

Evaluation of the judicial systems 2024 (data 2022)



Austria

Generated on : 30/09/2024 09:44

Reference data 2022 (01/01/2022 - 31/12/2022)

Start/end date of the data collection campaign : 15/03/2023 - 01/10/2023

Objective :

The CEPEJ decided, at its 39th plenary meeting, to launch the ninth evaluation cycle 2024, focused on 2022 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 46 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan).

The present questionnaire was developed 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, in service of the European citizens.

For better understanding of the questions it is necessary to consult the Explanatory note that gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, You can download the Explanatory note as a whole document on the CEPEJ website. In addition to the Explanatory note, there is also the User manual that is a technical document to help you navigate through this application for data collection.

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.

Instruction :

Explanatory note: <https://rm.coe.int/explanatory-note-2024-cycle-cepej-2023-2-en/1680aae30a>

Word version of the questionnaire - <https://rm.coe.int/evaluation-scheme-2024-cycle-cepej-2022-9rev1-en-30-march-2023/1680aae309>

CEPEJ COLLECT - User manual – you can download under Documentation tab

1.General and financial information

1.1.Demographic and economic data

1.1.1Inhabitants and economic general information



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

[9 104 772]

Comments

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

[49 400]

Comments

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

[37 725]

[] NA

Comments Source: Statistik Austria

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

[]

Allow decimals : 5

[X] NAP

Comments

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

Sources: Statistik Austria, www.statistik.at

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, 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 | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Annual public budget allocated to investments in new (court) buildings | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Annual public budget allocated to training | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 7. Other (please specify) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> 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 | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Total annual public budget allocated to all courts and legal aid together | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Total annual public budget allocated to all courts, public prosecution services and legal aid together | 1 319 729 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 283 952 301 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

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



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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

Yes, at the beginning of the procedure

Yes, at a later stage

No

Comments - 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 335 € for the first instance (TP 1 GGG), 609 € for the second instance (TP 2 GGG) and 762 € 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:

[182]

[] NA

[] NAP

Comments After fee item (Tarifpost) 1 Act on court fees (Gerichtsgebührengesetz – GGG) the court fee would be 182 € for the first Instance.

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

[1 499 083 918]

[] NA

[] NAP

Comments The large increase compared with the last questionnaire is primarily due to higher revenue from land registry fees resulting from rising property prices and increased transactions.

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) | 28 000 000 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 12.1 for cases brought to court (court fees and/or legal representation) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 12.2 for cases not brought to court (legal advice, ADR and other legal services) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments A lump sum of € 28.000.000 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 € 24.102.413,02 (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 payments can experience wide fluctuations between fiscal years, depending on the number and duration of the overlong cases. In 2022, no advance payments were incurred for this purpose, whereas high payments were incurred in previous years. The mentioned 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 regime of legal aid.

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) | 24 102 413 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 12-1.1 for cases brought to court (court fees and/or legal representation) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 12-1.2 for cases not brought to court (legal advice, ADR and other legal services) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] 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 € 28.000.000 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 € 24.102.413,02 (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 payments can experience wide fluctuations between fiscal years, depending on the number and duration of the overlong cases. In 2022, no advance payments were incurred for this purpose, whereas high payments were incurred in previous years. The mentioned 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 regime of legal aid.

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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 type="checkbox"/> No <input checked="" type="checkbox"/> NAP (Legal aid does not include coverage of court fees) |
| Exemption from court fees | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP (Legal aid does not include exemption from court fees) |

Comments

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:

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 2022")
"Gerichtsgebührengesetz GGG" (Act on court fees)

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 € | 2 084 324 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 058 033 385 <input type="checkbox"/> NA <input type="checkbox"/> 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 implemented budget almost reaches (98,9%) the approved funds, with the slight shortfall spread over several different

detailed budgets and expenditure groups.

This budget data includes also budget from the Ministry of Finance which is responsible for Service for legal representation of the state.

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 |
| Service for legal representation of the State | (X) Yes () No <input type="checkbox"/> NAP |
| Enforcement services | (X) Yes () No <input type="checkbox"/> NAP |
| Notariat | () Yes (X) No <input type="checkbox"/> NAP |

| | |
|--|--------------------------------|
| Forensic services | () Yes (X) No [] NAP |
| Judicial protection of juveniles | () Yes (X) No [] NAP |
| Functioning of the Ministry of Justice | (X) Yes () No [] NAP |
| Refugees and asylum seekers services | () Yes (X) No [] NAP |
| Immigration Service | () Yes (X) No [] NAP |
| Some police services (e.g. : transfer, investigation, prisoners' security) | () Yes (X) No [] NAP |
| Other | (X) Yes () No [] NAP |

If "Other", please specify: The budget of the whole justice system also includes state funding concerning guardianship (EUR 61.393.000 approved/ EUR 61.255.384 implemented) and grants to victim assistance facilities (EUR 15.771.000 approved/ EUR 10.653.092,15 implemented). The increase in the area of victim assistance facilities compared with the last questionnaire is primarily due to additional resources for combating hate on the Internet. However, the actual use of process support in this area has so far been below expectations. The representation of the state is not budgeted by the Ministry of Justice.

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 2022).

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 | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] 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 |
|---|---|---|

016-1. Please briefly describe the organisation of the legal aid system in your country.

-- 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.

- 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).

As far as administrative cases are concerned, according to § 8a of the Proceedings of Administrative Courts Act – VwGVG and the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) someone who cannot pay the costs of proceedings, without causing a risk to his/her daily subsistence, will receive legal-aid support upon application.

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 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 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 | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| In criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| In other than criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments - Please specify when appropriate: In Austria the legal aid statistics counts court decisions, so it's between the number of cases and the number of parties, who receives legal aid. Therefore the following numbers correspond to the number of decisions on granting legal aid: Total cases brought to court: 16 707 Criminal cases: 4991

In other than criminal cases: 11 716

020-0. Please indicate the number of recipients of legal aid:

| | Total | Cases brought to court | Cases not brought to court |
|-------------------------------------|---------------------|------------------------|----------------------------|
| TOTAL | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| In criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| In other than criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments - Please specify when appropriate: In Austria the legal aid statistics counts court decisions, so it's between the number of cases and the number of parties, who receives legal aid. In civil cases it's usually one decision per case, for example in juveniles' cases it could be both, depending if the parties requests legal aid at the same time or in other time periods.

020-0-1. Are there statistical data disaggregated by gender in respect of recipients of legal aid?

() Yes

(X) No

Comments

020-0-2. If yes, please provide details on distribution by gender of recipients of legal aid:

| | Total | Males | Females |
|--|-------------------|-------------------|-------------------|
| Number of recipients of legal aid | [] NA [] NAP | [] NA [] NAP | [] NA [] NAP |

Comments

020-0-3. Is it possible to divide the number of recipients of legal aid per different categories of cases?

() Yes

(X) No

Comment: If yes, please specify for which categories of cases:

020-0-4. Are there situations where legal aid is automatically granted depending on categories of cases?

() Yes

(X) No

Comment: If yes, please specify:

020-0-5. How many of the recipients of legal aid are alleged victims of domestic violence?

| | Total | Males | Females |
|--|---------------------|---------------------|---------------------|
| Number of recipients of legal aid who are alleged victims of domestic violence | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments

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 decision on the legal aid request:

| | Time in days |
|---|---------------------|
| Maximum duration prescribed in law/regulation | [X] NA [] NAP |
| Actual average duration | [X] NA [] 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 and civil law (together): 24,46 days

supreme administrative court: 28 days

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

Actual average duration: 48 days

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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 | (X) Yes () No |
| Victims | (X) Yes () No |

Comments - If yes, please specify:

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 specify the exact criteria for denying legal aid: Legal aid is denied if the claim or defence of the applicant is manifestly unfounded or if the claim has no prospect of success (§ 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 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 unfoundedly manifested 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.

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

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 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| in other than criminal cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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: 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 ; | () |
| Information about the judicial system (organisation of courts, court proceedings, etc) | (X) https://www.oesterreich.gv.at/themen/dokumente_und_recht/gerichtsorganisation_der_justiz.html | () |
| Other documents (e.g. forms, downloadable forms, online registration forms) | (X) https://justizonline.gv.at/jop/web/formulare | () |

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 (<https://findok.bmf.gv.at>)

Other Websites for documents and information are:

<https://findok.bmf.gv.at>, www.vwgh.gv.at/Service/formulare.html, oesterreich.gv.at, usp.gv.at, justizonline.gv.at;

<https://www.vwgh.gv.at/Service/einbringung.html>

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

| | |
|---|---|
| Specific for victims of offences | <input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> 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 |

Comments - Please provide more information on these systems and 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 As far as administrative cases are concerned, minors can be a party to judicial proceedings, but have to be

represented by their legal guardian. In exceptional cases minors over the age of 14 years can act on their own behalf, e.g. disputes regarding their own income from employment. Nevertheless they can choose to be represented by their legal guardian in those cases too. If there is a conflict of interests between the interests of the minor and its legal guardian (e.g. maintenance disputes), a curator has to be appointed. Legal aid can be granted to minors, which also may cover the costs of a lawyer. Concerning misdemeanour criminal cases minors have the same rights as other (grown up) victims.

[] NAP

Comment

031-1. What are the main criteria for a person under 18 years of age to act in court proceedings 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 checked="" type="checkbox"/> Age threshold [Comment]14 <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other [] NAP | <input checked="" type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other [] NAP |
| To be a witness | <input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other [] NAP | <input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other [] NAP |

Comments - Please specify if you selected "Other". Civil proceedings: 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. Minors under the age of fourteen years are without exception incapable of taking legal action. These have to be represented by their legal representatives. For minors between fourteen and eighteen years of age (mündige Minderjährige), § 2 ZPO stipulates a (limited) litigation ability to bring legal proceedings within the scope of their substantive legal capacity under civil law. These minors have the litigation ability to sue with regard to property that has been left to their free disposal and with regard to income from their own earnings, insofar as this does not endanger the satisfaction of their vital needs (§ 170 (2) ABGB); furthermore, with regard to service contracts concluded by them, with the exception of apprenticeship and training contracts (§ 171 ABGB).

Minors who have reached the age of fourteen can act independently before the court in guardianship proceedings concerning them (§ 104 AußStrG). With regard to claims in tort, a minor between fourteen and eighteen years of age is incapable of litigation. If the minor's own capacity to act exists to the limited extent of § 170 (2) and § 171 ABGB, the legal representative is excluded from the power of representation to this extent. Minors between fourteen and eighteen years of age are free to be represented by their legal representative even in those legal disputes in which they themselves are capable of litigation. Within the scope of § 2 ZPO, a minor may also independently appoint representatives to take procedural actions in his/her name. In all other cases, minors of age up to the age of eighteen are incapable of taking legal action.

Minors can generally witness in their name. § 289b ZPO protects the wellbeing of minors in principle in any stressful interrogation situation. 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.

Criminal Law: Information on persons below 18 years acting as witnesses in criminal proceedings:

As regards the procedural act of the questioning of a witness within the proceedings, minors can be a witness in their own name. The Criminal Procedure Code (CCP) does not set any specific age limits above which a child may be questioned as a witness in court. The mere fact that a witness is very young does not exclude the ability to testify; it always depends on the circumstances of the individual case. Whether the witness is unable to state the truth, i.e. whether he is incapable of testifying and therefore may not be questioned, is to be assessed by the questioning police officer, public prosecutor or judge. This is a discretionary decision (Kirchbacher/Keglevic in Fuchs/Ratz, WK StPO § 155 Rz 32). According to case law, children at the age of 5 are generally considered to be witnesses capable of being examined. However, besides many other special rights, they have the right to be interviewed in the presence of a person of his/her trust (§§ 66a para. 2 subpara. 6, 160 para. 2 CCP).

Information on capacity of a person below 18 years to act in court:

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, which also means to act in court. 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.

