

LEGALLY OPERATING A PROSTITUTION ESTABLISHMENT

Requirements for lawful operation

As of 1 November 2011, the 150-metre protection zones no longer apply to prostitution establishments.

A prostitution establishment has to meet the following requirements:

- It must have direct and separate access to public space.
- Prostitutes must have the power of disposition over all rooms of the prostitution establishment.
- It must not be located in a railway station or station building or in a flat of a residential building.
- It must have in place facilities and safety equipment designed to protect people (emergency exits, fire distinguishers, sufficient number of showers and toilets, etc.). The exact requirements for these facilities are provided in the relevant ordinances of the Vienna City Administration.
- It has to ensure the protection of young people and must not subject neighbouring residents to unreasonable nuisance (particularly by the display of signs marking it as a prostitution establishment or by the visual design of those parts of the building which can be seen by the neighbouring residents).

Please note: If it is planned that prostitutes will also solicit customers in front of the establishment, the establishment will additionally be subject to the rules for street prostitution.

The *solicitation* of prostitution on the streets of residential areas is prohibited.

The *performance* of prostitution (any kind of sexual acts) on the street is in any case prohibited.

Inspection of your establishment:

Irrespective of other authorities, the police and Municipal Department 36 are obliged to check whether you comply with the Prostitution Act, the applicable ordinances and the relevant administrative decision. The police are allowed to gain entry to your establishment by using reasonable force at your cost. In the event that you have severely violated any relevant regulations, the police are entitled to close your establishment on the spot!

Please note: We recommend you to provide the prostitutes with free condoms!

Operation of an establishment by prostitutes:

If you operate a prostitution establishment and also work as a prostitute, you have to inform the police about both the operation of the prostitution establishment and your work as a prostitute!

ADVISORY CENTRES FOR OPERATORS OF PROSTITUTION ESTABLISHMENTS

SOPHIE BildungsRaum für Prostituierte

1150 Wien, Oelweingasse 6–8

☎ 01 897 55 36

E-Mail: sophie@volkshilfe-wien.at

Vienna Economic Chamber – Restaurant and Catering Section

1010 Wien, Judenplatz 3-4

☎ 01 514 50-4207

E-Mail: gastronomie@wkw.at

Federal Police Directorate of Vienna Registration Office for Prostitution Issues

1010 Wien, Deutschmeisterplatz 3

☎ 01 313 10-21180

Beratungsstelle COURAGE Wien

1060 Wien, Windmühlgasse 15/1/7

☎ 01 585 69 66

E-Mail: info@courage-beratung.at

VIOLENCE AGAINST PROSTITUTES OR UNDERAGE PROSTITUTES

The following is prohibited in Austria and **LIABLE TO PROSECUTION**:

- Forcing other people into prostitution
- Underage prostitution (under 18 years)
- Threats of violence against the families of prostitutes
- Forcing prostitutes to work without condoms
- Forcing prostitutes to perform sexual practices which they disapprove of
- Taking away (part of) the payment received from customers
- Taking away prostitutes' passport
- Forcing prostitutes who want to get out of the business to continue to work as a prostitute
- Forcing prostitutes to stay in the establishment

If you commit any of these acts, you will have to face police investigations and the opening of criminal proceedings!

24h – Frauennotruf (Women's Emergency Hotline)

☎ 01 71 71 9

E-Mail: frauennotruf@wien.at

www.frauennotruf.wien.at

24h – Helpline for Human Trafficking (Police)

☎ 01 248 36-85383

E-Mail: menschenhandel@bmi.gv.at

LEFÖ – IBF Interventionsstelle für Betroffene von Frauenhandel

1040 Wien, Floragasse 7A/7

☎ 01 796 92 98

E-Mail: ibf@lefoe.at

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1150 Wien, Oelweingasse 6–8

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Beratungsstelle COURAGE Wien

1060 Wien, Windmühlgasse 15/1/7

☎ 01 585 69 66

E-Mail: info@courage-beratung.at

Police: ☎ 133

Ambulance: ☎ 144

Fire brigade: ☎ 122

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Information leaflet for operators of prostitution establishments

You have decided to operate a prostitution establishment in Vienna. **Prostitution is generally legal in Austria if the prostitutes are older than 18 years.** As an operator of a prostitution establishment you have several duties and responsibilities.

This leaflet informs you about the legal situation in Vienna so that **you will be able to properly meet your legal obligations** and avoid any violations of law.

COMPULSORY REGISTRATION OF THE PROSTITUTION ESTABLISHMENT

Step 1 Registration with the police

Which data and documents are required for registration?

