staatlich anerkannte verbraucherschlichtungsstelle

apf Agentur für Passagier- und Fahrgastrechte

Procedural Guidelines

for out of court dispute resolution at the Agency for Passenger Rights[1]

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[1] According to § 6 Abs 5 Bundesgesetz über die Agentur für Passagier- und Fahrgastrechte BGBl I 2015/61 idgF. iVm § 6 Alternative-Streitbeilegung-Gesetz – AStG BGBl I 2015/105 idgF.iVm § 78a EisbG, § 32b KflG, §§ 71a, 87a SchFG, § 139a LFG.

§ 1. Agency for Passenger Rights

(1) The Agency for Passanger Rights (further: apf) is incorporated within Schienen-Control GmbH and independent from concerned parties in arbitration-procedures regarding organisation, financing, legal-structure and decision making.

(2) The apf serves as the arbitration and enforcement body for dispute resulotion between consumers or passengers and companies in accordance with § 1 Bundesgesetz über die Agentur für Passagier- und Fahrgastrechte, § 78a EisbG[2], § 32b KflG[3], §§ 71a, 87a SchFG[4], § 139a LFG[5], Art 33 und Art 34 Verordnung (EU) 2021/782[6], Art 28 Verordnung (EU) 181/2011[7], Art 25 Verordnung (EU) 1177/2010[8] und Art 16 Verordnung (EG) 261/2004[9] bzw. Art 14 Verordnung (EG) 1107/2006[10].

§ 2. Purpose of the Agency for Passenger Rights

The purpose of the apf is to resolve and settle disputes or complaints out of court. This concerns obligations arising from a paid contracts between a consumer and a company in connection with the transport of passengers by rail, bus, ship or plane, within the scope of it's respective juristiction - see §§ 3, 4, 6, 7 in Annexes I (rail), II (bus), III (waterbone) und IV (air-transport). The apf sees itself as an independent arbitrator between companies and their passengers or customers. Furthermore, the apf monitors compliance with the passenger

[2] Eisenbahngesetz 1957 – EisbG BGBl 1957/60 idgF.

[3] Kraftfahrliniengesetz – KflG BGBl I 1999/203 idgF.

[4] Schifffahrtsgesetz – SchFG BGBl I 1997/62 idgF.

[5] Luftfahrtgesetz – LFG BGBl 1957/253 idgF.

[6] Verordnung (EU) 2021/782 über die Rechte und Pflichten der Fahrgäste im Eisenbahnverkehr ABl L 2021/172, 1.

[7] Verordnung (EU) 181/2011 über die Fahrgastrechte im Kraftomnibusverkehr ABl L 2011/55, 1.

[8] Verordnung (EU) 1177/2010 über die Fahrgastrechte im See- und Binnenschiffsverkehr ABl L 2010/334, 1.

[9] Verordnung (EG) 261/2004 über Ausgleichs und Unterstützungsleistungen für Fluggäste im Fall der Nichtbeförderung und bei Annullierung oder großer Verspätung von Flügen ABl L 2004/46, 1.

[10] Verordnung (EG) 1107/2006 über die Rechte von behinderten Flugreisenden und Flugreisenden mit eingeschränkter Mobilität ABl L 2006/204, 1.

rights established in the cited EU regulations and, if necessary, takes further action within the framework of ist legally granted powers.

§ 3. Jurisdiction of the Agency for Passenger Rights

The relevant clauses can be viewed in Appendix I (Rail), II (Bus), III (Ship) and IV (air-travel).

§ 4. Parties to the procedures

The relevant clauses can be viewed in Appendix I (Rail), II (Bus), III (Ship) and IV (air-travel).

§ 5. Representation in arbitration-procedures

The parties to the proceedings may be represented at any stage of the procedure. With regard to the costs incurred as a result, see §15. If the representation is not conducted by a lawyer, a written power of attorney must be submitted upon request by the apf.

§ 6. Subject of arbitration-proceedings

The relevant clauses can be viewed in Appendix I (Rail), II (Bus), III (Ship) and IV (air-travel).

§ 7. Inadmissible arbitration-requests

The relevant clauses can be viewed in Appendix I (Rail), II (Bus), III (Ship) and IV (air-travel).

§ 8. Submission of arbitration-requests

(1) An arbitration request must be submitted using the online-form provided on the Website: www.passagier.at.

(2) An arbitration-request may be submittet in writing if the claimant doesn't have the capacity to use the online-form. In such cases, the arbitration-request must contain the following:

- Personal Data (Name, Address, Phone-Number and E-Mail, if available);

- a complete written account of the facts, including all relevant documentation;
- the claim, which was directed at the relevant company
- the answer of the company as well as the complete correspondence with the company;
- the current claim;

(3) All relevant documents and the account of facts must be enclosed to the arbitration request or presented upon request by the apf (e. g. Ticket or Boaring-Pass, Booking-Confirmation, Identification-Card, Discount-Cards for Tickets, Fines, Letters from debt-collectors, Receipts, the claim directed to the relevant company in writing including proof of sending, answer of the company, correspondence with the company). Copys of said documents are sufficient if not stated otherwise. An arbitration request must be submitted in german. The language of proceedings is german. Additionally, apf may offer the submission of arbitration-requests and conducting the procedure in english.