In general, the rules on the representation of a child as a victim in criminal proceedings depend on the general provisions on the legal representation of children stipulated in the ABGB (Allgemeines Bürgerliches Gesetzbuch). A legal representative is anyone who is legally entrusted with the representation of a minor child within the framework of guardianship or otherwise in an individual case (§ 1034 para. 1 subpara. 1 ABGB). According to § 167 ABGB if both parents are entrusted with the custody, each parent shall be entitled and obliged to represent the child on his or her own; his or her act of representation shall be legally effective even if the other parent does not agree with it. However, if the legal representative 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 representative, or if no legal representative 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). Besides many other special rights (please see also the information in the answer to question 31-2), they have the right to be interviewed in the presence of a person of his/her trust (§ 160 para. 2 CCP). Accused persons under 18 are able to act on their own in many proceedings. In order to guarantee their protection the JGG states that persons under 18 have to be assisted by a lawyer in certain situations, for example during questioning, when bringing the person before the court or a judge in order to decide on their detention/imprisonment as well as during their detention/imprisonment.

031-2. If a person under 18 years of age cannot act in court 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"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No |
| Another 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"/> 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 |

Comment 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). Psychosocial 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. 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. 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.

031-3. 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?

-

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

Yes, but only if the offender is unknown

Yes, but only if compensation could not be obtained from the offender

Yes, in both situations

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. Is there a regular monitoring (official studies, reports etc.) allowing the evaluation of 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 of compensation in the following circumstances:

| | Number of requests for compensation | Number of compensations granted | Total amount of compensations granted (in €) |
|---|--|--|--|
| Total | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 1 253 752 <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/detention | <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 |

Comments - Where appropriate, please give details on 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, European Convention on Human Rights 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 and the European Convention on Human Rights in the area of the courts were 458.891,35 Euro and those according to the Penal Law's Compensation Act were 593.651,96 Euro in 2022.

037-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

| | Responsible authorities | Legal time limit |
|---|-------------------------------------|-------------------------------------|
| Court concerned | <input type="checkbox"/> | <input type="checkbox"/> |
| Other court | <input type="checkbox"/> | <input type="checkbox"/> |
| Ministry of Justice | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| High Judicial Council | <input type="checkbox"/> | <input type="checkbox"/> |
| Other external bodies (e.g. Ombudsman) | <input type="checkbox"/> | <input type="checkbox"/> |

Comments

037-2. Are there statistical data disaggregated by gender concerning the number of:

| | Existence of statistical data disaggregated by gender |
|--|---|
| Persons who initiate a case in other than criminal matters | <input type="checkbox"/> Yes - If yes, please specify for which categories of cases: [Comment] <input checked="" type="checkbox"/> No <input type="checkbox"/> NA |
| Victims recognised as such by the court | <input checked="" type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment]for all criminal proceedings <input type="checkbox"/> No <input type="checkbox"/> NA |
| Perpetrators of criminal offences | <input checked="" type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment]for each section of the penal code <input type="checkbox"/> No <input type="checkbox"/> NA |

Comments Victims recognised as such by the court: for all criminal proceedings

Perpetrators of criminal offences: for each section of the penal code

037-3. Are there statistical data on the relation between the perpetrator of the criminal offence and the victim recognised by the court?

Yes

No

If yes, please specify:

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"/> 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 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"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |

NA

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

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 2022 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. six in Vienna (civil cases, criminal cases, commercial cases [2 x], labour and social welfare cases, administrative cases) and two in Graz (civil cases, criminal cases); Since there are special courts for civil law cases in Vienna and Graz, which cannot be selected individually here, and 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 <input type="checkbox"/> NA <input type="checkbox"/> 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 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

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

| |
|---------------------------|
| Sources: Cited 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) | 2 677 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 237 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 440 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Number of first instance professional judges | 2 184 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 980 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 204 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Number of second instance (court of appeal) professional judges | 362 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 181 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 181 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | |
|---|--------------------------|-------------------------|-------------------------|
| 3. Number of Supreme Court professional judges | 131 [] NA [] NAP | 76 [] NA [] NAP | 55 [] NA [] NAP |
|---|--------------------------|-------------------------|-------------------------|

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

=

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

Yes

No

Comments

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

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

No specific reason required

Other reason, please specify: Illness, certain age (55/60 years), terminal care

Comments 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 number of professional judges working part-time with reduced remuneration?

| | Total | Males | Females |
|--|--------------------------|-------------------------|--------------------------|
| Total (1 + 2 + 3) | 466 [] NA [] NAP | 56 [] NA [] NAP | 410 [] NA [] NAP |
| 1. At first instance level | 452 [] NA [] NAP | 54 [] NA [] NAP | 398 [] NA [] NAP |
| 2. At second instance (court of appeal) level | 13 [] NA [] NAP | 2 [] NA [] NAP | 11 [] NA [] NAP |
| 3. At Supreme Court level | 1 [] NA [] NAP | 0 [] NA [] NAP | 1 [] NA [] NAP |

Comments

046-1-4. Are there other possibilities (apart from part-time) for regular adjustment of working time or conditions with or without reduced remuneration?

| | Adjustment of working time or conditions with or without reduced remuneration |
|---|---|
| Temporary reduction of the workload | (X) Yes () No |
| Temporary reduction of the working time / special leave | (X) Yes () No |
| Other measures | (X) Yes () No |

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration? With and without reduction of the remuneration.

Temporary reduction of the workload (1) as well as temporary reduction of the working time / special leave (2) is only possible in Administrative courts.

046-1-5. If yes, please specify in which situation(s) these possibilities can be used?

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

As part of induction process for new judges

No specific reason required

Other reason, please specify:ull release from duty to perform an activity in the public interest – without reduction of the remuneration; unpaid leave.

NAP

Comments Options 1,2,4 and 5 only for administrative courts.

=

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

| | Total | Civil and/or commercial | Criminal | Administrative | Other |
|-------------------------------|--|--|--|--|--|
| Total number of judges | 2 677 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 247 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 405 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 025 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| First instance | 2 184 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 920 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 306 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 958 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Second instance | 362 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 280 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 82 <input 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 |
| Supreme Court | 131 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 47 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 17 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 67 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

If "Other", please explain which types of cases:

=

047. Number of court presidents .

| | Total | Males | Females |
|--|--------------------------|-------------------------|-------------------------|
| Total number of court presidents (1 + 2 + 3) | 148 [] NA [] NAP | 74 [] NA [] NAP | 74 [] NA [] NAP |
| 1. Number of first instance court presidents | 142 [] NA [] NAP | 70 [] NA [] NAP | 72 [] NA [] NAP |
| 2. Number of second instance (court of appeal) court presidents | 4 [] NA [] NAP | 3 [] NA [] NAP | 1 [] NA [] NAP |
| 3. Number of Supreme Court presidents | 2 [] NA [] NAP | 1 [] NA [] NAP | 1 [] NA [] NAP |

Comments Starting from 2022, data correspond to persons exercising the function of court president. Previous data were expressed in full time equivalent.

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

Comments Administrative courts: 1368 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: In administrative proceedings lay judges are involved in some but not in all proceedings. Different provinces in Austria have different provisions regarding these matters and some matters are regulated by federal law as well.

For example lay judges in administrative proceedings can be involved in matters regarding: - public procurement law - disciplinary law regarding public officials - land reform

- transfers of certain types of dedicated property

- unemployment/social security/Act Governing the Employment of Foreign Nationals

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



=

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) | 5 410 [] NA [] NAP | 1 554 [] NA [] NAP | 3 856 [] NA [] NAP |
| 1. Rechtspfleger (or similar bodies) (see Explanatory Note) | 721 [] NA [] NAP | 265 [] NA [] NAP | 456 [] NA [] NAP |
| 2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case preparation, assistance during the hearing, helping to draft the decisions) | 660 [] NA [] NAP | 177 [] NA [] NAP | 483 [] 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) | 3 552 [] NA [] NAP | 919 [] NA [] NAP | 2 632 [] NA [] NAP |
| 4. Technical staff | 102 [] NA [] NAP | 66 [] NA [] NAP | 36 [] NA [] NAP |
| 5. Other non-judge staff | 377 [] NA [] NAP | 128 [] NA [] NAP | 249 [] NA [] NAP |

Comments - If "Other non-judge staff", please specify:

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) | 5 411 [] NA [] NAP | 1 554 [] NA [] NAP | 3 856 [] NA [] NAP |
| 1. Total non-judge staff working in courts at first instance level | 4 752 [] NA [] NAP | 1 344 [] NA [] NAP | 3 409 [] NA [] NAP |

| | | | |
|--|--------------------------|--------------------------|--------------------------|
| 2. Total non-judge staff working in courts at second instance (court of appeal) level | 494 [] NA [] NAP | 165 [] NA [] NAP | 329 [] NA [] NAP |
| 3. Total non-judge staff working in courts at Supreme Court level | 164 [] NA [] NAP | 46 [] NA [] NAP | 118 [] NA [] NAP |

Comments

=

053. If there are Rechtspfleger (or similar bodies), 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 exact duties: "Rechtspfleger" are judicial officers with a special training and special qualifications, who are assigned the handling of certain first-instance transactions under civil law. They are bound to the instructions of the judge responsible for the case according to the distribution of court business, who may also reserve the handling of the legal case to themselves at any time and at any stage. "Rechtspfleger" may only issue court orders. The judges themselves may grant appeals against these orders, but there is also the legal remedy of requiring submission of the case to a judge.

The scope of competences of "Rechtspfleger" comprises, inter alia, default actions, confirming the legal effect and enforceability of rulings by judges in their field of work, decisions on applications for legal aid in court-clerk proceedings and performing official acts on the basis of a request for judicial assistance by a domestic court or a domestic authority.

"Rechtspfleger" have a particularly comprehensive workload in forced-collection proceedings and in personal bankruptcy cases. In addition, they maintain the land register and the trade register. Other areas of responsibility are probate and custody proceedings (non-litigious matters).

Only court officers are admitted to the training as "Rechtspfleger". They must have passed the secondary-school leaving examination (Matura), or the career examination for civil servants. They must also have worked in a court office for two years and passed the court-office examination and the special-service examination. The training lasts three years.

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):Caretaker

Comments - If "Other types of services", please specify:

NA

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

Sources: Law, specific statistics in the field of personnel monitoring and controlling (managed by the MoJ), MIS, also: Survey among administrative courts of first instance

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.)

| | Total | Males | Females |
|---|--|--|--|
| Total number of prosecutors (1 + 2 + 3) | 394 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 187 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 207 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Number of prosecutors at first instance level | 355 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 164 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 191 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Number of prosecutors at second instance (court of appeal) level | 22 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 13 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 9 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Number of prosecutors at Supreme Court level | 17 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 10 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 7 <input type="checkbox"/> NA <input type="checkbox"/> 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(s) part-time work can be granted? (multiple replies possible)

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

No specific reason required

Other reason, please specify:reintegration part-time after inability to work for at least six weeks because of an accident or illness; terminal care

Comments reintegration part-time after inability to work for at least six weeks because of an accident or illness; terminal care

055-1-3. If yes, what is the number of prosecutors working part-time with reduced remuneration?

| | Total | Males | Females |
|--|--|--|---|
| Total (1 + 2 + 3) | 103 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 6 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 97 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. At first instance level | 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 6 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 94 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. At second instance (court of appeal) level | 3 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. At Supreme Court level | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

055-1-4. Are there other possibilities (apart of part-time work) for regular adjustment of working time or conditions with or without reduced remuneration?

| | Adjustment of working time or conditions with or without reduced remuneration |
|--|---|
| Temporary reduction of the workload | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Temporary reduction of the working time / special leave | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other measures | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration? Special leave does not imply a reduction of remuneration.

055-1-5 . If yes, please specify in which situation(s) these possibilities can be used?

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

As part of induction process for new prosecutors

No specific reason required

Other reason, please specify: Special leave for important personal or family reason.