- Your name and family name or surname, previous names, date of birth, citizenship and address (official photo ID, certificate of citizenship, birth certificate, residence registration confirmation).
- Description of the prostitution establishment in duplicate. We recommend you include photos of the exterior of the establishment with the description!
- Plans of the prostitution establishment in duplicate. The plans must contain a confirmation issued by a state-certified architect or consulting engineer stating that the establishment complies with the Vienna Building Code and the building permit granted for the establishment as well as with the Vienna Prostitution Act 2011 and the related ordinances.
- A police clearance certificate not older than three months.

Please note: You are also required to register your prostitution establishment with the police in the event that your establishment has already received a building permit or an operating permit pursuant to the Trade Regulation Act and that you hold a business licence!

**Contact: Federal Police Directorate of Vienna
Registration Office for Prostitution Issues
1010 Wien, Deutschmeisterplatz 3
☎ 01 313 10-21180**

Step 2 Police investigation procedure

The police will verify

- your data,
- your police clearance certificate and
- whether the operation of the establishment needs to be subjected to special requirements.

Step 3 Notice of decision

Once the police investigations have been concluded, you will receive a notice of decision regarding the operation of your prostitution establishment.

Please note:

- You may open your prostitution establishment only after the police have finally acknowledged your registration information by issuing a notice of decision.
- Depending on its design and use, the establishment must also comply with other laws (Building Code, Trade Regulation Act, Act on Hygiene in Public Baths, etc.) and may require additional permits. Please contact your competent Municipal District Office for further details!

Contact details of public authorities competent for issues relating to the Building Code are available on the Internet at <http://www.wien.gv.at/wohnen/baupolizei/kontakt.html>. The contact data of the Municipal District Office having jurisdiction over the location of your prostitution establishment are provided on the Internet at <http://www.wien.gv.at/mba/mba.html>.

YOUR RIGHTS

The operation of your establishment was prohibited?

You have the right to appeal within 14 days.

Your notice of decision includes additional restrictions for your prostitution establishment?

You have the right to appeal within 14 days.

Your establishment has been closed?

You will receive a notice of decision informing you about the closure and then have the right to appeal within 14 days.

You have received a penalty notice?

You have the right to appeal within 14 days.

Request for payment by instalments in case of fines?

There is no legal right to payment by instalments.

The advisory centres will help you with all these matters.

IMPORTANT INFORMATION

Tax Office

Please be aware of your tax liability under the Value Added Tax Act and the Income Tax Act and bear in mind that registration obligations and tax liabilities may also arise before your prostitution establishment is opened. So inform yourself in due time with your competent Tax Office! A list of all Tax Offices is available on the website of the Austrian Ministry of Finance <http://dienststellen.bmf.gv.at>.

Social insurance

If you only run a prostitution establishment and your annual income in 2011 is above the insurance threshold (6,453.36 €), you have to register as a "New Self-Employed" with the competent social insurance provider within 4 weeks after you started work, or, at the latest, as soon as you know that you will exceed the insurance threshold. If you run your prostitution establishment alongside another job, the insurance threshold is 4,488.24 € per year.

If you register within the first 4 weeks, your (health) insurance cover starts on the day you have actually taken up work.

If your annual income is below the statutory insurance thresholds, you can take out a voluntary insurance policy. In this case, the insurance cover starts on the day of registration (opt-in insurance).

If your prostitution establishment also involves a catering establishment which is subject to the Trade Regulation Act, the Social Insurance Office for Persons Engaged in Trade and Commerce will ask you to register on the basis of your business registration.

Please note: As the issue of social insurance is rather complex, you should contact one of the advisory centres for detailed advice.

Contact:

**Social Insurance Office for Persons Engaged in Trade and Commerce
1050 Wien, Wiedner Hauptstrasse 84-86
☎ 050 808-27500**

Right of residence

Legal residence in Austria is a prerequisite for working in prostitution in Vienna. Asylum seekers must have been in Austria for a minimum of 3 months. Since there exist different regulations under alien law, we recommend that you contact one of the advisory centres.

Registration of your address of residence

Registration of your address of residence with the Municipal District Offices:

<http://www.wien.gv.at/verwaltung/meldeservice>

Health and freedom from sexually transmitted diseases

Persons wanting to work as prostitutes in Vienna must be free of sexually transmitted diseases. Therefore prostitutes are obliged to get regular medical check-ups. The necessary exams are performed at the Outpatient Clinic of Municipal Department 15 for the Diagnosis and Treatment of Sexually Transmitted Diseases (STD Outpatient Clinic), 1030 Vienna, Thomas-Klestil-Platz 8/2 (Town-Town), from Monday to Friday, and are free of charge. Patients will be accepted until 11:30 a.m, new patients until 10:00 a.m.