

Fair Competition

Matters of unfair competition

Fair competition requires the prevention of unlawful acts as well as acts that are contrary to honest practices.

In cases of unfair competition, competitors and consumers' associations are allowed claims under civil law for the elimination of unlawful acts under the Federal Act against Unfair Competition 1984 (UWG). For the purpose of ensuring fair competition certain business activities are prohibited (e.g., misleading of consumers, disparagement of competitors, advertising with illegal free gifts, psychological obligation to buy). Further you can find penal and administrative provisions. Besides, the Unfair Competition Act is the basis for issuing labelling rules for goods and services in order to increase market transparency.

The Common Market also requires competition law to provide uniform outline conditions in order to facilitate cross-border business activities. For the area of cross-border commercial communications there has been published the Directive 2005/29/EC (“Unfair Commercial Practices Directive”). Division III/5 serves as the contact point for the EU Presidency and the EU Commission.

For further information on issues of unfair competition, please refer to the website of the © Union for the Protection against Unfair Competition (Schutzverband gegen den unlauteren Wettbewerb): www.schutzverband.at

Commercial Communications

"Commercial communications" are all forms of communication aiming to promote the sales of products or services, but also the image of a company or organisation vis-à-vis the final consumers and/or marketing companies.

Labelling Provisions

Based on section 32 of the Act against Unfair Competition, numerous labelling ordinances were issued to prevent misleading of consumers or to provide them with information.

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