NAP

Comments

056. Number of heads of prosecution offices.

| | Total | Males | Females |
|---|---|---|--|
| Total number of heads of prosecution offices (1 + 2 + 3) | 22 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 13 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 9 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Number of heads of prosecution offices at first instance level | 17 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 9 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 8 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Number of heads of prosecution offices at Supreme Court level | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Please provide any useful comment for interpreting the data above: Starting from 2022, the data provided in the table correspond to persons who exercise the function of head of prosecution office. Previous data were expressed in FTE.

057. In your judicial system, do other persons have similar duties to those of public prosecutors?

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); starting from 2022, agents of public prosecutor's offices in training are included in the frame of Q60.

057-1. If yes, please provide the number (in full-time equivalent):

[139]

NA

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

Yes

No

NAP

Comments In Question 57-1 the number of "Bezirksanwälte" in training is not included, because they are represented in Question 60.

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 | 342 [] NA | 68 [] NA | 274 [] NA |

Comment – please describe which categories of staff you have included in your reply: Staff in charge of different administrative tasks and of the management of the prosecution offices

Technical staff

Trainees (including trainees for Bezirksanwälte) and staff representation

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

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

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> | <p>()</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> | <p>()</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; 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> | <p>()</p> |

| | | |
|---------------------------|--|-------|
| 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: Regulation regarding the action plan for promotion of women at the Supreme Administrative Court, BGBl. II Nr. 266/2022. For judges and non-judge staff at administrative courts: Provisions in the organizational laws, special programs

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

| | |
|----------------------------|-----------|
| Yes, please specify | No |
|----------------------------|-----------|

| | | |
|---------------------------|--|------------|
| <p>judges</p> | <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 266/2020</p> | <p>()</p> |
| <p>prosecutors</p> | <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> | <p>()</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 266/2020</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. | <input type="checkbox"/> |
|---------------------------|--|--------------------------|

Comments - If the situation changed since the reference year or you have additional comments, please specify: Regulation regarding the action plan for promotion of women at the Supreme Administrative Court, BGBl. II Nr. 266/2022

For judges and non-judge staff at administrative courts: Provisions in the organizational laws, special programs

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 For administrative courts: general nondiscrimination rules apply (in case of equally qualified applicants, the female applicant has to be appointed; Article 7 sect. 2 of the Austrian Federal Constitutional Act (Bundes-Verfassungsgesetz, B-VG)

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? 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).

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008858>

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20010889&FassungVom=2021-12-30>

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"/> administr. courts: Compliance officer, confidants; supr. administr. court: Equal opportunities commissioner | <input type="checkbox"/> |
| The promotion of judges | <input checked="" type="checkbox"/> administr. courts: Compliance officer, confidants; supr. administr. court: Equal opportunities commissioner | <input type="checkbox"/> |
| The recruitment of prosecutors | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| The promotion of prosecutors | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| The recruitment of non-judge staff | <input checked="" type="checkbox"/> administr. courts: Compliance officer, confidants; supr. administr. court: Equal opportunities commissioner | <input type="checkbox"/> |
| The promotion of non-judge staff | <input checked="" type="checkbox"/> administr. courts: Compliance officer, confidants; supr. administr. court: Equal opportunities commissioner | <input type="checkbox"/> |

Comments - Please specify the status of this person/institution and if it has a consultative function or if its opinions/decisions have legal consequences: •Equal opportunities commission: 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. Function: 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. The Equal Treatment Commission facilitate arrangements designed to avoid or to settle legal disputes concerning matters relating to discrimination under the Austrian Equal Treatment Act by using their power to issue advisory opinions or to settle disputes before or even during court proceedings,

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: Equal-treatment officer, deputy officers and contact persons for equal treatment: attached to the Ministry of Justice are present at the court/public prosecution service level. Functions: 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.

061-9. In order to improve gender balance in access to different judicial professions and gender 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 205/2020

are planned (please specify) : none

Comments - If the situation changed since reference year, please specify in the comments. In 2022 a there is a regulation regarding the action plan for promotion of women at the Supreme Administrative Court, BGBl. II Nr. 266/2022 in place (as the title says: for the Supreme Adminstrative Court)

NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible gender 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

Comments - Please specify also the reference documents.

3.5. Use of information technologies in courts

3.5.1 Governance

ICT STRATEGY

062-01. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?

- Yes
- No

Comments The current Austrian eJustice Strategy can be downloaded at <https://www.justiz.gv.at/service/digitale-justiz.955.de.html>. The Strategy is under the responsibility of the Legal Informatics Department at the MoJ and covers the period 2018-2024, so an update is planned this year. Workshops or sub-strategy phases are used to create the individual sub-areas. For example, as part of Judges' Week 2024, the guidelines and objectives for the use of AI in the judiciary will be developed and then subsequently prepared for the new strategy.

062-02. If there is an overall ICT strategy in the judicial system, who was involved in the process of its definition?

- Judges (Judicial council)
- Prosecutors (Prosecutorial or judicial council)
- Ministry of justice
- Lawyers (bar association)
- Notaries (association of notaries)
- Enforcement agents (association of enforcement agents)
- Other (please specify)

NA

Comments

LEGISLATION

062-03. Does a national legislation/regulation of ICT in the judicial system exist?

Yes

No

Comments

062-04. If yes, how is this legislation/regulation of ICT in the judicial system structured?

Relevant norms are included in the general e-government legislation/regulation

Relevant norms are included in specific legislation/regulation only for the judicial system

Relevant texts are included in dedicated technical documents/specifications

Other, please specify

[] NA

Comment - If more than one of the proposed models exist in your country, please select them all and explain the details Horizontal topics and requirements are regulated in the general e-government law, specific requirements are regulated in specific judicial laws such as the Court Organization Act (GGG) and related regulations.

[] NA

IMPACT OF IMPLEMENTATION OF ICT SYSTEMS

062-05. Have you already organised audits/evaluations/assessments of the impact of the implementation of the ICT system?

Yes

No

Comments

062-06. If these audits/evaluations/assessments were already organised, please specify their modalities:

| | Format | Last conducted audit |
|----------------|--|--|
| ICT Governance | <input type="checkbox"/> Internal <input type="checkbox"/> External <input checked="" type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA | <input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input checked="" type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA |

| | | |
|--|---|--|
| Security and risk management | <input type="checkbox"/> Internal <input checked="" type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA | <input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA |
| Impact on efficiency and quality of the business processes and workflow | <input checked="" type="checkbox"/> Internal <input checked="" type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA | <input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA |
| Impact on human resources (number, workload, wellbeing) | <input type="checkbox"/> Internal <input checked="" type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA | <input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA |
| Other, please specify in comments | <input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA | <input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA |

Comment - If you have selected other area, please provide details. Please also add details on the content of the last organised evaluation. Evaluations and assessments of the business impact of digitalization projects are done on demand. Depending on the type, focus and complexity, the assessments are done by the MoJ or with the involvement of external scientific institutions. Depending on the objective of the evaluations, different aspects are in focus. For example the evaluation of digital file management in the courts had the main focus on user satisfaction, workload impact and functional needs. Regardless of this, there is an ongoing technical evaluation of quality, availability and risk of the digital services, which is carried out continuously and largely automatically.

062-07. If these audits/evaluations/assessments were organised in the last 5 years, how did you apply their recommendations/results?

- Update applications
- Define new ICT projects/modules
- Adjust legislation
- Adjust working processes
- Withdraw/stop use of a module/application
- Reporting purpose only
- Other, please specify

NA
 NAP

Comments The results from audits/evaluations/assessments are directly going into the respective product backlogs, are prioritized and



3.5.2 Electronic case processing

ELECTRONIC SUBMISSION OF CASES

062-08. If it is possible to submit a case to a court electronically, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|--|--|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA |

Comments The answer reflects only the Federal Administrative court since the information for regional administrative courts is not available.

062-09. If it is possible to submit a case to a court electronically, please specify the modalities:

| | | |
|---------------------|---|------------------|
| Electronic or paper | Possible to be submitted electronically by: | Data integration |
|---------------------|---|------------------|

| | | | |
|-----------------------|--|--|--|
| Civil | <input checked="" type="checkbox"/> Paper submission is still possible <input checked="" type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Paper submission is still possible <input checked="" type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> Paper submission is still possible <input checked="" type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA |

Comments Lawyers, notaries, bank and insurance companies, bars, social insurances, court experts and interpreters are obliged to use the e-filing & e-delivery system.

SENDING ELECTRONIC DOCUMENTS TO COURT



062-10. If it is possible to send case-related documents to the courts electronically, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|---|---|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA |

Comments The answer for administrative matter reflects only the Federal Administrative court since the information for regional administrative courts is not available.

062-11. If it is possible to send electronically case related documents to the courts, please specify the modalities:

| | | |
|---------------------|---|------------------|
| Electronic or paper | Possible to be submitted electronically by: | Data integration |
|---------------------|---|------------------|

| | | | |
|-----------------------|--|--|--|
| Civil | <input checked="" type="checkbox"/> Paper delivery is still possible <input checked="" type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Documents sent by a lawyer <input type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Paper delivery is still possible <input checked="" type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input checked="" type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> Paper delivery is still possible <input checked="" type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Documents sent by a lawyer <input type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA |

Comment - If you have selected the option “Documents sent by another person/institution”, please specify details. Lawyers, notaries, bank and insurance companies, bars, social insurances, court experts and interpreters are obliged to use the e-filing & e-delivery system.

ELECTRONIC NOTIFICATIONS

062-12. If it is possible for courts to send electronic notifications, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|---|---|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA |

Comments The answer on administrative matter reflects only the Federal Administrative court since the information for regional administrative courts is not available.

062-13. If it is possible for courts to send electronic notifications, please specify the modalities:

| Electronic or paper | Type of notification | Data integration |
|---------------------|----------------------|------------------|
| | | |

| | | | |
|------------------------------|---|---|---|
| <p>Civil</p> | <p><input checked="" type="checkbox"/> Paper notification is still possible</p> <p><input checked="" type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)</p> <p><input type="checkbox"/> Double notification (paper notification must accompany the electronic one)</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Notifications sent by the court to the lawyer</p> <p><input type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer</p> <p><input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts</p> <p><input checked="" type="checkbox"/> Notifications sent to other persons/institutions</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> The electronic notification is generated from the CMS</p> <p><input type="checkbox"/> The electronic notification is manually generated</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> |
| <p>Administrative</p> | <p><input checked="" type="checkbox"/> Paper notification is still possible</p> <p><input checked="" type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)</p> <p><input type="checkbox"/> Double notification (paper notification must accompany the electronic one)</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Notifications sent by the court to the lawyer</p> <p><input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer</p> <p><input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts</p> <p><input type="checkbox"/> Notifications sent to other persons/institutions</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> The electronic notification is generated from the CMS</p> <p><input type="checkbox"/> The electronic notification is manually generated</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p> |

| | | | |
|-----------------|---|---|---|
| Criminal | <input checked="" type="checkbox"/> Paper notification is still possible | <input checked="" type="checkbox"/> Notifications sent by the court to the lawyer | <input checked="" type="checkbox"/> The electronic notification is generated from the CMS |
| | <input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way) <input type="checkbox"/> Double notification (paper notification must accompany the electronic one) <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA | <input type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer <input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts <input checked="" type="checkbox"/> Notifications sent to other persons/institutions <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA | <input type="checkbox"/> The electronic notification is manually generated <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA |

Comment - If you have selected the option “Notifications sent to other persons/institutions”, please specify details. Lawyers, notaries, bank and insurance companies, bars, social insurances, court experts and interpreters are obliged to use the e-filing & e-delivery system.

