



Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1. General and financial information

1.1. Demographic and economic data

1.1.1. Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[8 932 664]

Comments

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002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

| | Amount |
|--|--|
| State or federal level | 217 410 000 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Regional / federal entity level (total for all regions / federal entities) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments The observed increase between 2018 and 2020 is explained by the pandemic COVID-19.

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003. Per capita GDP (in €) in current prices for the reference year

[42 502]

Comments

004. Average gross annual salary (in €) for the reference year

[35 072]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering the questions in this part

Sources: Statistik Austria

1.1.2 Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.

| | Approved budget (in €) | Implemented budget (in €) |
|--|------------------------|---------------------------|
| TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) | [X] NA [] NAP | [X] NA [] NAP |
| 1. Annual public budget allocated to (gross) salaries | [X] NA [] NAP | [X] NA [] NAP |
| 2. Annual public budget allocated to computerisation (2.1 + 2.2) | [X] NA [] NAP | [X] NA [] NAP |
| 2.1 Investments in computerisation | [X] NA [] NAP | [X] NA [] NAP |
| 2.2 Maintenance of the IT equipment of courts | [X] NA [] NAP | [X] NA [] NAP |
| 3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.) | [X] NA [] NAP | [X] NA [] NAP |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | [X] NA [] NAP | [X] NA [] NAP |
| 5. Annual public budget allocated to investments in new (court) buildings | [X] NA [] NAP | [X] NA [] NAP |
| 6. Annual public budget allocated to training | [X] NA [] NAP | [X] NA [] NAP |
| 7. Other (please specify) | [X] NA [] NAP | [X] NA [] NAP |

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences:

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:

| | Approved budget (in €) | Implemented budget (in €) |
|---|------------------------------------|------------------------------------|
| Total annual public budget allocated to all courts and the public prosecution services together | [X] NA [] NAP | [X] NA [] NAP |
| Total annual public budget allocated to all courts and legal aid together | [X] NA [] NAP | [X] NA [] NAP |
| Total annual public budget allocated to all courts, public prosecution services and legal aid together | 1 218 691 600 [] NA [] NAP | 1 232 658 898 [] NA [] NAP |



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008. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction:

| | Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ? |
|--------------------------------------|---|
| for criminal cases | <input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No |
| for other than criminal cases | <input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No |

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- Court fees in Austrian proceedings concerning civil and commercial litigation under the civil procedure code (Zivilprozessordnung – ZPO) depend mostly on the value under dispute between the parties of the proceedings. The amount of the fees is laid down in a list or tariff which forms part of our Gerichtsgebührengesetz (GGG). This Act on court fees also specifies the correct way of calculating these costs (in particular the calculation of the assessment basis for the value under dispute).

According to § 14 GGG the assessment basis for the fees of a given case of litigation is the value under dispute (“Streitwert”) according to §§ 54 to 60 of the Jurisdiktionsnorm (JN) determining the basis for the Court’s jurisdiction and for the mode of appeal. §§ 15 to 18 GGG contain specific provisions regarding the value under dispute for specific cases - for example for actions concerning properties or special proceedings like renting.

The court fee according to the “Streitwert” is laid down in fee items (Tarifposten – TP) 1 to 3 of the tariff appended to the GGG (TP 1 for cases of first instance, TP 2 for the second instance and TP 3 for litigation cases before the Supreme Court). If there are more than two parties to the case a percentage is added to these fees according to § 19a GGG (In cases where there are several claimants or defendants a surcharge has to be paid according to § 19a GGG (of 10 percent for the third party and 5 percent for any further party to the proceedings)). As can be derived from this tariff the charge for a proceeding concerning two parties - e.g. - about a value of 7.000 € is 314 € for the first instance (TP 1 GGG), 571 € for the second instance (TP 2 GGG) and 715 € for the Supreme Court (TP 3 GGG). The court fees for other values can be calculated from the lists respectively.

As a rule court fees for civil lawsuits in Austria are lump sums which cover all costs of the given instance in the case irrespective of the complexity of the case and the concrete amount of expenditure necessary (“Pauschalgebühren”). The list of fees in the tariff is calculated on the average costs and expenditures to maintain the court and its personnel taking also into account the risk for State liability in such cases under the given value of the dispute and social considerations (to allow effective access to justice also for small claims). In Austria the courts have to be maintained by court fees; their costs are not provided for by general taxation.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[171]

NA

NAP

Comments After fee item (Tarifpost) 1 Act on court fees (Gerichtsgebührengesetz – GGG) the court fee would be 171 € for the first instance.

009. Annual income of court fees received by the State (in €):

[1 192 600 680]

NA

NAP

Comments The majority of the received court fees is constituted by land registry fees (approximately 809 mio €).

012. Annual approved public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|---|---|--|--|
| TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2) | 24 940 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12.1 for cases brought to court (court fees and/or legal representation) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12.2 for cases not brought to court (legal advice, ADR and other legal services) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments A lump sum of € 24.940.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties and the “stand-by legal counselling service”. The implemented public budget for payment to the bar for “pro bono” representation of parties and the “stand-by legal counselling service” is € 27.568.105,73 (for civil and criminal cases).

The difference between the approved and the implemented budget is mainly due to advance payments to the bar for “pro bono” representation in overlong cases. These figures do, however, not include court fees or fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole re-gime of legal aid. The higher costs compared to 2019 are due in particular to the establishment of the on-call legal service to implement Directives (EU) 2016/1919 "Legal Aid" and (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

012-1. Annual implemented public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|---|---|--|--|
| TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2) | 27 568 106 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12-1.1 for cases brought to court (court fees and/or legal representation) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12-1.2 for cases not brought to court (legal advice, ADR and other legal services) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: A lump sum of € 24.940.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties and the “stand-by legal counselling service”. The implemented public budget for payment

to the bar for “pro bono” representation of parties and the “stand-by legal counselling service” is € 27.568.105,73 (for civil and criminal cases).

The difference between the approved and the implemented budget is mainly due to advance payments to the bar for “pro bono” representation in overlong cases. These figures do, however, not include court fees or fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole re-gime of legal aid. The higher costs compared to 2019 are due in particular to the establishment of the on-call legal service to implement Directives (EU) 2016/1919 "Legal Aid" and (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

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012-2. Does legal aid include:

| | Legal aid includes: |
|---------------------------|--|
| Coverage of court fees | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Exemption from court fees | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |

Comments

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

| | Amount calculated/estimated included |
|---------------------------|--|
| Coverage of court fees | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Exemption from court fees | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

Comments

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013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

| | Approved budget (in €) | Implemented budget (in €) |
|--|--|--|
| Total annual public budget allocated to the public prosecution services, in € (including 13.1) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 13.1. Annual public budget allocated to training of public prosecution services | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the

differences:

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014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

| | Preparation of the total court budget | Adoption/approval of the total court budget | Management and allocation of the budget among the courts | Evaluation of the use of the budget at a national level courts |
|------------------------------|---|---|---|---|
| Ministry of Justice | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP |
| Other ministry | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Parliament | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Supreme Court | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP |
| High Judicial Council | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP |
| Courts | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Inspection body | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Other | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP |

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify: “other ministry”: Ministry of Finance; „other“: Higher regional Courts

The Minister of Justice splits the budget allocated by the Federal Financial Law – among others – to the Supreme Court and the Higher regional courts. The president of the Supreme Court and the presidents of the four Higher regional courts manage and evaluate the allocated court budget.

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

| | Criteria used | Main criteria |
|---|---------------|---------------|
| Previous years’ budget costs | [X] | [X] |
| Special needs assessment | [X] | [X] |
| Number of judges/non judges’ staff | [X] | [X] |

| | | |
|--------------------------|-----|-----|
| Number of incoming cases | [] | [] |
| Number of pending cases | [] | [] |
| Number of resolved cases | [] | [] |
| Other | [] | [] |

[] NAP

Comments - If "Other", please specify

014-1. Who is entrusted with responsibilities related to the budget within a first instance court?

| | Preparation of the budget | Arbitration and allocation of the budget | Day to day management of the budget | Evaluation and control of the use of the budget |
|--|--------------------------------|--|-------------------------------------|---|
| Court President and/or judge(s) | (X) Yes () No [] NAP | (X) Yes () No [] NAP | (X) Yes () No [] NAP | (X) Yes () No [] NAP |
| Head of court administration and/or non-judges | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Mixed body (judge(s) and non-judge(s)) | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Other | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box:

A2. Please indicate the sources for answering the questions in this part

Sources: "Haushaltsinformationssystem" (household database) on the basis of the consolidated closing of accounts ("Bundesrechnungsabschluss 2020")

1.1.3 Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

| | Approved budget (in €) | Implemented budget (in €) |
|---|------------------------------------|------------------------------------|
| Total annual public budget allocated to the whole justice system in € | 1 910 364 600 [] NA [] NAP | 1 949 351 814 [] NA [] NAP |

Comments - Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The higher figure of the implemented budget compared to the approved budget is mainly a result of the use of reserves for digitalization projects (30 million euros) and construction projects (19,450 million euros). Furthermore, the higher figure reflects the unexpected costs for measures in connection with Covid-19.

In contrast with previous cycles, the 2020 data includes administrative courts.

015-2. Elements of the judicial system budget (Q6, Q7, Q12, Q13)

| | Included |
|------------------------------------|---|
| Courts | (X) Yes () No <input type="checkbox"/> NAP |
| Legal aid | (X) Yes () No <input type="checkbox"/> NAP |
| Public prosecution services | (X) Yes () No <input type="checkbox"/> NAP |

Comments

015-3. Other budgetary elements

| | Included |
|-----------------------------------|--|
| Prison system | (X) Yes () No <input type="checkbox"/> NAP |
| Probation services | (X) Yes () No <input type="checkbox"/> NAP |
| High Judicial Council | () Yes () No <input checked="" type="checkbox"/> NAP |
| High Prosecutorial Council | () Yes () No <input checked="" type="checkbox"/> NAP |
| Constitutional court | () Yes (X) No <input type="checkbox"/> NAP |
| Judicial management body | () Yes () No <input checked="" type="checkbox"/> NAP |
| State advocacy | () Yes () No <input checked="" type="checkbox"/> NAP |
| Enforcement services | (X) Yes () No <input type="checkbox"/> NAP |

| | |
|--|--|
| Notariat | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Forensic services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Judicial protection of juveniles | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Functioning of the Ministry of Justice | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Refugees and asylum seekers services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Immigration Service | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Some police services (e.g. : transfer, investigation, prisoners' security) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Other | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |

If "Other", please specify: The budget of the whole justice system also includes state funding concerning guardianship (EUR 57.001.000 approved/ EUR 56.976.364 implemented) and grants to victim assistance facilities (EUR 9.429.000 approved/ EUR 8.994.869 implemented)

A3. Please indicate the sources for answering the questions in this part

Sources: "Haushaltsinformationssystem" (household database) on the basis of the consolidated closing of accounts ("Bundesrechnungsabschluss 2020).

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- Responsible for the management is the principal (« Vorsteher/in » ; district courts) or the president (« Präsident/in » ; other courts) of the respective court. Principals and presidents of courts are judges. The president of a court is supported by its vice-president and, if necessary, by further judges of the court and civil servants. The President of the Supreme Administrative Court is one of the supreme bodies and has the rank of a federal minister.

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- Responsible for the management is its head (« Leiter/in »). The head of the public prosecution office is supported by its first deputy (« Erste/r Stellvertreter/in ») and other public prosecutors and civil servants. Both head and first deputy are public prosecutors.

2. Access to justice and all courts

2.1. Legal Aid

2.1.1 Scope of legal aid

016. Does legal aid apply to:

| | Criminal cases | Other than criminal cases |
|---|---|---|
| Representation in court | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Legal advice, ADR and other legal services | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

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016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

-- Criminal cases

In principle every person who retains a defence lawyer or another representative has to bear the costs him- or herself even if the lawyer was appointed ex officio (sec 393 para 1 CCP). According to sec 61 para 2 CCP the court has to decide upon total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. In any case legal aid has to be granted during the whole procedure if and as long as the defendant is held in pre trial detention; •during the entire procedure on the confinement in an institution for mentally abnormal offenders; •during the trial on the confinement in an institution for addicted offenders in need of curing and on the confinement in an institution for dangerous subsequent offender; •during the trial in front of a jury or of a court of lay assessors; during the trial in front of a single judge if the sentence which may be imposed is more than three years of deprivation of liberty; •during the appeal procedure against a verdict of a court of jury or a court of lay assessors, in case the European Court for Human Rights has determined a violation of the European Convention on Human Rights or an additional Protocol to it for conducting the request for the reopening of the procedure and for the trial in public;

- if the defendant is blind, deaf, mute or otherwise handicapped or if he/she is mentally ill or retarded and therefore not able to conduct the defence by him/herself,
- for the appeal procedure,
- if the factual and legal position is difficult.

Where in any case the defendant needs a defence lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

With regard to the decision on legal aid the court has to examine the defendant's economic capacity to bear the costs for a defence lawyer. The economic capacity is determined by the maintenance which enables the defendant and his/her family to a simple lifestyle, and can be identified at the bases of the minimum living wage which may not be garnished given by sec 5 of the act on garnishment of wages and the appropriate maintenance which is higher than the minimum living wage. In particular the income and other assets on the one hand and the number of persons who are entitled to maintenance on the other hand determine the threshold for the court decision on the obligation on costs reimbursement.

If the court has ordered the assignment of a defence counsel, the court has to notify the committee of the relevant Bar Association at the seat of the court in order for that committee to appoint an attorney to act as defence counsel. In this process and insofar as possible, the committee has to take into account the wishes of the accused concerning the choice of person to act as defence counsel in agreement with the named attorney (sec 62 para 1 CCP).

- Civil Cases

A party with insufficient financial means may apply for legal aid when entering into litigation or at any time later as long as the civil proceeding is still pending. As far as required the court can give legal aid by (wholly or partially) freeing the indigent party from court fees and other fees (fees for experts, interpreters, witnesses and guardians appointed by the court - as representatives for absent parties or parties in need of guardianship -, the parties' travelling expenses, and costs of announcements) and by providing legal representation (by a lawyer) free of charge.

Where legal representation is provided, legal aid also covers the pre-trial advice given by the lawyer. Legal aid is granted only as the applicant - according to his income, assets and maintenance obligations - is unable to bear (any or part of) the costs mentioned above without endangering the minimum subsistence level necessary to allow a simple standard of living. Legal aid is denied if the claim or defence of the applicant is manifestly unfounded or if the claim has no prospect of success. Legal aid is granted in all civil and commercial court proceedings regardless of the applicant's nationality or place of residence.

If legal aid is granted in the main proceeding, the same also applies to the enforcement proceedings. A party which was granted legal aid for a particular legal dispute in another EU Member State is also entitled to legal aid in Austria for a proceeding concerning the recognition and enforcement of the decision given in that dispute. If an application for legal aid is submitted concerning an urgent case (e.g. legal representation in the case of interim measures) the court has to decide speedily. If the court decides that the legal aid includes the assistance of a lawyer, the regional Bar Association selects a lawyer from among its members, by alphabetical order.

