


Unfair Contract Terms Directive (93/13) - Austria

National Law			
Title	Adoption date for national laws 	In force date	PDF
Act against unfair commercial practices	01/01/9999	01/01/1984	
Price Indication Act	01/01/9999	01/06/1992	
Consumer Protection Act	08/03/1979	01/10/1979	
Federal Act amending the General Civil Law Act, the Consumer Protection Act and the Insurance Contract Act (Warranty Law Amendment Act)	08/05/2001	01/01/2002	
Civil Code	11/06/1811	01/01/1812	
Federal Act on cooperation of authorities regarding consumer protection (Consumer Authorities Cooperation Act - VBKG)	11/08/2006	29/12/2006	
Federal Act amending the Federal Act Against Unfair Competition 1984 - UWG (UWG-Amendment 2007)	13/11/2007	12/12/2007	
Federal Act on consumer protection in connection with timeshare contracts and long-term holiday product contracts (Timeshare Act 2011)	15/02/2011	23/02/2011	
Federal Act on Price Labelling (Price	19/03/1992	01/06/1992	

Labelling Act - PrAG)

Federal Act Against  
Unfair Competition of  
1984 - UWG

22/11/1984

23/11/1984


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### Enforcement System

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### Cases

National ID	Common Name 	Directive Part	Decision type	Decision date
<a href="#">1 Ob 46/03a</a>	<a href="#">link</a>	Article 5 Article 4, 1. Article 3, 1. Article 7 Article 2	Other	2004/02/10
<a href="#">2 Ob 198/01h</a>	<a href="#">link</a>	ANNEX I, 1. Article 1, 1. Article 1, 2.	Other	2001/09/06
<a href="#">6 Ob 264/02w</a>	<a href="#">link</a>	Article 7	Other	2002/11/07
<a href="#">4 Ob 130/03a</a>	<a href="#">link</a>	ANNEX I, 1. Article 5 Article 1, 2. Article 3, 1. Article 2	Other	2003/10/07
<a href="#">5 Ob 227/98p</a>	<a href="#">link</a>	Article 3, 1. Article 7 Article 2	Other	1999/03/09
<a href="#">7 Ob 146/03a</a>	<a href="#">link</a>	Article 5 Article 3, 1. Article 2	Other	2003/10/15
<a href="#">7 Ob 287/01h</a>	<a href="#">link</a>	ANNEX I, 1.	Other	2002/04/17
<a href="#">4 Ob 265/02b</a>	<a href="#">link</a>	ANNEX I, 1. Article 5 Article 3, 2.	Other	2002/12/17

		Article 7		
<a href="#">6 Ob 324/00s</a>	link	Article 3, 1. Article 7 Article 2	Other	2001/01/17
<a href="#">7 Ob 207/04y</a>	link	ANNEX I, 1. Article 1, 1. Article 7	Other	2004/11/17

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### Legal Literature

Reference	Title 📄	Author	Publication Year
<a href="#">ALJ 2015, 196</a>	Definition of clause and "blue pencil test" within the case-law regarding general terms and conditions	GEROLDINGER, A.	2015
<a href="#">RdW 2016/454</a>	ECJ: Cross-border group actions - applicable law?	KRIWANEK, S., TUMA, B.	2016
<a href="#">ÖBA 2016, 26</a>	Entering a contract under reduced freedom of will on both sides	BOLLENBERGER, R.	2016
<a href="#">Zak 2012/373</a>	Judicature overview: content review of clauses in general terms and conditions	KOLMASCH, W.	2012
<a href="#">RdW 2013/396</a>	Prohibition to reduce contractual provisions to their legally permitted core, admissibility of supplementary interpretation or what?	PRADER, C., WALZEL VON WIESENTREU, T.	2013
<a href="#">ÖJZ 2015/43</a>	Regarding the admissibility of processing fees in loan agreements	GRAF, G.	2015
<a href="#">ÖBA 2015, 475</a>	Regarding the delineation of general terms and conditions and negotiated contracts	KELLNER, M.	2015
<a href="#">RdW 2013/197</a>	Scope of the requirement for	KELLNER, M.	2013

transparency

ÖBA 2013, 27

Supplementary interpretation of consumer contracts despite the prohibition to reduce contractual provisions to their legally permitted core?

GEROLDINGER, A.

2013

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**Other material**

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