CONSULTATION OF A CASE ONLINE

062-14. If it is possible for external users to consult a case online, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|--|--|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA |
| Administrative | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input checked="" type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input checked="" type="checkbox"/> NA |

| | | |
|-----------------|--|--|
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA |
|-----------------|--|--|

Comments

062-15. If it is possible for external users to consult a case online, please specify the modalities:

| | Content | Access | Consultation format |
|-----------------------|---|---|---|
| Civil | <input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input checked="" type="checkbox"/> Notifications <input checked="" type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input type="checkbox"/> Notifications <input type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Electronic access at the court premises <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input checked="" type="checkbox"/> Notifications <input checked="" type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA |

Comment - If you have selected the option “Other”, please specify details. After prior registration using an electronic ID, authorized persons can access their cases via the digital portal justizonline.gv.at. This includes parties (presented or not presented by a lawyer), as well as court experts, interpreters, etc.

Administrative: the answers only apply to the Federal Administrative Court, while for the regional administrative courts and the supreme administrative court the answer would be: NAP - online consultation is not possible

REMOTE HEARINGS



062-16. If it is possible to organise remote hearings what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|--|--|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA |

Comments Administrative: remote hearings are only possible in the Federal Administrative Court, not in the Regional Administrative Courts or the Supreme Administrative Court.

062-17. If it is possible to organise remote hearings, please specify the functionalities and modalities:

| Functionalities | Modalities |
|-----------------|------------|
| | |

| | | |
|------------------------------|--|---|
| <p>Civil</p> | <p><input type="checkbox"/> Dedicated tool specially designed for the use by courts</p> <p><input checked="" type="checkbox"/> Publicly available tools used by courts</p> <p><input checked="" type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers</p> <p><input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion)</p> <p><input checked="" type="checkbox"/> Tools for simultaneous interpretation</p> <p><input checked="" type="checkbox"/> Tools for automatic subtitling (speech-to-text)</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Agreement of the parties is needed</p> <p><input type="checkbox"/> The judge can impose a remote hearing</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p> |
| <p>Administrative</p> | <p><input type="checkbox"/> Dedicated tool specially designed for the use by courts</p> <p><input checked="" type="checkbox"/> Publicly available tools used by courts</p> <p><input checked="" type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers</p> <p><input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion)</p> <p><input checked="" type="checkbox"/> Tools for simultaneous interpretation</p> <p><input checked="" type="checkbox"/> Tools for automatic subtitling (speech-to-text)</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Agreement of the parties is needed</p> <p><input type="checkbox"/> The judge can impose a remote hearing</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p> |

| | | |
|-----------------|---|--|
| Criminal | <input type="checkbox"/> Dedicated tool specially designed for the use by courts <input checked="" type="checkbox"/> Publicly available tools used by courts <input checked="" type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers <input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion) <input checked="" type="checkbox"/> Tools for simultaneous interpretation <input checked="" type="checkbox"/> Tools for automatic subtitling (speech-to-text) <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA | <input type="checkbox"/> Agreement of the parties is needed <input checked="" type="checkbox"/> The judge can impose a remote hearing <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA |
|-----------------|---|--|

Comments Administrative: remote hearings are only possible in the Federal Administrative Court, not in the Regional Administrative Courts or the Supreme Administrative Court.

ELECTRONIC ARCHIVES

062-18. If electronic archives of cases exist, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|---|---|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA |

| | | |
|-----------------|---|---|
| Criminal | <input checked="" type="checkbox"/> 95-100 % | <input checked="" type="checkbox"/> 95-100 % |
| | <input type="checkbox"/> 75-95 % | <input type="checkbox"/> 75-95 % |
| | <input type="checkbox"/> 50-75 % | <input type="checkbox"/> 50-75 % |
| | <input type="checkbox"/> 25-50 % | <input type="checkbox"/> 25-50 % |
| | <input type="checkbox"/> 1-25 % | <input type="checkbox"/> 1-25 % |
| | <input type="checkbox"/> 0 % | <input type="checkbox"/> 0 % |
| | <input type="checkbox"/> NAP - electronic archives do not exist | <input type="checkbox"/> NAP - electronic archives do not exist |
| | <input type="checkbox"/> NA | <input type="checkbox"/> NA |

Comments Administrative: only applies to the Federal Administrative Court. Supreme Adm. Court: NAP, Regional Adm. courts: NA.

062-19. If an electronic archive of cases exists, please specify the modalities:

| | Electronic or paper |
|-----------------------|--|
| Civil | <input checked="" type="checkbox"/> Paper archiving is still possible <input checked="" type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Paper archiving is still possible <input checked="" type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> Paper archiving is still possible <input checked="" type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA |

Comments Administrative: only applies to the Federal Administrative Court. Supreme Adm. Court: NAP, Regional Adm. courts: NA.

3.5.3 Tools

CASE MANAGEMENT SYSTEMS (CMS)

062-20. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|---|---|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA |

Comments Regional Administrative Courts: NA

062-21. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

| |
|------------------------|
| Functionalities |
|------------------------|

| | |
|------------------------------|--|
| <p>Civil</p> | <p><input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases</p> <p><input checked="" type="checkbox"/> Active case management dashboard</p> <p><input checked="" type="checkbox"/> Random allocation of cases</p> <p><input type="checkbox"/> Case weighting</p> <p><input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number)</p> <p><input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court</p> <p><input checked="" type="checkbox"/> Anonymisation of decisions to be published</p> <p><input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register)</p> <p><input checked="" type="checkbox"/> Access to closed/resolved cases</p> <p><input checked="" type="checkbox"/> Advanced search engine</p> <p><input checked="" type="checkbox"/> Protected log files</p> <p><input checked="" type="checkbox"/> Electronic signature</p> <p><input checked="" type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – CMS does not exist</p> <p><input type="checkbox"/> NA</p> |
| <p>Administrative</p> | <p><input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases</p> <p><input checked="" type="checkbox"/> Active case management dashboard</p> <p><input type="checkbox"/> Random allocation of cases</p> <p><input type="checkbox"/> Case weighting</p> <p><input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number)</p> <p><input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court</p> <p><input checked="" type="checkbox"/> Anonymisation of decisions to be published</p> <p><input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register)</p> <p><input checked="" type="checkbox"/> Access to closed/resolved cases</p> <p><input checked="" type="checkbox"/> Advanced search engine</p> <p><input checked="" type="checkbox"/> Protected log files</p> <p><input checked="" type="checkbox"/> Electronic signature</p> <p><input checked="" type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – CMS does not exist</p> <p><input type="checkbox"/> NA</p> |

Comment - If you have selected the option “Other special functionality”, because of its importance please specify details.

062-22. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

| | Functionalities |
|-----------------|---|
| Criminal | <input type="checkbox"/> Centralised and/or interoperable CMS databases <input type="checkbox"/> Active case management dashboard <input type="checkbox"/> Random allocation of cases <input type="checkbox"/> Case weighting <input type="checkbox"/> Identification of a case between instances (unique or linked id number) <input type="checkbox"/> Electronic transfer of a case to another instance/court <input type="checkbox"/> Anonymisation of decisions to be published <input type="checkbox"/> Interoperability with prosecution system <input type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register) <input type="checkbox"/> Access to closed/resolved cases <input type="checkbox"/> Advanced search engine <input type="checkbox"/> Protected log files <input type="checkbox"/> Electronic signature <input checked="" type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – CMS does not exist <input type="checkbox"/> NA |

Comment - If you have selected the option “Other special functionality”, please specify the details. Court fee management and collection, document analysis and knowledge management.

WRITING ASSISTANCE TOOLS

062-23. If writing assistance tools exist in courts, what are their deployment and usage rates?

| | Deployment rate | Usage rate |
|--------------|--|--|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA |

| | | |
|-----------------------|--|--|
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA |

Comments Administrative: Numbers above are for the Federal Administrative Court.

Regional adm. courts: NA

Supreme adm. court: 25-50 % depl. and usage rate

062-24. If writing assistance tools exist in courts, please describe their functionalities:

| | Functionalities |
|-----------------------|---|
| Civil | <input checked="" type="checkbox"/> Templates <input checked="" type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input checked="" type="checkbox"/> Speech-to-text <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> Templates <input checked="" type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input checked="" type="checkbox"/> Speech-to-text <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA |

| | |
|-----------------|---|
| Criminal | <input checked="" type="checkbox"/> Templates <input checked="" type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input checked="" type="checkbox"/> Speech-to-text <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA |
|-----------------|---|

Comment - If you have selected the option “Other special functionality”, please specify the details.

RECORDING OF COURT HEARINGS

062-25. If a tool to record court hearings exists, what are the deployment and usage rates?

| | Deployment rate | Usage rate |
|-----------------------|--|--|
| Civil | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA |
| Administrative | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA |
| Criminal | <input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA |

Comments

062-26. If a tool to record court hearings exist, please specify its functionalities:

| |
|------------------------|
| Functionalities |
|------------------------|

| | |
|------------------------------|---|
| <p>Civil</p> | <p> <input type="checkbox"/> Audio recording <input type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA </p> |
| <p>Administrative</p> | <p> <input type="checkbox"/> Audio recording <input type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA </p> |
| <p>Criminal</p> | <p> <input checked="" type="checkbox"/> Audio recording <input checked="" type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input checked="" type="checkbox"/> Possibility to request a copy of the recording <input checked="" type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA </p> |

Comment - If you have selected the option “Other special functionality”, please specify the details. Setting manual markers for relevant positions

DATABASE OF COURT DECISIONS

062-27. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.

| | Percentage of 1st instance decisions published | Percentage of 2nd instance decisions published | Percentage of Supreme court decisions published |
|-----------------------|---|---|---|
| Civil | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA |
| Administrative | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA |
| Criminal | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA | <input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA |

Comments

062-28. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

| | 1st instance | 2nd instance | Supreme court |
|--------------|--|---|--|
| Civil | <input type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP- There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP- There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP- There is no database for these decisions <input type="checkbox"/> NA |

| | | | |
|-----------------------|---|---|---|
| Administrative | <input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA |
| Criminal | <input type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website) <input checked="" type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA |

- If you have selected the option “Other” because the court decisions are published online in some other way than the presented modalities, please describe.

062-29. If there is a database of court decisions at national level, what are the functionalities of this database?

| | Functionalities |
|--------------|---|
| Civil | <input checked="" type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input checked="" type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input checked="" type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Machine-readable content <input checked="" type="checkbox"/> Structured content <input checked="" type="checkbox"/> Metadata <input checked="" type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA |

| | |
|-----------------------|---|
| Administrative | <input type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input checked="" type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input checked="" type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Machine-readable content <input checked="" type="checkbox"/> Structured content <input checked="" type="checkbox"/> Metadata <input checked="" type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input checked="" type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input checked="" type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Machine-readable content <input checked="" type="checkbox"/> Structured content <input checked="" type="checkbox"/> Metadata <input checked="" type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA |

Comment - If you have selected the option “Other special functionality”, please specify the details.