(4) Statements concerning the proceedings must be submitted in writing if not stated otherwise by apf.

(5) The proceeding will be launched upon receiving the arbitration-request, provided the juristiction of apf. Upon submitting the arbitration-request, claimants accept the procedural guidelines and confirm, that all the information provided is correct. Apf will send the procedural guidelines by e-mail of post upon request.

§ 9. Form of delivery

(1) The apf sends ist correspondence to the parties via the provided e-mail address.

(2) If the parties do not have an e-mail address, the correspondence will be delivered by mail to the provided home-address.

§ 10. Obligation to participate in arbitration-procedures

(1) Companies are obliged to participate in arbitration-procedures and provide apf with all information and documents necessacry for the assessment oft he facts, pursuant to § 5 Bundesgesetz über die Agentur für Passagier- und Fahrgastrechte, § 78a EisbG, § 32b KflG, §§ 71a oder 87a SchFG and § 139a LFG. Failure to comply with the obligation to participate

and provide information may result in a fine by the competent district administrative authority.

(2) If applicants fail to respond despite a reminder, the arbitration-procedure is consideres withdrawn. Applicants will be informed of this legal consequence in the reminder.

(3) The parties to the procedure have to submit statements, information and documents requested by the apf within one week or, at most eight weeks. In justified exceptional cases, the deadline may be shorter or longer.

(4) The parties to the procedure have the opportunity to respond to the arguments or documents submitted by the opposing party within a period set by apf, which is usually one week, but at most eight weeks. In justified exceptional cases, apf may set a shorter deadline or grant a longer one.

(5) False and/or incomplete information provided by the applicant may be considered obstructive procedural conduct and may result in the termination of the procedure. Any changes to the name, address, or, where applicable, email address must be immediately communicated to apf. If such changes are not reported, all documents and emails sent to the last known contact details shall be deemed delivered.

(6) During the arbitration procedure, the parties must correspond regarding the specific conciliation application only with apf, except in justified cases. Engaging other institutions or organizations during the ongoing procedure should be avoided, unless there are justified reasons.

(7) All procedural decisions, such as setting deadlines, terminating proceedings, reopening a concluded procedure, etc., are within the sole discretion of apf. There is no legal remedy provided within the framework of a arbitration procedure.

§ 11. Oral hearing

(1) The apf may, at the request of one or all parties involved, convene an oral hearing at the apf's business premises if it deems this appropriate.

(2) The apf may dispense with an oral hearing if the applicant declines its conduct.

(3) During the oral hearing, the parties to the proceedings shall have the opportunity to present the facts orally. A representative of the apf shall act as a mediator with the aim of achieving an amicable settlement.

§ 12. Proposed Solutions

(1) he apf is free in its evaluation of evidence.

(2) Based on the submissions of both parties and any expert opinions that may have been obtained, the apf makes an assessment of the case from a legal and factual perspective. Based on this assessment, the apf – preferably in cooperation with the parties involved – develops a proposed solution.

(3) The apf transmits the proposed solution, along with any available expert opinions, to the parties involved. The parties must either accept or – preferably with justification – reject the proposed solution within a deadline set by the apf, which shall be at least one week and no more than four weeks. In justified exceptional cases, the apf may set a shorter deadline or grant an extension.

(4) The proposed solution always includes the following general notes:

- acceptance of the proposed solution is not mandatory;
- participation in the mediation procedure, even if unsuccessful, does not preclude the enforcement of rights through ordinary legal proceedings after the conclusion of the mediation process;
- the proposed solution may differ from the outcome of court proceedings;
- If both parties agree tot he proposed solution, it constitutes a binding out-of-court settlement. If one pary does not comply with the settlement, the other party must take legal action to enforce it.

(5) If the apf's review finds no indication that the applicant's claims can be supported, the procedure will be terminated in accordance with § 13 without a proposed solution being drafted.

§ 13. Conclusion of the arbitration-procedure

(1) The result of the procedure will be communicated to the parties involved in writing, except in justified exceptional cases. Such exceptions may include non-monetary arbitration requests of no fundamental importance or requests where a swift communication to the party is necessary due to the circumstances. With the communication of the result, the procedure is deemed concluded.

(2) If the parties involved reach an agreement regarding the subject of the arbitration request – regardless of the procedural stage – outside of the procedure conducted by the apf, the content of the agreement must be immediately communicated to the apf in writing. Likewise, the applicant may withdraw from the procedure at any time. In such cases, the apf will terminate the arbitration procedure and inform the parties in writing (by post or email).

(3) If both parties accept the proposed solution, they thereby agree to a binding out-of-court settlement. If one of the parties fails to comply with the settlement, the opposing party may take legal action to enforce the agreement

(4) If one of the parties does not accept the proposed solution of the apf, it has no binding effect. The procedure before the apf is then concluded. In individual cases, the apf may issue a final, non-binding and non-appealable recommendation if it could help resolve the matter.

(5) Applicants may assert their claims before the competent courts independently of the mediation procedure.

