

Austrian Professional Association of Sports and Leisure Enterprises

National Report regarding the tourist guide industry



Information paper, October 2015

Overview of the regulatory framework and national system to protect the general interest objective in the tourist guide sector

1. Definition

You need a tourist guide business license (according to Art. 94 Z 21 of the Austrian Trade Regulation Act) to guide people in order to show and explain to them

1. Austria's historical riches, artistic and cultural heritage (public places and buildings, collections, exhibitions, museums, monuments and memorial sites, churches, monasteries, theatres and places of public entertainment, industrial and economic facilities, traditional events as well as particularities of landscape, flora and fauna),
2. the social and political situation in a national and international context
3. sports and social events.

Art. 108 para. 1 of the Austrian Trade Regulation Act

List of particular and reserved tasks: see above

List of tasks "shared" with other professions:

The tourist guides' rights notwithstanding, the following are not a regulated business according to Art. 94 Z 21 Austrian Trade Regulation Act

1. explanations given only inside vehicles of the tour business, hire car business, taxi business and Viennese Fiaker business,
2. tours conducted by authorized people or their verifiable representatives in buildings or on the grounds,
3. information given by the tour manager (according to Art. 126 para. 4) while supervising travellers; in these terms a tour manager may indicate sights to his/her guests as part of the job.

I. EXTRACT FROM THE EUROPEAN STANDARD CEN 13809 (TOURISM SERVICES - TRAVEL AGENCIES AND TOUR OPERATORS TERMINOLOGY)

<p>2.3.2. Reiseleiter</p> <p>Person, die im Auftrag des Reiseveranstalters den Reiseablauf leitet und beaufsichtigt und dabei sicherstellt, dass das Programm gemäß dem Vertrag zwischen Reiseveranstalter und Reisenden/Kunden durchgeführt wird, und die örtliche praktische Informationen gibt</p> <p>directeur de circuit</p> <p>personne qui, pour le compte du voyageur, dirige et supervise le déroulement du voyage, s'assurant que le programme est suivi tel que décrit dans la brochure et vendu au voyageur/consommateur et qui donne des informations pratiques</p>	<p>tour manager</p> <p>person who manages and supervises the itinerary on behalf of the tour operator, ensuring the programme is carried out as described in the tour operator's literature and sold to the traveller/consumer and who gives local practical information</p> <p>director de tur o jefe de grupo o correo de turismo</p>
<p>2.3.3. Reisebegleiter</p> <p>Repräsentant eines Reiseveranstalters zur allgemeinen Betreuung von Reisenden</p> <p>accompagnateur</p> <p>représentant d'un voyageur assurant une assistance de base aux voyageurs</p>	<p>tour escort</p> <p>representative of a tour operator providing basic assistance to travellers</p> <p>acompañante</p>
<p>2.3.4. Örtlicher Vertreter</p> <p>Person oder Agentur im Zielgebiet, die von einem Reiseveranstalter beauftragt ist, Reisenden praktische Unterstützung zu leisten und administrative Angelegenheiten zu erledigen</p> <p>représentant local</p> <p>personne ou agence qui pour le compte du voyageur procure une assistance pratique aux voyageurs et des affaires administratives, sur place</p>	<p>local representative</p> <p>person or agency at a place of destination charged by a tour operator to give practical assistance to travellers as well as to handle administrative issues</p> <p>representante local</p>
<p>2.3.5. Gäste-/Fremdenführer</p> <p>Person, die Besucher in der Sprache ihrer Wahl führt und das kulturelle und natürliche Erbe eines Gebiets erläutert, und normalerweise über eine gebietsspezifische Qualifikation verfügt, die üblicherweise von der zuständigen Behörde ausgegeben und/oder anerkannt wird</p>	<p>tourist guide</p> <p>person who guides visitors in the language of their choice and interprets the cultural and natural heritage of an area, which person normally possesses an area-specific qualification usually issued and/or recognized by the appropriate authority</p>