STATISTICAL TOOLS

062-30. If there are statistical tools for analysing court case data, what is their deployment rate?

| | Deployment rate |
|--------------|---|
| Civil | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA |

| | |
|-----------------------|---|
| Administrative | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA |

Comments Regional Administrative Courts: NA

062-31. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

| | Functionalities | Data available for statistical analysis |
|--------------|---|--|
| Civil | <input type="checkbox"/> Integration/connection with the CMS <input checked="" type="checkbox"/> Business intelligence software <input checked="" type="checkbox"/> Generation of predefined statistical reports <input checked="" type="checkbox"/> Generation of customised statistical reports <input checked="" type="checkbox"/> Internal page and/or dashboard <input type="checkbox"/> External page with statistics (public website) <input type="checkbox"/> Real-time data availability <input checked="" type="checkbox"/> Automatic consolidation of data at the national level <input checked="" type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there are no statistical tools <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending) <input checked="" type="checkbox"/> Age of a pending case <input checked="" type="checkbox"/> Length of proceedings <input checked="" type="checkbox"/> Number of hearings <input type="checkbox"/> Cases per judge <input checked="" type="checkbox"/> Case weights <input type="checkbox"/> Number of parties in a case <input type="checkbox"/> Indicator of appeal <input type="checkbox"/> Result of the appeal <input type="checkbox"/> NAP– there are no statistical tools <input type="checkbox"/> NA |

| | | |
|------------------------------|---|---|
| <p>Administrative</p> | <p><input checked="" type="checkbox"/> Integration/connection with the CMS</p> <p><input checked="" type="checkbox"/> Business intelligence software</p> <p><input checked="" type="checkbox"/> Generation of predefined statistical reports</p> <p><input checked="" type="checkbox"/> Generation of customised statistical reports</p> <p><input checked="" type="checkbox"/> Internal page and/or dashboard</p> <p><input type="checkbox"/> External page with statistics (public website)</p> <p><input type="checkbox"/> Real-time data availability</p> <p><input checked="" type="checkbox"/> Automatic consolidation of data at the national level</p> <p><input checked="" type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – there are no statistical tools</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending)</p> <p><input checked="" type="checkbox"/> Age of a pending case</p> <p><input checked="" type="checkbox"/> Length of proceedings</p> <p><input checked="" type="checkbox"/> Number of hearings</p> <p><input checked="" type="checkbox"/> Cases per judge</p> <p><input checked="" type="checkbox"/> Case weights</p> <p><input type="checkbox"/> Number of parties in a case</p> <p><input type="checkbox"/> Indicator of appeal</p> <p><input checked="" type="checkbox"/> Result of the appeal</p> <p><input type="checkbox"/> NAP– there are no statistical tools</p> <p><input type="checkbox"/> NA</p> |
| <p>Criminal</p> | <p><input type="checkbox"/> Integration/connection with the CMS</p> <p><input checked="" type="checkbox"/> Business intelligence software</p> <p><input checked="" type="checkbox"/> Generation of predefined statistical reports</p> <p><input checked="" type="checkbox"/> Generation of customised statistical reports</p> <p><input checked="" type="checkbox"/> Internal page and/or dashboard</p> <p><input type="checkbox"/> External page with statistics (public website)</p> <p><input type="checkbox"/> Real-time data availability</p> <p><input checked="" type="checkbox"/> Automatic consolidation of data at the national level</p> <p><input checked="" type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – there are no statistical tools</p> <p><input type="checkbox"/> NA</p> | <p><input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending)</p> <p><input checked="" type="checkbox"/> Age of a pending case</p> <p><input checked="" type="checkbox"/> Length of proceedings</p> <p><input type="checkbox"/> Number of hearings</p> <p><input type="checkbox"/> Cases per judge</p> <p><input type="checkbox"/> Case weights</p> <p><input checked="" type="checkbox"/> Number of parties in a case</p> <p><input type="checkbox"/> Indicator of appeal</p> <p><input type="checkbox"/> Result of the appeal</p> <p><input type="checkbox"/> NAP– there are no statistical tools</p> <p><input type="checkbox"/> NA</p> |

Comment - If you have selected the option “Other special functionality”, please specify the details Possibility of a drill trough for some statistical data to get the case numbers of all affected cases.

Administrative: not all answers apply to all different types of administrative courts.

OTHER TOOLS

062-32. Is there any application for online court-related dispute resolution?

() Yes

(X) No

Comments

062-33. If yes, is there a maximum value over which online court-related dispute resolution cannot be organised?

() Yes, please specify the maximum value

() No

Comments

062-34. If yes, can the online court-related dispute resolution be used in the following areas?

[] Small claim litigation

[] Undisputed claim

[] Payment order

[] Misdemeanour criminal cases

[] Enforcement of civil cases

[] Other, please specify

Comment: Please describe the existing online procedures:

062-35. Is there a computerised national record centralising all criminal convictions?

(X) Yes

() No

Comments

062-36. If yes, please specify the following information:

[] The computerised record includes biometric data (ex. fingerprint data, picture)

[X] The computerised record is linked to other European records of the same nature (ex. ECRIS)

[X] The content is directly available through computerised means for judges and/or prosecutors (ex. interoperability with the CMS)

[X] The content is directly available for purposes other than criminal (ex. civil and administrative matters)

[X] The record contains conviction information on third-country nationals and stateless persons

Comments Checking the third box under the assumption that this implies that assistance personal under order of the judge / prosecutor gets the relevant information.

062-37. Is there a Document Management System (DMS) in the registry of courts?

(X) Yes

() No

Comment: If yes, please provide details on the purposes and usage of this system. Central DMS for all courts to work with digital files

062-38. In addition to the tools listed in the ICT section of this questionnaire does your judicial system use other innovative ICT tools?

Yes

No

Comment: If yes, please list and describe these ICT tools. Mobile app for bailiffs, booking tool for court interpreters.

The mobile app for bailiffs offers features in three phases of their work: 1.in preparing enforcement measures by perusing different register systems (e.g. the motor vehicle register), summarising file reference numbers per obligated party, as well as a feature for planning routes, 2.when carrying out enforcement measures by displaying all data relevant to the obligated party, as well as documenting relevant data on all enforcement measures for the bailiff's report (e.g. attachment or cash payment), and 3.following up on enforcement measures taken and preparing the bailiff's report.

The booking tool for court interpreters enables court staff to send booking requests to court-appointed and certified interpreters and to book them directly via the system for on-site or videoconference-based court hearings as well as translation of documents.

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 Measuring court/public prosecution services

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 satisfaction of court staff: only supreme administrative court

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

073. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 70?

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 every 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 (multiple replies possible)?

Identifying the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance)

Reengineering of internal procedures to increase efficiency

Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 70-1?

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 every 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 (multiple replies possible)?

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

Comments

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 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 Center BRZ, 1030 Vienna, Hintere Zollamtsstraße 4
- No

Comments

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

- Yes, on the internet (please provide the link)
- 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 Center BRZ, 1030 Vienna, Hintere Zollamtsstraße 4

No

Comments

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

Yes, on the internet (please provide the link)

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 primarily intended):

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 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. for whom the report is primarily 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

3.6.4 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 these 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

083-1-1. What are the consequences for a judge if these targets are not met?

| |
|---------------|
| Consequences: |
|---------------|

| | |
|---------------------------------------|--|
| Without disciplinary procedure | <input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] |
| With disciplinary procedure | <input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] |
| - | <input type="checkbox"/> No consequences |
| - | <input checked="" type="checkbox"/> NAP (no targets defined) |

Comments

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

| | Existence of a system of individual evaluation of the judges' work |
|---------------------|---|
| Quantitative | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Qualitative | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used:

114-1. Please specify the frequency of this evaluation:

- Annual
- Less frequent
- More frequent
- Different frequencies used, please specify:
- NAP

=

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 these 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

083-3-1. What are the consequences for a prosecutor if these targets are not met?

| | Consequences: |
|---------------------------------------|---|
| Without disciplinary procedure | <input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] <input checked="" type="checkbox"/> NAP |
| With disciplinary procedure | <input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] <input checked="" type="checkbox"/> NAP |
| No consequences | <input type="checkbox"/> No consequences <input checked="" type="checkbox"/> NAP |

Comments

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

| | Existence of a system of individual evaluation of the public prosecutors' work |
|---------------------|--|
| Quantitative | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Qualitative | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used:

120-1. Please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

Different frequencies used, please specify:

NAP

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); various other sources; Survey among the administrative courts of first instance

4.Fair trial

4.1.Principles

4.1.1Principles 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)?

[]

[X] 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?

(X) Yes

() No

Comments - Please could you briefly specify:

085-1. If yes, what are:

| | |
|---|---------------------|
| | - |
| The total number of the initiated procedures in the reference year | [X] NA [] NAP |
| The total number of recusals pronounced in the reference year | [X] NA [] NAP |

Comment - Please, could you briefly specify:

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

[X] For civil procedures (non-enforcement)

[X] For civil procedures (timeframe)

[X] 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):

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

[] For civil cases

For criminal cases

For administrative cases

NAP

Comments

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

Sources: See provisions in this part. Administrative justice organisational law.

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:

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:

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 etc.)?

| | Yes | No |
|-----------------------------------|-----|-------|
| Agreement on general arrangements | () | (X) |
| Agreement in specific cases | () | (X) |

Comments

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) | 524 325 [] NA [] NAP | 3 170 632 [] NA [] NAP | 3 159 103 [] NA [] NAP | 535 854 [] 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) | 28 806 [] NA [] NAP | 72 872 [] NA [] NAP | 73 270 [] NA [] NAP | 28 408 [] NA [] NAP | [X] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 382 542 [] NA [] NAP | 2 494 425 [] NA [] NAP | 2 479 155 [] NA [] NAP | 397 812 [] 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) | 332 966 [] NA [] NAP | 1 518 169 [] NA [] NAP | 1 500 671 [] NA [] NAP | 350 464 [] NA [] NAP | [X] NA [] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | 49 576 [] NA [] NAP | 976 256 [] NA [] NAP | 978 484 [] NA [] NAP | 47 348 [] NA [] NAP | [X] NA [] NAP |
| 2.2.1. Non litigious land registry cases | 16 766 [] NA [] NAP | 630 799 [] NA [] NAP | 632 407 [] NA [] NAP | 15 158 [] NA [] NAP | [X] NA [] NAP |
| 2.2.2 Non-litigious business registry cases | 32 810 [] NA [] NAP | 345 457 [] NA [] NAP | 346 077 [] NA [] NAP | 32 190 [] NA [] NAP | [X] NA [] NAP |

| | | | | | |
|---------------------------------------|--|--|--|--|--|
| 2.2.3. Other registry 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 |
| 2.3. Other non-litigious 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 |
| 3. Administrative law cases | 49 587 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 50 122 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 56 023 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 43 686 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 16 878 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other cases | 63 390 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 553 213 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 550 655 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 65 948 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments Starting from 2022, “non-litigious family matters” are taken into consideration in the category “general civil non-litigious cases”, while before they were communicated in “other”.

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

. 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
Some non-litigious family matters

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

. Probate Proceedings
Cases concerning the Administration of justice
Cancellation proceedings and proceedings in connection with [official] declaration of death authentication of signatures
proceedings to render legal assistance in civil matters for other courts (also international ones)
General civil proceedings, that are not allocated to other categories of cases

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) | 23 771 [] NA [] NAP | 68 549 [] NA [] NAP | 69 435 [] NA [] NAP | 22 885 [] NA [] NAP | 730 [] NA [] NAP |
| 1. Severe criminal cases | 5 095 [] NA [] NAP | 22 747 [] NA [] NAP | 22 583 [] NA [] NAP | 5 259 [] NA [] NAP | 166 [] NA [] NAP |
| 2. Misdemeanour and / or minor criminal cases | 7 519 [] NA [] NAP | 24 752 [] NA [] NAP | 24 177 [] NA [] NAP | 8 094 [] NA [] NAP | 323 [] NA [] NAP |
| 3. Other criminal cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] 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

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) | 5 205 [] NA [] NAP | 23 899 [] NA [] NAP | 24 303 [] NA [] NAP | 4 801 [] NA [] NAP | 25 [] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 3 575 [] NA [] NAP | 14 183 [] NA [] NAP | 14 405 [] NA [] NAP | 3 353 [] NA [] NAP | 25 [] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | 1 630 [] NA [] NAP | 9 716 [] NA [] NAP | 9 898 [] NA [] NAP | 1 448 [] 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 | <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 |
| 2.2.2 Non-litigious business registry cases | <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 |
| 2.2.3. Other registry cases | <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 |
| 2.3. Other non-litigious cases | <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 |
| 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 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 |

Comments - If "Other cases" please specify Non litigious family matters in the second instance have always been represented within the category of "non-litigious cases".