However, the applicant may propose a lawyer himself. Although this proposal is not binding on the regional Bar Association, it will in general accept a well-founded proposal (e.g. if the lawyer is willing and already familiar with the case). The regional Bar Association usually appoints a lawyer to represent the applicant within a few days. The application form (ZPForm 1) contains a summary of assets (income, property such as real estate, money in bank accounts, insurance policies, etc.) and liabilities (maintenance, etc.), personal data and information on the applicant's living conditions. Supporting documents are to be submitted as far as possible. False or maliciously incomplete information can lead to considerable fines and can also result in civil liability or criminal prosecution for fraud. At its discretion the courts may grant full legal aid or – depending on the applicant's circumstances and taking into account expected costs – partial legal aid, covering only certain fees. But if the applicant loses the case, he has to reimburse the successful party's procedural costs.

Legal aid covers all stages of the proceedings. As long as it has not been withdrawn because of a change in the applicant's circumstances or annulled by the court if it is established that the conditions under which the aid was granted were not borne out, legal aid covers any appeal (or appeal procedure).

The court must withdraw legal aid if it is established that the initial conditions under which legal aid was granted have ceased to apply (i.e. there are changes in the party's circumstances or the claim proves to be manifestly unfounded or not brought in good faith) or there is proof that the conditions for granting legal aid were not met even at the time when legal aid was granted. In the latter case the party must pay back the amounts received. During a period of three years from the end of the proceedings, a party recovering enough

money must refund legal aid benefits, provided this does not endanger his minimum subsistence level. In order to examine the applicant's circumstances, the court orders an up-to-date summary of assets and liabilities.

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018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

| | Criminal cases | Other than criminal cases |
|-----------------------------------|---|---|
| Legal aid granted for other costs | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If yes, please specify:

2.1.2 Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

| | Total | Cases brought to court | Cases not brought to court |
|-------------------------------------|---|---|--|
| TOTAL | 18 959 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 18 959 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| In criminal cases | 4 958 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4 958 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| In other than criminal cases | 14 001 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 14 001 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - Please specify when appropriate:

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

Time in days

| | |
|--|--|
| Maximum duration prescribed in law/regulation | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Actual average duration | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: Actual average duration:

criminal law: 3,67 days; civil law 34,48 days; total: 24,87 days

supreme administrative court: 23 days

regional administrative courts: maximum duration prescribed in law/regulation: 6 months

Actual average duration: 40 days

=

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

| | Assisted by a free of charge lawyer |
|----------------------------|--|
| Accused individuals | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Victims | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments - If yes, please specify: For accused individuals see Question 16.-1.

Upon request, certain victims are to be afforded psycho-social and legal support for the proceedings, insofar as this is necessary to preserve the rights of the victim, taking into account their personal concerns (sec 66b CCP).

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

| | free selection of lawyer |
|----------------------------|--|
| Accused individuals | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Victims | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above:

023. If yes, please specify in the table:

| | Annual income value (for one person), (in €) | Assets value (for one person), (in €) |
|--|--|--|
| Full legal aid to the applicant for criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Full legal aid to the applicant for other than criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Partial legal aid to the applicant for criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Partial legal aid to the applicant for other than criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid: Civil cases:

Legal aid is denied if the claim or defence of the applicant is manifestly unfounded or if the claim has no prospect of success (sec. 63 para 1 Civil Procedure Code). Administrative cases:

Granting legal aid depends not only on the income and on the financial situation of the party; in fact, it is possible to refuse legal aid if the claim or the defence of the applicant is manifestly unfounded or not brought in good faith. Moreover, the court must withdraw legal aid, if it is established that the initial conditions under which legal aid was granted have ceased to apply (e.g. there are changes in the party's circumstances or the claim proves to be manifestly unfounded or not brought in good faith) or there is a proof that the conditions for granting legal aid were not met even at the time when legal aid was granted. In the latter case the party must pay back the amounts received.

025. Is the decision to grant or refuse legal aid taken by:

the judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (court and external bodies)

Comments + another judge or official: for example when there is no pending court proceeding and legal aid is needed for the pre-trial advice given by the lawyer

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

| | Judicial decisions direct how legal costs will be shared |
|------------------------------|--|
| in criminal cases | (X) Yes () No |
| in other than criminal cases | (X) Yes () No |

Comments - If no, please specify how legal costs are distributed: - criminal cases:

In cases of a guilty verdict, the defendant has to be obligated to cover the costs of the criminal proceedings (sec 389 para 1 CCP).

The expenses of criminal proceedings that have to be reimbursed by the party required to do so include:

1.a flat-rate contribution as part of those costs of the criminal proceedings that are not further specified in the following provisions, including the costs associated with the investigative work of the criminal investigation authority and the costs associated with the execution of directions given by the prosecution authority or by the necessary official acts of the court;

2.the fees for expert witnesses;

2a.unless para. 6 has to be followed, the fees for interpreters, in cases in which interpreters have been appointed pursuant to § 126 para. 2a a flat rate of 159 Euro;

3.reimbursement for information, reports, and opinions obtained from authorities (government departments and institutions) of the amount payable for such information, reports, and opinions in private affairs; 4.the costs for the transportation and guarding of the accused in connection with the accused's transfer from another country as well as the costs for witnesses summoned from abroad;

5.the costs for the securing of, and obtaining information about, bank accounts and financial transactions, or seizure of letters, information about data concerning transmission of messages and the surveillance of a communication under §§ 111 para. 3, 116 para. 6 last sentence and 138 para. 3, insofar as these investigative measures made a substantial contribution to the inquiry into the crime;

6.the costs of the enforcement of the conviction including the costs for the transfer of sentenced persons to serve a sentence in Austria or abroad, not including the costs for the enforcement of a prison sentence;

7.the court fees payable in criminal proceedings;

8.the costs for defence counsel and other representatives;

9.a flat rate of up to 1 000 Euro as part of the costs for legal support for the proceedings. (sec 381 para 1 CCP)

- civil cases:

In general the "loser pays principle" applies.

B1. Please indicate the sources for answering the questions in this part

Sources: cited laws

2.2.Court users and victims

2.2.1Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, Judicial Council etc.) where general public may have free-of-charge access to the following:

| | Yes, internet adresse(es) | No |
|---|---------------------------|-----|
| Legal texts (e.g. codes, laws, regulations, etc.) | (X) www.ris.bka.gv.at | () |

| | | |
|---|--|-----|
| Case-law of the higher court/s | (X) www.ris.bka.gv.at; findok.bmf.gv.at; www.ogh.gv.at; www.vwgh.gv.at; www.vfgh.gv.at | () |
| Information about the judicial system (organisation of courts, court proceedings, etc) | (X) www.justiz.gv.at; www.bmj.gv.at; www.vwgh.gv.at/Service/formulare.html | () |
| Other documents (e.g. forms, downloadable forms, online registration forms) | (X) www.justiz.gv.at; findok.bmf.gv.at; www.vwgh.gv.at/Service/formulare.html; oesterreich.gv.at; usp.gv.at; Court's homepages; www.vwgh.gv.at/service/verfahren/der_weg_zur_entscheidung/index.html | () |

Comment - Please specify what documents and information are included in "Other documents" List of courts Information concerning the courts, forms relevant to the procedures including accompanying information, media information, announcements, tenders, etc. Findok is an internet site concerning financial documentation

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?

- () Yes, always
(X) No
() Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify:

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

| | Information system |
|---|---|
| General for citizens | [X] Online information [X] Telephone [X] Interactive chat [X] In-person (physical access on site) [] Other [] No |
| Specific for victims of offences | [X] Online information [X] Telephone [X] Interactive chat [X] In-person (physical access on site) [] Other [] No |

| | |
|---|--|
| Specific for minors (child-friendly systems) | <input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No |
|---|--|

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided.

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

| | Information mechanism | Special arrangements in hearings | Other specific arrangements |
|--|------------------------------|---|------------------------------------|
| Victims of sexual violence/rape | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Victims of terrorism | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Minors (witnesses or victims) | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Victims of domestic violence | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Ethnic minorities | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Persons with disabilities | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Juvenile offenders | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Other (e.g. victims of human trafficking, forced marriage, sexual mutilation) | (X) Yes () No | (X) Yes () No | (X) Yes () No |

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify:

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children's Houses”
- Other, please specify
- NAP

Comment

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

| | Civil proceedings | Criminal proceedings |
|--|---|---|
| Capacity to initiate a proceeding and take other procedural actions in his/her own name | <input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP | <input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP |
| To be a witness | <input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP | <input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP |

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). In the area of civil proceedings, the following applies: a distinction has to be made between party ability (Parteifähigkeit) and litigation ability (Prozessfähigkeit). The ability to stand as a party is the ability to be an independent holder of rights and obligations in one's own name in the process, i.e. the ability to be a claimant or a defendant. The party capacity is the procedural counterpart to the substantive legal capacity, the procedural legal position is derived from the substantive legal position. According to Austrian law, all physical persons have the party ability until their death. Process capability/Litigation ability, on the other hand, is the ability to effectively take or be able to accept all process actions either by oneself or through a self-chosen representative. All persons with full legal capacity as well as all minors within the scope of their civil law legal capacity (Geschäftsfähigkeit) are legally competent. In contrast, children under the age of 7 and underage minors (§§ 21, 170 Austrian Civil Code - ABGB) as well as adult minors outside their legal capacity under civil law are incapable of litigation. These have to be represented by their legal representatives. In the case of minors whose parents are married, in general both parents are legal representatives (§ 177 ABGB). But there are also situations where only one parent, the grandparents, the foster parents (§ 178 ABGB), another suitable person (§ 204 ABGB), the child and youth welfare agency (§ 207 ABGB) or a collision curator (Kollisionskurator) (§ 271 ABGB) is the legal representative.

According to § 169 ABGB, one parent who is entrusted with custody is solely entitled to represent the child in civil court proceedings. The Non-Contentious Proceedings Act (Außerstreitgesetz, AußStrG) provides for numerous possibilities and, for the most part, obligations to involve children in proceedings concerning them and thus to ensure their participation. Minors who have reached the age of fourteen can act independently before the court in guardianship proceedings concerning them (§ 104 AußStrG), the court has to hear minors personally in such proceedings - if necessary with the help of child and youth welfare agency, family court assistance, youth court assistance facilities or in another suitable way (§ 105 AußStrG). In addition, minors under 14 years of age may be assisted by a child advocate (Kinderbeistand), in case of special need also under 16 years of age with their consent, if this is necessary to support the minor with regard to the intensity of the dispute between the other parties (§ 104a AußStrG).

In 2009, the protection of minors in civil procedure law was comprehensively expanded. A provision on the questioning of minors (§ 289b ZPO) was created. This new § 289b ZPO establishes general principles for the interrogation of minors that take into account the special need for protection of minors. The procedural protection of minors from stressful interrogation situations is always to apply when their well-being would otherwise be endangered. § 289b ZPO provides for a graduated set of instruments. On the one hand, it is possible to refrain from questioning minors at all if the questioning in itself endangers their well-being and their protection cannot be achieved otherwise. On the other hand, if not the hearing as such, but only the hearing in the presence of the parties or their representatives endangers their well-being, a separate hearing for minors - if necessary by suitable experts - is possible. Separate hearing means that the participation of the parties to the proceedings and their representatives in the hearing is restricted in such a way that they can only follow the hearing by using technical equipment for word and image transmission (i.e. by means of screen and video transmission) without being directly present during the questioning. These provisions apply in principle to any questioning of a minor. Criminal proceedings:

A minor can be a witness in criminal cases, but of course, there are several rights and measures of protection for child victims and witnesses in Austrian criminal proceedings: •Appointment of a curator (special representative) for the minor victim if a legal representative of the minor victim is suspected of having committed the criminal offence or if there is otherwise the risk of a conflict of interests between the minor victim and his legal representative, or if no legal representative can assist the minor victim in criminal proceedings (§ 66a para. 3 Criminal Procedure Code = CCP); •Information on the escape and recapture as well as the first unmonitored release from the institution or on a pending or an actual release of the prisoner including any instructions given to him in order to protect the victim (§§ 106 para. 4, 149 para. 5 of the Prison Act); •Psychosocial and legal support for the proceedings that is free of charge, if this is necessary to preserve the rights of the victim, taking into account their personal concerns (§ 66b para. 1 CCP). Some victims are afforded this support in any case (victims whose sexual integrity might have been violated and who are under the age of 14). Psycho-social support for the proceedings includes the preparation of the person concerned for the proceedings and for the emotional stress associated with the proceedings as well as accompanying the person to questioning during investigation proceedings and the main proceedings; legal support for the proceedings includes legal advice and representation by an attorney (§ 66b para. 2 CCP). The Federal Ministry of Justice is authorized to delegate contractually provision of assistance to victims during criminal proceedings to suitable experienced institutions and has to finance the provision of psychosocial and legal assistance by these institutions. In 2019, 47 NGOs provided psychosocial and legal assistance by order of the Federal Ministry of Justice. Many of these institutions, such as child protection centres, violence prevention centres and intervention centres, are specialised in working with children. •Adversarial questioning of a witness in order to avoid secondary victimisation and the direct contact of the witness and the defendant. The participation at the interrogation of other participants in the proceeding may be limited by the use of technical means of audio and visual transmission for following the interrogation and the right to ask questions being exercised without being present at the interrogation. Moreover, in some cases it is possible to appoint an expert to conduct the interrogation (§§ 165 and 250 CCP); •If an adversary questioning has taken place, the witness is released from the obligation to further testify and the protocol of the adversary questioning can be read in the main trial phase (§ 252 para. 1 subpara. 2a CCP); •Protection of the identity of the witness (§§ 10 para. 3, 161 para. 1, 162 CCP); •Protect the victims privacy (§ 228 para. 4 CCP - TV and radio recording as well as taking pictures or film of the trial are inadmissible; § 7a para. 1 subpara. 1 of the Law on the Media); •Provide for the possibility for a witness to be interrogated at home or at another place (e.g. in cases of ill health, frailty, reasonable circumstances § 160 para. 1 CCP and § 247a CCP); •Victims under the age of 18 years are considered to be particularly vulnerable in any event and have special rights during the criminal proceedings in addition to the general victims' rights, namely: to be interviewed during the investigation proceedings by a person of the same sex if the victim so wishes and if possible; to require that interpretation services are provided by a person of the same sex during questioning of the victim in the preliminary proceedings and in the main hearing, if possible; to refuse to answer specific questions as far as they go into detail of the criminal act and the victim considers the answer unbearable, or which concern circumstances of the victim's intimately personal area of life; upon request, to be interviewed during the investigation and the trial phase in a protecting manner (§§ 165, 250 para. 3 CCP), namely a minor victim who could have been injured in his or her sexual sphere by the offence the accused person is charged with, in any event in the manner described in § 165 para. 3, if necessary by an expert; upon request to exclude the public from the main trial (§ 229 CCP); to be immediately informed ex officio of the release or escape of the accused person from custody and provisional custody (§§ 172 para 4, 177 para 5, 181a CCP); to be interviewed in the presence of a person of his/her trust (§ 160 para. 2 CCP); to be notified of their special rights prior to their initial interrogation (§ 70 para. 1 CCP). Since 1997, child-friendly interrogation rooms have been set up in all the courts in which criminal proceedings are carried out. (2) Insofar as a victim has a representative, the representative shall assist the victim in an advisory and supportive capacity in the criminal proceedings in accordance with § 73 CCP and, unless otherwise provided, shall exercise the procedural rights to which the victim would in principle be entitled.