	<p>guide touristique; guide interpréte</p> <p>personne conduisant une visite dans la langue choisie par les visiteurs et interprétant le patrimoine culturel et naturel d'une aire géographique déterminée. Cette personne habituellement a une qualification spécifique pour guider sur ce territoire, généralement délivrée et/ou reconnue par les autorités compétentes du pays</p>	<p>guia de turismo</p>
2.3.7.	<p>Gästekbetreuer/in</p> <p>Person, die in Flughäfen, Bahnhöfen, Hotels, auf Ausstellungen/Messen und bei Veranstaltungen Besucher begrüßt und informiert, und/oder sich in Verkehrsmitteln um das Wohl der Fahrgäste kümmert</p> <p>assistant;hôtesse</p> <p>personne accueillant et informant les visiteurs dans les aéroports, les gares, les hotels, les expositions, les foires et les manifestations diverses, et/ou s'occupant des passagers pendant le transport;</p>	<p>host/hostess</p> <p>person, who welcomes and informs visitors at airports, train stations, hotels, exhibitions/fairs and function/events and/or who attends to passengers in a means of transport</p> <p>Auxiliary</p>

1. Historical background

(a) Profession, selected for in-depth discussions

The tourist guide trade was already a state-licensed business requiring a qualification certificate before the 2nd World War and was remodelled to a licensed trade in the new Austrian Trade Regulation Act of 1973. In 2002 it was restructured into a regulated business. The legislative text of Art. 108 of the Austrian Trade Regulation Act was adjusted to the EU directives (Service Directive and Directive on the recognition of professional qualifications). In 2003 a new regulation on qualifying examination was enacted; which the Austrian Professional Association Leisure Establishment Association of the Austrian Economic Chambers new examination regulation is based on.

In the explanatory remarks on the Austrian Trade Regulation Act of 1973, the legislative authority has clearly stated that the tourist guide trade is regulated because tourist guides hold a central position and responsibility in explaining our country's cultural heritage. The far above average importance of tourism in the Austrian gross domestic product correlates with that. Today, the qualification certificate for the tourist guide trade is a two-stage process: there is obligatory training and a qualifying examination – this enables everyone (even without prior experience) to qualify for this trade. Additionally, you have to be aware that the profession of tour manager is a free trade in Austria according to the Austrian Trade Regulation Act, and that, based on the exemption cases (see above in item 1), in addition to tourist guides, tour managers may, in many cases, also give explanations on sights.

(b) Sector specific information

The tourist guide trade is part of the sector sports and leisure enterprises and has been one of five regulated trades thereof for a long time:

Gastronomy and hotel industry (hospitality industry)

Travel agencies

Tourist guides

Recruitment of employed artists (part of labour exchange)

Recruitment of employed athletes (part of labour exchange)

All other trades in this sector are free licences, e.g. tour managers, ticket offices, artist agents. They are regulated by the Austrian Trade, Commerce and Industry Regulation Act.

Membership of the Austrian Economic Chambers is obligatory.

2. Economic data

a) Economic figures related to the selected profession

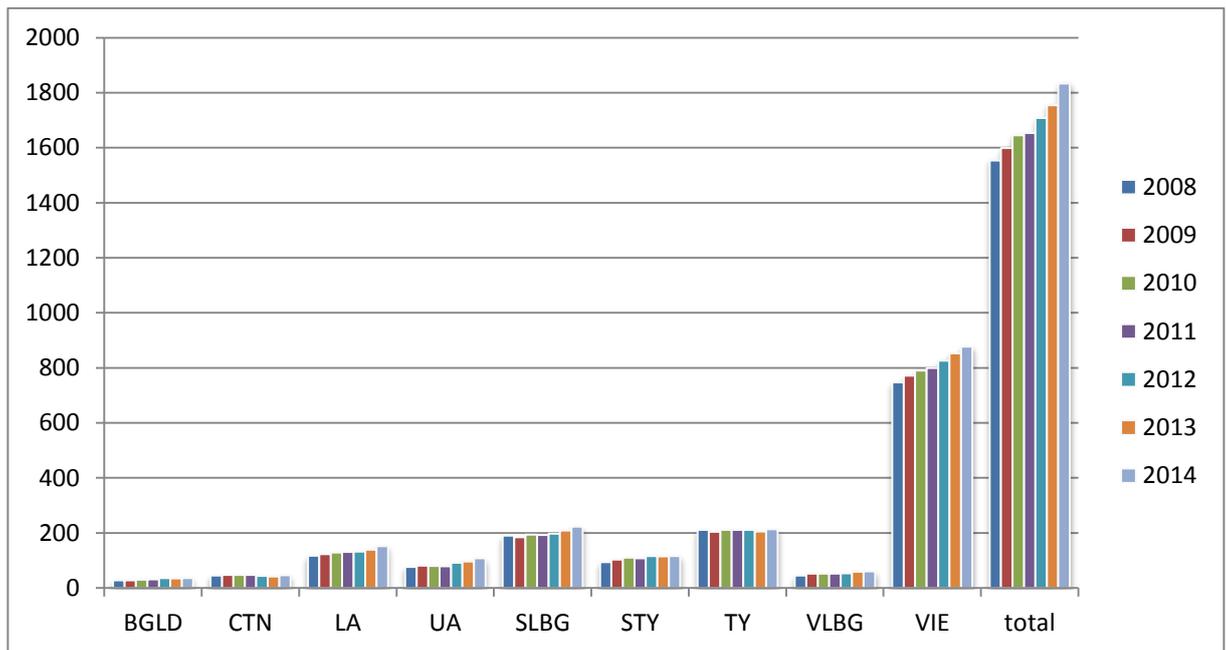
Member statistics of tourist guides (status 12/2014)