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) | 1 420 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 9 588 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 9 597 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 411 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Severe criminal cases | 771 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 6 403 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 6 320 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 854 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Misdemeanour and / or minor criminal cases | 649 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 185 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 277 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 557 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Other criminal 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 specify what cases are reported in those categories. If "Other criminal cases", please specify:

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 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 |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 922 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 437 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 623 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 736 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | <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 |
| 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 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 |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | <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 |
| 2.2.1. Non litigious land registry cases | <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 |
| 2.2.2 Non-litigious business registry cases | <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 |
| 2.2.3. Other registry cases | <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 |
| 2.3. Other non-litigious cases | <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 |
| 3. Administrative law cases | 3 547 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 5 409 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 5 971 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 2 985 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 303 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other cases | <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 |

Comments - If “Other cases”, please specify Administrative Law Cases: The number of 3547 pending administrative cases on 1 January ref. year corresponds to 3392 procedures adopted from previous years and 155 procedures completed in previous years and reopened in the reference year.

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) | 600 [] NA [] NAP | 1 404 [] NA [] NAP | 1 418 [] NA [] NAP | 586 [] NA [] NAP | 47 [] NA [] NAP |
| 1. Severe criminal cases | 178 [] NA [] NAP | 655 [] NA [] NAP | 695 [] NA [] NAP | 138 [] 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 cases older than 2 years from the date the case came to the first instance court |
|-----------------------------------|-----------------------------------|-----------------------------|-----------------------------|-----------------------------------|--|
| Litigious divorce cases | 2 409 [] NA [] NAP | 4 897 [] NA [] NAP | 4 801 [] NA [] NAP | 2 505 [] NA [] NAP | 151 [] NA [] NAP |
| Employment dismissal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| Insolvency | 8 071 [] NA [] NAP | 21 686 [] NA [] NAP | 20 740 [] NA [] NAP | 9 017 [] NA [] NAP | 956 [] NA [] NAP |
| Robbery case | 136 [] NA [] NAP | 581 [] NA [] NAP | 549 [] NA [] NAP | 168 [] NA [] NAP | 4 [] NA [] NAP |
| Intentional homicide | 28 [] NA [] NAP | 95 [] NA [] NAP | 85 [] NA [] NAP | 38 [] NA [] NAP | 2 [] NA [] NAP |

Comments "Insolvency cases": the (ongoing) fluctuations are caused by the Covid-19-pandemic and economic aids the businesses received.



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101-0. Number of 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 cases for more than 2 years |
|---|-----------------------------------|-----------------------------|-----------------------------|-----------------------------------|-------------------------------------|
| Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention) | 639 [] NA [] NAP | 1 973 [] NA [] NAP | 2 181 [] NA [] NAP | 429 [] NA [] NAP | 11 [] NA [] NAP |
| Court cases relating to the right of entry and stay for aliens | 11 132 [] NA [] NAP | 13 324 [] NA [] NAP | 16 125 [] NA [] NAP | 8 317 [] NA [] NAP | 874 [] NA [] NAP |

Comments "Cases relating to the right of entry and stay for aliens": on the one hand, due to the refugee movement in 2015 there was an increased number of incoming cases for the next following years. Since then, the huge amount of cases was continuously reduced and is still being reduced now. However, the number of judges was increased as well to help with this specific workload. Also, the number of cases was influenced by Covid-19, as there was less migration to Austria and therefore less new 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 – VwGH) 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 | 62 [] NA [] NAP | 187 [] NA [] NAP | 181 [] NA [] NAP | 68 [] NA [] NAP | 3 [] NA [] NAP |

| | | | | | |
|--------------------------|-------------------------|--------------------------|--------------------------|-------------------------|------------------------|
| Child pornography | 87 [] NA [] NAP | 504 [] NA [] NAP | 498 [] NA [] NAP | 93 [] NA [] NAP | 2 [] NA [] 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 length of the entire procedure (in days) | % of cases pending for more than 3 years for all instances |
|---|--|--|--|--|--|--|
| Civil and commercial litigious cases | _____ Allow decimals : 2 [X] NA [] NAP | 296 [] NA [] NAP | 84 [] NA [] NAP | 118 [] NA [] NAP | [X] NA [] NAP | _____ Allow decimals : 2 [X] NA [] NAP |
| Litigious divorce cases | _____ Allow decimals : 2 [X] NA [] NAP | 135 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | _____ Allow decimals : 2 [X] NA [] NAP |
| Employment dismissal cases | _____ Allow decimals : 2 [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | _____ Allow decimals : 2 [X] NA [] NAP |
| Insolvency cases | _____ Allow decimals : 2 [X] NA [] NAP | 108 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | _____ Allow decimals : 2 [X] NA [] NAP |
| Robbery cases | _____ Allow decimals : 2 [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | _____ Allow decimals : 2 [X] NA [] NAP |
| Intentional homicide cases | _____ Allow decimals : 2 [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | _____ Allow decimals : 2 [X] NA [] NAP |

Comments

104. How is the length of proceedings calculated for the six case categories of question 102?

Please give a description of the calculation method.

. The calculation is made using the formula 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 replies possible):

- to conduct or supervise investigation
- 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:

=

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

| | Number of cases |
|---|--|
| 1. Pending cases on 1 Jan. ref. year | 19 430 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Incoming/received cases | 462 223 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Processed cases (3.1+3.2+3.3+3.4) | 461 103 <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.) | 380 687 [] NA [] NAP |
| 3.1.1 Discontinued by the public prosecutor because the offender could not be identified | 210 118 [] NA [] NAP |
| 3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | 99 756 [] NA [] NAP |
| 3.1.3 Discontinued by the public prosecutor for reasons of opportunity | [X] NA [] NAP |
| 3.1.4 Discontinued for other reasons | 70 813 [] NA [] NAP |
| 3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor | 34 444 [] NA [] NAP |
| 3.3. Cases brought to court | 45 972 [] NA [] NAP |
| 4. Pending cases on 31 Dec. ref. year | 20 550 [] NA [] NAP |

Comments

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 | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| Before the main trial | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| During the main trial | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments

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

() Yes

(X) 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?

through a competitive exam (open competition)

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

other (please specify):

Comments

110-1. Please briefly describe the recruitment procedure(s) for judges in your country:

. The vacant positions are published. Applicants are then ranked by suitability in non-binding appointment proposals by the personnel senates and proposed for appointment. Personnel senats are judicial senates with a central role in judicial management, whose members enjoy full judicial independence. Their core tasks are e.g. the preparation of staffing proposals and distribution of business. For the appointment as a judge at an administrative court, a five-year professional experience and the (previous) passing of a service exam or an authorisation to lecture at university is required. Only the best of the applicants are selected to be represented in the shortlist of three candidates created by the competent judicial committee or the administrative court.

Justices are appointed to the Supreme

Administrative Court by the Federal President

based on a proposal by the Federal Government.

Unless the post to be filled is that of the President

or the Vice President, this proposal must

correspond to a binding list of three candidates

drawn up by the plenary assembly of the Court.

Each member of the Supreme Administrative Court must have completed a law degree or legal and political science studies and have at least ten years of practical legal experience (Art. 134 para. 4 of the Federal Constitutional Law). Therefore there aren't any "young professionals" or "recent graduates" among the members of the Supreme Administrative Court.

110-2. What are the recruitment requirements for judges (multiple replies possible)?

Age

Nationality

Physical/Psychological capacity

General studies in law

Advanced studies in law (Master, PhD)

Number of years of relevant experience

Traineeship/judicial functions in courts

Validation of a general state examination in law

Validation of a specific examination for judges

- Clean criminal record
- Foreign languages
- Personal requirements (related to integrity)
- Other
- NAP

Comments - If "other", please specify:

110-3. In the frame of these recruitments, please indicate the number of applicants for the position of judge and the number of recruitments actually made during the reference year:

| | Total | Males | Females |
|-----------------------------|--|--|--|
| Number of applicants | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |
| Number of recruited persons | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |

Comments

110-4. If the number of applicants decreased in the last years did you take any remedial measures?

- Yes
- No

Comments

110-5. If yes, please specify what remedies you implemented:

- Increase of salary
- Other financial incentives
- Improving working conditions
- Workload reduction at the beginning of career
- Other adjustments in the frame of the induction of new judges
- Other

Comments: If "other", please, specify: Higher permeability for applicants coming from other legal professions.

=

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) responsible for the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: The personnel senates are responsible for the procedure of recruitment. The appointment is made by the executive.

Administrative courts: Appointment by the regional Government based upon a nomination by the competent judicial committee or the administrative court or appointed by the President (of Austria) based upon a nomination by the competent judicial committee or the administrative court.

There aren't any "young professionals" or "recent graduates" among the members of the Supreme Administrative Court.

111-1. How many members compose this authority?

| | Total | Males | Females |
|----------------|--|--|--|
| 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/appointing its members: The personnel senate consists of two ex officio members (president and vice president of the regional court) and three elected members. If the regional court and its subordinate district courts employ more than 100 judges, the number of elected members increases to five. At each higher regional court and at the Supreme Court, in addition to the personnel senate, another senate is formed as an external senate (two ex officio members (president and vice president of the higher regional court) and three elected members at the higher regional court and five elected members at the Supreme Court).

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

- Yes
- No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal:

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

- Yes
- No

Comments - No, please specify which authority is competent for promoting judges

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

- Competitive test / Exam
- Previous individual evaluations
- Other procedure(s) (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) and how the publicity of promotion processes is ensured: The vacant positions are published. Applicants are then ranked by suitability in non-binding appointment proposals by the personnel senates and proposed for appointment. Personnel senats are judicial senates with a central role in judicial management, whose members enjoy full judicial independence. Their core tasks are e.g. the preparation of staffing proposals and distribution of business.

113-0. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

| | Total | Males | Females |
|-----------------------------|--|--|--|
| Number of applicants | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |

| | | | |
|----------------------------|----------|----------|----------|
| Number of promoted persons | [X] NA | [X] NA | [X] NA |
|----------------------------|----------|----------|----------|

Comments

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. The public prosecution is the bearer of the state’s power to prosecute and represents the public in the administration of justice. The prosecutorial function is separate from the judicial function.

115-1. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?

- Yes
- No

Comments - If yes, please specify:

115-2. If they are prohibited by law or other regulation, are there exceptions?

- Yes
- No
- NAP

Comments - Please describe these exceptions:

115-3. Which authority can issue such specific instructions?

- General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

NAP

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?

through a competitive exam (open competition)

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

other (please specify):

Comments 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.

116-1. Please briefly describe the recruitment procedure(s) for prosecutors in your country:

The vacant positions are published. Applicants are then ranked by suitability in non-binding appointment proposals by the personnel senates and proposed for appointment.

116-2. What are the recruitment requirements for prosecutors (multiple replies possible)?

- Age
- Nationality
- Physical/Psychological capacity
- General studies in law
- Advanced studies in law (Master, PhD)
- Number of years of relevant experience
- Traineeship/judicial functions in courts
- Validation of a general state examination in law
- Validation of a specific examination for prosecutors
- Clean criminal record
- Foreign languages
- Personal requirements (related to integrity)
- Other
- NAP

Comments - If “other”, please specify:

116-3. In the frame of these recruitments, please indicate the number of applicants for the position of prosecutor and the number of recruitments actually made during the reference year:

| | Total | Males | Females |
|-----------------------------|--|--|--|
| Number of applicants | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |
| Number of recruited persons | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |

Comments

116-4. If the number of applicants decreased in the last years did you take any remedial measures?

Yes

() No

Comments

116-5. If yes, please specify what remedies you implemented:

- Increase of salary
- Other financial incentives
- Improving working conditions
- Workload reduction at the beginning of career
- Other adjustments in the frame of the induction of new prosecutors
- Other

Comments: If "other", please, specify: Higher permeability for applicants coming from other legal professions.

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) responsible for the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: A commission is established at the offices of the chief public prosecutors and consists of four members.