(6) In cases of complaints under § 6 para. 2 and 3 Annex I Railway, the Schienen-Control Kommission must be informed if no amicable solution is reached. For arbitration requests pursuant to § 78a para. 6 of the Railway Act (EisbG) concerning fare reimbursement, compensation, assistance in the event of delays or train cancellations, increased fare charges, or other ancillary charges as well as exclusions from carriage, the Schienen-Control Kommission may, by official decision, declare the recommendation of the apf binding if a violation of applicable provisions of Regulation (EU) 2021/782, the Railway and Transport Companies Act (EisbBFG), or Annex 1 of the Regulation introducing the Climate Ticket is asserted.

(7) For arbitration requests under § 6 para. 2 Annex II Coach Services, the supervisory authority responsible for the affected company must be informed when a procedure is initiated based on the arbitration request. The conclusion of the procedure and its outcome must also be reported to the supervisory authority.

(8) For mediation requests under § 6 para. 2 Annex III Shipping, the Federal Ministry for Innovation, Mobility and Infrastructure (BM IMI) and the competent district administrative authority must be informed if the affected company (shipping company or port/terminal operator) fails to meet its obligation to participate in the procedure.

§ 14. Duration of the procedure

(1) The apf aims for an average duration of no more than six weeks across all arbitration procedures throughout the year.

(2) In accordance with § 6 para. 1 of the Federal Act on the Agency for Passenger and Passenger Rights (apf Act), the apf generally strives to reach an amicable solution within 90 days in individual arbitration procedures. In complex cases, an amicable solution is generally sought within six months..

(3) The time limit begins upon receipt of the complete mediation request by the apf in accordance with § 8.

(4) The apf applies procedural resources based on their appropriateness and the significance of the arbitration request for the individual case and for the general public, following the principles of procedural efficiency.

§ 15. Costs of the arbitration-procedure

(1) The arbitration procedure is free of charge for applicants in accordance with § 13 of the Alternative Dispute Resolution Act (AStG). The amount of contributions from companies affected by mediation procedures is determined by a regulation issued by the Federal

Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology (BMIMI or BMK) and currently amounts to 78 euros[11].

(2) Each party bears its own costs incurred during the arbitration procedure. These include, among others, their own postage and copying costs, any legal fees, costs for expert opinions commissioned by the parties themselves, and personal time expenditures.

(3) For applications submitted by companies that have undertaken the enforcement of consumers' claims for a fee, a separate contribution to the procedural costs, announced by the apf, may be demanded from such companies pursuant to § 6 para. 2, last sentence, of the Federal Act on the Agency for Passenger and Passenger Rights..

§ 16. Suspension of the Limitation Period

The submission of the arbitration request and ist continuation within the arbitration procedure shall, in accordance with § 6 (3) Bundesgesetz über die Agentur für Passagier- und Fahrgastrechte, suspend the commencement and continuation of the limitation period as well as any other deadlines for asserting the rights and claims affected by the arbitration procedure on the part of the applicants, for the duration of the procedure.

§ 17. Default Interest and Company Fees

Companies participating in the arbitration procedure are expected not to charge any default interest or other additional costs, such as dunning or collection fees, for the duration of the arbitration procedure until its conclusion.

§ 18. Data Protection

(1) The apf is obliged zu uphold data protection laws according to § 6 (4) Bundesgesetz über die Agentur für Passagier- und Fahrgastrechte. The use of personal data is subject to data-protection laws.

[11] Verordnung des Bundesministers für Verkehr, Innovation und Technologie über die Höhe der Beiträge der von Schlichtungsverfahren betroffenen Unternehmer (PFAG-Kostenbeitragsverordnung 2015) BGBl II 2015/150 idgF.

(2) the apf uses personal data to carry out ist arbitration procedures. The apf transmits the transmitted documents oft he complaintant to the company. In justified cases, the apf can refrain from doing so.

(3) Data are transmitted the the cases specified in § 13 (6 to 8) pursuant to § 78a (6) EisbG, § 32b (4) KflG, §§ 71a (3), 87a (3) SchFG) tot he authorities stipulated therein (e. g. Schienen-Control Kommission, BMIMI) or in the event of reports concerning (administrative) criminal matters, to the competent bodies (e.g., district administrative authority). Non-personal data are used for the preparation of publications, such as the annual report on the fulfilment of its duties as the apf, in accordance with § 8 para. 2 of the Federal Act on the Agency for Passenger and Passenger Rights or § 9 AStG. The apf uses data for other purposes only if it is entitled to do so in individual cases.

(4) Applicants have the right at any time to:

- request information about what data is processed by apf (Art 15 DSGVO);
- request the correction of their data (Art 16 DSGVO);
- assert the right to data portability (Art 20 DSGVO).

(5) Furthermore, applicants have the right to:

- request the deletion of their data (Art. 17 GDPR);
- request the restriction of the processing of their data (Art. 18 GDPR), if their data is no longer necessary for the purpose and/or fulfilment of the legal obligations for which it was collected.

More information on data protection can be found at www.passagier.atwww.passagier.at.