<i>Tourist guides active/nonactive</i>																				
year	BGLD	%	CTN	%	LA	%	UA	%	SLBG	%	STY	%	TY	%	VLBG	%	VIE	%	total	%
2008	28	1,80	45	2,90	117	7,53	77	4,95	190	12,23	94	6,05	211	13,58	45	2,90	747	48,07	1554	100,00
2009	28	1,75	48	3,00	123	7,69	82	5,13	185	11,57	104	6,50	205	12,82	52	3,25	772	48,28	1599	100,00
2010	30	1,82	48	2,92	129	7,84	80	4,86	194	11,79	110	6,69	211	12,83	52	3,16	791	48,09	1645	100,00
2011	32	1,93	48	2,90	131	7,92	79	4,78	193	11,67	108	6,53	211	12,76	52	3,14	800	48,37	1654	100,00
2012	36	2,11	44	2,58	132	7,73	92	5,39	197	11,53	116	6,79	211	12,35	54	3,16	826	48,36	1708	100,00
2013	35	1,99	42	2,39	139	7,92	96	5,47	209	11,91	115	6,55	206	11,74	60	3,42	853	48,60	1755	100,00
2014	36	1,96	47	2,56	152	8,29	108	5,89	223	12,16	116	6,32	214	11,67	61	3,33	877	47,82	1834	100,00

9 States of Austria:

BGLD: Burgenland; CTN: Carinthia; LA: Lower Austria; UA: Upper Austria; SLBG: Salzburg; STY: Styria; TY: Tyrol; VLBG: Vorarlberg; VIE: Vienna

Tourist guides active and nonactive - 2008 to 2014 membership growth



(b) the sector, as defined at national level by each country.

The profession of tourist guides is almost exclusively exercised by small and micro-entrepreneurs in the form of one-person enterprises without employees. The employment of tourist guides as employees of tourist guides is peripheral. For this reason, detailed information on employment status is not relevant for Austria. Since 2001, the number of tourist guides in all of Austria has increased by 44% and continues to do so. This clearly shows that the currently required qualification does not prevent interested people from entering the profession.

Below is a graph showing the corresponding development for Vienna:

Member development:



The general number of members is continuously increasing - analogue to the number of tourist guides in Vienna.

Tourist guides' fees are not subject to any legal regulations. The Association of Licensed Guides of Vienna discloses the following fee information (commonly charged fees) to its members:

Price for a half-day tour:

01-25 people **Euro 173.00 incl. 20% VAT** (net Euro 146.17)

26-35 people **Euro 183.00 incl. 20% VAT** (net Euro 152.50)

36-50 people **Euro 198.00 incl. 20% VAT** (net Euro 165.00)

every hour of overtime started

Euro 58.00 incl. 20% VAT (net Euro 48,33) 01-25 people

Euro 61.00 incl. 20% VAT (net Euro 50,83) 26-35 people

Euro 66.00 incl. 20% VAT (net Euro 55,00) 36-50 people

Calculations of the Austrian Economic Chambers showed that the actions of a fulltime tourist guide reach up to 40,000 people a year due to the re-telling of impressions of guided guests.

3. Internal screening and recent reforms

(a) Profession, selected for in-depth discussions

As the profession is developing in a very positive manner, especially regarding the increasing member numbers, we did not particularly screen it. From our point of view, there is no immediate need for a reform. Due to the individual qualifying in the Austrian Trade Regulation Act flexible access to the profession is guaranteed and regularly implemented; e.g. well qualified individuals may come to an informal technical discussion in the Austrian Economic Chambers without the obligatory training.

