



Information on Tourism Activities from other States and other Countries

Activities as a **snow sports instructor** (of skiing, snowboarding, or cross-country skiing) may be carried out as part of the tourism activities of ski schools and ski instructors from another state or another country if

- a) the tourism activities are temporary and occasional,
- b) adequate liability insurance exists (minimum insurance cover EUR 6 million) the geographical scope of which covers Tyrol and which also covers the deployed teaching staff in the case of tourism activities of ski schools, and
- c) the guests had been admitted
 - 1. in the relevant country or state or
 - 2. in the ski school area stated in the registration (see registration obligation).

Explanation:

When assessing the temporary or occasional nature of tourism activities, attention must be paid in particular to the duration, frequency, regularity and continuity of the stays. The requirement for temporary and occasional activity will be met in any case if the duration of the stay does not exceed 14 days in the specific instance and 28 days in total in a calendar year.

In the context of tourism activities snow sports instructors may only be active or be deployed if they

- a) **are qualified as defined by the explanation below *)**
- b) **have the knowledge of German language essential for the safety of guests and**
 - a) **are entitled to carry out their work as a ski instructor independently according to their professional qualification in accordance with a).**

*) Explanation for a)

Persons are professionally qualified if they have a training as a ski instructor which, taking professional practice into account in the theoretical and practical spheres essential to guarantee proper practice of the profession, confers the knowledge and skills essential to guarantee the safety of guests and the parties.

PROFESSIONAL REQUIREMENTS FOR PRACTICE IN TOURISM ACTIVITIES:

The activity as a **snow sports instructor** in the context of tourism activities may be carried out

- ✓ by persons who, to guarantee the safety of guests and third parties, have undergone training that is **comparable to a diploma** by passing a **“Common Training Test – Technical Exam (Euro-Test)”** and the **“Common Training Test – Safety Exam (Euro Security Test)”** as proof of their safety-relevant knowledge and abilities, in organised ski areas (open slopes and ski routes) and off-piste slopes, on variants close to ski lifts;
- ✓ by persons who do not have such safety-related knowledge and skills of a training at diploma level, but only in the organised ski area on slopes designated as open if a snow sports instructor with the Euro Test and Euro Security (diploma level) **is on site** who **supervises** compliance with the duties of the snow sports instructor on site.

Duty of registration:

The intended activity as a snow sports instructor in the context of tourism activities must be registered in writing to the **Tiroler Skilehrerverband (Tyrolean Ski Instructors Association)** at the **latest three weeks** before the first commencement of the activity by the ski instructor, or if the relevant activity is carried out in the context of a ski school, by the ski school.

- ➔ The registration must be complete which means that it is accompanied by all necessary documents.
- ➔ Please use the form "Meldung im Ausflugsverkehr" (Registration in tourism activities)!

Guest admission in Tyrol – statement of ski school area:

1. If guests are admitted in Tyrol, the ski school area in which the guest admission is planned must be notified in writing to the Tiroler Skilehrerverband at least two weeks beforehand.
2. Every intended change of the stated ski school area must also be notified in writing to the Tiroler Skilehrerverband at least two weeks beforehand. The existing ski school area and the new ski school area must be stated in the notification.

Annual duty of registration:

The registration must be repeated annually if the activity as a snow sports instructor is to continue in the context of tourism activities. The registration must, if applicable, include a declaration that the requirements on which the certificates in accordance with point a) are based are still fulfilled and the details of the liability insurance in the second sentence of the paragraph concerning the duty of registration are still correct. The certificates must be attached to the notification again if the requirements on which they are based have changed. Furthermore, the information relating to the liability insurance must be corrected if it changes.

Subsequent duty of registration:

The following must be notified to the Tiroler Skilehrerverband by 31 May each year in respect of the period from 1 May of the previous year to 30 April of the current year:

- a) the municipalities in whose area activity as a ski instructor has taken place in the context of tourism activities,
- b) the times during which activity as defined by point a) took place; here the day of the start and end of the activity in the relevant municipality must be stated,
- c) the number of groups and guests in the individual groups.