(6) The parties to the procedure undertake to maintain confidentiality regarding the content of the conciliation procedure towards the media for the duration of the procedure.

§ 19 Arbitrators with the apf

(1) Following § 10 (2) AStG, the arbitrators are mentioned on the website www.passagier.at by name.

(2) Arbitrators must disclose all circumstances, which may infringe on their independence and impartiality, conflicts of interest with one oft he parties to the procedure. This includes

circumstances that may create the impression of partiality. In case of partiality, another arbitrator will conduct the case.

§ 20. Information about the arbitration procedure

General information about the arbitration procedure are available on the apf-website at www.passagier.at. Upon request, the apf will mail this information via E-Mail or Postal-Service.

§ 21. Entry into Force

These procedural guidelines are valid from on 15th of April 2025.

Appendix I Railway

§ 3. apf-competences for Railways

(1) Competences of the apf include:

1. Arbitration requests according to § 78a (1) EisbG in connection with §§ 1 and 2 Z 2 a and f Bundesgesetz über die Agentur für Passagier- und Fahrgastrechte in connection with § 20 (8) EisbBFG:
   - of advocacy groups, passengers and customers;
   - with Railway Operators, Station-Operators, Travel Agencies, Ticket-Sellers, Inner-city Transport Companies, Transport Associations (concerning railways) and other companies acting on behalf of the above mentioned.
   - f the complaint could not be resolved (satisfactorily) within one month after being submitted to the company, or in duly justified cases, within a maximum of three months;
   - if a paid contract exists between the parties and/or transportation as a passenger has been claimed or used, or the passenger is entitled to use it or intends to use it.
2. Arbitration requests according to § 78a (2) EisbG:

- by advocycy groups and passengers;
- due to alleged violations of applicable provisions of Regulation (EU) 2021/782, the Federal Act on the Establishment of Railways (EisbBFG), or Annex 1 of the Regulation on the Introduction of the Climate Ticket, as well as due to allegedly unlawful provisions in the terms and conditions of carriage, including compensation conditions pursuant to § 22a of the Railways Act (EisbG);
- after no agreement has been reached or no final response has been provided within one month — or, in justified cases, within a maximum of three months — from receipt of the complaint.

(2) he apf is competent pursuant to item 1 for companies established in Austria and for transport services with a place of departure or arrival in Austria, and pursuant to item 2 if the railway undertaking involved in the incident has been granted authorization in Austria or if the incident occurred within the territory of Austria.

(3) The jurisdiction of civil courts remains unaffected.

§ 4. Parties to the proceedings before apf in the rail-sector

(1) Applicants may, pursuant to § 78a paras. 1 and 2 of the Railways Act (EisbG) and §§ 1 and 2 item 3 of the Federal Act on the Agency for Passenger and Passenger Rights, be interest groups, passengers, or customers, provided that the application for arbitration (complaint) concerns the transport of passengers or their luggage.

(2) Respondents may, pursuant to § 78a paras. 1 and 2 of the Railways Act (EisbG) and §§ 1 and 2 items 2a and 2f of the Federal Act on the Agency for Passenger and Passenger Rights, be railway undertakings, station operators, infrastructure operators, travel organisers, ticket vendors, urban transport companies, transport association management companies (if the issue relates to rail transport services), or other contracted companies.

(3) A passenger or customer is any person who uses, is entitled to use, or intends to use a company listed in para. 2.

(4) Interest groups are associations of natural or legal persons formed voluntarily or through various forms of compulsion. Examples of interest groups in Austria include chambers, the Federation of Austrian Industries, the Austrian Trade Union Federation, works councils,

citizens' initiatives, and associations. The actual existence of the interest group and its authority to represent must be substantiated when submitting the complaint or proven upon request by the apf (e.g. extract from the register of associations, confirmation from the works council, etc.).

§ 5. Subject of apf-arbitration-proceedings in the railway-sector

(1) Cases that may be the subject of an application for arbitration (complaint) to the apf pursuant to § 78a para. 1 of the Railways Act (EisbG) include those concerning the (intended) transport of passengers or luggage. This includes, for example, complaints related to penalties for travelling without a ticket or with an invalid ticket, fare refunds due to personal reasons of the passenger, as well as inadequate information or problems with staff members. The standard applied in arbitration procedures is that of the average reasonable, informed, and honest passenger or customer.

(2) Cases that may be the subject of an application for arbitration (complaint) to the apf pursuant to § 78a para. 2 of the Railways Act (EisbG) particularly include alleged violations of applicable provisions of Regulation (EU) 2021/782, the EisbBFG (Federal Act on the Establishment of Railways), or Annex 1 of the Regulation on the Introduction of the Climate Ticket. These include all complaints regarding rights under these regulations, such as compensation for delays, fare refunds, or assistance services (e.g., taxi or hotel costs) due to delays or train cancellations, penalty charges, or refunds requested by the passenger.

(3) Applications for arbitration (complaints) pursuant to § 78a para. 2 EisbG may also concern allegedly unlawful provisions in the terms and conditions of carriage. This includes provisions that may violate Regulation (EU) 2021/782, the Railways Act (EisbG), the EisbBFG, the Consumer Protection Act (KSchG), the Austrian Civil Code (ABGB), the Railway and Motor Vehicle Liability Act (EKHG), the Unfair Competition Act (UWG), or other laws.