117-1. How many members compose this authority?

| | Total | Male | Female |
|----------------|------------------------------|--|--|
| Members | 4 | | |
| | <input 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/appointing its members: The personnel commission consists of two ex officio members (head of the chief public prosecutor's office and the head of the prosecutor's office in whose district the position is to be filled), the Public Service Union and the statutory staff committee of public prosecutors sends each one member.

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

- Yes
- No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal:

118. Is the same authority (Q.117) competent 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 replies possible)

- Competitive test / exam
- Previous individual evaluations
- Other procedure(s) (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) and how the publicity of promotion processes is ensured:

119-1. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

| | Total | Males | Females |
|----------------------------|--|--|--|
| Number of applicants | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |
| Number of promoted persons | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |

Comments

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):
- 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

No

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

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

[]

[] NA

[X] NAP

Comments

125-1. Is it renewable?

Yes

No

[X] NAP

Comments

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

[]

[] NA

[X] NAP

Comments

126-1. Is it renewable?

Yes

No

[X] NAP

Comments

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

Sources: RStDG (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 |
| In-service training on gender equality | <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 |
| Other 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 |

Comments Supreme Adm. Court: no training proposed

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 |
| In-service training on gender equality | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| Other in- service training | <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:

128-1. Do you have a minimum number of compulsory trainings per judge:

| | Per judge |
|---|---|
| Initial compulsory training – minimum number of trainings | <hr/> Min numeric value allowed : 0 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Initial compulsory training – minimum number of days | <hr/> Min numeric value allowed : 0 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| In-service compulsory trainings – minimum number of trainings per year | <hr/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| In-service compulsory trainings – minimum number of days per year | <hr/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

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 |
| In-service training on gender equality | <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 |
| Other 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 |

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 |
| In-service training on gender equality | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| Other in- service training | <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:

130-1. Do you have a minimum number of compulsory trainings per prosecutor:

| | Per prosecutor |
|---|--|
| Initial compulsory training – minimum number of trainings | _____ Min numeric value allowed : 0 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Initial compulsory training – minimum number of days | _____ Min numeric value allowed : 0 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| In-service compulsory trainings – minimum number of trainings per year | _____ Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| In-service compulsory trainings – minimum number of days per year | _____ Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

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 | [] | [] | [] |
| Institution(s) for both judges and prosecutors | [] | [] | [] |

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

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

| | Implemented budget of the institution for the reference year, in € |
|--|--|
| Institution(s) for judges | [] NA [X] NAP |
| Institution(s) for prosecutors | [] NA [X] NAP |
| Institution(s) for both judges and prosecutors | [] NA [X] NAP |

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how 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 trainings available and delivered (in days) by the public institution(s) responsible for training.

| | Number of different live (in person, hybrid, videoconference) trainings available | Number of live (in person, hybrid, videoconference) trainings delivered | Number of days of delivered live (in person, hybrid, videoconference) trainings | Number of internet-based trainings available on the e-learning platform of the training institution (not live) |
|-------------------|---|---|---|--|
| Total | 449 [] NA [] NAP | 1 215 [] NA [] NAP | 1 019 [] NA [] NAP | 5 [] NA [] NAP |
| For judges | 307 [] NA [] NAP | 886 [] NA [] NAP | 732 [] NA [] NAP | 5 [] NA [] NAP |

| | | | | |
|---------------------------------|--------------------------|--------------------------|--------------------------|------------------------|
| For prosecutors | 307 [] NA [] NAP | 886 [] NA [] NAP | 732 [] NA [] NAP | 5 [] NA [] NAP |
| For non-judge staff | 259 [] NA [] NAP | 867 [] NA [] NAP | 664 [] NA [] NAP | 3 [] NA [] NAP |
| For non-prosecutor staff | 259 [] NA [] NAP | 867 [] NA [] NAP | 664 [] NA [] NAP | 3 [] NA [] NAP |

Comments

131-3. Number of participants in the trainings during the reference year.

| | Number of participants in live (in-person, hybrid, videoconference) trainings | Number of participants in internet-based trainings provided on the e-learning platform of the training institution (not live) |
|-----------------------------|---|---|
| Total | 13 593 [] NA [] NAP | 3 785 [] NA [] NAP |
| Judges | 5 851 [] NA [] NAP | 679 [] NA [] NAP |
| Prosecutors | 1 208 [] NA [] NAP | 230 [] NA [] NAP |
| Non-judge staff | [X] NA [] NAP | [X] NA [] NAP |
| Non-prosecutor staff | [X] NA [] NAP | [X] NA [] NAP |

Comments Our management information system does not include all groups of participants of trainings in the displayed groups (judges/prosecutors non-judge/prosecutor staff) groups. Accordingly, only the total of non-judge and non-prosecutor staff together is available. The largest of these groups are "Rechtspraktikanten", these are legal trainees at the courts and prosecution offices, as well as staff of the executive branch working in the judiciary. However, their number is not taken into consideration in the table given that trainees are out of the scope of this question.

The total numbers of participants, which include both non-judge staff and non-prosecutor staff, are: Numbers of participants in live (in-person, hybrid, video conference) trainings: 6534; Number of participants in internet-based trainings provided on the e-learning platform of the training institution (not live): 2876

E2. Please indicate the sources for answering the questions in this part

Sources: Sources: Managementinformationssystem ("MIS") of PM-SAP Specific statistics in the field of personnel monitoring and controlling (managed by MoJ). The increase in training activities and participants is due to the end of Covid-19-pandemic as well as the introduction of "Justiz 3.0", the digital act in the courts and prosecution services, with the necessary IT-trainings on this software for all judges/prosecutors/court staff. Some minor impact also had the change of the query criteria in the MIS.

5.3.1 Salaries 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 | 59 188 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 59 188 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the highest salary of a judge at this level, excluding the salary of the Court President) | 163 801 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 163 801 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Public prosecutor at the beginning of his/her career | 62 782 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 62 782 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the highest salary of a public prosecutor at this level, excluding the salary of the Attorney General). | 163 801 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 163 801 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comment – Please describe briefly how the salaries are determined during the career of a judge/prosecutor: Judges/prosecutors are first placed into a certain pay grade according to their position within the judiciary system (e.g. regional courts, supreme court, administrative courts, etc.), where they receive the according base salary (§ 66 RStDG / § 190 RStDG). Every four years the salary increases by a fixed amount up until a certain maximum. Judges and public prosecutors in certain senior positions, such as the head of a district court, the vice president or president of a court of first instance or the head of a senior public prosecutor's office/public prosecutor's office, are entitled to a service allowance (between EUR 171.90 and EUR 1332.30 as at 31 Dezember 2022). The service allowance is part of the monthly salary. The service allowance is part of the monthly payment together with the salary.

In principle, it could be stated that the salary covers all additional work performed by judges and public prosecutors in terms of quantity and time. Administrative Courts:

First instance professional judge at the beginning of his/her career: Gross annual salary: EUR 78545

Net annual salary: EUR 49400

Judge of the Administrative Supreme Court: Gross annual salary: approx. EUR 142000

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 |

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

[X] NAP

=

135. Can judges 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.

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 guidelines and/or 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

Comment - Please specify: See the comment to question 138-3

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 guidelines and/or opinions of this institution / body publicly available?

- (X) Yes
- () No

Comments - Please describe the work of this institution / body, the frequency of the guidelines and/or opinions, etc.: The guidelines are online available

138-2-1. How many guidelines and/or opinions were given during the reference year?

- [1]
- [] NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

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

Yes

No

Comment: Please specify Latest (December 2022) there was online an article to the topic “acceptance of gifts”.

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 guidelines and/or opinions of this institution / body publicly available?

Yes

No

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

138-5-1. How many guidelines and/or opinions were given during the reference year?

[]

[] NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

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

Ombudsman

Parliament

Executive power (please specify): employer (see comment below)

Other (please specify):

This is not possible

Comments

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
- Ombudsman
- Professional body
- Executive power (please specify):employer
- Other (please specify):
- This is not possible

Comments

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):



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) | 7 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | 3 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <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 | 1 <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:

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

| | Judges | Prosecutors |
|---|--|--|
| Total number (total 1 to 10) | 13 <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 | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input 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 [] NA [] NAP | 0 [] NA [] NAP |
| 8. Resignation | 0 [] NA [] NAP | 0 [] NA [] NAP |
| 9. Other | 12 [] NA [] NAP | 0 [] NA [] NAP |
| 10. Dismissal | 0 [] NA [] NAP | 0 [] NA [] 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. “Other” are e.g. discontinuations or cancellations of the proceeding.

Suspension is not a sanction, but a temporary measure.

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

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

Organisational law and survey among the Administrative Courts of first instance

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 | Males | Females |
|-------------------|-----------------|-----------------|-----------------|
| Number of lawyers | 6 984 [] NA | 5 273 [] NA | 1 711 [] 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

=

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 | <input type="checkbox"/> Yes always <input checked="" type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Dismissal cases | <input type="checkbox"/> Yes always <input checked="" type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Criminal cases – Defendant | <input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Criminal cases – Victim | <input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Administrative cases | <input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> 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 depending on the nature of the claim representation by a lawyer, auditor or a tax adviser is required; in addition 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 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Family member | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 (please specify):e.g. receiver in insolvency, custodian, special guardian;

Comments

149-2. Professional lawyers may have the status of:

- 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

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 2022 (available at www.rechtsanwaelte.at). The data only include lawyers registered in the list of Austrian lawyers, lawyers registered in the list of established European lawyers according to the Lawyers' Directives registered by 31 December 2022. It does not include legal advisors as such a professions/type of service provider does not exist in Austria.

6.1.2 Practicing the profession of lawyer

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 for lawyers

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 Council 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) | 507 <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: The family court can order a mandatory informative session if this is necessary for the best interest of the child. See § 107 Abs. 3 Z 2 AußStrG.

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 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 |
| 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 Regarding the answer "yes" in the category "criminal cases" with the option "private mediator": only possible in certain situations, see § 204 StPO (Code of criminal procedure) and especially par. 4, where a "conflict regulator" can help the involved parties.

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:

=

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

| | Total | Males | Females |
|----------------------------|----------------------------|--------------------------|----------------------------|
| Number of mediators | 1 674 [] NA [] NAP | 627 [] NA [] NAP | 1 047 [] NA [] NAP |

Comments

166-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc.)?

. To become a registered mediator one must be at least 28 years old, apply to Austria's Ministry of Justice in written form and provide evidence of sufficient qualification (ie proper training according to the relevant executive order ["Zivilrechts-Mediations-Ausbildungsverordnung"], trustworthiness and professional liability insurance with at least 400.000,- Euro of coverage.

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 + 7) | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | 24 854 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Civil and commercial cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | 21 747 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Family cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | 720 <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 type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 765 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Criminal cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 6. Consumer cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 7. Other cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | 622 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Please indicate the source:

=

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 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: Bundesministerium für Justiz - Mediation in Zivilrechtssachen | Einführung

§ 107 Abs. 3 Z2 AußStrG

The court shall order the measures necessary to safeguard the best interests of the child, provided that this does not jeopardize the interests of a party whose protection the proceedings serve or unreasonably prejudice the interests of the other parties. Such measures may include in particular

2 .Participation in an initial meeting about mediation or about a conciliation procedure;

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) | 294 <input type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |
| 1. Private professionals under the authority (control) of 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. Enforcement agents working in a public institution (civil servants paid by state) | 294 <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 |
| 3. Judges | <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 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: An enforcement agent has to be early retired if,

- he/she is permanently disabled.

An enforcement agent has to be permanently retired if he/she has a negative review of his/her work for two years straight.

An enforcement agent loses his/her job automatically if,

- he/she gets dismissed as a disciplinary sanction

- he/she becomes a member of an Regional Administrative Court (“Landesverwaltungsgericht”)
- he/she loses austrian citizenship
- he/she is convicted:
 1. to imprisonment for more than one year
 2. to imprisonment and the not suspended sentence exceeds half a year
 3. because of abuse of authority (in a sexual context)
 4. because of torturing or neglecting minor, younger or defenseless persons
 5. because of certain criminal acts against sexual integrity and self-determination and torture

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 | <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 |
| Preventive seizure of movable tangible properties | <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 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 |
| 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 and E-Learning regarding the guidelines for the use of electronic devices and applications.