Any person admitted to exercise the functions of an attorney, any institution for victim protection recognised under § 25 para. 3 of the National Security Police Act [Sicherheitspolizeigesetz (SPG)], or any other suitable person may be authorized to act as representative. Other suitable persons include, inter alia, legal representatives. The legal representation of a child is stipulated in § 167 Allgemeines Bürgerliches Gesetzbuch (ABGB). Moreover, according to § 160 para. 1 CCP, at the request of the witness, the presence of a person of trust of the witness must be allowed at the questioning. A person of trust must be brought in any case when a person suffering mental illness or mental impairment or a person under the age of 14 is questioned (§ 160 para. 2 CCP).

If the legal guardian of a victim who is a minor is suspected or found guilty of the criminal offence, if there is any other risk of a conflict of interests between the victim who is a minor and his or her legal guardian, or if no legal guardian can assist the victim who is a minor in criminal proceedings, it must be suggested to the Guardianship Court to assign a legal representative (§ 66a para. 3 CCP).

The same rules apply to minor perpetrators. They have the capacity to conduct proceedings in their own name. But to protect this very vulnerable age group, special rules for criminal proceedings within the Juvenile Justice Act (Jugendgerichtsgesetz – JGG) rule, that persons under the age of 18 (juveniles –Jugendliche) have to be assisted by a lawyer in certain procedural steps (e.g. when they are questioned, in any event, when they are brought before a competent court or judge in order to decide on detention and during detention;

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

| | Civil proceedings | Criminal proceedings |
|--|---|---|
| Parent/legal guardian | <input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Other representative (instead of parent/legal guardian) | <input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP | <input type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP |

Comment

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

- 14]
- NA
- NAP

Criminal liability resulting in sentence of privation of liberty

- 14]
- NA
- NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? Juvenile delinquency is defined as a criminal act committed by a person between the ages of fourteen and eighteen [Section 1 para 2 and 3 Jugendgerichtsgesetz (JGG), Juvenile Justice Act].

Criminal acts committed by a minor under the age of fourteen years are exempt from all forms of criminal prosecution. In reaction to such acts, only measures to ensure and foster the personal development of the minor can be taken by a tutelage court/family court [Section 4 para 1 JGG].

A juvenile (i.e. a person between the age of 14 and the age of 18) who commits an offence shall furthermore not be liable to punishment, if

1.he/she is for certain reasons not mature enough to be aware of the unlawfulness of the offence or to act accordingly, or

2.he/she commits an offence while still under the age of sixteen, if there is not gross fault on his/her part and there are no specific reasons requiring the application of the criminal law relating to young offenders to prevent the young person from committing criminal acts.

032. Does your country allocate compensation for victims of offences?

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always
- No

Comment

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
 - For some types of offences
- NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

- Yes
- No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
 - For some types of offences
- NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

- Yes
- No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
 - For some types of offences
- NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

- Yes
- No

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

Yes

No

Comments - If yes, please specify:

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

Yes

No

Comment - If yes, please specify:

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

NAP

Comment - If necessary, please specify:

037. Is there a system for compensating users in the following circumstances:

| | Number of requests for compensation | Number of condemnations | Total amount (in €) |
|---|--|--|--|
| Total | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 1 310 376 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Excessive length of proceedings | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-execution of court decisions | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Wrongful arrest | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Wrongful conviction | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | |
|-------|--|--|--|
| Other | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
|-------|--|--|--|

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): The payments according to the Public Authority's Liability Act and the Penal Law's Compensation Act cannot be quantified regarding the different circumstances. Only the total amount of the payments can be provided. On this basis the payments according to the Public Authority's Liability Act were 444.740,27 Euro and those according to the Penal Law's Compensation Act were 865.635,22 Euro.

2.2.2 Confidence and satisfaction of citizens with their justice system



038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

| | National level | Court level |
|---|--|--|
| Surveys for judges | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| Surveys for court staff | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| Surveys for public prosecutors | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| Surveys for lawyers | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| Surveys for other professionals | <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| Surveys for the parties | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs) | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| Surveys for victims | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc |
| Surveys for minors | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| Surveys for the general public | <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |

| | | |
|----------------------------|--|--|
| Other not mentioned | <input type="checkbox"/> Annual | <input type="checkbox"/> Annual |
| | <input type="checkbox"/> Other regular | <input type="checkbox"/> Other regular |
| | <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Ad hoc |

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above:

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Yes, please specify: statistical data concerning male and female court users are available in respect of victims and accused persons of criminal cases.

No

Comment - If you have additional comments please specify: statistical data concerning male and female court users are available in respect of victims and accused persons of criminal cases.

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

| | Authority responsible for dealing with the complaint | Existence of a time limit to deal with the complaint for this authority |
|---|--|--|
| Court concerned | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Higher court | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Ministry of Justice | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| High Judicial Council | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other external bodies (e.g. Ombudsman) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

041-1. If yes, please specify certain aspects of this procedure:

| | Number of complaints | Compensation amount granted |
|------------------------|--|--|
| Court concerned | 32 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Higher court | 216 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | |
|---|--|--|
| Ministry of Justice | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| High Judicial Council | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Other external bodies (e.g. Ombudsman) | 6 357 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

3. Organisation of the court system

3.1. Courts

3.1.1 Number of courts

042. Number of courts - legal entities.

| | Number of courts |
|--|--|
| Total number of all courts - legal entities (1 + 2) | 152 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3) | 133 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1.1 First instance courts of general jurisdiction - legal entities | 128 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1.2 Second instance courts of general jurisdiction - legal entities | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1.3 Highest instance courts of general jurisdiction - legal entities | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2 Total number of specialised courts - legal entities | 19 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments In 2020 in Austria, the number of courts considered as legal entities is 152. Namely, there are 133 courts of general jurisdiction and 19 specialised courts. Among the 133 legal entities of general jurisdiction, 128 act at first instance, 4 at second instance and one at third instance. More precisely, the 115 District courts and the 13 Regional courts of general jurisdiction intervene as first instance courts. It is noteworthy that the 7 other regional courts that have specialised jurisdiction are not taken into consideration here, but are counted as specialised first instance courts (infra). It is to be mentioned that the peculiarity of the 20 Austrian Regional courts is that even though these are first instance courts, some of them are also competent in respect of appeals against District courts' decisions. The 4 Higher Regional Courts have appeal competence in respect of all civil and criminal cases. The Supreme court is the highest instance court in civil and criminal matters.

043. Number of specialised courts – legal entities.

| | |
|-----------------------|-------------------------|
| First instance | Higher instances |
|-----------------------|-------------------------|

| | | |
|--|--|--|
| Total number of specialised courts - legal entities | 18 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Commercial courts (excluded insolvency courts) | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Insolvency courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Labour courts | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Family courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Rent and tenancies courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Enforcement of criminal sanctions courts | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Fight against terrorism, organised crime and corruption | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Internet related disputes | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Administrative courts | 11 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Insurance and / or social welfare courts | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Military courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Juvenile courts | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Other specialised courts | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If “Other specialised courts”, please specify: As a rule every court has to deal with all judicial issues; in the biggest Austrian cities certain courts are specialised, i.e. five in Vienna (civil cases, criminal cases, commercial cases [2 x], labour and social welfare cases) and two in Graz (civil cases, criminal cases);

Because of the Court for labour and social welfare cases in Vienna (Arbeits- und Sozialgericht Wien) the sum of the individual courts does not correspond to the total number of specialised courts.

One commercial court in Vienna, both courts (in Vienna and Graz) specialised on civil cases and both courts (in Vienna and Graz) specialised on the enforcement of criminal sanctions also act as second instance courts.

044. Number of courts - geographic locations.

| | Number of courts (geographic locations) |
|--|---|
| First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts) | 158 [] NA [] NAP |
| All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts) | 164 [] NA [] NAP |

Comments For this cycle, data on geographic locations is presented in respect of different locations for different instances, in compliance with the methodology developed in the Explanatory Note. The variation observed with previous cycles is only of a methodological nature.

=

045. Number of first instance courts (geographic locations) competent for a case concerning:

| | Number of courts |
|-------------------------|--------------------------|
| A small claim | 115 [] NA [] NAP |
| An employment dismissal | 16 [] NA [] NAP |
| A robbery | 16 [] NA [] NAP |
| An insolvency case | 114 [] NA [] NAP |

Comments *insolvency case: 114/16 --> depends, if a person or a company is subject of the insolvency case

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim:

045-2. Please indicate the value in € of a small claim:

[15 000]

Comments

C. Please indicate the sources for answering the questions in this part

Sources: For 41-1: annual report of the "Justiz-Ombudsstellen"
cite provisions

3.2. Court staff

3.2.1 Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)

| | Total | Males | Females |
|---|----------------------------|----------------------------|----------------------------|
| Total number of professional judges (1 + 2 + 3) | 2 589 [] NA [] NAP | 1 261 [] NA [] NAP | 1 328 [] NA [] NAP |
| 1. Number of first instance professional judges | 2 153 [] NA [] NAP | 1 012 [] NA [] NAP | 1 141 [] NA [] NAP |
| 2. Number of second instance (court of appeal) professional judges | 305 [] NA [] NAP | 165 [] NA [] NAP | 140 [] NA [] NAP |
| 3. Number of Supreme Court professional judges | 131 [] NA [] NAP | 84 [] NA [] NAP | 47 [] NA [] NAP |

Comment - Please provide any useful comment for interpreting the data above:

=

046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

Yes

No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify: illness, certain age (55 years), terminal care

Without reason

Comments "Other reason": illness, certain age (55 years), terminal care

Regional administrative courts: without reason possible (50 % yes, 50 % no)

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

| Total (%) | Male (%) | Females (%) |
|-----------|----------|-------------|
| | | |

| | | | |
|--|-------------------------|------------------------|-------------------------|
| Total (1 + 2 + 3) (%) | 15 [] NA [] NAP | 3 [] NA [] NAP | 25 [] NA [] NAP |
| 1. At first instance level (%) | 17 [] NA [] NAP | 3 [] NA [] NAP | 27 [] NA [] NAP |
| 2. At second instance (court of appeal) level (%) | 3 [] NA [] NAP | 0 [] NA [] NAP | 7 [] NA [] NAP |
| 3. At Supreme Court level (%) | 3 [] NA [] NAP | 3 [] NA [] NAP | 4 [] NA [] NAP |

Comments Supreme Administrative Court: 0
Regional Administrative Courts: Total 8,20 %

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

- () Less than 50%
- () 50 – 60%
- () 60 - 80%
- () More than 80%
- NA
- NAP

Comments Regional administrative courts: 60%

=

046-2. Number of judges (FTE) by case type:

| | Total | Civil and/or commercial | Criminal | Administrative | Other |
|-------------------------------|----------------------------|--------------------------------|--------------------------|--------------------------|---------------------|
| Total number of judges | 2 589 [] NA [] NAP | 1 193 [] NA [] NAP | 405 [] NA [] NAP | 991 [] NA [] NAP | [] NA [X] NAP |
| First instance | 2 153 [] NA [] NAP | 922 [] NA [] NAP | 308 [] NA [] NAP | 923 [] NA [] NAP | [] NA [X] NAP |
| Second instance | 305 [] NA [] NAP | 225 [] NA [] NAP | 80 [] NA [] NAP | [] NA [X] NAP | [] NA [X] NAP |
| Supreme court | 131 [] NA [] NAP | 46 [] NA [] NAP | 17 [] NA [] NAP | 68 [] NA [] NAP | [] NA [X] NAP |

If “Other”, please explain which types of cases:

=

047. Number of court presidents (professional judges).

| | | |
|--------------|--------------|----------------|
| Total | Males | Females |
|--------------|--------------|----------------|

| | | | |
|--|-------------------------|-------------------------|-------------------------|
| Total number of court presidents (1 + 2 + 3) | 82 [] NA [] NAP | 47 [] NA [] NAP | 35 [] NA [] NAP |
| 1. Number of first instance court presidents | 59 [] NA [] NAP | 34 [] NA [] NAP | 25 [] NA [] NAP |
| 2. Number of second instance (court of appeal) court presidents | 20 [] NA [] NAP | 11 [] NA [] NAP | 9 [] NA [] NAP |
| 3. Number of Supreme Court presidents | 3 [] NA [] NAP | 2 [] NA [] NAP | 1 [] NA [] NAP |

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible, on 31 December of the reference year):

| | Figure |
|--------------------------------|---------------------|
| Gross figure | [] NA [X] NAP |
| In full-time equivalent | [] NA [X] NAP |

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- () Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- () No
- [X] NAP

Comments

049. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):

| | Figure |
|--------------------------------|---------------------|
| Gross figure | [X] NA [] NAP |
| In full time equivalent | [X] NA [] NAP |

Comments administrative courts: 1296 lay judges

049-1. If such non-professional judges exist at first instance in your country, please specify for

which types of cases:

| | Yes | No | Echevinage / mixed bench |
|--|-----|-------|--------------------------|
| Criminal cases (severe) | () | () | (X) |
| Criminal cases (misdemeanour and/or minor) | () | (X) | () |
| Family law cases | () | (X) | () |
| Labour law cases | () | () | (X) |
| Social law cases | () | () | (X) |
| Commercial law cases | () | () | (X) |
| Insolvency cases | () | (X) | () |
| Other civil cases | () | (X) | () |

NAP

Comments - If "Other civil cases", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

Yes

No

Comments

050-1. If yes, for which type(s) of case(s)?