(4) The decision whether to process an application for arbitration is made upon its receipt.

(5) The applicant will receive confirmation of receipt of the arbitration request. If grounds for rejection exist, the applicant will be informed within three weeks of the receipt of the complete application of the rejection and the reasons for it. This also applies during the

arbitration procedure if a reason for rejection arises later, once the inadmissibility of processing the case becomes apparent.

§ 6. Inadmissible arbitration requests to apf in the rail transport sector

The following arbitration requests (complaints) are inadmissible and/or may be rejected by apf::

- Requests that, pursuant to § 78a para. 1 of the Railways Act (EisbG) in conjunction with § 1 of the Federal Act on the Agency for Passenger and Passenger Rights, do not concern the (intended) transport of passengers or luggage;
- Requests that, pursuant to § 78a para. 2 EisbG, are not based on an alleged violation of passenger rights under Regulation (EU) 2021/782, the EisbBFG, or Annex 1 of the Regulation on the Introduction of the Climate Ticket;
- Requests under § 5 para. 1 of the Federal Act on the Agency for Passenger and Passenger Rights that were not first submitted to the company concerned for resolution;
- Requests under § 6 para. 2 of the Federal Act on the Agency for Passenger and Passenger Rights that are submitted to apf more than one year after being submitted to the company;
- Requests under § 78a paras. 2 and 4 EisbG that are not submitted to apf within three months of a rejection by the railway company or in the absence of a response;
- Requests under § 78a para. 2 EisbG if the railway undertaking involved in the incident was not authorized in Austria;
- Requests under § 78a para. 2 EisbG against station or infrastructure operators if the incident did not occur within Austria;
- Requests under § 78a para. 1 EisbG in conjunction with §§ 1 and 2 items 2a and 2f of the Federal Act on the Agency for Passenger and Passenger Rights, if neither the departure nor arrival point of the transport service, nor the company's establishment, is in Austria;
- Requests under § 78a para. 2 EisbG against terms and conditions of carriage of companies not established in Austria;

- Requests concerning claims, alleged violations, or allegedly unlawful provisions that are already pending or have been legally resolved or settled in court or administrative proceedings, pursuant to § 6 para. 6 item 2 of the Alternative Dispute Resolution Act (AStG);
- Requests that have already been the subject of arbitration or enforcement proceedings pursuant to § 6 para. 6 item 2 AStG;
- Requests for which a different arbitration body/alternative dispute resolution entity or national enforcement body under Article 31(1) of Regulation (EU) 2021/782 is responsible, pursuant to § 6 para. 6 item 2 AStG;
- Disputes that are frivolous or vexatious pursuant to § 6 para. 2 of the Federal Act on the Agency for Passenger and Passenger Rights;
- Requests with a disputed amount of less than €15 and without fundamental significance beyond the individual case, pursuant to § 6 para. 6 item 3 AStG in conjunction with § 78a para. 1 EisbG;
- Requests whose processing could seriously impair the effective operation of apf, e.g. because extensive evidence would be required or excessively complex legal questions are involved, pursuant to § 6 para. 2 of the Federal Act on the Agency for Passenger and Passenger Rights;
- If a company that has undertaken, for a fee, to enforce the passenger's claims fails to submit the required additional documents, evidence, or cost contributions before the start of the procedure, pursuant to § 6 para. 2 of the Federal Act on the Agency for Passenger and Passenger Rights.

Appendix II Motor vehicles and Coaches

§ 3. Juristiction of the apf for Bus Services

(1) The juristiction of the apf includes:

1. Arbitration requests (complaints) pursuant to §§ 1 and 2 item 2 b of the Federal Acts on the Agency for Passenger Rights:

- Submitted by passengers or customers;
- Concerning coach-operators (license holders/carrier), bus-terminal operators, tour operators, travel agents, ticket vendors, urban public transport operators, and transport associations, provided that a problem with their bus-transport services occurs. This includes other companies commissioned by them;
- When the complaint could not be solved (satisfactory) within one month of submission to the company;
- Provided that a paid contract exists between these parties and/or the transport service was claimed, used, the person was entitled to use it, or intended to use it.

2. Arbitration requests (complaints) pursuant to § 32b par. 1 and 7 of the Motor Vehicles Act (KflG):

- Submitted by passengers;
- Concerning motor coach companies in regular or occasional service (hereinafter: Bus companies), bus terminal operators, travel agents and ticket vendors;
- If a violation of passenger rights under Regulation (EU) 181/2011 is alleged;
- After the passenger has contacted the company and no agreement was reached, or no final response was received within three months of receiving the initial complaint.

(2) The apf is competent under item 1 for companies based in Austria **and** for transportation with departure or arrival point in Austria, and under item 2 when either the departure or arrival point is in Austria.

(3) The jurisdiction of civil courts remains unaffected.

