

## **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](mailto: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](mailto: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.

#### **§ 9a –**

#### **Procedure in the event of technical faults on vessels with environmentally harmful pollution while moored at a berth**

If a technical defect arises that could lead to the release of substances harmful to the environment/water, the ship's command/owning company is obliged to report this immediately to the nearest shipping supervisory body (Waterways Traffic Regulations § 11.03 as amended). **In addition, we, as the berth operator, must be informed immediately.**

Offices of the shipping inspectorate between Passau and Sarmingstein:

#### **Shipping Inspectorate Aschach**

Schopperplatz 3, 4082 Aschach

Phone/on-call service number: +43 (0)1 / 711 62-655 953

Mobile: +43 (0)664 / 818 88 66 or +43 (0)664 / 818 88 67 or +43 (0)664 / 818 88 70

E-mail: [schiffahrtsaufsicht.aschach@bmk.gv.at](mailto:schiffahrtsaufsicht.aschach@bmk.gv.at)

Supervision area: Danube from river km 2158.000 to river km 2201.770 on the left river bank and to river km 2223.150 on the right river bank.

#### **Shipping Inspectorate Linz**

Regensburgerstraße 4, 4020 Linz

Phone/on-call service number: +43 (0)1 / 711 62-655 941

Mobile: +43 (0)664 / 818 88 63 or +43 (0)664 / 818 88 64 or +43 (0)664 / 818 88 65

E-mail: [schiffahrtsaufsicht.linz@bmk.gv.at](mailto:schiffahrtsaufsicht.linz@bmk.gv.at)

Supervision area: Danube from river km 2111.828 to river km 2158.000.

#### **Shipping Inspectorate Grein**

Am Hofberg 2, 4360 Grein

Phone/on-call service number: +43 (0)1 / 711 62-655 932

Mobile: +43 (0)664 / 818 88 61 or +43 (0)664 / 818 88 62 or +43 (0)664 / 855 19 21 or +43 (0)664 / 855 19 22

E-mail: [schiffahrtsaufsicht.grein@bmk.gv.at](mailto:schiffahrtsaufsicht.grein@bmk.gv.at)

Supervision area: Danube from river km 2045.000 to river km 2111.828.

In the event of accidents and other incidents outside of normal working hours, the shipping

supervision can be reached around the clock on the standby telephone numbers!

Emergency hotline number of the berth operator: WGD Donau Oberösterreich Tourismus GmbH: +43 (0)676 / 40 33 226

Euro emergency number: 112

Final provisions: These conditions of use are binding for all ships moored at the WGD passenger shipping berths.

### **§ 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.
4. After the mobile flood protection has been set up, no moorings and landings are possible in Mauthausen and Grein.

## § 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.).

Rules for tour buses: Parking is not allowed in the area of the landing stage (exception: marked bus stop areas at Engelhartzell III).

Short stops are only permitted for boarding the passengers with the engine switched off.

It must be ensured that this regulation is observed. Care must be taken to ensure that this regulation is complied with.

### § 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
Engelhartzell I, II, III Wesenufer	Bezirkshauptmannschaft Schärding	Tel. +43 7712 3105-405 <a href="mailto:bh-sd.post@ooe.gv.at">bh-sd.post@ooe.gv.at</a>
Obermühl Untermühl	Bezirkshauptmannschaft Rohrbach	Tel. +43 7289 8851-0 <a href="mailto:bh-ro.post@ooe.gv.at">bh-ro.post@ooe.gv.at</a>
Schlögen Aschach Bandstatt	Bezirkshauptmannschaft Eferding-Grieskirchen	Tel. +43 7248 603-0 <a href="mailto:bh-gr-ef.post@ooe.gv.at">bh-gr-ef.post@ooe.gv.at</a>
Ottensheim	Bezirkshauptmannschaft Urfahr-Umgebung	Tel. +43 732 731301-0 <a href="mailto:bh-uu.post@ooe.gv.at">bh-uu.post@ooe.gv.at</a>
Linz-Schloss 11 Linz-Nibelungen 12 Linz-Hauptplatz 13 Linz-Lentos 14	Magistrat Linz	Tel. +43 732 7070-2601 <a href="mailto:gs@mag.linz.at">gs@mag.linz.at</a>
Ennshafen	Bezirkshauptmannschaft Linz-Land	Tel. +43 732 69414-0 <a href="mailto:bh-ll.post@ooe.gv.at">bh-ll.post@ooe.gv.at</a>
Mauthausen Grein Sarmingstein	Bezirkshauptmannschaft Perg	Tel. +43 7262 551-0 <a href="mailto:bh-pe.post@ooe.gv.at">bh-pe.post@ooe.gv.at</a>

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](mailto:m.freiseder@linzag.at) or

Gregor Wegscheider: Tel. +43 664 80340-6954, [g.wegscheider@linzag.at](mailto: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 – Supply / Disposal**

#### **§ 15a – 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.

#### **§ 15b – Loading**

Loading is only possible from 10:00 a.m.

#### **§ 15c – 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 10:00 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 – Obligation to Shore power connection**

If a shore power system is available (Engelhartszell I, Engelhartszell II, Engelhartszell III, Linz-Hauptplatz 13, Linz-Lentos 14 - expected from 2025 also Linz-Schloss 11, Linz-Nibelungen 12), all users (passenger cabin vessels) are obliged to connect the on-board power supply to the power terminals mounted on the floating landing facilities using the on-board cables immediately after mooring if the mooring time exceeds two hours.

Once connected, it is prohibited to continue running the ship's own power generation machinery (diesel generators or propulsion engines).

The ship's entire electricity requirements must be supplied exclusively via the shore power systems. The electricity purchased is billed directly between the electricity provider and the user, without involving the operator.

For short-term mooring, less than two hours, there is no obligation to connect.

If the shore-side power supply is interrupted, for whatever reason, or in the event of technical faults at the energy terminal, the operator and the electricity provider shall not be liable or responsible in any way. In such cases, users are of course authorised to activate the on-board power supply network.

The operator expressly reserves the right to exclude users from further use of the landing facilities in the event of violations of the connection obligation. This also applies to bookings that have already been confirmed in advance.

### **§ 18 – 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.

### **§ 19 – 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**

### **§ 20 – 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**

### **§ 21 – 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.

## **§ 22 – Place of fulfillment and jurisdiction**

Place of fulfillment and jurisdiction is Linz, Austria.

## **§ 23 – Entry into force**

These Terms and Conditions are valid from 01.01.2025.

Linz, December 2024

Supplement: Tariff Regulations

**WGD Donau Oberösterreich Tourismus GmbH**, Lindengasse 9, 4040 Linz, AUSTRIA

Tel: (0043) 732/ 72 77 -811, Fax: Extension-804

[schiff@donauregion.at](mailto:schiff@donauregion.at), [www.schiffsanlegestellen.at](http://www.schiffsanlegestellen.at)