Criminal cases

Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

NA

NAP

Comments

=

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled)

| Total | Males | Females |
|-------|-------|---------|
| | | |

| | | | |
|--|----------------------------|----------------------------|----------------------------|
| Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) | 5 270 [] NA [] NAP | 1 543 [] NA [] NAP | 3 727 [] NA [] NAP |
| 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | 801 [] NA [] NAP | 306 [] NA [] NAP | 495 [] NA [] NAP |
| 2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions) | 432 [] NA [] NAP | 94 [] NA [] NAP | 338 [] NA [] NAP |
| 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | 873 [] NA [] NAP | 303 [] NA [] NAP | 570 [] NA [] NAP |
| 4. Technical staff | 50 [] NA [] NAP | 29 [] NA [] NAP | 21 [] NA [] NAP |
| 5. Other non-judge staff | 3 114 [] NA [] NAP | 811 [] NA [] NAP | 2 303 [] NA [] NAP |

Comments - If "Other non-judge staff", please specify: "Other": Handling of case files ("Kanzlei")

2. Non-judge (judicial) staff whose task is to assist the judges: the increased number concerns administrative courts.

052-1. Number of non-judge staff by instance (if possible, on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled).

| | Total | Males | Females |
|--|----------------------------|----------------------------|----------------------------|
| Total non-judge staff working in courts (1+2+3) | 5 270 [] NA [] NAP | 1 543 [] NA [] NAP | 3 727 [] NA [] NAP |
| 1. Total non-judge staff working in courts at first instance level | 4 508 [] NA [] NAP | 1 279 [] NA [] NAP | 3 229 [] NA [] NAP |
| 2. Total non-judge staff working in courts at second instance (court of appeal) level | 598 [] NA [] NAP | 205 [] NA [] NAP | 393 [] NA [] NAP |
| 3. Total non-judge staff working in courts at Supreme Court level | 164 [] NA [] NAP | 59 [] NA [] NAP | 105 [] NA [] NAP |

Comments

=

053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having

autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields they have a role:

- Legal aid
- Family cases
- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments "Other": Caretaker

C1. Please indicate the sources for answering the questions in this part

Sources: Law, specific statistics in the field of personnel monitoring and controlling

3.3. Public prosecution

3.3.1 Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).

| | Total | Males | Females |
|--|--------------------------|--------------------------|--------------------------|
| Total number of prosecutors (1 + 2 + 3) | 398 [] NA [] NAP | 190 [] NA [] NAP | 208 [] NA [] NAP |
| 1. Number of prosecutors at first instance level | 358 [] NA [] NAP | 166 [] NA [] NAP | 192 [] NA [] NAP |
| 2. Number of prosecutors at second instance (court of appeal) level | 22 [] NA [] NAP | 14 [] NA [] NAP | 8 [] NA [] NAP |
| 3. Number of prosecutors at Supreme Court level | 18 [] NA [] NAP | 10 [] NA [] NAP | 8 [] NA [] NAP |

Comments - Please indicate any useful comment for interpreting the data above:

=

055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

Yes

No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify:terminal care

Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

| | Total (%) | Male (%) | Females (%) |
|--|-------------------------|------------------------|-------------------------|
| Total (1 + 2 + 3) (%) | 18 [] NA [] NAP | 2 [] NA [] NAP | 32 [] NA [] NAP |
| 1. At first instance level (%) | 21 [] NA [] NAP | 2 [] NA [] NAP | 36 [] NA [] NAP |
| 2. At second instance (court of appeal) level (%) | 4 [] NA [] NAP | 0 [] NA [] NAP | 12 [] NA [] NAP |

| | | | |
|--------------------------------------|------------------------|------------------------|------------------------|
| 3. At Supreme Court level (%) | 0 [] NA [] NAP | 0 [] NA [] NAP | 0 [] NA [] NAP |
|--------------------------------------|------------------------|------------------------|------------------------|

Comments

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- () Less than 50%
- () 50 - 60%
- () 60 - 80%
- () More than 80%
- [X] NA
- [] NAP

Comments

056. Number of heads of prosecution offices.

| | Total | Males | Females |
|---|-------------------------|-------------------------|-------------------------|
| Total number of heads of prosecution offices (1 + 2 + 3) | 30 [] NA [] NAP | 20 [] NA [] NAP | 10 [] NA [] NAP |
| 1. Number of heads of prosecution offices at first instance level | 22 [] NA [] NAP | 14 [] NA [] NAP | 8 [] NA [] NAP |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | 7 [] NA [] NAP | 5 [] NA [] NAP | 2 [] NA [] NAP |
| 3. Number of heads of prosecution offices at Supreme Court level | 1 [] NA [] NAP | 1 [] NA [] NAP | 0 [] NA [] NAP |

Please provide any useful comment for interpreting the data above:

057. Do other persons have similar duties to those of public prosecutors?

- (X) Yes
- () No

Comments - If yes, please specify their titles and functions: The agents of public prosecutor's offices ("Bezirksanwälte") are judicial officers with legal training, and are allowed to act for the public prosecutor's offices under the supervision of a public prosecutor (Quite similar to the "Rechtspfleger", but with a lower range of competence); agents of public prosecutor's offices in training included

057-1. Please specify their number (in full-time equivalent):

- [161]
- [] NA

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- () Yes

(X) No

[] NAP

Comments

059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

| | |
|--------------------------|--|
| | - |
| Domestic violence | <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Sexual violence | <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If yes, please specify Trainings in areas of domestic violence and sexual violence are part of the initial training and part of the continuous training of prosecutors as well.

=

060. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 52 (in full-time equivalent and for posts actually filled).

| | Total | Males | Females |
|--|---------------|--------------|---------------|
| Number of staff (non-public prosecutors) attached to the public prosecution service | 364 [] NA | 71 [] NA | 293 [] NA |

Comments

C2. Please indicate the sources for answering the questions in this part

Sources: Managementinformationsystem ("MIS") of PM-SAP Specific statistics in the field of personnel monitoring and controlling (managed by MoJ)

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the

procedures for recruiting :

| | Yes, please specify | No |
|--------------------|--|-----|
| judges | <p>(X) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019; Provisions in the organizational laws; special programs; Regulation regarding the action plan for promotion of women at the Supreme Administrative Court, Federal Law Gazette II Nr 335/2020</p> | () |
| prosecutors | <p>(X) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019</p> | () |

| | | |
|---------------------------|---|-------|
| non-judge staff | (X) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019; Provisions in the organizational laws; special programs; Regulation regarding the action plan for promotion of women at the Supreme Administrative Court, Federal Law Gazette II Nr 335/2020 | () |
| lawyers | (X) In recent years, the Austrian representation of the legal profession has created several facilitations and supports for women lawyers, such as exemption from legal aid, substitution pools, reduction of Bar contributions, reduction of pension contributions, network events, targeted information policy. | () |
| notaries | () | (X) |
| enforcement agents | (X) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019 | () |

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

| | Yes, please specify | No |
|--------------------|--|-----|
| judges | <p>(X) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019) when applying for senior positions. In addition, the mentioned legal provisions provide for the preferential treatment of women applying for trainings, which help them qualify for senior positions. Provisions in the organizational laws; special programs; Regulation regarding the action plan for promotion of women at the Supreme Administrative Court, Federal Law Gazette II Nr 335/2020</p> | () |
| prosecutors | <p>(X) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019) when applying for senior positions. In addition, the mentioned legal provisions provide for the preferential treatment of women applying for trainings, which help them qualify for senior positions.</p> | () |

| | | |
|------------------------|--|-------|
| non-judge staff | <p>(X) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019) when applying for senior positions. In addition, the mentioned legal provisions provide for the preferential treatment of women applying for trainings, which help them qualify for senior positions. Provisions in the organizational laws; special programs; Regulation regarding the action plan for promotion of women at the Supreme Administrative Court, Federal Law Gazette II Nr 335/2020</p> | () |
| lawyers | <p>(X) In recent years, the Austrian representation of the legal profession has created several facilitations and supports for women lawyers, such as exemption from legal aid, substitution pools, reduction of Bar contributions, reduction of pension contributions, network events, targeted information policy.</p> | () |
| notaries | () | (X) |

| | | |
|--------------------|--|-----|
| enforcement agents | <input checked="" type="checkbox"/> Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019) when applying for senior positions. In addition, the mentioned legal provisions provide for the preferential treatment of women applying for trainings, which help them qualify for senior positions. | () |
|--------------------|--|-----|

Comments - If the situation changed since the reference year or you have additional comments, please specify:

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

| | Yes / No |
|------------------------------|--|
| Court president | <input checked="" type="checkbox"/> Yes If “yes”, please specify:[Comment]Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019). <input type="checkbox"/> No |
| Head of prosecution services | <input checked="" type="checkbox"/> Yes If “yes”, please specify:[Comment]Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 153/2020) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 431/2019). <input type="checkbox"/> No |

Comments

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

Yes

No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us?

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning:

| | Yes, please specify | No |
|---|--|--------------------------|
| The recruitment of judges | <input checked="" type="checkbox"/> see comments | <input type="checkbox"/> |
| The promotion of judges | <input checked="" type="checkbox"/> see comments | <input type="checkbox"/> |
| The recruitment of prosecutors | <input checked="" type="checkbox"/> see comments | <input type="checkbox"/> |
| The promotion of prosecutors | <input checked="" type="checkbox"/> see comments | <input type="checkbox"/> |
| The recruitment of non-judge staff | <input checked="" type="checkbox"/> see comments | <input type="checkbox"/> |
| The promotion of non-judge staff | <input checked="" type="checkbox"/> see comments | <input type="checkbox"/> |

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments:

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with 123/2020), Articles 22 ff, 26 ff, 28 ff, 35 ff

NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) Equal opportunities commissioner: attached to the Federal Chancellery (Art 22 Federal Equal Treatment Act), independent (Art 24 Federal Equal Treatment Act) Equal-treatment officer, deputy officers and contact persons for equal treatment: attached to the Ministry of Justice (Art 26, 28 Federal Equal Treatment Act), independent (Art 37 Federal Equal Treatment Act) Working Group for equal treatment: attached to the Ministry of Justice (Art 35 Federal Equal Treatment Act), independent

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. to block a decision or allow an appeal) In hearings for the recruitment of judges or prosecutors with candidates of different sex, the equal-treatment officer has a right to sight the application forms and documents. She has to be heard by the personnel chambers ("Personalsenate") and is allowed to ask questions. In case the equal-treatment officer decides not to take part in the hearing, she is entitled to give a written statement about criteria the personnel chambers have to take into consideration ranking the candidates. According to the Federal Equal Treatment Act, she is – provided the consent of the victim – entitled to levy disciplinary complaints to the respective authorities in case she suspects an act of discrimination, especially concerning the recruitment and / or promotion procedure, the salary or other social benefits, admissions to initial or continuous trainings, working conditions or the termination of an employment relationship. In addition, the equal-treatment officer is the contact person for women for any questions, needs, complaints or notifications related to equality matters. Administrative Courts: Consultation and Information, partial permission to disciplinary notice.

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

| | Yes | No |
|--|-------|-----|
| in courts (judges) | (X) | () |
| in public prosecution services (prosecutors) | (X) | () |
| for courts' non-judge staff | (X) | () |

Comments - Please specify the details of this person/institution, in particular its titles and function:

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

| | Yes | No |
|-----------------------------------|-----|-------|
| Assignment to different positions | () | (X) |
| Workload distribution | () | (X) |
| Working hours | () | (X) |

| | | |
|--|-----|-------|
| Modalities of teleworking and presence in the workspace | () | (X) |
| Replacement of absent persons | () | (X) |
| Organisation of the hearings | () | (X) |
| Other | () | (X) |

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) : The Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz, Federal Law Gazette II Nr 431/2019) provides special measures (e.g. quota regulations, the obligation to encourage women to apply for senior provisions, ...); participation in the inter-ministerial cross-mentoring-program for Women provided by the Federal Chancellery; continuous training offer promoting women (e.g. training for women returning after maternity leave, etc); design of a concept on human resource development dedicated to the specific needs of the individual.
See also Regulation regarding the action plan for promotion of women at the Supreme Administrative Court, Federal Law Gazette II Nr 335/2020

are planned (please specify) : -----

Comments - If the situation changed since reference year, please specify in the comments. -----

[] NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- [] Recruitment procedures, please specify:
- [] Appointment to the position of court president, please specify:
- [] Appointment to the position of head of prosecution services, please specify:
- [] Promotion procedures and access to the functions of responsibility, please specify:
- [] Other studies, please specify:

[] NAP

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

| | Organisation |
|----------------------------|--|
| IT policies and strategies | <input checked="" type="checkbox"/> Defined and coordinated at national level by one institution <input type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other |
| IT Governance | <input checked="" type="checkbox"/> Governed at national level by one institution <input type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other |

Comments Regional administrative courts: Defined and coordinated at unit/stakeholder level / organised at unit/stakeholder level

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
 mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
 other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): Supreme Administrative Court: administrative, technical and scientific staff only

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

| | Implementing new projects | Management of applications |
|---|--|--|
| Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other alternatives (external service provider only – specify in a comment) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments - please also describe in case of "other alternatives"

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

(X) Yes

() No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

[] Business processes

[] Workload

[X] Human resources

[X] Costs

[] Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

(X) Yes

() No

Comments (please specify in particular if national frameworks of information security exist):

065-6. Is the protection of personal data managed by courts ensured at legislative level?

(X) Yes

() No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

(X) Yes

() Non

Comments

062-4-1. If yes, please specify the following information:

| For 1st instance decisions | For 2nd instance decisions | For 3rd instance decisions | Link with ECHR case law | Data anonymised | Case-law database available free online | Case-law database available in open data |
|----------------------------|----------------------------|----------------------------|-------------------------|-----------------|---|--|
| | | | | | | |

| | | | | | | | |
|--------------------------------|---|---|---|---------------------|---------------------|---------------------|---------------------|
| Civil and/or commercial | () Yes all judgements (X) Yes some judgements () No | () Yes all judgements (X) Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | (X) Yes () No | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Criminal | () Yes all judgements (X) Yes some judgements () No | () Yes all judgements (X) Yes some judgements () No | (X) Yes all judgements () Yes some judgements () No | (X) Yes () No | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Administrative | () Yes all judgements (X) Yes some judgements () No | () Yes all judgements () Yes some judgements (X) No | (X) Yes all judgements () Yes some judgements () No | (X) Yes () No | (X) Yes () No | (X) Yes () No | (X) Yes () No |

Comments - if it exists in other matters please specify

062-6. Is there a computerised national record centralising all criminal convictions?

(X) Yes

() No

Comments

062-6-1. If yes, please specify the following information:

[X] Linkage with other European records of the same nature

[X] Content directly available through computerised means for judges and/or prosecutors

[X] Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access The Criminal Records Office (Landespolizeidirektion Wien - Strafregisteramt) is responsible for maintaining the criminal records. The courts/prosecution offices can directly access the records; citizens can request criminal records certificates at police stations.

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

(X) Yes

() No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

| |
|-------------------|
| Availability rate |
|-------------------|

| | |
|---------------------------------------|--|
| <p>Civil and/or commercial</p> | <p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p> |
| <p>Criminal</p> | <p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p> |
| <p>Administrative</p> | <p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p> |

062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

| | | |
|---|--|----------------------------------|
| <p>Availability of simple dictation tools</p> | <p>Availability of multiple speakers recording tools</p> | <p>Voice recognition feature</p> |
|---|--|----------------------------------|

| | | | |
|--------------------------------|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA |

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

| | CMS deployment rate | Status of case online | Centralised or interoperable database | Early warning signals (for active case management) | Status of integration/connection of a CMS with a statistical tool |
|--------------------------------|---|--|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input checked="" type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comment - If it exists in other matters please specify:

063-2. Computerised registries managed by courts

| | Deployment rate | Data consolidated at national level | Service available online | Statistical module integrated or connected |
|----------------------|---|---|---|---|
| Land registry | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | |
|--------------------------|---|---|---|---|
| Business registry | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
|--------------------------|---|---|---|---|

Comment – if it exists in other matters please specify:

Budgetary and financial monitoring

063-6. Budgetary and financial management systems of courts

| | Tool deployment rate | Data consolidated at national level | System communicating with other ministries (financial among others) |
|---|---|---|---|
| Budgetary and financial management of courts | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Justice expenses management | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Other (please specify in comments) | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments Monthly controlling reports of the budgetary authorities.