(b) Sector specific information

As the professions are quite different, screenings comparing this sector with the sectors gastronomy and travel agencies are not reasonable in our opinion. There is a screening within the scope of the Directive on the recognition of professional qualifications carried out by the Federal Ministry of Science, Research and Economy. Information referring to this matter can be found in the database of regulated professions.

4. System in place to protect general interest objective

(a) Profession, selected for in-depth discussions

The national tourist guide exam consists of three modules: a professional-technical part (like history of art, history, tourism theory, tourism geography, etc.), a practical part (test tour and review of foreign language knowledge) and a business part (legal studies, business studies, rhetoric and communication).

According to the Austrian Trade Regulation Act, the obligatory training consists of at least 250 training units. Sufficient training courses are offered at the Institutes for Economic Development of the Austrian Economic Chambers (WIFI) and, in Vienna, at the Institute for Professional Advancement (BFI).

Minors who have the necessary qualification may also conduct guided tours as employees of tourist guides.

Prior professional practice is not obligatory to start working.

It is obligatory for tourist guides to carry an official photo identification ("tourist guide identification") while working. They are allowed to use an internationally common job title (e.g. tourist guide).

At the moment, guided tours in about 40 different languages are offered by tourist guides in Austria.

The tourist guide profession has the status of a regulated trade and, thus, is subject to the general regulatory law of the trade authorities. In addition to the obligatory qualification, the Austrian Professional Leisure Establishment Association of the Austrian Economic Chambers provides high-quality continuing further training via the platform www.aga.or.at. When graduates attain a certain score, they receive a certificate from the Austrian Economic Chambers. General liability insurance is not obligatory; however, many tourist guides are insured voluntarily. There are precise plans to add further training on consumer protection/security to this further education program. In the obligatory basic training such content is already conveyed:

Behavior in emergencies, security policies in a bus (e.g. regarding seatbelts, getting on and off the bus as well as rules of conduct for tourist guides) as well as on walks (crossing of traffic routes, positioning of groups, route planning taking into consideration security aspects, such as nature of the floor, stairs, etc.). The offered training courses also cover accessible tourism (guiding people with special needs; elevated security standards like indicating ramps, sloped pavements, navigability of pavements with wheelchairs). There is also a 15-hour First Aid course included in the training.

(b) Sector specific information

The concern for protection is the same for all regulated trades in the tourism and leisure sector. There are no differences. The prevailing protection purpose stems from consumer protection.

The legal representative body has published a job profile as a recommendation for working as a tourist guide http://www.freizeitbetriebe-wien.at/guides/download/Berufsbild_Fremdenfuehrer.pdf.

5. Institutional organisation

(a) Profession, selected for in-depth discussions

The tourist guide trade is consistently organized in the Austrian Trade Regulation Act (federal law) for all of Austria. Authoritative entities are the Federal Ministry for Science, Research and Economy as supreme regulatory body, the individual

trade authorities (district administrations, in cities with their own constitution: magistrates, in Vienna: municipal district offices) as imminent regulatory bodies and the Austrian Economic Chambers as legal representative body. Supervision by the authorities is of comparatively less importance because regulatory measures are taken by the Austrian Economic Chambers. Recently, ethics of the profession have been discussed in the sector but this project could not yet be realized up to now.

(b) Sector specific information

Authoritative entities are the Federal Ministry for Science, Research and Economy as supreme regulatory body, the individual trade authorities (district administrations, in cities with their own constitution: magistrates, in Vienna: municipal district offices) as imminent regulatory bodies and the Austrian Economic Chambers as legal representative body. Supervision by the authorities is of comparatively less importance because regulatory measures are taken by the Austrian Economic Chambers. The same structure applies to the other regulated trades and all other trades in this sector.

The Austrian Economic Chambers are a member of the European Federation of Tourist Guide Associations (FEG) www.feg-touristguides.com and founding member of the World Federation of Tourist Guide Associations www.wftga.org. Both organizations offer qualified training courses and further education for tourist guides in Europe and worldwide. In particular technical events are held on a regular basis.

The World Federation has submitted to the UNWTO's ethics decree, which disapproves of any discrimination and is in favour of the conservation of cultural art treasures; www.unwto.org/ethos. Reliable compliance with such standards is only guaranteed by accordingly trained tourist guides.

