

INSOLVENCY CODE - Austria

Recognition of debt advice centres

§ 267 IO (1) A debt advice centre, upon application and after a notification to this effect has been issued, shall be granted the privilege of recognised debt advice centre, provided that:

1. it is not profit-oriented;
2. it provides free services;
3. it is reliable, in particular financially sound and oriented towards long-term operation;
4. it gives advice to a number of debtors that is great enough in order to employ an average of at least three full-time debt advisers per business year;
5. its organisation is in line with the requirements of contemporary quality management;
6. it has successfully provided free debt advice to debtors for at least two years.

The president of the superior provincial court in whose judicial district the debt advice centre in question has its seat shall decide on granting said privilege. Before this decision is made, the umbrella organisation of debt advice centres shall be heard. The umbrella organisation shall also have the right to file an appeal against granting said privilege.

(2) If a debt advice centre has been granted the privilege of recognised debt advice centre, it shall be obliged:

1. in the context of review of cases of complaint, to permit the umbrella organisation of debt advice centres inspection of the documents pertaining to the case in question, provided that the debtor in question has given their permission;
2. to regularly gather key data of its activity, in particular the number of first clients and first advice provided, with figures broken down by gender, debt level, employment situation, number and result of out-of-court settlements and applications for debt regulation procedures, and to make the results of said data collection available to the umbrella organisation of debt advice centres;
3. to use the debt advice label (see § 268).

(3) The president of the superior provincial court shall withdraw the privilege of recognised debt advice centre if the debt advice centre in question no longer meets the obligations listed in paragraph 1 or violates any obligation listed in paragraph 2. The umbrella organisation of debt advice centres shall immediately inform the president of the superior provincial court on any reasons for withdrawal of the aforementioned privilege.

(4) The privilege shall expire upon winding up of the debt advice centre in question. The president of the superior provincial court shall issue a notification of expiry.

(5) The president of the superior provincial court shall immediately inform the Federal Ministry of Justice on the entry into effect of granting, withdrawal or expiry of said privilege, for the purpose of notification in the edict file.

(6) The granting, withdrawal or expiry of privilege shall be effective as of the end of the day of notification.

Debt advice label

§ 268 IO (1) The debt advice label consists of the coat of arms of the Republic of Austria (Federal Coat of Arms) and the words Staatlich anerkannte Schuldenberatung; it is described in Annex A.

(2) The debt advice label shall only be used by debt advice centres that have been granted the privilege of recognised debt advice centre as provided under § 267, para. 1, and by the umbrella organisation of debt advice centres. The umbrella organisation, when using the debt advice label, shall include an addition that refers to its function as an umbrella organisation.

(3) Any unauthorised use of a debt advice label (para. 2) is an administrative offence and punishable with a fine of up to 3000 euros. Unauthorised use of a debt advice label shall not be considered an administrative offence if it is part of an offence that is punishable by a court of law or punishable with a more severe sanction according to another administrative provision.



Note: This text has originally been drawn up in German. The German version shall be the authentic one and prevail over the English one for all matters of interpretation and construction. The English version shall only be deemed as translation for information purposes.