



GUIDING ACTIVITIES IN UPPER AUSTRIA

Legal framework for hiking guides, school groups and organised group activities

OFFICIAL AUTHORISATION REQUIRED

Commercial guiding and accompanying of persons in activities covered by Section 58 of the Upper Austrian Tourism Act 2018 requires the appropriate official Certificate of Eligibility (Berechtigungsschein), unless a specific statutory exemption applies.

School, youth and leisure groups are not automatically exempt. Where the guiding activity is carried out commercially, the same legal requirements apply. The law focuses on the nature of the guiding activity and whether it is carried out for economic benefit, not merely on the label or purpose of the group. (Oö. TG 2018, § 59(1) and (5))

1. When is a Certificate of Eligibility required?

- Activities within the scope of Section 58 may be carried out commercially only on the basis of the appropriate Certificate of Eligibility. (Section 59(1))
- An activity is considered commercial when it is carried out independently, at the organiser's own account and risk, and with the intention of obtaining income or another economic advantage - irrespective of the purpose for which that benefit is used. (Section 59(5))
- Accordingly, educational, youth, school, leisure or non-profit purposes do not by themselves create an exemption from the licensing requirement.

2. Limited exemption for sports and alpine clubs

A Certificate of Eligibility is not required for qualifying activities carried out within the statutory activities of domestic or foreign sports or alpine clubs only if all of the following conditions are met (Section 59(4)(2)):

- the activity is provided by members of the respective club exclusively to members of that same club;
- neither the individual members nor the club receive remuneration exceeding the actual expenses incurred; and
- the amount of guiding activity does not exceed what is usual in comparison with the club's other activities.

IMPORTANT: A club, school, youth organisation, outdoor school or foreign organisation is not automatically exempt. A club exemption applies only within the strict conditions of Section 59(4). Cost reimbursement is permitted, but remuneration above actual expenses is not.

3. Hiking and snowshoe guiding

Licensed Hiking and Snowshoe Guides may guide and accompany persons only within the legally defined scope of their qualification under Section 58. More technical or hazardous terrain may fall within the reserved professional scope of a Mountain and Ski Guide or another regulated guiding profession.

PRACTICAL INFORMATION FOR ORGANISERS

4. Before organising a group activity

Question	What must be clarified?
Commercial activity?	Does the activity generate income or another economic advantage within the meaning of Section 59(5)?
Correct qualification?	Does the intended terrain fall within hiking/snowshoe guiding, or is a higher alpine qualification required?
Club exemption?	If relying on Section 59(4), are all conditions - members for members, expenses only, and usual club scope - fully met?
Foreign qualification?	Does the guide require recognition or another formal procedure before providing professional services in Upper Austria?
Insurance?	Is adequate professional liability insurance in place for the activity and qualification concerned?

5. Duties and responsibility

Authorised professional guides are subject to statutory professional duties. Depending on the activity, these include assessing the participants, equipment, terrain, group size, foreseeable hazards and emergency preparedness. The applicable professional rules are set out in the Upper Austrian Tourism Act, in particular Section 63.

6. Legal consequences

Providing regulated guiding services without the required authorisation may lead to administrative consequences and may also create significant civil-liability and insurance issues in the event of an accident. Insurance coverage always depends on the relevant policy and the circumstances of the individual case.

Legal basis

Upper Austrian Tourism Act 2018 (Oö. Tourismusgesetz 2018 - Oö. TG 2018)

Relevant provisions: Sections 58-63, in particular Section 59(1), Section 59(4) and Section 59(5).

Official legal text (RIS): <https://www.ris.bka.gv.at/> | Search: "Oö. Tourismusgesetz 2018"

Contact

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Professional information on guiding qualifications and the legal framework in Upper Austria