

Terms and Conditions

for the use of passenger ferry docks in Upper Austria

The WGD Donau Oberösterreich Tourismus GmbH has decided on the following Terms and Conditions for passenger ferry docks in Upper Austria:

I. General information

§ 1 – Basis

These Terms and Conditions relate to the use of ferry docks, as listed in Appendix A.

§ 2 – Definition

The WGD Donau Oberösterreich Tourismus GmbH is hereafter named **operator**; owners of docked ferries are hereafter named **user**.

II. Regulations for use

§ 3 – Right of use

The right to use the passenger ferry docks is determined in accordance with these Terms and Conditions.

§ 4 – Refueling

At the passenger ferry docks it's possible to refuel ships with fuel from the water side. The refueling from land is prohibited.

§ 5 – Authorized Persons

1. The operator shall provide the passenger ferry docks, including their existing berthing capacity, for the docking and anchoring of passenger ferries / passenger cabin vessels.
2. It is prohibited to use watercrafts and floating facilities that are located at a passenger ferry dock as a storage of goods or as barges.

§ 6 – Permission to dock

1. To land on the passenger ferry docks, watercrafts and floating facilities need the permission of the operator. In particular, this is not granted, when it is feared that the landing threatens to risk the public safety and order. Such a risk can be mainly assumed if the National Police Directorate or the State Office for the Protection of the Constitution and the Suppression of Terrorism determines such.
2. No permission is required by:
 - 2.1. Public service watercrafts on official duty
 - 2.2. Water police & Austrian customs watercrafts
 - 2.3. Fire department watercrafts on duty and during training
 - 2.4. Watercrafts of foreign states and agencies that operate on behalf of their administrations
 - 2.5. Dinghies, belonging to taxable watercrafts or floating facilities.
3. The use of passenger ferry docks must be in accordance with the applicable company regulations (see attachment)! In case of non-compliance, reference is made to § 19 (contractual penalty).

§ 7 – Registration and deregistration (booking)

1. Until 30.09. (latest till 30.11.) of each year, the user must notify the operator about the required landing space for the upcoming period (year) – without being requested to do so. This has happen under the following address, WGD Donau Oberösterreich Tourismus GmbH, Lindengasse 9, 4040 Linz or via e-mail to schiff@donauregion.at
2. Should there be more berth requirements in short term, this must be reported to the operator in advance (only in exceptional cases can this also be done afterwards).
3. The booking is only valid with the written confirmation by the operator (booking confirmation).
4. After leaving the passenger ferry docks, a report must be sent to the operator (via e-mail to schiff@donauregion.at). The report should contain the vessel data and the actual landing time.

5. No registration and deregistration is required by:
 - 5.1. Public service watercrafts and floating facilities undertaking urgent statutory duties
 - 5.2. Rescue and fire fighting watercrafts in operation
 - 5.3. Passenger ships operating according to an agreed upon timetable

§ 8 – Boarding of watercrafts and floating facilities

Skippers and supervising persons (persons in charge) of watercrafts or floating facilities and their representatives, have to tolerate that the staff of the operator, as part of their responsibilities, can board and inspect the watercrafts and floating facilities.

§ 9 – Keeping passenger ferry docks and waste disposals clean

The passenger ferry docks are to be kept clean.

§ 10 – Assignment of landings and berths

1. The operator assigns landings and berths. No watercraft has the right to the assignment of a specific landing or berth.

The assignment is made under the following criteria:

- Safety and order
- Location and street appearance
- Traffic concept
- Convenience
- Sensible organizational flow
- Types of ferries (passenger ferries or passenger cabin vessels), as well as general long-standing experience
- Taking into account the operational needs of the applicant ferry line.

Assigned berths cannot be changed without the instruction of the operator.