Other tools of courts management

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

| Tools deployment rate | Data used for monitoring at national level | Data used for monitoring at court local level | Tool integrated in the CMS |
|-----------------------|--|---|----------------------------|
|-----------------------|--|---|----------------------------|

| | | | | |
|---|--|--|--|--|
| For judges | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP | () Yes (X) No [] NA [] NAP |
| For prosecutors | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP | () Yes (X) No [] NA [] NAP |
| For non-judge/non-prosecutor staff | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP | () Yes (X) No [] NA [] NAP |

3.5.6 Technologies used for communication between courts, professionals and/or court users

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

(X) Yes

() No

Comments

064-2-1. If yes, please specify the following information:

| | Availability rate | Simultaneous submission of cases in paper form remains mandatory | Specific legislative framework authorising the submission of a case | An integrated/connect ed tool with the CMS |
|--------------------------------|--|---|--|---|
| Civil and/or commercial | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | () Yes (X) No [] NA [] NAP | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |
| Criminal | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | () Yes (X) No [] NA [] NAP | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |

| | | | | |
|-----------------------|---|---|---|---|
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
|-----------------------|---|---|---|---|

Comments - if it exist in other matters please specify In administrative proceedings in matters of taxes, customs duties and respective penalties there is no possibility to submit a case to courts or to request legal aid by electronic means.

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

| | Requesting legal aid electronically |
|--|---|
| Availability rate | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |
| Formalisation of the request in paper form remains mandatory | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Specific legislative framework regarding requests for legal aid by electronic means | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Granting legal aid is also electronic | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Information available in CMS | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

| | Summons produced by CMS | Simultaneous summon in paper form remains mandatory | Consent of the user to be notified by electronic means | Modalities (if other please specify in comments) | Specific legislative framework |
|--------------------------------|-------------------------|---|--|---|--------------------------------|
| Civil and/or commercial | [X] | [] | [X] | [] SMS [] E-mail [X] Specific computer application [] Other | [X] |
| Criminal | [X] | [] | [X] | [] SMS [] E-mail [X] Specific computer application [] Other | [X] |
| Administrative | [X] | [] | [X] | [] SMS [] E-mail [X] Specific computer application [] Other | [X] |

Comments

Use of information technologies for improving the quality of the communication between courts and professionals

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

| Tool deployment rate | Trial phases concerned | Modalities (if there are different according to the trial phases or if other, please specify in a comment) | Specific legal framework | Availability for |
|----------------------|------------------------|--|--------------------------|------------------|
| | | | | |

| | | | | | |
|--------------------------------|--|---|--|---|--|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes | <input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer |
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes | <input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes | <input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer |

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

| | | |
|----------------------|---|--------------------------|
| Tool deployment rate | Modalities (if there are different according to the deeds or if other, please specify in a comment) | Specific legal framework |
|----------------------|---|--------------------------|

| | | | |
|--|---|---|---|
| Enforcement agents (as defined in Q169 and following) | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| Notaries (as defined in Q192 and following) | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| Experts (as defined in Q202 and following) | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| Judicial police services | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |

Comments

064-9. Are there online processing systems of specialised litigation (small claim litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)?

Yes

No

Comments – Please describe the system that exists.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

| | Deployment rate (chose one only) | Proceeding phase | Specific legislative framework |
|--------------------------------|---|--|--|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments

064-11-1. If yes, please specify the following information:

| | Tool deployment rate | Type of recording | Specific legislative framework |
|--------------------------------|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | |
|-----------------------|--|---|---|
| Administrative | <input type="checkbox"/> 100% | <input type="checkbox"/> Sound | <input type="checkbox"/> Yes |
| | <input type="checkbox"/> 50-99% | <input type="checkbox"/> Video | <input type="checkbox"/> No |
| | <input type="checkbox"/> 10-49% | <input type="checkbox"/> Both | <input type="checkbox"/> NA |
| | <input type="checkbox"/> 1-9% | <input type="checkbox"/> NA | <input checked="" type="checkbox"/> NAP |
| | <input checked="" type="checkbox"/> 0% (NAP) | <input checked="" type="checkbox"/> NAP | |
| | <input type="checkbox"/> NA | | |

064-12. Is electronic evidence admissible?

| | Admissibility of electronic evidence | Legislative framework |
|--------------------------------|--|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP |
| Criminal | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP |
| Administrative | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP |

Comments - Other devices of electronic communication between courts, professionals and/or users

3.6. Performance and evaluation

3.6.1 National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

| | Yes / No |
|---|--|
| within the courts | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| within the public prosecution services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

3.6.2 Performance and quality objectives at court level/public prosecution services



077. Concerning court activities, have you defined performance and quality indicators?

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

Yes

No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff

- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

- Yes
- No

Comments

073-0. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If “Less frequent” or “More frequent”, please specify: monthly statistics about incoming and closed cases (more frequent)
 Periodic check lists (annual)
 Internal audit examination all 4 to 7 years (less frequent)

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

- Yes
- No

Comments

073-2. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment)
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

- Yes
- No

Comments

073-4. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify: Monthly statistics about incoming and closed cases (more frequent)
Periodic check lists (annual)
Internal audit examination all 4 to 7 years (less frequent)

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

- Yes
- No

Comments

073-6. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

=

079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): Higher regional courts of appeal

Comments "Other": Higher regional courts of appeal

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body

Other (please specify):

Comments

3.6.3 Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

| | Yes (If yes, please specify) | No |
|---|------------------------------|-------|
| within the courts | () | (X) |
| within the public prosecution services | () | (X) |

Comments

3.6.4 Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

- Yes (please indicate the name and the address of this institution):Federal Computing Centre of Austria (Bundesrechenzentrum GmbH) on behalf of the Federal Ministry of Justice
- No

Comments

080-1. Are the statistics on the functioning of each court published?

- Yes, on the internet
- No, only internally (on an intranet website)
- No

Comments

=

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

- Yes (please indicate the name and the address of this institution):Federal Computing Centre of Austria (Bundesrechenzentrum GmbH) on behalf of the Federal Ministry of Justice
- No

Comments

080-3. Are the statistics on the functioning of each public prosecution service published?

- Yes, on the internet
- No, only internally (on an intranet website)

No

Comments

=

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): Administrative Courts: The activity report is prepared once a year by every administrative court and publicly available. The report contains, among others, the number of incoming and resolved cases, the number of cases, which were still open at the end of the year, type of proceedings, duration of proceedings, number of staff, etc. The reports are published.

Supreme Administrative Court:

The activity reports includes general remarks, personnel structure, statistics of pending and completed cases and a selection from the case law. The report is transmitted to the Federal Chancellor and other important state authorities.

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments Judicial authority: annual

Administrative Courts: less frequent - depending on the court's organization between 1 and 3 years

Supreme Administrative Court: annual

=

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify:

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

NAP

Comments

114. Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments

114-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

=

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Yes

No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public Prosecutorial Council

Head of the organisational unit or hierarchically superior public prosecutor

Other (please specify):

NAP

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments

120-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

Comments

C4. Please indicate the sources for answering the questions in this part

Sources: Service Act for Judges and Public Prosecutors (Richter- und Staatsanwaltschaftsdienstgesetz, RStDG)

4. Fair trial

4.1. Principles

4.1.1 Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

[]

NA

NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Yes

No

Comments - Please could you briefly specify:

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

NA

Comments

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): The Ministry of Justice disseminates current information to all courts and prosecution services about the jurisprudence of the ECtHR by annual circular letters. Judgments of the ECtHR are discussed on a regular basis in the advanced training courses for judges on fundamental rights and in seminars for candidate judges and legal trainees. Sec 363a CCP provides that a retrial shall be held on application in so far as it cannot be ruled out that a violation of the ECHR or one of its Protocols, which was established in a judgment of the ECtHR on account of a decision or order of a criminal court, might have affected the decision

in a manner detrimental to the person concerned. According to the jurisprudence of the Supreme Court (13 Os 135/06m), an application under sec 363a CCP may be lodged with the Supreme Court even prior to an application with the ECtHR, because sec 363a CCP must not be interpreted as permitting a retrial only in cases where a violation of Convention rights has already been established in a judgment against Austria by the ECtHR. The ECtHR considers an application under sec 363a CCP an effective and appropriate remedy for the purpose of Article 35 of the Convention (ECtHR 6.10.2015, ATV Privatfernseh GmbH, Appl.no. 58842/09).

086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Yes

No

NAP

Comments For civil procedure: No

If a judgment by the European Court of Human Rights determines that a decision or order by a criminal court violates the Convention for the Protection of Human Rights and Fundamental Freedoms, BGBl. No. 210/1958, or one of its Additional Protocols, upon request those proceedings have to be renewed insofar as it cannot be ruled out that this violation may have a negative impact on the content of the decision of a criminal court for the person concerned (sec 363a para 1 CCP).

D1. Please indicate the sources for answering the questions in this part

Sources: See provisions in this part

4.2. Timeframe of proceedings

4.2.1 General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify: -civil cases:

Interim legal protection is granted in civil law by means of temporary injunctions. These are immediate judicial measures taken upon application under certain conditions provided for in Sections 378 et sequ. of the Enforcement Code for the purpose of interim protection.

- criminal cases:

Sec. 9 CCP states that criminal proceedings in general shall be handled without undue delay (para. 1); according to para. 2 cases of pretrial detention shall be dealt with even more swiftly.

- administrative cases:

e.g. deportation detention, aliens' legislation

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify: - criminal cases:

According to Sec 491 CCP (entered into force on 1.1.2015) in proceedings before the District Court and the Regional Court as a single judge the sentence can be set by written penal order without a previous trial if

1. it is only a misdemeanour (threat of punishment prison sentence up to three years), the accused person was under the examination to the criminal charge and expressly waives a trial,
2. there is no reason for a different kind of ending the proceedings (diversion or abatement of action),
3. the results of the investigation are sufficient for the assessment of all relevant circumstances and the rights and legitimate interests of victims are not affected (“Mandatsverfahren”).

- civil cases:

There is not a simplified procedure for small claims, but there are some specific rules related to the amount in dispute, which simplify the “normal” procedure.

- administrative cases (misdemeanour criminal cases):

If the Administrative Court has pronounced the ruling including the essential reasons for the decision, the court has to produce a minute. According to Sec 29 of the Proceedings of Administrative Courts Act – VwGVG just upon request of the parties concerned within two weeks a written copy of the ruling shall be served on the parties.

In administrative proceedings in matters of taxes, customs duties and respective penalties, there is no simplified procedure.

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: - civil cases:

In general for judgements in civil cases (not only in small claims) applies the following rule (§ 417a civil procedure code):

If a judgment has been pronounced orally in the presence of both parties and none of the parties has filed a notice of appeal against the judgment, the written copy of the judgment may contain the grounds for the decision limited to the essential submissions of the parties and to what the court has based its decision thereon, to the extent that such information is necessary to assess the legal effect of the judgment.

- administrative cases: See the answer to question 88.

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

Comments - If yes, please specify:

4.2.2 Case flow management – first instance



091. First instance courts: number of other than criminal law cases.

| Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|-----------------------------------|----------------|----------------|------------------------------------|--|
| | | | | |

| | | | | | |
|--|------------------------------|--------------------------------|--------------------------------|------------------------------|-----------------------------|
| Total of other than criminal law cases (1+2+3+4) | 531 048 [] NA [] NAP | 3 123 339 [] NA [] NAP | 3 115 226 [] NA [] NAP | 539 161 [] NA [] NAP | [X] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 31 407 [] NA [] NAP | 73 755 [] NA [] NAP | 73 611 [] NA [] NAP | 31 551 [] NA [] NAP | [X] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 372 350 [] NA [] NAP | 2 208 341 [] NA [] NAP | 2 222 330 [] NA [] NAP | 358 361 [] NA [] NAP | [X] NA [] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | 335 714 [] NA [] NAP | 1 273 208 [] NA [] NAP | 1 299 718 [] NA [] NAP | 309 204 [] NA [] NAP | [X] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | 36 636 [] NA [] NAP | 935 133 [] NA [] NAP | 922 612 [] NA [] NAP | 49 157 [] NA [] NAP | [X] NA [] NAP |
| 2.2.1. Non litigious land registry cases | 20 086 [] NA [] NAP | 643 942 [] NA [] NAP | 643 959 [] NA [] NAP | 20 069 [] NA [] NAP | [X] NA [] NAP |
| 2.2.2 Non-litigious business registry cases | 16 550 [] NA [] NAP | 291 191 [] NA [] NAP | 278 653 [] NA [] NAP | 29 088 [] NA [] NAP | [X] NA [] NAP |
| 2.2.3. Other registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.3. Other non-litigious cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 3. Administrative law cases | 73 172 [] NA [] NAP | 45 806 [] NA [] NAP | 57 707 [] NA [] NAP | 61 271 [] NA [] NAP | 22 923 [] NA [] NAP |
| 4. Other cases | 54 119 [] NA [] NAP | 795 437 [] NA [] NAP | 761 578 [] NA [] NAP | 87 978 [] NA [] NAP | [X] NA [] NAP |

Comments "Non litigious business registry cases": Sec. 3a para. 2 of the COVID-19 act concerning corporate law ("Gesellschaftsrechtliches COVID-19-Gesetz") allows corporations to file their annual accounts and other documents, that have to be published by law, not only within 9 but within 12 months from the account date (mostly: December 31st of a year). Usually, the duty to file these reports within 9 months leads to a high number of incoming files in September. 2020 the special rules lead to such high incoming file numbers in December and thereby to an increase in pending cases at the end of the year.

"4. Other cases": The number of incoming and resolved cases surged due to an increase of "general civil proceedings, that are not allocated to other categories of cases" because the district administrative authorities (Bezirksverwaltungsbehörden) had to notify the district courts of every single person against which a quarantine measure (SARS-CoV-2) had been taken. In concerns of statistical data

every such notification resulted in an incoming (and resolved) case.

Generally, no courts were closed during the lockdowns. During the first lockdown (middle of March until the end of April 2020) the number of incoming cases dropped significantly. Nearly all court hearings had to be postponed during the first lockdown. In total (all case types) in April 2020 there were 89.25 % less court hearings than in April 2019. In general litigious civil matters of first instance there were even 94.59 % less hearings. A comparison of the total number of court hearings held in the period of March 2019 to February 2020 on the one hand and of March 2020 to February 2021 on the other hand shows that there were 22.22 % less hearings since the first lockdown. The significant drop in incoming cases and held court hearings in April 2020 resulted in the opportunity to concentrate on finishing pending cases in which all hearings had already been held. The statistical data shows that the number of judgments pending more than 2 months since the final hearing declined considerably (1st of July 2020: -75 % compared to 1st of April 2020). Judges did always (even before the Covid-19 pandemic) have the opportunity to work from home. Many have made use of this option during the lockdowns. The Federal Ministry of Justice does not keep statistics on this matter (number of judges working from home) since judges are not obliged to record their working times or places.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. Commence of bankruptcy proceedings
 Bankruptcy proceedings
 Composition proceedings
 Non-litigious proceedings about rent, non profit cooperative association for housing, home ownership
 Proceedings about Lease of farm land
 Wardship cases in connection with administration of assets, custody and maintenance
 Uncontested payment orders
 Enforcement cases

093. Please indicate the case categories included in the category "other cases":

. Cases concerning the Administration of justice

094. First instance courts: number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|--|
| Total of criminal law cases (1+2+3) | 22 930 [] NA [] NAP | 66 767 [] NA [] NAP | 65 549 [] NA [] NAP | 23 968 [] NA [] NAP | 870 [] NA [] NAP |
| 1. Severe criminal cases | 5 469 [] NA [] NAP | 21 966 [] NA [] NAP | 22 120 [] NA [] NAP | 5 315 [] NA [] NAP | 201 [] NA [] NAP |
| 2. Misdemeanour and / or minor criminal cases | 8 283 [] NA [] NAP | 24 453 [] NA [] NAP | 23 966 [] NA [] NAP | 8 770 [] NA [] NAP | 405 [] NA [] NAP |

| | | | | | |
|--------------------------------|---|---|---|---|---|
| 3. Other criminal cases | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA | <input type="checkbox"/> NA |
| | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify The distinction between misdemeanour criminal cases and severe criminal cases is possible only for the criminal courts. However the total number includes administrative criminal law cases as well, where distinction is not possible.