6. Certification systems

As the tourist guide trade is legally regulated in Austria, there is no voluntary professional training. However, we would again like to draw your attention to the voluntary further professional training within the scopes of the platform www.aga.or.at. In Vienna graduates of the voluntary tour manager course at the Institute for Economic Development of the Austrian Economic Chambers receive credit for one semester of the four-semester tourist guide training.

There is no certification for individual course participants and/or license holders but for the training courses. Thus, the Viennese tourist guide course, as well as the one in Lower Austria, are certified according to the European Standard for the Training and Qualification of Tourist Guides CEN 15565 by the Austrian Standards Institute.

7. Additional information

The Austrian Professional Association of Sports and Leisure Enterprises of the Austrian Economic Chambers has published arguments for the continuing regulation of the trade:

http://www.freizeitbetriebe-wien.at/guides/download/argumentarium_fremdenfuehrer_reglementierung_de.pdf

The advantages of regulation as listed in the arguments are confronted by the following risks of de-regulation:

The profession of tourist guides is a strictly personal service which usually is exercised in a mobile manner without using resources or facilities. If there are no qualification requirements, access to the profession will be extremely simple as it does not involve any financial or organizational investment. It can be expected that, in case of de-regulation, many not accordingly trained individuals will enter the market, often working on a part-time and seasonal basis, whose activities can either not be controlled at all or only with a lot of effort due to the mobile nature of the trade. Aside from the dubious service quality itself, we have to worry that there will be many unauthorized activities (without business license) and that levies and social insurance contributions will be evaded. As the tourist guide profession is a typical one-person-business, a de-regulation would not have a positive effect either on employment policy. The disadvantages would clearly outweigh the advantages because the standards of quality tourism and consumer protection would be heavily undermined (e.g. no security training and no basic legal knowledge of the people concerned). Those trained tourist guides who spent a lot of time and money on the quality of their service would be pressured by the price policy of these providers. This would generally lead to a drastic levelling of quality in the market segment, which would be a disadvantage for consumers. In tourist agglomerations, the many, uncontrolled providers would literally step on each other's toes, with all the negative implications (e.g. aggressive business and

advertising practices, initial business contacts on public ground, uncontrolled further illegal additional offers like ticket sales, provision of accommodation, transport services, travel services and the like). It can be assumed that these many "peripheral" service providers, in contrast to the well-trained and certified tourist guides, will not have professional liability insurance either.

In case of security drills of particular places of cultural interest (e.g. fire alarm exercise in Schönbrunn Palace) and/or regarding compliance with the house rules of tourist institutions (e.g. no use of voice amplifiers which might disturb others), the participation of completely free acting competitors could not be guaranteed: this is a visible disadvantage for consumers.

In the regulated system it is particularly ensured that the trade holders report it according to the regulation when they stop practicing their service or re-start their activities; for untrained service providers this is at least doubtful. Untrained service providers will also probably not be interested in the further education offered and/or will often not be qualified to participate in them.

In a country as tourism-oriented as Austria, where tourism forms an extremely high share of gross domestic product (approx. 14%), it is in the public interest to provide high-quality care for guests by trained service providers who can guarantee a certified level of quality. Austria's history, in particular, has such strong pan-European references, reaching from the Atlantic Ocean to the Mediterranean Sea and from the North Sea to the south of Italy, that tourist guides need to be well-trained in order to illustrate this pan-European cultural heritage accordingly to their guests. Well-informed and balanced explanations are set in a pan-European context. Worldwide there is a tendency to strengthen local service providers in order to ensure profit is generated locally (see also the article on tourism and culture, UNWTO Cambodia, 2015); this is particularly guaranteed based on regulated trainings.

Trained tourist guides are particularly instructed in the interest of transport policy (e.g. fixed bus routes, bus parking spaces and bus access points) and therefore are important partners of the bus drivers regarding regulatory

matters. The training also covers security on the bus which is to the consumers' advantage. Particularly during tourist peak periods, like before Christmas, it is essential that the complex fixed bus organization in tourist agglomerations is adhered to, which is only possible with trained service providers.

All aspects of general interest listed above are only to be guaranteed by a corresponding professional qualification system because it is not possible to subordinate unqualified people later and/or during their professional practice to obligatory standards.

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