2. At the request of the operator, the user has to move their watercraft to another berth.
3. The operator prepares an annual landing arrangement.
4. The operator is bound to the landing arrangement for the period of validity, as long as each berth is used appropriately. The operator may change the berth, if good cause exists, e.g. the conveyance of a berth, impairment to the continuous waterway transport (e.g. flood, shipping barrier), etc.; Paragraph 2 shall remain unaffected.
5. Notification of special trips, not according to plan, must also be provided in writing to the operator at least 8 days prior to the docking / anchoring, under the above-mentioned address (also by fax under no. +43 (0)732 7277-804). Notifications of these trips are taken into account, to the extent that the landing has spare capacity. The same applies to all other passenger ferries and cabin vessels that are not included in the landing arrangement (Para. 3).

§ 11 – Mooring and anchoring

1. Watercrafts and floating facilities must be secured at the intended points or on already docked watercrafts or floating facilities and with their bow facing upstream (exception Wesenufer and Schlögen). If necessary, the watercraft or floating facility can be secured with their bow facing downstream (exception Linz-Schloss no. 11).
 - a) At Wesenufer, watercrafts have to dock downstream with the bow facing.
 - b) At Schlögen, watercrafts have to dock downstream with the bow facing.
 - c) At Linz-Schloss 11, watercrafts have to dock upstream with the bow facing.
2. The securing of a watercraft or floating facility must not hinder, more than necessary, the embarkation and disembarkation of persons, the transshipment and waterways, the shore paths, stairs and ladders.
3. Before people get in or out of the watercrafts, a safe entry and exit from the watercrafts via a catwalk to the passenger ferry dock and to the ground must be ensured. In winter (in case of snow/ice) safety measures have to be taken by the user in order to allow the passengers a safe landing.

§ 12 – Shore leave

If watercrafts and floating facilities use passenger ferry docks by docking next to each other, then the skipper or person in charge of the ferry docked closer to shore must tolerate the provision of walkways, for the crossing of people and the transport of required goods.

The shortest path for crossing (reception, entrance) must be made available. It is essential to carry a gangplank to facilitate the embarkation and disembarkation of passengers.

Passengers are only allowed to enter the ferry docks when the vessel has docked and all facilities are properly positioned.

Before leaving the passenger ferry docks the existing safety devices have to be brought into the respective positions (hanging on the barrier chains, closing the accesses etc.)

§ 12a – Shore leave for people with disabilities

The crew is required to give the needed support to people with disabilities.

§ 12b – No shore leave if there is a risk of infection

If there is a risk of infection on board (e.g. by Noro virus or COVID-19), the respective district administrative authority in whose administrative district the case becomes known (for contact details, see the following list) and the operator (Tel. +43 732 7277 811) must be informed 24h before arrival (= user's duty to report) and, if necessary, follow their instructions.

A suspected COVID-19 case must also be reported under: +43 1450. Shore excursions are not permitted without express permission.

Contact details of the district administrative authorities for the respective WGD moorings:

WGD moorings	District administrative authority	Contact details
Engelhartszell I, II, III Wesenufer	Bezirkshauptmannschaft Schärding	Tel. +43 7712 3105-405 bh-sd.post@ooe.gv.at
Obermühl Untermühl	Bezirkshauptmannschaft Rohrbach	Tel. +43 7289 8851-0 bh-ro.post@ooe.gv.at
Schlögen Aschach Bandstatt	Bezirkshauptmannschaft Eferding-Grieskirchen	Tel. +43 7248 603-0 bh-gr-ef.post@ooe.gv.at
Ottensheim	Bezirkshauptmannschaft Urfahr-Umgebung	Tel. +43 732 731301-0 bh-uu.post@ooe.gv.at
Linz-Schloss 11 Linz-Nibelungen 12 Linz-Hauptplatz 13 Linz-Lentos 14	Magistrat Linz	Tel. +43 732 7070-2601 gs@mag.linz.at
Ennschafen	Bezirkshauptmannschaft Linz-Land	Tel. +43 732 69414-0 bh-ll.post@ooe.gv.at
Mauthausen Grein Sarmingstein	Bezirkshauptmannschaft Perg	Tel. +43 7262 551-0 bh-pe.post@ooe.gv.at

Passenger ships in Upper Austria have the possibility to use the commercial port of Linz during quarantine, with the agreement of the port operator. A total of 3 free berths are available. The current status is checked daily with the Shipping Inspectorate Linz.