§ 4. Parties to the proceedings before apf in the bus-sector

(1) Applicants may be passengers or customers pursuant to § 32b KflG or §§ 1 and 2 item 3 of the Federal Act on the Agency for Passenger and Passenger Rights, provided the arbitratiopn request (complaint) concerns the transport of passengers or luggage.

(2) Respondents may be, pursuant to § 32b KflG or §§ 1 and 2 items 2(b) and (f) of the Federal Act on the Agency for Passenger and Passenger Rights, bus companies (license holders/carriers), bus terminal operators, tour operators, travel agents, ticket vendors, urban public transport operators, transport associations, or other commissioned companies.

(3) A passenger or customer is any person who uses, is entitled to use, or intends to use one of the companies listed in paragraph 2.

§ 6. Subject Matter of arbitration Requests to apf for the Transport Sector of Bus Services

(1) The subject of a arbitration request (complaint) to apf pursuant to §§ 1 and 2 items 2(b) and (f) of the Federal Act on the Agency for Passenger and Passenger Rights may be cases related to the (intended) transport of passengers or luggage. This includes, for example, complaints about penalties for traveling without or with an invalid ticket, fare refunds due to personal reasons, lack of information, or issues with staff. arbitration procedures are assessed based on the standard of an average, informed, and honest passenger or customer.

(2) The subject of an arbitration request (complaint) pursuant to § 32b KflG may be cases involving alleged violations of applicable provisions of Regulation (EU) 181/2011. This includes cases related to rights under this regulation, such as compensation for lack of choice between re-routing and reimbursement, fare refunds, assistance services like taxi or hotel costs due to delays or cancellations, loss or damage of luggage during accidents, or compensation for damaged or lost wheelchairs and other mobility aids.

(3) A decision on the processing of an arbitration request is made upon receipt.

(4) The applicant receives confirmation of the receipt of the arbitration request. If grounds for rejection exist, the applicant will be informed of the rejection and its reasons within

three weeks of receipt of the complete request. This also applies during the mediation procedure once the grounds for rejection become apparent.

§ 7. Inadmissible Arbitration Requests to apf for the Transport Sector of Bus Services

The following arbitration requests (complaints) are inadmissible and/or may be rejected by apf:

- Requests that, pursuant to § 1 of the Federal Act on the Agency for Passenger and Passenger Rights, do not concern the (intended) transport of passengers or luggage;
- Requests that, pursuant to § 32b KflG, are not based on an alleged violation of passenger rights under Regulation (EU) 181/2011;
- Requests pursuant to § 5 paragraph 1 of the Federal Act on the Agency for Passenger and Passenger Rights that were not first submitted to the relevant company for resolution, where no agreement was reached, or no final response was received within three months;
- Requests pursuant to § 32b KflG or §§ 1 and 2 items 2(b) and (f) of the Federal Act, where neither the departure nor arrival point nor the company's registered office is in Austria;
- Requests pursuant to § 6 paragraph 2 of the Federal Act that are submitted to apf more than one year after the complaint was filed with the company;
- Requests concerning claims or alleged violations that are pending in court or administrative proceedings, or have already been legally decided or settled pursuant to § 6 paragraph 6 item 2 of the Alternative Dispute Resolution Act (AStG);
- Requests that have already been subject to an arbitration or enforcement procedure pursuant to § 6 paragraph 6 item 2 AStG;;
- Requests for which another ADR body or the national enforcement body under Art. 28(1) of Regulation (EU) 181/2011 is competent pursuant to § 6 paragraph 6 item 2 AStG;
- Disputes that are frivolous or abusive pursuant to § 6 paragraph 2 of the Federal Act;
- Pursuant to § 6 paragraph 6 item 3 AStG, if the amount in dispute is less than EUR 15 and the matter is of no fundamental importance beyond the individual case;

- If handling the request would seriously impair the effective operation of apf pursuant to § 6 paragraph 2 of the Federal Act, for example due to extensive evidentiary procedures or excessively complex legal issues;
- If the company entrusted with enforcing the passenger's claims for a fee fails to provide the required additional documents, evidence, or to pay the procedural fee before proceedings begin, pursuant to § 6 paragraph 2 of the Federal Act.

Appendix III Waterborne Transport

§ 3. Juristiction of the apf for Waterborne Transport

(1) The jurisdiction of the apf includes:

1. Arbitration requests (complains) pursuant to §§ 1 and 2 item 2 d to f Federal Act on the Agency for Passenger Rights:

- Submitted by passengers and customers;
- Against port- or terminal operators, transport companies (license holders/carriers), tour operators, travel agents, ticket vendors or other companies commissioned by them;
- if the complaint submitted to the company could not be resolved (satisfactorily) within one month;
- if a paid contract exists between the parties and/or the transportation as a passenger is claimed, has been used, is entitled to be used, or is intended to be used.

2. Arbitration requests (complaints) pursuant to §§ 71a, 87a Austrian Schipping-Act (SchFG):

- Submitted by passengers;
- gainst port or passenger terminal operators, shipping companies (license holders/carriers), tour operators, travel agents, and ticket vendors;
- if it is alleged that rights under Regulation (EU) No 1177/2010 have been violated;

- after the passenger has contacted the company without reaching an agreement or if the company has not provided a final response within two months of receipt of the complaint.

