Proof of Competence

Befähigungsnachweis


Proof of competence means that the trade professional must render evidence to the effect that he has all professional, commercial and legal knowledge, skills and experience required to independently pursue a regulated trade or partial trade.

In addition to proof that all general personal requirements are fulfilled when the business is registered or a managing director under trade law is appointed, the competence or qualification must be documented.

Proof of competence as a requirement for a business licence:

- **Regulated trades and partial trades:** Proof of competence applicable in each case must be produced for these trades when registering the business.
- **Free trades:** No proof of competence is prescribed for these trades.
- **Businesses in the form of an industrial plant:** With the exception of some trades (e.g. builders, arms industry), no proof of competence is required.

Who is required render proof of competence?

The proprietor of a sole proprietorship must provide proof of competence or appoint a managing director under trade law. Companies/partnerships (OG, KG, GmbH, AG) must appoint a managing director under trade law who must provide proof of competence on behalf of the company.

What constitutes proof of competence?

The following certificates are eligible for consideration as supporting documents:

- certificate of the successfully passed examination for the master craftsman’s diploma or other examination of competence; entrepreneur examination
- certificate/diploma of graduation from a university degree,
- certificate of graduation from a technical university, school or course,
- certificate of the successfully passed final apprenticeship examination,
- certificate of a professional activity,
- certificate of an executive position, company director or self-employed work. The Federal Minister of Economics and Labour establishes in an ordinance for each trade those documents – individually or in combination, including the duration of activities – that are specific requirements for access to a regulated trade.
Please note: Special regulations apply to persons who had their professional training in an EU/EEA member state or practised their profession there.

Requirements for taking the master craftsman’s examination or competence examinations

The only requirement for taking the master craftsman’s examination or competence

Attention: Only a person who has passed the master craftsman’s examination may call himself “Master” or use such designations as “Master Craftsman’s Shop”. Use of these designations is not permitted if a craft has been professionally joined in any other way (e.g. attendance of an appropriate school of higher education [HTL] or professional

Proof of competence for partial trades

The proof of competence for partial trades has been regulated by ordinance of the Federal Minister of Economics and Labour; compared to the regulated trades, access to the trade is simplified (e.g. final apprenticeship examination and/or times of practise).

Foreign certificates

Foreign examination certificates of competence in a profession corresponding to a regulated trade are to be treated as equal to Austrian examination certificates when laid down in treaties (e.g. recognition of certain German master craftsman’s examinations); or else by way of by ordinance of the Federal Minister of Economics and Labour.

The Federal Minister of Economics and Labour decides on a case-by-case basis and upon application whether the skills and knowledge required for the pursuit of a regulated trade have been acquired by way of certificates of a foreign university, school or course.

Foreign employment certificates must in principle be recognised if a professional activity can be inferred from them that is comparable to Austrian use. The trade authority, however, can demand proof that the issuer of the certificate actually exists.

Assessment of individual qualification when formal proof of competence is not presented

In the event that proof of evidence cannot be provided as described above, an individual qualification can be assessed. Appropriate evidence for the skills, knowledge and experience required for the respective trade must be provided for this purpose to the trade authority (district administrative authority; in Vienna: Municipal Department 63).

Attention: The option of “individual qualification” does not apply to certain activities of builders and builders of wood constructions, i.e. the planning, calculation and supervision of high buildings, underground constructions and similar constructions. For these activities, proof of competence must be provided in the way prescribed by the competence ordinance.

In individual cases, the authority can restrict the individual qualification to a partial activity of a trade or make it conditional upon an adjustment period or aptitude test.

Attention: The designations “Master craftsman” or “Master Craftsman Shop” may not be used in the case of individual qualification.

Appointment of a managing director under trade law when proof of competence is lacking

If a natural entity does not provide proof of competence, not even in the form of individual qualification, a regulated trade can nonetheless be registered [with the exception of chimney sweeps and insurance brokerage] when a suitable managing director under trade law is appointed. This managing director under trade law must
work at the business for at least half of the normal weekly working hours and must be an employee who is fully subject to social insurance contributions.

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