Professional designation

The activity as a snow sports instructor in the context of tourism activities will be carried out under a professional designation which in any case contains the word "ski instructor" or, if the relevant activity is carried out in the context of a ski school, the word "ski school" and the family name or surname as well as the first name of the snow sports instructor or proprietor of the ski school. In the case of ski schools with a special focus, an indication of the type of service offered must be included.

However, the tourism activities may instead take place under the professional designation of the

country or state in which the ski school or snow sports instructor is domiciled. This professional designation must be stated in a way that prevents confusion with the professional designation under the Tyrol *Schischulgesetz* (Ski School Act). Ski schools and snow sports instructors from other states may use this professional designation only in the (in an) official language of the relevant state. If there is no professional designation in the relevant country or state, a designation may be stated that indicates the relevant professional qualification. Ski schools and ski instructors from other states may use this designation only in the (in an) official language of the relevant state.

Statutory obligations for an activity in the context of tourism activities:

- The ski school proprietor must allocate his guests to receive ski instruction in a group commensurate with their skiing ability. A number of persons in a group must not exceed twelve. The maximum number may be exceeded by a maximum of three on a short-term basis if there are compelling reasons. The maximum number of twelve also applies for groups in which guests are accompanied when skiing on ski slopes, ski routes or cross-country skiing trails. When leading or accompanying ski tours, the ski school proprietor must specify the maximum number of guests to be led or accompanied, taking into account their ability and the degree of difficulty of the planned ski tour so that the physical safety of guests is guaranteed.
- During their activity in the context of tourism activities teaching staff must
 - a) ensure that the physical safety of guests is not jeopardised,
 - b) bring the materials necessary to render First Aid,
 - c) if there is an accident during the ski school, render First Aid and, if necessary, make sure the accident victim receives medical attention and is transported away by the rescue service; if that service cannot be procured in time, teaching staff must transport the victim away themselves.
- If the instructors become aware of an accident or an avalanche in the context of tourism activities, they must immediately notify the nearest rescue centre and the ski school proprietor, instigate the necessary rescue measures themselves and participate in assistance and rescue measures insofar as this is possible without jeopardising the safety of their guests.

Prohibited practice of an activity as ski school/snow sports instructor:

- If an activity as a snow sports instructor takes place
 - without full and punctual registration and/or
 - without compliance with the necessary professional requirements and/or
 - without safety-related knowledge at diploma level (= Euro Test, Euro Security) and without a person from the ski school with these qualifications (Euro Test, Euro Security) being present on site supervising the snow sports instructor and/or
 - without notifying the ski school area planned for guest admission and/or
 - exceeding the maximum group number and/or
 - using an unacceptable professional designation and/or
 - without complying with the subsequent duty of registration and/or
 - without the annual duty of registration

an administrative offence is committed which is punishable by the district administrative

authority with a fine of up to € 3,000.

There are a number of consequences of a prohibited activity as a ski school/snow sports instructor with non-compliance with statutory provisions:

- A prohibited activity as a ski school/snow sports instructor constitutes an administrative offence which is punishable by the district administrative authority with a fine of up to € 3,000 (per instance). In such a case it is not only the carrying out of such an activity that is punishable but even the mere offering of it (e.g. in travel prospectuses as part of an all-in package etc.).
- Furthermore, in a case of injury there may be consequences under criminal and civil law – both in Austria and in the country of origin of the guest/guests. Guests who suffer injury may hold the travel organiser liable if persons were employed who did not have the necessary entitlement and qualification. The liability amounts may be considerable and may include for example lost earnings of a guest who is seriously injured and unable to work for a substantial period of time or a case of death with survivors entitled to maintenance. Compensation for pain and suffering, costs of treatment and therapy etc. can be substantial.
- Attention is drawn to the possibility that legal action may be instigated for an injunction or an action for compensation under the law against unfair competition with all the associated (court) costs.

In the planning of an activity as a ski school/ski instructor in the context of tourism activities we recommend paying attention to the registration periods and obligations as well as the provisions of tax and social insurance law. Staff at the Tiroler Skilehrerverband will be pleased to provide information in response to all questions relating to tourism activities.

We wish all foreign ski schools and ski instructors visiting in the context of tourism activities a pleasant and interesting time in Tyrol.

TIROLER SKILEHRERVERBAND

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