Contact person for the port of Linz:

Manfred Freiseder (Harbourmaster): Tel. +43 664 80340-6962, m.freiseder@linzag.at or

Gregor Wegscheider: Tel. +43 664 80340-6954, g.wegscheider@linzag.at

§ 13 – Shutting down of watercrafts

Watercrafts and floating facilities shall not be shut down within a passenger ferry dock, except with the agreement of the operator.

§ 14 – Restrictions of movement

The operator can limit the length of stay of a watercraft or floating facility.

§ 15 – Water supply

Proper water supply is allowed in Linz only after prior notification to the WGD. The winding up of the water supply in Linz, Engelhartzell and Grein is to be found in the Tariff Regulations.

§ 15a – Waste disposal

The waste disposal is permitted in Linz and Engelhartzell only after prior notification to the waste disposal company. The winding up of the waste disposal are to be found in the Tariff Regulations.

1. Ship-generated waste shall be disposed of in accordance with the provisions of the conditions of use of passenger ferry docks. Accordingly, it is not permitted to store waste on the passenger ferry docks or sidewalks.
2. Waste disposal is only possible from Monday to Friday from 10:30 a.m. to 6:00 p.m.
3. Garbage containers (sacks, barrels) must be sealed when handed in.
4. The loading has to take place directly from the ship onto the vehicles provided by the waste disposal company.
5. The disposal of kitchen waste and leftovers has to be carried out in closed containers, which are transported directly from the ship to the waiting vehicle. Strict care must be taken to ensure that no waste escapes. Should this nevertheless be the case, the person responsible is obliged to close off the contaminated area on a large scale and to arrange for thorough cleaning.

§ 16 – Noise control

1. The skippers are required to take all measures to avoid unnecessary noise, especially between 22:00 and 06:00.
2. Noise requirements for the landing Linz-Schloss: Due to government regulations the following provisions must be observed at the landing Linz-Schloss:
 - a) All vessels must dock at the landing with their bow facing downstream; exceptions are short-dockings of max. 30 minutes for ships navigating downstream for embarkation and disembarkation purposes. These dockings and their duration must be notified at a min. 4 days in advance to the WGD Donau Oberösterreich Tourismus GmbH.
 - b) Between 00:00 and 05:00 arrivals and departures may not take place, subsequently no vessel should be docked. The arrival and departure may only take place between 06:00 and 23:00. Only ships that receive a special permission/confirmation from us are allowed to dock in the time from 23:00 to 0:00 and from 5:00 to 6:00.

§ 17 – Liability

1. The user is liable for his own and other persons and property damage caused by himself, his employees, his representatives or his companions through the use of passenger ferry docks.
2. The user is liable to the operator, in compliance with the relevant laws, to the full sum of person and property damage.

3. The user is liable for damage caused by unhooked chains or not closed access doors on the passenger ferry docks.
4. Damage to equipment or facilities of the passenger ferry dock must immediately be reported by the offender, to the operator, police, and maritime police respectively.
5. The operator is not liable for damages caused solely by other users or other third parties.
6. The operator shall be liable only for damages based on a grossly negligent or intentional act or omission by himself or by his staff.

§ 18 – Data protection

The user agrees that the appointments, which have been confirmed by the operator, are available for the purpose of viewing by authorized persons on the internet.

III. Fixing tariffs

§ 19 – Tariffs/ penalty of breach of contract

1. For the use of passenger ferry docks a docking fee must be paid to the operator.
2. If the user breaches the terms of the contract, they will incur a predefined penalty.
3. Tariffs and penalty fees are determined by the tariff regulations, a separate component of the Terms of Conditions.

IV. Final provisions

§ 20 – Effectiveness of the regulations

The user accepts the above conditions by entering into a contract for the use of a passenger ferry dock or from the immediate utilizing of the service.

§ 21 – Place of fulfillment and jurisdiction

Place of fulfillment and jurisdiction is Linz, Austria.

§ 22 – Entry into force

These Terms and Conditions are valid from 01.01.2022.

Linz, December 2021

Supplement: Tariff Regulations

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