(2) The apf has jurisdiction under item 1 only for companies with a seat in Austria and for transport operations with a point of departure or arrival in Austria, and under item 2 for cases with a point of departure or arrival in Austria.

(3) The jurisdiction of civil courts remains unaffected.

§ 4. Parties to the proceedings before apf in the waterborne transport-sector

(1) Applicants may be, pursuant to Sections 71a and 87a SchFG or Sections 1 and 2 item 3 of the Federal Act on the Agency for Passenger Rights, users of port or passenger terminal operators and passengers of shipping companies (license holders/carriers), tour operators, travel agents, or ticket vendors, provided that the complaint (conciliation request) concerns the carriage of passengers or luggage..

(2) Respondents may be, pursuant to Sections 71a and 87a SchFG or Sections 1 and 2 item 2 (d) to (f) of the Federal Act on the Agency for Passenger Rights, port or passenger terminal operators, shipping companies (license holders/carriers), tour operators, travel agents, or other commissioned companies

(3) A passenger is a person who uses, is entitled to use, or intends to use a shipping company.

§ 6. Subject Matter of arbitration Requests to apf for the Sector of Waterborne Transport

(1) The subject of a arbitration request (complaint) pursuant to Sections 1 and 2 item 2 (d) to (f) of the Federal Act on the Agency for Passenger Rights may be cases concerning the (intended) transportation of passengers or luggage. This includes, for example, complaints regarding penalties for travelling without a ticket or with an invalid ticket, fare refunds due to personal reasons of the passenger, lack of information, or issues with staff. The assessment standard for processing such cases is that of an average reasonable, informed, and honest passenger or customer.

(2) The subject of a arbitration request (complaint) pursuant to Sections 71a and 87a SchFG may be alleged violations of applicable provisions of Regulation (EU) No 1177/2010. These include all cases concerning rights under that Regulation, such as compensation for delays, fare refunds, or assistance (e.g. taxi or hotel costs) due to delays or cancellations, as well as compensation for damaged or lost mobility aids or other special equipment.

(3) The decision on whether to handle a conciliation request is made upon receipt.

(4) The applicant will receive confirmation of receipt of the conciliation request. If there are grounds for rejection, the applicant will be informed within three weeks of receiving the complete request. This also applies during the conciliation procedure if the grounds for inadmissibility arise in the course of the proceedings.

§ 7. Inadmissible Arbitration Requests to apf for the Sector of Waterborne Transport

The following arbitration requests (complaints) are inadmissible and/or may be rejected by the apf:

- Requests that do not concern the carriage of passengers or luggage pursuant to Section 1 of the Federal Act on the Agency for Passenger Rights;
- Requests that do not allege a violation of passenger rights under Regulation (EU) No 1177/2010, pursuant to Sections 71a and 87a SchFG;
- Requests pursuant to Section 5 para. 1 of the Federal Act on the Agency for Passenger Rights that have not first been submitted to the concerned company and where either a final response or the two-month response period has not expired;
- Requests under Sections 71a and 87a SchFG or Sections 1 and 2 item 2 (d) to (f) of the Federal Act on the Agency for Passenger Rights, where neither the departure nor the arrival point is in Austria, and the company is not established in Austria;
- Requests under Section 6 para. 2 of the Federal Act on the Agency for Passenger Rights that are submitted to the apf more than one year after submission to the company;
- claims or alleged violations that are already pending in court or administrative proceedings, or have been legally decided or settled (Section 6 para. 6 item 2 AStG);
- Matters that have already been subject to a conciliation or enforcement procedure (Section 6 para. 6 item 2 AStG);

- Matters for which another conciliation body/alternative dispute resolution body or a national enforcement body under Article 25 para. 1 of Regulation (EU) No 1177/2010 is competent (Section 6 para. 6 item 2 AStG);
- Disputes deemed frivolous or vexatious (Section 6 para. 2 of the Federal Act on the Agency for Passenger Rights);
- Disputes with a value of less than EUR 15 and with no fundamental significance beyond the individual case (Section 6 para. 6 item 3 AStG);
- Cases whose processing would seriously impair the effective operation of the apf, for instance due to extensive evidentiary requirements or excessively complex legal issues (Section 6 para. 2 of the Federal Act on the Agency for Passenger Rights);
- here the company that has been commissioned, for a fee, to enforce the passenger's rights has not provided the required documents, proof, or contribution to the procedural costs before proceedings begin (Section 6 para. 2 of the Federal Act on the Agency for Passenger Rights.

