahrtgesetz).

The main penalties for non-compliance are actions for injunction (civil courts) or administrative fines (administrative enforcement bodies).

All Austrian laws may be found at www.ris.bka.gv.at, some even in English (which is the case for the 3 laws mentioned). You may also find them on the English version of www.konsument.at).

2.2. CONSUMER ORGANISATIONS

There are no official definitions or criteria in Austria for consumer protection organisations. However, in reality, there are certain criteria which are considered to be fulfilled like being a non-governmental and non-profit organisation whose statutes and tasks aim at protecting consumers. Furthermore they must not use advertising in their publications.

The Consumer Organisation VKI (see 1.3.) is entitled by law to take actions before the court (actions for injunction, test cases, group actions) and gets funds from the Federal Ministry for Labour, Social Affairs and Consumer Protection for that task on the basis of a contract.

¹ The detailed list of directives is available at : <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R2006:EN:NOT>

The Federal Ministry of Social Affairs and Consumer Protection is also funding specific consumer organisations like the Internet Ombudsman and Debt Counselling Services, sometimes in cooperation with other ministries.

The Consumer Council within the Austrian Standardisation Institute is also funded by the competent ministry.

2.3. ENFORCEMENT/REDRESS

On the one hand, there are Alternative Dispute Resolution mechanisms (ADR), whose action is a kind of mediatory but non-binding measure (see 1.6.).

On the other hand, there are consumer protection organisations or social partners entitled by law to go to court for specific cases (like unfair advertising) to ask for actions for injunctions or group actions (see 1.3.).

Finally there are courts (see 1.6.) and public enforcement bodies (1.2.) which may take appropriate measures including administrative fines (by enforcement bodies).

2.4. INFORMATION AND EDUCATION

In addition to consumer media (see 1.4.) the Federal Ministry for Labour, Social Affairs and Consumer Protection is regularly publishing different brochures, leaflets and guides like a kind of “who is who” guide in the consumer protection field. It is organising information campaigns and awards at schools and is involved in adult education with education bodies (e.g. public lectures at libraries, centre for education in patients’rights). It participates in a education working group of different stakeholders trying to unify their efforts to bundle measures. It has issued teachers’materials (www.verbraucherbildung.at) and is quite active in the financial education sector (www.finanzportal.at) with a finance “driving” licence. It launches studies. Finally it is involved in phone counselling. Installs hotlines on specific problems and informs on its website about frequent consumer problems in form of FAQ’s.

2.5. INFORMATION GATHERING/RESEARCH

There is a reference on www.verbraucherrecht.at to databases only accessible and used by the consumer protection bodies participating (VKI, AK and BMSK) on current court procedures, actions for injunctions like:

- VKD-DB (Verbandsklagen-Datenbank): database on court actions and warnings towards companies by the VKI in cooperation with the ministry
- KRES (collection of court cases in consumer protection).

In the product safety field (BMSG is the competent ministry), there are two databases:

- Rapex which is, for one part, open to the public and for the other part, restricted to law enforcement authorities
- Information and Communication System for Market Surveillance (ICSMS) for product safety.