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 e.g. crypto 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)

Exekutionsordnung (Enforcement Code)

Bundesgesetz über die Vollzugsgebühren (Federal Act on Enforcement Fees) – only applicable in older cases

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): legal officer (Rechtspfleger)

Comments "Other": legal officer (Rechtspfleger)

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: There is no special mechanism for the enforcement of court decisions rendered against public. However, enforcement of court decisions against a municipality (“Gemeinde”) or a public charitable institution (“eine für öffentlich und gemeinnützig erklärte Anstalt”) may be authorised for the purpose of recovering monetary claims only in respect of those assets which are dispensable without affecting those public interests the municipality or the institution has to guarantee and protect. If enforcement serves the execution of a contractual obligation where a contractual lien had been granted, this restriction does not apply. (Section 15 of the Enforcement Act, Exekutionsordnung).

Furthermore the law stipulates notification requirements prior to the enforcement of claims against a person serving in the Federal Army or the Federal Police (a notification of the enforcement authorisation should be given to the senior officer in command of that person) and if the assets are located in military buildings (prior notice to the commander of the building and consultation of their military attaché is required).

In fulfilling international obligations, enforcement proceedings against persons enjoying immunity in Austria on the basis of international law, as well as on enforcement objects and on the premises of these persons, may only be carried out by the Federal Ministry of Justice in agreement with the Federal Ministry for Europe, Integration and External Affairs.

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):

Comments

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) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. For breach of professional ethics | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. For professional inadequacy | <input checked="" type="checkbox"/> NA <input type="checkbox"/> 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) | <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:

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

Source: Enforcement Act

8.2.Execution of decisions in criminal matters

8.2.1Functioning 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 | Males | Females |
|---|--|--|--|
| TOTAL (1+2+3+4) | 534 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 451 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 83 <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 | 534 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 451 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 83 <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: Federal 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 |
| 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.)

- Yes, exclusively performed by notaries
 Yes, but not exclusively performed by notaries
 No
 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 replies 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 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 Land register: The land register is a public register. For clients, the notaries can issue official extracts from this register, in this function they act as court commissioners. Business register: The land register is a public register. For clients, the notaries can issue official extracts from this register, in this function they act as court commissioners.

The notary has to consult the Austrian Central Register of Testaments and Wills (Österreichisches Zentrales Testamentsregister, ÖZTR), but only in the function as court commissioner. 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;

Austrian notaries can and should consult the WiEReg (Central register on ultimate beneficial owners/Register der wirtschaftlichen Eigentümer).

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 <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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 -Data exchange platform -Video-identification system

-Trustnetz: tool to serve documents between the notary and the client via accredited private electronic document service providers;

194-8. Who is responsible to run the digital archives?

- Notariat / Professional body
- Other public authority
- Another entity (please specify)

Comments The digital archives are run since 1 January 2000 by the Austrian Chamber of Civil Law Notaries (§ 140b notarial code, NO) that uses the services of a specific service provider called “cyberDOC”.

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: - traditional courses, hybrid courses and webinars

-major topics: succession law, family law, company law, AML/TF-prevention, (enforceable) authentic instruments, tax law, execution procedure.

The Austrian Notarial Academy offers courses in the following formats:

- Traditional seminars (in presence)
- Webinars
- Hybride Seminars

The topics covered are

Traditional seminars:

- Update company and tax law
- Update succession law
- AML prevention
- Marriage, registered partnership and their dissolution
- The enforceable notarial authentic instrument
- Succession procedure

Webinars:

- EU mutual assistance instruments for notaries in cross-border cases
- EU circulation of authentic instruments

Hybrid Seminars:

- AML prevention
- Update company law and tax law
- Update succession law and procedure
- The enforceable notarial authentic instrument
- CNUE ELAN VI project: EU company law

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

Sources: Österreichische Notariatskammer – Austrian Chamber of Civil Law Notaries

10. Judicial experts

10.1. Profession of judicial expert

10.1.1 Status 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. In civil and criminal proceedings judicial experts are always appointed by the court or the public prosecution. Parties may file a petition against the appointment of a judicial expert if the expert is not independent or impartial. Due to his position a judicial expert has to report any potential conflicts of interest.

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 long⁵

No

Comments

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 | Males | Females |
|-------------------|--|--|--|
| Number of experts | 8 425 <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

206-1. Number of cases where an expert opinion was ordered by a judge or requested by the parties

| | Number of cases |
|--|--|
| Total (1+2+3+4) | 115 362 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1.Civil and commercial litigious cases | 81 123 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.Administrative cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3.Criminal cases | 14 784 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4.Other cases | 18 455 <input type="checkbox"/> NA <input type="checkbox"/> 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 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Defined by the court/judge | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Defined by the Ministry of Justice or another ministry (setting a tariff for example) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Salary of public official (in case of forensic or another specialist – who is public employee) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Freely agreed between expert and the parties | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

| | | |
|-------|--|--|
| Other | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
|-------|--|--|

Comments - If other, please specify:

206. Are there binding provisions for judicial experts regarding:

| | Yes | No |
|--------------------------------|-------------------------------------|-------------------------------------|
| Deadlines to provide expertise | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Quality of expertise | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

| |
|---|
| <p>Sources: Datewarehouse (register data of the case management application "Verfahrensautomation Justiz")</p> <p>List of Sworn and Certified Court Experts, available via the internet: https://sdgliste.justiz.gv.at/</p> <p>Fees Claim Act (Gebührenanspruchsgesetz), Sworn and Certified Court Experts and Interpreters Act (Sachverständigen- und Dolmetschergesetz): www.ris.bka.gv.at</p> <p>Homepage of the judicial experts' association: www.gerichts-sv.at</p> <p>Survey among the administrative courts of first instance</p> |
|---|

11.Reforms in judiciary

11.1.Foreseen reforms

11.1.1Reforms



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: In the area of construction measures, the comprehensive renovation of the largest ordinary court in Austria, the Vienna Regional Court for Criminal Matters, including the adjoining Vienna-Josefstadt Prison, which started in March 2023 and will be implemented over a period of approximately 10 years, deserves special mention. In addition, the newly established District Court Seekirchen am Wallersee, which combines the previous District Courts Thalgau, Neumarkt and Oberndorf at one location, was opened in March 2023.

In the area of court fees the following measures were adopted in 2022:

- In the “Gesellschaftsrechtliches Digitalisierungsgesetz 2022” court fees in the company register were lowered by 7,5 Million Euro per year.
- In the “Zivilverfahrensnovelle 2022” court fees for copies from court files were lowered and court fees were cut to half in cases of settlements.

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) implemented a new rule (§ 460 Z 10a 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 § 55a of the Marriage Act (Ehegesetz) or for dissolution pursuant to section § 15 para 5 of the Registered Partnership Act (Eingetragene Partnerschaft-Gesetz), which is filed during a pending divorce or dissolution proceeding. (§ 460 Z 10a. 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 Civil Procedure Amendment 2023 (Zivilverfahrens-Novelle 2023) implemented the possibility of conducting oral proceedings and (to a limited extent) taking evidence using video technology in civil proceedings and in non-dispute proceedings. In addition, a regulatory framework for a process-economic handling of technical breakdowns was introduced. Even in proceedings under the Insolvency Code and the Execution Code, the use of appropriate technical means of communication for word and image transmission – with exceptions – was made possible in principle, whereby the debtor or the parties can nevertheless appear in person in court. In addition, a legal basis for ensuring data security during oral hearings by means of video and sound transmissions, which applies not only to the ordinary jurisdiction, but also to the proceedings before the Federal Administrative Court, was introduced.

208-5. High Judicial Council (competent for judges and/or prosecutors)

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: 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. These training courses have proven very effective, are accepted and continued.

208-7. Gender equality

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: In the area of substantive criminal law, the following reforms can be mentioned:

- Implemented reforms: At the end of December 2022, a Government Bill was adopted with amendments to the Criminal Code, the Code of Criminal Procedure, the Penitentiary System, and the Juvenile Justice Code regarding the detention in a mental health facility (“Maßnahmenvollzugsanpassungsgesetz 2022”). The majority of the amendments entered into force on 1 March 2023. The amendments related to juveniles and young adults will enter into force on 1 September 2023.

- Adopted reforms:

Two Government Bills were debated and adopted in Parliament in June and July 2024 and will enter into force on 1 September 2023: The “Korruptionsstrafrechtsänderungsgesetz 2023” and a further amendment to the Criminal Code and the Act Against Unfair Competition (UWG) which includes changes to a number of criminal offences dealing with cybercrime and business secrets. The aim of this Government Bill is to effectively combat cybercrime and to effectively protect business and trade secrets.

- Planned reforms:

From 31 March 2023 until 12 May 2023 a public consultation was held on a Ministerial Draft (Ministerialentwurf) proposing amendments, inter alia, to Section 207a (“pornographic images of minors” - pornographische Darstellungen Minderjähriger) and Section 220b (occupational ban – Tätigkeitsverbot) of the Criminal Code. Currently, the results of the public consultation are evaluated with a view to finalizing the Government Bill.

In the area of civil procedure law, the following reforms can be mentioned:

- Implemented reforms: Amendment to the Civil Procedure Code (Zivilverfahrens-Novelle 2021 and 2023)

- Planned reforms:

The implementation of the Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC into national law is currently prepared.

Planned reforms:

Childhood Amendment Act 2023 KindRÄG 2023

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: A planned amendment of the Enforcement Code mainly regarding the fees of bailiffs is currently subject to a public consultation.

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: See answers to Question 208-8

208-12. Prison system

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: A comprehensive amendment to the Penitentiary Act (Strafvollzugsgesetz) is currently prepared.

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: Since an amendment of the Enforcement Code, which entered into force on 1 July 2022, courts have the opportunity to order a violent offender to participate in a violence prevention counselling. The application presupposes that in the proceedings concerning the protection against domestic violence (Section 382b EO) and the general protection against violence (Section 382c EO), the court has issued an interim injunction and that the defendant has not yet participated in violence prevention counselling under the Security Police Act. The respondent must contact a counselling centre to arrange counselling within five days of issuing an injunction and actively participate in counselling on violence prevention. The consultation must take place for the first time within 14

days from the date of contact.

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: The implementation of the 'Justice 3.0' project for the roll-out of electronic files continues to advance. The level of digitalisation of justice in Austria is overall very advanced, with comprehensive procedural rules allowing digital technology in courts. As of July 2023, the move to electronic files has been concluded in 134 civil and criminal courts and 17 prosecution offices and certain types of proceedings at the Supreme Court and General Procurator's Office are also conducted completely digitally. By the end of 2023, the aim is to have civil and criminal proceedings fully digitalised, while by 2025 all new cases should be fully conducted digitally.

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he project of electronic file management at the Supreme Administrative Court was started in 2022 and the VwGH is gradually giving the first instance administrative courts the opportunity to submit the files electronically.

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Establishment of "outpatient clinics for protection against violence":

Objectifying injuries as early and well-founded as possible is a central issue of evidence, especially in proceedings for violence in the immediate social environment. Meaningful forensic medical expert opinions can noticeably increase the likelihood of a conviction.

The aim is therefore to create nationwide, easily accessible violent outpatient clinics where victims of criminal offenses can be examined free of charge around the clock, regardless of the procedure, whereby the examination results can be used as evidence in criminal proceedings.

A study commissioned by several ministries (The supply of Austria with violent outpatient clinics) was presented in December 2022. In relation to the competences of the departments involved, setting up violent outpatient clinics is a cross-cutting matter. Interministerial coordination between the ministries involved is currently taking place regarding the implementation and specific design of such violent outpatient clinics.