Appendix IV Air Travel

§ 3. Juristiction of the apf for air travel

(1) the juristiction of the apf in air travel includes:

1. Arbitration request (complaints) pursuant to §§ 1 and 2 Nos. 2 c and f of the Federal Act on thr Agency for Passenger Rights:

- submitted by air passengers or customers;
- concerning airlines, civil airport operators, travel companies, tour operators, travel agents, ticket sellers, and other companies acting on their behalf;
- if the complaint submitted to the company could not be resolved (satisfactorily) within six weeks;
- provided that a paid contract exists between the parties and/or transportation as a passenger was claimed, used, is entitled to be used, or is intended to be used.;

2. Arbitration requests (complaints) pursuant to Section 139a of the Aviation Act (LFG):

- submitted by air passengers;
- involving airlines or civil airport operators (e.g. airport operators);
- if it is alleged that the passenger's rights under Regulation (EC) No. 261/2004 or Regulation (EC) No. 1107/2006 were violated;
- after the passenger contacted the company and no agreement was reached, or no final response was received within six weeks of lodging the complaint.

(2) he apf is competent under item 1 for companies based in Austria and for transport operations with a point of departure or arrival in Austria, and under item 2 for operations with a point of departure or arrival in Austria.

(3) The jurisdiction of civil courts remains unaffected.

§ 4. Parties to the proceedings before apf in the waterborne transport-sector

(1) Applicants under Section 139a LFG or Sections 1 and 2 No. 3 of the Federal Act on the Agency for Passenger and Traveller Rights can be users and air passengers, provided the arbitration request (complaint) concerns the transport of passengers or luggage.

(2) Respondents can be airlines, civil airport operators (such as airport operators), travel companies, tour operators, travel agents, ticket sellers, or other companies acting on their behalf under Section 139a LFG or Sections 1 and 2 Nos. 2 c and f of the Federal Act on the Agency for Passenger and Traveller Rights.

(3) A passenger or user is a person who uses, is entitled to use, or intends to use a company listed in paragraph 2.

§ 6. Subject of arbitration requests to the apf for the transport sector air travel

(1) an arbitration request (complaint) pursuant to Sections 1 and 2 Nos. 2 c and f of the Federal Act on the Agency for Passenger and Traveller Rights may concern the (intended) transport of passengers or luggage. This includes, for example, complaints about lost or damaged luggage, ticket refunds, lack of information, or issues with staff. The assessment of arbitration cases is based on the standard of an average, informed, and honest passenger or customer.

(2) An arbitration request (complaint) pursuant to Section 139a LFG may concern alleged violations of applicable provisions of Regulation (EC) No. 261/2004 or Regulation (EC) No. 1107/2006. These include all cases concerning rights under these regulations, such as compensation for delays, cancellations or denied boarding, ticket refunds, or assistance (e.g. taxi or hotel costs due to delays or cancellations), compensation for lost or damaged wheelchairs, other mobility aids, and assistive devices.

(3) A decision on whether an arbitration request (complaint) will be processed is made after it has been received.

(4) The applicant will receive confirmation of receipt of the arbitration request (complaint). If grounds for rejection exist, the applicant will be informed of the rejection and its reasons within three weeks of receipt of the complete request. This also applies during the arbitration procedure once grounds for rejection are identified, even if they arise during the procedure.

§ 7. Inadmissible arbitration requests to the apf for the transport sector air travel

The following arbitration requests (complaints) are inadmissible and/or may be rejected by the apf:

- Requests that do not concern the transport of passengers or luggage as defined in Section 1 of the Federal Act on the Agency for Passenger Rights;
- Requests that are not based on an alleged violation of passenger rights under Regulation (EC) No. 261/2004 or Regulation (EC) No. 1107/2006 pursuant to Section 139a LFG;
- Requests that were not first submitted to the relevant company for resolution or for which the six-week response period has not expired, in accordance with Section 5 para 1 of the Federal Act on the Agency for Passenger Rights;
- Requests pursuant to Section 139a LFG where neither the departure nor arrival location is in Austria, or pursuant to Sections 1 and 2 Nos. 2 c and f of the Federal Act on the Agency for Passenger Rights where neither the departure nor arrival location nor the company's establishment is in Austria;

- Requests submitted more than one year after the original complaint was submitted to the company, as defined in Section 6 para 2 of the Federal Act on the Agency for Passenger Rights
- Claims or alleged violations already pending or conclusively decided by a court or administrative authority or settled with legal effect, pursuant to Section 6 para 6 No. 2 of the Alternative Dispute Resolution Act (AStG);
- Requests that were already subject to an arbitration or enforcement procedure, as per Section 6 para 6 No. 2 AStG;
- Requests for which another arbitration body/ADR entity or national enforcement body pursuant to Article 16 para 1 of Regulation (EC) No. 261/2004 or Article 14 para 1 of Regulation (EC) No. 1107/2006 is responsible;
- Disputes that are considered frivolous or vexatious under Section 6 para 2 of the Federal Act on the Agency for Passenger and Traveller Rights;
- Cases where the value in dispute is less than EUR 15 and the issue has no significance beyond the individual case, pursuant to Section 6 para 6 No. 3 AStG;
- Requests whose handling would seriously impair the effective operation of apf, for example due to extensive evidence required or excessively complex legal questions, pursuant to Section 6 para 2 of the Federal Act on the Agency for Rights;
- Where the company that has taken over enforcement of the passenger's claims for a fee fails to provide the required additional documentation, evidence, or contribution to procedural costs before the start of the procedure, pursuant to Section 6 para 2 of the Federal Act on the Agency for Passenger Rights.