4.2.3 Case flow management – second instance

097. Second instance courts (appeal): Number of “other than criminal law” cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|--|--|--|--|--|---|
| Total of other than criminal law cases (1+2+3+4) | 4 675 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 23 070 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 23 469 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4 276 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 3 037 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 12 862 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 13 127 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 772 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 1 638 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 10 208 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 10 342 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 504 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2.1. Non litigious land registry cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2.2 Non-litigious business registry cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2.3. Other registry cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | | |
|---------------------------------------|--|--|--|--|--|
| 2.3. Other non-litigious cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Administrative law cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Other cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "Other cases" please specify

098. Second instance courts (appeal): Number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|--|--|--|--|--|---|
| Total of criminal law cases (1+2+3) | 1 488 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 10 216 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 10 170 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 534 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Severe criminal cases | 820 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 6 752 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 6 699 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 873 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Misdemeanour and / or minor criminal cases | 668 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 464 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 471 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 661 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. "Misdemeanour and / or minor criminal cases": compared to the previous 10 years the pending, incoming and resolved cases in this category in the year 2020 showed a slight decrease. There is no specific explanation for this circumstance.

4.2.4 Case flow management – Supreme Court

099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|---|--|--|--|--|---|
| Total of other than criminal law cases (1+2+3+4) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | | |
|--|----------------------------|----------------------------|----------------------------|----------------------------|--------------------------|
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 848 [] NA [] NAP | 2 278 [] NA [] NAP | 2 364 [] NA [] NAP | 762 [] NA [] NAP | [X] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2.2.1. Non litigious land registry cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2.2.2 Non-litigious business registry cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2.2.3. Other registry cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2.3. Other non-litigious cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 3. Administrative law cases | 3 064 [] NA [] NAP | 6 300 [] NA [] NAP | 6 321 [] NA [] NAP | 3 043 [] NA [] NAP | 205 [] NA [] NAP |
| 4. Other cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments - If "Other cases", please specify Discrepancy between number of pending administrative cases on 31 December 2019 and number of pending administrative cases on 1 January 2020: the number of 3 064 pending administrative cases on 1 January 2020 corresponds to 2762 procedures adopted from previous years and 302 procedures completed in previous years and reopened in the reference year.

Pending administrative law cases older than 2 years: the observed increase is a consequence of the high number of cases in the field of asylum and aliens.

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

() Yes, please indicate the number of cases closed by this procedure:

(X) No

Comments

100. Highest instance courts (Supreme Court): Number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|--|-----------------------------------|----------------------------|----------------------------|------------------------------------|---|
| Total of criminal law cases (1+2+3) | 621 [] NA [] NAP | 1 393 [] NA [] NAP | 1 428 [] NA [] NAP | 586 [] NA [] NAP | 9 [] NA [] NAP |
| 1. Severe criminal cases | 165 [] NA [] NAP | 679 [] NA [] NAP | 698 [] NA [] NAP | 146 [] NA [] NAP | 0 [] NA [] NAP |
| 2. Misdemeanour and / or minor criminal cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 3. Other criminal cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify The total figure includes data on administrative criminal cases before the Supreme Administrative Court.

4.2.5 Case flow management and timeframes – specific cases

101. Number of specific litigious cases received and processed by first instance courts.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec ref. year | Pending for more than 2 years |
|-----------------------------------|-----------------------------------|-----------------------------|-----------------------------|-----------------------------------|-------------------------------|
| Litigious divorce cases | 2 648 [] NA [] NAP | 4 906 [] NA [] NAP | 4 886 [] NA [] NAP | 2 668 [] NA [] NAP | 147 [] NA [] NAP |
| Employment dismissal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| Insolvency | 9 905 [] NA [] NAP | 14 236 [] NA [] NAP | 17 140 [] NA [] NAP | 7 001 [] NA [] NAP | 1 057 [] NA [] NAP |
| Robbery case | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| Intentional homicide | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments Insolvency cases: the observed decreases between 2019 and 2020 are due to the pandemic. Data on intentional homicide an robbery cases were delivered for the year 2018 due to a special evaluation that had taken place. Because of this special evaluation data for 2018 was available. The standard statistical tools do not enable enquiries to pending cases of a certain category (regarding certain criminal offences) to a specific date in the past.

=

101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec ref. year | Pending for more than 2 years |
|---|--|--|--|--|--|
| Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-court procedures relating to the right of entry and stay for aliens | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Court cases relating to the right of entry and stay for aliens | 29 262 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 9 101 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 20 776 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 17 587 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments Figures provided in respect of court proceedings concerning “court cases relating to the right of entry and stay for aliens” cover also asylum seekers court cases.

101-1. Could you briefly describe the system in your country dealing with legal remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. An asylum seeker may appeal against the decision of the Federal Office for Aliens and Asylum (Bundesamt für Fremdenwesen und Asyl – BFA) within 4 weeks from delivery of the finding. The Federal Administrative Court (Bundesverwaltungsgericht – BVwG) decides on the case. If requested by the asylum seeker, an oral proceeding is mandatory unless the facts of the case seem to be clear (sec. 21 para 7 BFA-VG).

The asylum seeker as well as the BFA may appeal against the ruling of the BVwG to the Supreme Administrative Court (Verwaltungsgerichtshof – VfGH) within 6 weeks. Only the asylum seeker may also appeal to the Constitutional Court (Verfassungsgerichtshof – VfGH) within 6 weeks.

In residence permit procedures for third-country nationals, an appeal against a decision of the settlement authority can be filed with the locally competent regional administrative court:

https://www.oesterreich.gv.at/themen/dokumente_und_recht/verwaltungsgerichtsbarkeit/Seite.3130003.html

101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.

| Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|-----------------------------------|----------------|----------------|-----------------------------------|--|
| | | | | |

| | | | | | |
|---------------------------|---|--|--|--|--|
| Child sexual abuse | <input type="checkbox"/> NA <input type="checkbox"/> NAP | 269 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 466 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Child pornography | <input type="checkbox"/> NA <input type="checkbox"/> NAP | 472 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 567 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Please explain what are the legal definitions of these categories of offences in your system: Child sexual abuse: Sexual act with a person of an age under 14 years or tempting such a person to perform a sexual act on themselves for the purpose of arousal of the offender or a third person (Sec. 206, 207 Criminal Code).

Child pornography: production of a pornographic representation (realistic illustration of a sexual act on a person of an age under 14 years as well as such an illustration of other minors as far as this illustration is distorted, reduced to itself and detached from other expressions of life, which serve the sexual arousal of the viewer) of minors (Sec. 207a Criminal Code).

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the investigation phase in criminal cases as well as enforcement procedure.

| | % of decisions subject to appeal | Average length in 1st instance (in days) | Average length in 2nd instance (in days) | Average length in 3rd instance (in days) | Average total length of the total procedure (in days) | % of cases pending for more than 3 years for all instances |
|---|--|--|--|--|--|--|
| Civil and commercial litigious cases | _____ Max numeric value allowed : 100 27 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 304 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 52 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 105 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Litigious divorce cases | _____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 141 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Employment dismissal cases | _____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Insolvency cases | _____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 216 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Robbery cases | _____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | _____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | | | | |
|-----------------------------------|--|--|--|--|--|--|
| Intentional homicide cases | Max numeric value allowed : 100 | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | Max numeric value allowed : 100 |
| | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | | | | | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments Average length in first instance of civil and commercial litigious cases: in the year 2020 there were several restrictions in force to combat the expansion of the SARS-CoV-2 virus. These restrictions lead to postponed court hearings and did certainly increase the average length of proceedings. The extent to which these restrictions impacted the average length is not measurable.

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. In litigious divorce cases a special rule is applicable (Section 460 of the Civil Procedure Code – Zivilprozessordnung). The proceedings in non-litigious divorce cases is regulated in Sections 93-96 Außerstreitgesetz (Code of non-litigious proceedings).

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. Sum of length of all proceedings in months divided by number of proceedings times 30.

4.2.6 Case flow management – public prosecution



105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify):

Comments

106. Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify: Only in few, certain, exactly defined cases, the public prosecutor has the right to file an action before a civil court to have a marriage declared null and void, inter alia in the case of bigamy or if the marriage was merely or predominantly concluded to obtain the nationality or the family name of one spouse by the other. Furthermore, the public prosecutor represents the public interest in judicial proceedings, with which a person is declared dead. Inter alia he/she has the opportunity to give a statement before such a decision and has to request the nullification or the amendment of such a declaration, if a person has been declared dead but still is alive or has died on a different day than the day stated in the declaration of death.

107. Public prosecutors: Total number of 1st instance criminal cases.

| | Number of cases |
|--|--|
| 1.Pending cases on 1 Jan. ref. year | 27 279 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.Incoming/received cases | 407 162 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.Processed cases (3.1+3.2+3.3+3.4) | 413 905 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.) | 307 431 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.1.1 Discontinued by the public prosecutor because the offender could not be identified | 181 242 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | 94 249 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.1.3 Discontinued by the public prosecutor for reasons of opportunity | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.1.4 Discontinued for other reasons | 31 940 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor | 37 178 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.3.Cases closed by the public prosecutor for other reasons | 24 928 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.4.Cases brought to court | 44 368 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4.Pending cases on 31 Dec. ref. year | 20 536 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments The Austrian code of criminal procedure knows measures that the public prosecutor can take in cases of minor criminal offences ("Diversion"). Comparable measures have to be taken by the public prosecutor under certain circumstances under the additive

drug act (“Suchtmittelgesetz”). Until 2019, the last-mentioned cases were counted as files “discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation” (3.1.2). Since 2020, these cases are now counted as “concluded by a penalty or a measure imposed or negotiated by the public prosecutor” (3.2). These changes explain the higher number of cases under 3.1.2. Cases brought to court declined mainly because in 2020 there were far less incoming cases (-13 % compared to 2018). The number of persons against which an investigation was discontinued by the public prosecutor for reasons of opportunity in 2020 is 9 672.

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

| | Total | Severe criminal cases | Misdemeanour and / or minor criminal cases |
|---|--|--|--|
| Total number of guilty plea procedures | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Before the main trial | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| During the main trial | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

109. Do the figures provided in Q107 include traffic offence cases?

- Yes
- No

Comments

D2. Please indicate the sources for answering the questions in this part

Sources: Business Information System (BIS) of judiciary, Court Automation, Data Warehouse.

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1 Recruitment and promotion of judges

110. How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments

111. Authority(ies) responsible for recruitment - are judges initially/at the beginning of their career

recruited and nominated by:

- An authority made up of judges only
- An authority made up of non-judges only
- An authority/authorities made up of judges and non-judges
- Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

111-1. How many members compose this authority?

| | Total | Male | Female |
|----------------|--|--|--|
| Members | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments – Please specify what is the status of this authority and who is proposing its members?

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments – please specify which body is competent to decide on appeal?

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination):

113-1. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

5.1.2 Status, recruitment and promotion of prosecutors



115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)
- Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.).Furthermore, if "mixed model" or "other", please specify.

115-1. Does the law or other regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify:

115-2. If you answered "Yes" to Q115-1, are there exceptions provided by the law/regulations?

- Yes
- No

Comments - Please describe these exceptions:

115-3. If you answered "No" to Q115-1, which authority can issue the specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other

Comments - If "Other", please specify: Ministry of Justice, Minister of Justice

115-4. What form these instructions may take?

- Oral instruction
- Oral instruction with written confirmation
- Written instruction
- Other
- NAP

Comments - If "Other", please specify:

115-5. In that case, are the instructions:

- Issued seeking prior advice from the competent public prosecutor
- Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If "Other", please specify:

115-6. What is the frequency of this type of instructions:

Exceptional

Occasional

Frequent

Systematic

NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

Yes

No

NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): Generally every public prosecutor – like every judge – must first be a judicial candidate. These are appointed by the Federal Minister of Justice based upon a nomination by the President of the Higher Regional Court and have to complete four years of training as a rule before they can become a public prosecutor.

Comments

117. Authority(ies) responsible for recruitment - Are public prosecutors initially/at the beginning of their career recruited by:

An authority composed of public prosecutors only

An authority composed of non-public prosecutors only

An authority composed of public prosecutors and non-public prosecutors

Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

117-1. How many members compose this authority?

| Total | Male | Female |
|-------|------|--------|
| | | |

| | | | |
|----------------|--|--|--|
| Members | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |
| | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP | <input type="checkbox"/> NAP |

Comments - Please specify what is the status of this authority and who is proposing its members?

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments - Please specify which body is competent to decide on appeal?

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination):

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.3Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes, please indicate the compulsory retirement age:65
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred to another court without his/her consent:

- For disciplinary reasons
- For organisational reasons

For other reasons (please specify modalities and safeguards):see comments

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65, deferment of five years is possible

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: 65, deferment of five years is possible

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

126-1. Is it renewable?

- Yes
 No
 NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources: Service Act for Judges and Public Prosecutors, other relevant legislation

5.2. Training

5.2.1 Training of judges

127. Types of different trainings offered to judges:

| | Compulsory | Optional | No training proposed |
|--|--|--|--|
| Initial training (e.g. attend a judicial school, traineeship in a court) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| General in-service training | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for management functions of the court (e.g. court president) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for the use of computer facilities in courts | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training on ethics | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training on child-friendly justice | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

128. Frequency of the in-service training of judges:

| | Frequency of the judges training |
|------------------------------------|--|
| General in-service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

| | |
|--|--|
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions of the court (e.g. court president) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for the use of computer facilities in courts | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training on ethics | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training on child-friendly justice | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2 Training of prosecutors

129. Types of different trainings offered to public prosecutors:

| | Compulsory | Optional | No training proposed |
|---|--|--|--|
| Initial training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| General in-service training | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for specialised functions (e.g. public prosecutors specialised in organised crime) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for management functions (e.g. Head of prosecution office, manager) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for the use of computer facilities in office | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training on ethics | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training on child-friendly justice | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

130. Frequency of the in-service training of public prosecutors :

| | Frequency of the in-service training |
|---|--|
| General in-service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for specialised functions (e.g. public prosecutor specialised in organised crime) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions (e.g. Head of prosecution office, manager) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for the use of computer facilities in office | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training on ethics | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training on child-friendly justice | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

5.2.3 Training institutions

131. Do you have public training institutions for judges and / or prosecutors?

| | Initial training only | Continuous training only | Initial and continuous training |
|--|--------------------------|--------------------------|---------------------------------|
| Institution(s) for judges | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Institution(s) for prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Institution(s) for both judges and prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments For administrative judges there is the Austrian Academy of Administrative Jurisdiction.

131-0. If yes, what is the budget of such institution(s)?

| | Budget of the institution(s) for the reference year, in € |
|---------------------------|--|
| Institution(s) for judges | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

| | |
|--|--|
| Institution(s) for prosecutors | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Institution(s) for both judges and prosecutors | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Judges and prosecutors undergo a joint 4-year-long initial training organised and implemented by the Presidents of the four Higher Regional Courts (Vienna, Graz, Linz, Innsbruck). The initial training is designed as an on-the-job-training complemented by regular theory classes.
At the administrative courts, all trainings in the reference year were carried out by the Austrian Academy of Administrative Jurisdiction.

5.2.4 Number of trainings

131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

| | Number of in-person training courses available | Number of delivered in-person training courses in days | Online training courses available during the reference year (e-learning) |
|--|--|--|--|
| Total | 410 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 255 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 95 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. For judges | 315 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 81 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. For prosecutors | 315 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 81 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. For other non-judge staff | 370 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 70 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. For other non-prosecutor staff | 370 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 70 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Training for other professionals | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. Total results from the number of trainings for judges and prosecutors + non-judge and non-prosecutor staff minus the number of joint seminars.

131-3. Number of participants of the training courses during the reference year

| | Number of participants in in-person training courses | Number of participants in online training courses (e-learning) |
|-----------------------------|--|--|
| Total | 3 003 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 387 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Judges | 1 053 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 226 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Prosecutors | 420 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 8 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-judge staff | 1 530 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 153 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-prosecutor staff | 1 530 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 153 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Other professionals | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

5.3.Practice of the profession

5.3.1Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

| | Gross annual salary, in € | Net annual salary, in € | Gross annual salary, in local currency | Net annual salary, in local currency |
|--|--|--|--|--|
| First instance professional judge at the beginning of his/her career | 56 638 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President) | 137 586 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Public prosecutor at the beginning of his/her career | 60 084 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General). | 137 586 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments Administrative Courts:

First instance professional judge at the beginning of his/her career: Gross annual salary: EUR 75000

Net annual salary: EUR 46600

Judge of the Administrative Supreme Court: Gross annual salary: EUR 130000

133. Do judges and public prosecutors have additional benefits?

| | Judges | Public prosecutors |
|-------------------------|--|--|
| Reduced taxation | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Special pension | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Housing | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other financial benefit | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

134. If “other financial benefit”, please specify:

NAP

=

135. Can judges combine their work with any of the following functions/activities?

| | With remuneration | Without remuneration |
|--------------------------|--|--|
| Teaching | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Research and publication | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Arbitrator | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Consultant | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Cultural function | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Political function | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Mediator | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other function | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please

specify. Judges are not allowed to do any work besides their job if the suspicion could arise that these could influence their job
For political functions some restrictions apply (e. g. members of parliament)

137. Can public prosecutors combine their work with any of the following functions/activities?

| | With remuneration | Without remuneration |
|---------------------------------|---------------------|----------------------|
| Teaching | (X) Yes () No | (X) Yes () No |
| Research and publication | (X) Yes () No | (X) Yes () No |
| Arbitrator | () Yes (X) No | () Yes (X) No |
| Consultant | (X) Yes () No | (X) Yes () No |
| Cultural function | (X) Yes () No | (X) Yes () No |
| Political function | (X) Yes () No | (X) Yes () No |
| Mediator | (X) Yes () No | (X) Yes () No |
| Other function | (X) Yes () No | (X) Yes () No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: Prosecutors are not allowed to do any work besides their job if the suspicion could arise that these could influence their job
For political functions some restrictions apply (e. g. members of parliament)

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

- () Yes
- (X) No

Comments - If yes, please specify the conditions and if possible the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

- (X) Yes
- () No

Comments

138-1. If yes, who are the members of this institution/body?

- (X) Only judges
- () Judges and other legal professionals

Other, please specify:

Comments

138-2. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments

138-4. If yes, who are the members of this institution/body?

Only prosecutors

Prosecutors and other legal professionals

Other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

5.4. Disciplinary procedures

5.4.1 Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Parliament

Executive power (please specify): According to the jurisprudence of the Supreme Court (Ds 1/16, 3/16, 4/16), prerequisite for

disciplinary proceedings against judges (or public prosecutors) is the employer's will, i.e. the Federal Minister of Justice or the subordinated administrative authorities. Based on these disciplinary complaints, the disciplinary court decides whether to initiate formal disciplinary proceedings or not. Concerning administrative judges authorised to initiate is the disciplinary lawyer/attorney.

Other (please specify):

This is not possible

Comments According to the jurisprudence of the Supreme Court (Ds 1/16, 3/16, 4/16), prerequisite for disciplinary proceedings against judges (or public prosecutors) is the employer's will, i.e. the Federal Minister of Justice or the subordinated administrative authorities. Based on these disciplinary complaints, the disciplinary court decides whether to initiate formal disciplinary proceedings or not. Concerning administrative judges authorised to initiate is the disciplinary lawyer/attorney.

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies possible):

Citizens

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

Public prosecutorial Council (High Judicial Council)

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Professional body

Executive power (please specify):see answer to question 140.

Other (please specify):

This is not possible

Comments According to the jurisprudence of the Supreme Court (Ds 1/16, 3/16, 4/16), prerequisite for disciplinary proceedings against public prosecutors (or judges) is the employer's will, i.e. the Federal Minister of Justice or the subordinated administrative authorities. Based on these disciplinary complaints, the disciplinary court decides whether to initiate formal disciplinary proceedings or not.

142. Which authority has disciplinary power over judges? (multiple replies possible)

Court

Higher Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple replies possible)

Supreme Court

Head of the organisational unit or hierarchical superior

- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments

5.4.2 Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Judges | Prosecutors |
|---|--|--|
| Total number (1+2+3+4) | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Professional inadequacy | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify: 2 disciplinary proceedings concern administrative judges, it was not possible to distinguish between different subtypes or categories of grounds. Therefore, only the total of disciplinary proceedings can be provide.

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

| | Judges | Prosecutors |
|-------------------------------------|--|--|
| Total number (total 1 to 10) | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

| | | |
|---|--|--|
| 3. Withdrawal from cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Fine | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Temporary reduction of salary | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Position downgrade | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 7. Transfer to another geographical (court) location | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 8. Resignation | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 9. Other | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 10. Dismissal | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons.

E3. Please indicate the sources for answering the questions in this part

Sources: Internal Register

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

| | Total | Male | Female |
|-------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| Number of lawyers | 6 707 <input type="checkbox"/> NA | 5 129 <input type="checkbox"/> NA | 1 578 <input type="checkbox"/> NA |

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[] NA

[X] NAP

Comments

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

| | First instance | Second instance | Highest instance court (Supreme Court) |
|-----------------------------------|--|--|--|
| Civil cases | () Yes always (X) Yes in some cases () No [] NAP | (X) Yes always () Yes in some cases () No [] NAP | (X) Yes always () Yes in some cases () No [] NAP |
| Dismissal cases | () Yes always (X) Yes in some cases () No [] NAP | (X) Yes always () Yes in some cases () No [] NAP | (X) Yes always () Yes in some cases () No [] NAP |
| Criminal cases – Defendant | () Yes always () Yes in some cases (X) No [] NAP | () Yes always () Yes in some cases (X) No [] NAP | () Yes always () Yes in some cases (X) No [] NAP |
| Criminal cases – Victim | () Yes always () Yes in some cases (X) No [] NAP | () Yes always () Yes in some cases (X) No [] NAP | () Yes always () Yes in some cases (X) No [] NAP |
| Administrative cases | () Yes always () Yes in some cases (X) No [] NAP | () Yes always () Yes in some cases () No [X] NAP | () Yes always () Yes in some cases (X) No [] NAP |

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: Civil cases/Dismissal Cases: No monopoly; only in proceedings before district courts (Bezirksgerichte) when the litigation value exceeds € 5000 or before the higher courts, in appeal cases and before the Civil Supreme Courts representation by a lawyer is mandatory.

Criminal cases: No monopoly; In qualified criminal cases listed in Art 61 Code of Criminal Procedure (Strafprozessordnung) only by defence counsels (Verteidiger; i.a. lawyers, other persons authorised by law to represent in criminal proceedings or university professors for criminal and criminal procedural law); Possible representation by Member of family. In other cases also the defendant him-/herself or a legal representative. By victim protection associations (Opferschutzeinrichtungen).

Administrative Cases: No monopoly; only for appeals against decisions to the last instance and for applications and complaints lodged before the constitutional court representation by a lawyer is mandatory. Possible representation by Member of family, NGO, e.g. the party itself, each person able to represent him-/herself.

149-0. If other than lawyers may represent a client in court, please specify who:

| | First instance | Second instance | Highest instance court (Supreme Court) |
|-----------------------------------|---------------------|---------------------|--|
| Civil society organisation | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Family member | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Self-representation | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Trade union | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Other | (X) Yes () No | (X) Yes () No | (X) Yes () No |

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): See comments on Q149

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):e.g. receiver in insolvency, custodian, special guardian

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments The questionnaire repeatedly refers to "bar associations", i.e. associations under private law, but not to "bars" under public law as they exist in Austria.

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

- Yes
- No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general in-service professional training system for lawyers?

Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify:

F1. Please indicate the sources for answering the questions in this part

Sources: Statistic from the Austrian Bar (Österreichischer Rechtsanwaltskammertag) of 31 December 2020 (available at www.rechtsanwaelte.at). The data only includes lawyers registered in the list of Austrian lawyers and lawyers registered in the list of established European lawyers registered by 31 December 2020. It does not include solicitors nor legal advisors as such professions/types of service providers do not exist in Austria.

6.1.2 Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

6.1.3 Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

a judge

Ministry of Justice

a professional authority

other (please specify): In the first instance the Disciplinary Board of each regional Bar exercises the disciplinary authority. The Supreme Court (Oberster Gerichtshof) is the appellate body in disciplinary and professional matters (e.g. refusal of entry in the list of lawyers, challenging an election, etc) of lawyers and trainee lawyers.

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings |
|---|--|
| Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4) | 532 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Professional inadequacy | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

| | Number of sanctions |
|--|--|
| Total number of sanctions (1 + 2 + 3 + 4 + 5) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Withdrawal from cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Fine | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Court related mediation and other alternative Dispute Resolution

7.1. Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

| | Private mediator | Public authority (other than the court) | Judge | Public prosecutor |
|---|---|---|---|---|
| Civil and commercial cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Family cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Administrative cases | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP |
| Labour cases including employment dismissals | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Criminal cases | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP |
| Consumer cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

- Yes
 No
[] NAP

Comments - If yes, please specify (only one or both options)::

=

166. Number of accredited or registered mediators for court-related mediation:

| | Total | Males | Females |
|----------------------------|----------------------------|--------------------------|----------------------------|
| Number of mediators | 1 741 [] NA [] NAP | 669 [] NA [] NAP | 1 072 [] NA [] NAP |

Comments

167. Number of court-related mediations:

| Number of cases for which the parties agreed to start mediation | Number of finished court-related mediations | Number of cases in which there is a settlement agreement |
|---|---|--|
| | | |

| | | | |
|---|--|--|--|
| Total (1 + 2 + 3 + 4 + 5 + 6) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 23 881 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Civil and commercial cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 20 922 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Family cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 743 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Administrative cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Labour cases including employment dismissal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 2 216 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Consumer cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Please indicate the source: Datewarehouse (register data of the case management application “Verfahrensautomation Justiz”). There is no data available if the settlement agreements are the results of court-related mediations. Parties may agree on a settlement agreement without mediation.

=

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments Law on Mediation in Civil Matters (Zivilrechts-Mediations-Gesetz); § 107 Abs. 3 Non litigious Procedure Code (Außerstreitgesetz)

Sec. 198 – 209 CPC

Conciliation: Conciliation in consumer protection cases or lease contract cases. In administrative proceedings in matters of taxes, customs duties and respective penalties arbitration is possible.

G1. Please indicate the sources for answering the questions in this part

Source: www.mediatoren.justiz.gv.at
relevant provisions

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

169. Number and type of enforcement agents in your country.

| | Total | Male | Female |
|---|----------------------------|-----------------------|-----------------------|
| Total (1+2+3+4) | 333 [] NA [X] NAP | [X] NA [X] NAP | [X] NA [X] NAP |
| 1. Private professionals under the authority (control) of public authorities | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2. Enforcement agents working in a public institution (civil servants paid by state) | 333 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 3. Judges | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 4. Other | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments - If other, please specify their status and competences:

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify:

171. Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes, please indicate the age of retirement: 65
- No, please specify the duration of the appointment:

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

| | |
|-----------------------|---|
| Access to information | Direct electronic access to information |
|-----------------------|---|

| | | |
|--|---------------------|---------------------|
| Address | (X) Yes () No | (X) Yes () No |
| Date of birth | (X) Yes () No | (X) Yes () No |
| Civil status | () Yes (X) No | () Yes (X) No |
| Cohabitant | () Yes (X) No | () Yes (X) No |
| Employer | () Yes (X) No | () Yes (X) No |
| Motor vehicle | (X) Yes () No | (X) Yes () No |
| Movable property | () Yes (X) No | () Yes (X) No |
| Immovable property | () Yes (X) No | () Yes (X) No |
| Bank account | () Yes (X) No | () Yes (X) No |
| Other enforcement proceedings underway | (X) Yes () No | (X) Yes () No |
| Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.) | (X) Yes () No | (X) Yes () No |
| Other | () Yes (X) No | () Yes (X) No |

Comments - If "other", please specify:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

| | Option |
|--|---|
| Seizure of movable tangible properties | (X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP |
| Preventive seizure of movable tangible properties | (X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP |
| Seizure of immovable properties | () Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents (X) No [] NAP |

| | |
|---|--|
| Preventive seizure of immovable properties | <input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure from a third party of the debtor claims regarding a sum of money | <input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of remunerations | <input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of motorised vehicles | <input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Eviction measures | <input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizures of boats and ships | <input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of aircrafts | <input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of electronic assets (e.g cryptocurrency) | <input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

| | |
|--|--|
| Enforced sale by public tender of seized properties | <input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Sale of shares | <input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Other | <input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

Comments

171-3. Apart from the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immovable property
- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

8.1.3 Training and ICT

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

Yes

No

Comments - If yes, please specify: E-learning regarding general information about the judicial system and the organisation of courts and the public prosecutors' offices (initial training); E-learning regarding compliance

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

Yes

No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

Yes

No

Comments

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

Yes

No

Comments - Please explain: Relevant as far as smart goods and krypto currencies are concerned

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

Yes

No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

The debtor

The creditor

Other – please specify

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments

H0. Please indicate the sources for answering the questions in this part

Source: Gerichtsgebührengesetz (Court Fees Act)

Bundesgesetz über die Vollzugsgebühren (Federal Act on Enforcement Fees)

8.1.5 Organisation of profession and efficiency of enforcement services

177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):

Comments Controlling Units at the four Courts of Appeal (Vienna, Graz, Linz and Innsbruck) are established.

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify: Analysis of several key indicators by steering and controlling units of the courts of Appeal.

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- unethical behaviour of enforcement agent
- other (please specify):inadequate behaviour towards parties (e.g. obligated party)

Comments "other": inadequate behaviour towards parties (e.g. obligated party)

185. Is there a system measuring the length of enforcement procedures:

| | Existence of the system |
|--------------------------|-------------------------|
| for civil cases | (X) Yes () No |
| for administrative cases | (X) Yes () No |

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to serve and/or notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):
- NA

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings initiated |
|--|--|
| Total number of initiated disciplinary proceedings (1+2+3+4) | 7 [] NA [] NAP |
| 1. For breach of professional ethics | [X] NA [] NAP |
| 2. For professional inadequacy | [X] NA [] NAP |

| | |
|-------------------------|--|
| 3. For criminal offence | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

| | Number of sanctions pronounced |
|---------------------------------------|--|
| Total number of sanctions (1+2+3+4+5) | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Withdrawal from cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Fine | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

H1. Please indicate the sources for answering the questions in this part

Source: The data for questions 187 and 188 comes from the electronic file system, which the Federal Ministry of Justice uses (ELAK).

8.2. Execution of decisions in criminal matters

8.2.1 Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple replies possible)

- Judge
 Public prosecutor
 Prison and Probation Services

Enforcement agent

Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

Yes

No

Comments

191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1 Number, status and mandate of notaries

192. Number and status of notaries in your country.

| | Total | Male | Female |
|---|--|--|--|
| TOTAL (1+2+3+4) | 520 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 455 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 65 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Private professionals (without control from public authorities) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2. Holders of public offices appointed by the State | 520 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 455 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 65 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Civil servants (paid by the State) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Other | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure: Ministry of Justice

192-1. What are the access conditions to the profession of notary (multiple replies possible):

diploma

professional experience

specific exam

appointment procedure by the State

initial training

other (please specify):

Comments

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

yes, please indicate the age of retirement:70

no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

9.1.2 Activities/scope of competences

194. What kind of activities do notaries perform (multiple options possible):

| | Please select one option |
|---|--|
| Authentication | <input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Certification of signatures | <input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Legalisation of signatures / Apostille | <input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Legality control of documents | <input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP |
| Mediation | <input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP |

| | |
|--|--|
| Taking of oaths | <input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify) | <input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Act as civil servant (for example performing marriage, please specify) | <input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Other judicial functions (for example, payment orders) | <input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Public auctions | <input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Other (for example collect taxes, run registers etc.) | <input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP |

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Protection of vulnerable persons
- Other

Comments

9.1.3 ICT, organisation of the profession and training

194-3. Do notaries use specialised ICT systems in their activity?

In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)

In their relations with their clients

In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments 1) In their relations with the State:

In relation with courts: -WebERV: this is a web-based electronic communication system for the judiciary, transmission of applications and messages in return such as court decisions;

-Verrechnungsstellen: these are special interfaces for the software used in notarial offices which enable a web-based online access to land and business registers and include a court fees payment function;

-cyberDOC: access is provided to courts to the Austrian electronic notarial documents archive (called "cyberDOC") for electronic applications containing transmission of documents. The legal basis is the Gerichtsorganisationsgesetz (GOG).

-Portalverbund LFRZ: cross-government agency portal for web-applications such as:

oEdiktsdatei (edicts database): access to the edicts database run by the judicial administration is provided to notaries in their function as court commissioners (such as in succession procedures)

-Registers run online by the Austrian Chamber of Civil Law Notaries, such as the Austrian Central Register of Testaments and Wills (Österreichisches Zentrales Testamentsregister, ÖZTR) and the Central Austrian Representation Register (Österreichisches Zentrales Vertretungsverzeichnis, ÖZVV)

In relation with fiscal administration:

-FinanzOnline, e.g. for the self-calculation by notaries on tax to be collected/paid;

-WiEReg (Central register on ultimate beneficial owners/Register der wirtschaftlichen Eigentümer)

In relation with the Ministry of Interior: -Central Register of Residents (Zentrales Melderegister, ZMR): Austrian notaries can access the register online, in the extended version in their function as court commissioners;

-Central Civil Status Register (Zentrales Personenstandsregister, ZPR): Austrian notaries can access the register online exclusively in their function as court commissioners;

Inter-agency relations:

-Business service portal (Unternehmensserviceportal, USP): Austrian notaries are fully interconnected with that tool, e.g. in procedures to start a business.

2) In their relations with their clients:

The following systems are available:

-Data exchange platform -Video-identification system

-Trustnetz: tool to serve documents between the notary and the client via accredited private electronic document service providers;

3) In their relations with other notaries:

-EAV direct service of documents

-Videoconferencing

-cyberDOC document access

-Direct request from the notary acting as court commissioner to the notary where the testament is located via the Austrian Central Register of Testaments and Wills (Österreichisches Zentrales Testamentsregister, ÖZTR);

194-4. Which computerised registries can notaries consult?

Land registry

Business registry

Civil status / Population registry

Succession / Family law registry

Any other registry (please specify) Zentrales Melderegister (ZMR), Österreichisches Zentrales Vertretungsverzeichnis (ÖZVV)

None

Comments "Other registry": Zentrales Melderegister (ZMR) - Central register of residents (ZMR); Österreichisches Zentrales Vertretungsverzeichnis (ÖZVV) - Austrian Central Register of Representation (ÖZVV): The Austrian Central Register of Representation (ÖZVV) is used to register all types of representation and disposition in adult protection law.

194-5. Are there registries/ registry infrastructures run by the notaries?

Yes

No

Comments - If yes, please specify: -Austrian Central Register of Testaments and Wills (ÖZTR)
 -Central Austrian Representation Register (Österreichisches Zentrales Vertretungsverzeichnis, ÖZVV)
 -Register for Living Wills (Patientenverfügungsregister des österreichischen Notariats, PatVR)
 -Register on Fiduciaries (Treuhandregister des österreichischen Notariats, THR)
 -cyberDOC (electronic documents archive, Urkundenarchiv des österreichischen Notariats)

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

| | Directly modifying | Indirectly modifying by submitting an online request |
|--|---|---|
| Land registry | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP |
| Business registry | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP |
| Civil status/ Population registry | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP |
| Succession / Family law registry | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP |
| Any other registry (please specify) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP |
| None | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP | <input type="checkbox"/> Yes <input type="checkbox"/> No [X] NAP |

Comments

194-7. What ICT tools are used by notaries in their relations with clients?

Videoconferencing (e.g. digital advice)

Digital act

Digital identification

Digital archiving

Other, please specify

None

Comments

194-8. Who is responsible to run the digital archives?

- Notariat / Professional body
- Other public authority
- Another entity (please specify)

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

- Yes
- No

Comments

196-2. Do notaries have training on:

| | Yes | No |
|--|-------------------------------------|-------------------------------------|
| European law | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Law of another Member State (cross-border training programmes) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

I1. Please indicate the sources for answering the questions in this part

Sources: Directory of notaries, Austrian Chamber of Civil Law Notaries

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1 Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments The title of Certified Court Interpreter (i.e. "allgemein beeideter und gerichtlich zertifizierter Dolmetscher", "Sworn and Certified Court Interpreter") can only be used by persons who are registered in the List of Court Interpreters.

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments The Federal Law on Sworn and Certified Court Experts and Interpreters (SDG) is only applicable on Certified Court Interpreters; mere "ad hoc" interpreters, who are put under oath only in exceptional cases for specific proceedings, do not fall within its scope.

199. Number of registered court interpreters:

[751]

NA

NAP

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): For judicial proceedings it is stipulated that primarily Certified Court Interpreters are to be used as interpreters. Certified Court Interpreters must prove professional experience for several years as interpreters and/or translators. In addition, knowledge of the principles of Austrian legal and court procedures and of those of the country where the chosen language is the official language, as well as extensive knowledge of the legal and commercial terminology of law and commerce both in German and the foreign language is required.

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering the questions in this part

Sources: List of Sworn and Certified Court Interpreters, available via the internet: <https://sdgliste.justiz.gv.at/>

11.Judicial experts

11.1.Profession of judicial expert

11.1.1Status of judicial experts

202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):

- Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court
- Experts appointed by the court or other authority independent of the parties
- Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case. the courts or the public prosecution

202-1. Are there lists or any other form of official registration for judicial experts?

- Yes
- No

Comments

202-1-1. If yes, at which level is the list established (multiple replies possible):

- national
- administrative district or federal entity
- judicial district
- other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?):

202-1-2. Are these lists publicly available?

- Yes, available on the internet
- Yes
- No

Comments

202-2. Which authority is competent for the registration of judicial experts?

- Ministry of justice
- Courts
- Administrative body
- Independent body (association of judicial experts)
- Other

Comments - Please also specify the registration criteria:

202-3. Is the registration of judicial experts limited in time?

Yes, for how long 5 years

No

Comments 5 years

202-4. Can an expert who is not on the list or not registered be appointed in a case?

Yes

No

Comment - If yes, please specify in which cases:

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

| | Obligation of training |
|----------------------------|--|
| Initial training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Continuous training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

203-2. If yes, does this training concern:

judicial proceedings

the profession of expert

other

Comments

204. Is the function of judicial experts regulated by legal norms?

Yes

No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments - If yes, please specify:

205. Number of accredited or registered judicial experts:

| | Total | Male | Female |
|-------------------|----------------------------|---------------------|---------------------|
| Number of experts | 8 729 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

| | Number of cases |
|--|-----------------------------|
| Total (1+2+3+4) | [X] NA [] NAP |
| 1.Civil and commercial litigious cases | 95 579 [] NA [] NAP |
| 2.Administrative cases | [X] NA [] NAP |
| 3.Criminal cases | 14 072 [] NA [] NAP |
| 4.Other cases | [X] NA [] NAP |

Comments

205-1. Who defines the amount of the expert remuneration?

| | In civil/administrative cases | In criminal cases |
|--|--------------------------------|--------------------------------|
| Defined by law/by-law or a special regulation | (X) Yes () No [] NAP | (X) Yes () No [] NAP |
| Defined by the court/judge | (X) Yes () No [] NAP | (X) Yes () No [] NAP |
| Defined by Ministry of Justice or another ministry (setting a tariff for example) | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Salary of public official (in case of forensic or another specialist – who is public employee) | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Freely agreed between expert and the parties | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Other | () Yes (X) No [] NAP | () Yes (X) No [] NAP |

Comments - If other, please specify:

206. Are there binding provisions for judicial experts regarding:

| | Yes | No |
|--------------------------------|-------|-------|
| Deadlines to provide expertise | () | (X) |
| Quality of expertise | (X) | () |
| Other | () | (X) |

NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

207-1. Does the judge or another body control the progress of the expertise?

Yes

No

If yes, please specify:

207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: Datewarehouse (register data of the case management application "Verfahrensautomation Justiz")

List of Sworn and Certified Court Experts, available via the internet: <https://sdgliste.justiz.gv.at/>

Fees Claim Act (Gebührenanspruchsgesetz), Sworn and Certified Court Experts and Interpreters Act (Sachverständigen- und Dolmetschergesetz): www.ris.bka.gv.at

Homepage of the judicial experts' association: www.gerichts-sv.at

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-2. Budget

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: With the strategic initiative Justice 3.0 the Federal Ministry of Justice initiated an ongoing process to involve all professional groups and representatives of Justice, with the objective to establish fully digital procedures at the Austrian courts and prosecution offices. Currently 56 courts in civil proceedings and partly in justice administration as well as at the Supreme Court in presidential cases and 6 public prosecution offices in criminal investigation proceedings are working exclusively digital.

In 2020, we have lowered court fees for private prosecution, as has been proposed in the government programm (Hass im Netz-Bekämpfungsgesetz). Many actions according to media law have been lowered from 269 Euro to 82 Euro. Additionally, we have introduced a cheap proceeding to remove illegal hate postings in the internet (107 Euro).

In 2021, we plan the following measures to further evaluate court fees:

- 1) In the "Gesamtreform des Exekutionsrechts" we have removed court fees for victims of violence in enforcement proceedings
- 2) In the "Restrukturierungs- und Insolvenz-Richtlinie-Umsetzungsgesetz", which will enter into force in Juli 2021, fees for remedies in insolvency proceedings are lowered
- 3) In the Gesellschaftsrechts-Digitalisierungsgesetz", which has to enter into force in August 2021, we plan to lower the court fees in the company register by 7,5 Million Euro per year
- 4) In the "Zivilverfahrensnovelle 2021" we intend to suggest the following
 - Lowering court fees for copies from court files
 - If a settlement is reached, the court fees should be cut to half

208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The Civil Procedure Amendment 2021 (Zivilverfahrens-Novelle 2021) proposes a new rule (Sec. 64c Civil Procedure Code), which extends legal aid granted for the proceedings on the petition for divorce or dissolution of a registered partnership to proceedings on the petition for divorce pursuant to Sec. 55a of the Marriage Act (Ehegesetz) or for dissolution pursuant to Sec. 15 para 5 of the Registered Partnership Act (Eingetragene Partnerschaft-Gesetz), which is filed during a pending divorce or dissolution proceeding.

(§ 64c. Die für das Verfahren über die Klage auf Scheidung oder Auflösung einer eingetragenen Partnerschaft bewilligte Verfahrenshilfe erstreckt sich auch auf ein Verfahren über den Antrag auf Scheidung nach § 55a EheG oder auf Auflösung nach § 15 Abs. 5 EPG, der während des wegen Ehescheidung oder Auflösung der eingetragenen Partnerschaft anhängigen Rechtsstreits gestellt wird.)

The Directive (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings and for requested person in European arrest warrant proceedings was implemented by the "StrEU-AG 2020", Federal Law Gazette No. 20/2020.

208-5. High Judicial Council

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Lawyers: The already existing continuous training obligation for lawyers is specified with regard to the its scope as well as recognised training activities and their documentation.

Administrative court judges:

Offers for initial training for administrative court judges have been developed. Since 2020 the Austrian Academy for the Administrative Judiciary created by the Conference of Presidents of the Administrative Courts, the Supreme Administrative Court, the Johannes Kepler University Linz and the Vienna University of Economics and Business in 2017 offers a training programme for newly appointed administrative court judges, with modules on managing proceedings, professional ethics, service legislation for judges and digital justice.

208-7. Gender balance

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: - Civil Procedure Law:

Amendment to the Civil Procedure Code (Zivilverfahrens-Novelle 2021)

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: An Amendment of the Enforcement Code enters into force on July 1st 2021. Under the Enforcement Code in force until July 2021, the creditor is required to select the means of execution desired for enforcement and to specify the assets which he or she wishes to seize in the enforcement request. In enforcement on receivables, the creditor has to specify the third-party debtor. The reform prescribes the possibility to apply for enforcement packages without further specifying. Depending on the package, an administrator will be appointed to handle the enforcement

208-10. Mediation and other Alternative Dispute Resolution

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-11. Fight against crime

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-12. Prison system

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify:

208-13. Child friendly justice

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify:

208-14. Domestic violence

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: See Amendment of the Enforcement Code, Federal Law Gazette I No. 86/2021.

208-15. New information and communication technologies

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: With the strategic initiative Justice 3.0 the Federal Ministry of Justice initiated an ongoing process to establish fully digital procedures. As part of the rollout of the new applications a modern equipment for courtrooms as well as workplaces is provided. With the agile and modular development operated in Justice 3.0, new applications are also provided continuously (for example: JusticeOnline, a digital portal for citizens to interact with courts and public prosecution offices; or an application to automate the handling of court fee payments).

The project of electronic file management at the Administrative Court is currently being tested in individual types of proceedings.

208-16. Other

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: