



**Reference data 2018 (01/01/2018 - 31/12/2018)**

**Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019**

**Objective :**

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

**Instruction :**

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

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

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.

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## 1.General and financial information

### 1.1.Demographic and economic data

#### 1.1.1.Inhabitants and economic general information



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

[ 8 822 267 ]

Comments

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

	Amount
State or federal level	187 215 766 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

[ 43 680 ]

Comments

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

[ 35 240 ]

NA

Comments

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

[            ]

Allow decimals : 5

NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: Statistik Austria

**1.1.2. Budgetary data concerning judicial system**

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

Approved budget (in €)	Implemented budget (in €)

<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Annual public budget allocated to computerisation</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Annual public budget allocated to training</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Other (please specify)</b>	<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 legal aid, please fill only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	1 075 637 980 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 101 576 968 <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: Rising costs in the area of independent jurisdiction (eg expert fees).

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

	Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	( ) Yes ( X ) No
for other than criminal cases	( X ) Yes ( ) No

If there are exceptions to the rule 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 299 € for the first instance (TP 1 GGG), 544 € for the second instance (TP 2 GGG) and 681 € for the Supreme Court (TP 3 GGG).

The court fees for other values can be calculated from the lists respectively.

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

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

[ 171 ]

[ ] NA

[ ] NAP

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

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

[ 1 194 414 981 ]

[ ] NA

[ ] NAP

Comments To a large extent, the high level of court fees can be explained by the fact that courts are responsible for the registers (mainly land and business registers). Small fees are charged for retrieving information from these highly automated and therefore extremely efficient registers or for recording modifications.

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	19 500 000 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court 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
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	19 828 000 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ 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 € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court 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.

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

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>13.1. Annual public budget allocated to training of public prosecution services</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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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: See Nr. 7.

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

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

If any other Ministry and/or inspection body and/or other, please specify: “other ministry”: Ministry of Finance  
„other“: Higher regional Courts

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

**014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?**

<b>Preparation of the budget</b>	<b>Arbitration and allocation of the budget</b>	<b>Day to day management of the budget</b>	<b>Evaluation and control of the use of the budget</b>
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<b>Management Board</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Court President</b>	(X) Yes ( ) No	(X) Yes ( ) No	(X) Yes ( ) No	(X) Yes ( ) No
<b>Court administrative director</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Head of the court clerk office</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No
<b>Other</b>	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No	( ) Yes (X) No

Comments - If "other", please specify:

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: "Haushaltssystem" (household database) on the basis of the consolidated closing of accounts ("Bundesrechnungsabschluss 2018")

### 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 €)
<b>Total annual public budget allocated to the whole justice system in €</b>	1 506 193 000 [ ] NA [ ] NAP	1 576 926 389 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for health care and hospitalization in the prison System, interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation. In addition, there was also an increase in costs for interpreters and experts in court proceedings.

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

	Included	Not included	Does not exist (NAP)
<b>Courts (see question 6 or 7)</b>	(X)	( )	( )
<b>Legal aid (see question 12 or 7)</b>	(X)	( )	( )
<b>Public prosecution services (see question 13 or 7)</b>	(X)	( )	( )

### 015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	( X )	( )	( )
Probation services	( X )	( )	( )
High Judicial Council	( )	( )	( X )
Constitutional court	( )	( X )	( )
Judicial management body	( )	( )	( X )
State advocacy	( )	( )	( X )
Enforcement services	( X )	( )	( )
Notariat	( )	( X )	( )
Forensic services	( )	( X )	( )
Judicial protection of juveniles	( )	( X )	( )
Functioning of the Ministry of Justice	( X )	( )	( )
Refugees and asylum seekers services	( )	( X )	( )
Immigration Service	( )	( X )	( )
Some police services (e.g. : transfer, investigation, prisoners' security)	( )	( X )	( )
Other	( X )	( )	( )

If "other", please specify: The budget of the whole justice system also includes state funding concerning guardianship (EUR 48.417.000 approved and implemented) and grants to victim assistance facilities (EUR 7.943.000 approved/EUR 7.906.259,21 implemented), as well as the data protection authority (= Datenschutzbehörde) (EUR 1.939.000 approved/ EUR 2.070.864,95 implemented).

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: "Haushaltsinformationssystem" (household database) on the basis of the consolidated closing of accounts ("Bundesrechnungsabschluss 2018).

## 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
<b>Representation in court</b>	<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
<b>Legal advice, ADR and other legal services</b>	<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 both before going to court and during court proceedings.**

- Criminal cases

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

- if the defendant is blind, deaf, mute or otherwise handicapped or is not able to conduct the defence by him/herself because he/she can do not understand the language at court,

- for the appeal procedure,

- if the factual and legal position is difficult.

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

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

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

Civil cases

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

Where legal representation is provided, legal aid also covers the pre-trial advice given by the lawyer. Legal aid is granted only as the applicant - according to his income, assets and maintenance obligations - is unable to bear (any or part of) the costs mentioned above without endangering the minimum subsistence level necessary to allow a simple standard of living. Legal aid is denied if the claim or defence of the applicant is manifestly unfounded or manifestly not brought in good faith. 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 local lawyers chamber 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 local lawyers chamber, it will in general accept a well-founded proposal (e.g. if the lawyer is willing and already familiar with the case). The local lawyers chamber 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.

**017. Does legal aid include the coverage of or the exemption from court fees?**

Yes

No

NAP

If yes, please specify:

**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: Legal aid according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) extends to enforcement proceedings.

**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	( ) Yes ( X ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP

Comments - If yes, please specify: See above Point 016-1.

### 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
<b>TOTAL</b>	21 111 [ ] NA [ ] NAP	21 111 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>In criminal cases</b>	5 039 [ ] NA [ ] NAP	5 039 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>In other than criminal cases</b>	16 072 [ ] NA [ ] NAP	16 072 [ ] NA [ ] NAP	[ ] NA [ X ] NAP

Comments - Please specify when appropriate:

**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

<b>Accused individuals</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Victims</b>	<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: As far as civil cases are concerned, according to § 63 of the Austrian Civil Procedure Code (Zivilprozessordnung, ZPO) legal aid is granted to a party as a whole or partly, if the costs of the proceeding otherwise would compromise the necessary maintenance.

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 of the proceeding without endangering the minimum subsistence level necessary to allow a simple standard of living.

For criminal cases see the answer to question 16. 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) legal aid is granted to a party as a whole or

partly, if the costs of the proceeding otherwise would compromise the necessary maintenance.

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 of the proceeding

without endangering the minimum subsistence level necessary to allow a simple standard of living.

**023. If yes, please specify in the table:**

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

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

Yes

No

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

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

- the court
- an authority external to the court
- a mixed authority (court and external bodies)

Comments

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

- Yes
- No

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

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

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: Sources: XXX
-----------------------

**2.2.Court users and victims**

**2.2.1.Rights of the users and victims**

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

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/> www.ris.bka.gv.at
case-law of the higher court/s	<input type="checkbox"/>	<input checked="" type="checkbox"/> www.ris.bka.gv.at; www.findok.bmf.gv.at

other documents (e.g. downloadable forms, online registration)	( )	( X ) www.justiz.gv.at; www.findok.bmf.gv.at; www.vwgh.gv.at/service/formulare
--	-----	--

Please specify what documents and information are included in “other documents”: Tool for finding competent courts

List of public prosecution offices

List of courts

Information concerning Federal Act on the Re-Use of Public Sector Information

Database of official publications [Ediktsdatei] (publications of the Business Register, real property auctions, insolvency database, etc.)

Land Register

Commercial Register

List of experts and interpreters

List of mediators

List of insolvency administrators

www.justiz-auktion.at in accordance with the provisions of the Austrian Enforcement Code

Documents submission service

Form sheets/Online submissions (www.eingaben.justiz.gv.at)

Access to Electronic Legal Communication

Access to <http://ec.europa.eu/odr> (online out-of-court settlement)

Public announcements of Justice

Findok is an internet site concerning financial documentation

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

( ) Yes, always

( X ) No

( ) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

**030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?**

( X ) Yes

( ) No

Comments - If yes, please specify: Opfernotruf 0800 112 112 (116 006); [www.opfer-notruf.at](http://www.opfer-notruf.at)

**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
<b>Victims of sexual violence/rape</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of terrorism</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Minors (witnesses or victims)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

<b>Victims of domestic violence</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Ethnic minorities</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Disabled persons</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Juvenile offenders</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify:

**031-1. Is it possible for minors to be a party to a judicial proceeding:**

( X ) Yes

( ) No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.):

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

( X ) Yes, please specify for which kind of offences: According to the Crime Victims Act (“Verbrechensopfergesetz”), Austrian citizens, citizens of other EU- or EEA-Member States as well as others who stay legally in Austria or on an Austrian (air)ship at the moment of the crime, are entitled to economic compensation and social benefits (like psychological care) under certain conditions, if they suffered bodily harm caused by an intentionally committed offence for which a sentence of more than six months of imprisonment is provided.

( ) No

Comments

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

( X ) Yes

( ) No

Comments

**033. If yes, does this compensation come from:**

[ X ] a public fund

[ X ] damages and interests to be paid by the person responsible

[ ] a private fund

Comments

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

( ) Yes

( X ) 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:

**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 answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

Yes

No

NAP

Comments - If necessary, please specify:

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

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<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
<b>Excessive length of proceedings</b>	<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
<b>Non-execution of court decisions</b>	<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
<b>Wrongful arrest</b>	<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
<b>Wrongful conviction</b>	<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
<b>Other</b>	<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):

## 2.2.2 Confidence and satisfaction of citizens with their justice system



**038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?**

National level	Court level
----------------	-------------



<b>1. Surveys aimed at judges</b>	<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
<b>2. Surveys aimed at court staff</b>	<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
<b>3. Surveys aimed at public prosecutors</b>	<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
<b>4. Surveys aimed at lawyers</b>	<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
<b>5. Surveys aimed at the parties</b>	<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
<b>6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)</b>	<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
<b>7. Surveys aimed at victims</b>	<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
<b>8. Other not mentioned</b>	<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

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: "Trust in the Austrian Justice System 2016" by agency Ecoquest Market Research & Consulting GmbH – ad hoc survey aimed at 1.000 Austrian People (random choice)

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

Yes

No

Comments

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

	<b>Authority responsible for dealing with the complaint</b>	<b>Existence of a time limit to deal with the complaint for this authority</b>
<b>Court concerned</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Higher court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Ministry of Justice</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>High Judicial Council</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Other external bodies (e.g. Ombudsman)	( X ) Yes ( ) No	( X ) Yes ( ) No
--	---------------------	---------------------

Comments

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

	Number of complaints	Compensation amount granted
<b>Court concerned</b>	53 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Higher court</b>	357 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Ministry of Justice</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>High Judicial Council</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Other external bodies (e.g. Ombudsman)</b>	5 360 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The variations in number of complains is due to introduction of administrative courts complains.

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1. Number of courts

**042. Number of courts considered as legal entities (administrative structures) and geographic locations.**

	Number of courts
<b>42.1 First instance courts of general jurisdiction (legal entities)</b>	128 [ ] NA [ ] NAP
<b>42.2 First instance specialised courts (legal entities)</b>	18 [ ] NA [ ] NAP
<b>42.3 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)</b>	102 [ ] NA [ ] NAP

Comments

**043. Number (legal entities) of first instance specialised courts (or specific judicial order)**

	Number of courts
<b>Total (must be the same as the data given under question 42.2)</b>	18 [ ] NA [ ] NAP
<b>Commercial courts (excluded insolvency courts)</b>	2 [ ] NA [ ] NAP
<b>Insolvency courts</b>	[ ] NA [ X ] NAP
<b>Labour courts</b>	1 [ ] NA [ ] NAP
<b>Family courts</b>	[ ] NA [ X ] NAP
<b>Rent and tenancies courts</b>	[ ] NA [ X ] NAP
<b>Enforcement of criminal sanctions courts</b>	2 [ ] NA [ ] NAP
<b>Fight against terrorism, organised crime and corruption</b>	[ ] NA [ X ] NAP
<b>Internet related disputes</b>	[ ] NA [ X ] NAP
<b>Administrative courts</b>	11 [ ] NA [ ] NAP
<b>Insurance and / or social welfare courts</b>	1 [ ] NA [ ] NAP
<b>Military courts</b>	[ ] NA [ X ] NAP
<b>Other specialised 1st instance courts</b>	2 [ ] NA [ ] NAP

Comments - If “other specialised 1st instance courts”, please specify: On principal every court has to deal with all judicial issues; in the biggest Austrian cities certain courts are specialised, i.e. five in Vienna (civil cases, criminal cases, commercial cases [2 x], employment- and social welfare cases) and two in Graz (criminal cases, remaining cases)

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

( ) Yes

( X ) No

Comments - Please specify:

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

	Number of courts
a debt collection for small claims	115 [ ] NA [ ] NAP
an employment dismissal	16 [ ] NA [ ] NAP
a robbery	16 [ ] NA [ ] NAP
an insolvency case	132 [ ] NA [ ] NAP

Comments

**045-1. Is your definition for small claims the same as the one in the Explanatory note?**

Yes

No

Comments - If not, please give your definition for small claims:

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

[ 15 000 ]

Comments

**C. Please indicate the sources for answering questions 42, 43 and 45:**

Sources: Civil Procedure Code

**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 permanent posts actually filled for all types of courts - general jurisdiction and specialised courts )**

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	2 411 [ ] NA [ ] NAP	1 190 [ ] NA [ ] NAP	1 221 [ ] NA [ ] NAP

<b>1. Number of first instance professional judges</b>	1 957 [ ] NA [ ] NAP	926 [ ] NA [ ] NAP	1 031 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	321 [ ] NA [ ] NAP	174 [ ] NA [ ] NAP	147 [ ] NA [ ] NAP
<b>3. Number of Supreme Court professional judges</b>	133 [ ] NA [ ] NAP	90 [ ] NA [ ] NAP	43 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: Data in full time equivalent

1.: district and regional Courts + administrative court

2.: courts of appeal

**047. Number of court presidents (professional judges).**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Total number of court presidents (1 + 2 + 3)</b>	85 [ ] NA [ ] NAP	50 [ ] NA [ ] NAP	35 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	62 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP	26 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	20 [ ] NA [ ] NAP	11 [ ] NA [ ] NAP	9 [ ] NA [ ] NAP
<b>3. Number of Supreme Court presidents</b>	3 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments

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

	<b>Figure</b>
<b>Gross figure</b>	47 [ ] NA [ ] NAP
<b>In full-time equivalent</b>	30 [ ] NA [ ] NAP

Comments - If necessary, please provide comments to explain the answer provided: The number belongs to administrative courts.

**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. ....

( X ) No

[ ] NAP

Comments

**049. Number of non-professional judges who are not remunerated but who can possibly 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 in a jury):**

	Figure
Gross figure	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In full time equivalent	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:**

	Yes	No	Echevinage
criminal cases (severe)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
criminal cases (misdemeanour and/or minor)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
family law cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
labour law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
social law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
commercial law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
insolvency cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other civil cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NAP

Comments - If “other”, please specify:

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

Yes

No

Comments

**050-1. If yes, for which type 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:**

[            ]

[ X ] NA

[   ] NAP

Comments

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

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	4 966 [   ] NA [   ] NAP	1 481 [   ] NA [   ] NAP	3 485 [   ] NA [   ] NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	833 [   ] NA [   ] NAP	322 [   ] NA [   ] NAP	511 [   ] NA [   ] NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	342 [   ] NA [   ] NAP	83 [   ] NA [   ] NAP	259 [   ] NA [   ] NAP
<b>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)</b>	764 [   ] NA [   ] NAP	253 [   ] NA [   ] NAP	511 [   ] NA [   ] NAP
<b>4. Technical staff</b>	53 [   ] NA [   ] NAP	33 [   ] NA [   ] NAP	20 [   ] NA [   ] NAP
<b>5. Other non-judge staff</b>	2 974 [   ] NA [   ] NAP	790 [   ] NA [   ] NAP	2 184 [   ] NA [   ] NAP

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

**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 permanent posts actually filled)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1+2+3)</b>	4 966 [   ] NA [   ] NAP	1 481 [   ] NA [   ] NAP	3 485 [   ] NA [   ] NAP

<b>1. Total non-judge staff working in courts at first instance level</b>	4 307 [ ] NA [ ] NAP	1 245 [ ] NA [ ] NAP	3 062 [ ] NA [ ] NAP
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	493 [ ] NA [ ] NAP	173 [ ] NA [ ] NAP	320 [ ] NA [ ] NAP
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	166 [ ] NA [ ] NAP	63 [ ] NA [ ] NAP	103 [ ] NA [ ] NAP

Comments

**053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do 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
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and 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. 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 specialservice 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

### C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Managementinformationsystem ("MIS") of PM-SAP

## 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 permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	375 <input type="checkbox"/> NA <input type="checkbox"/> NAP	200 <input type="checkbox"/> NA <input type="checkbox"/> NAP	175 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	336 <input type="checkbox"/> NA <input type="checkbox"/> NAP	175 <input type="checkbox"/> NA <input type="checkbox"/> NAP	161 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of prosecutors at Supreme Court level	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment for interpreting the data above:

### 056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	31 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of heads of prosecution offices at first instance 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
2. Number of heads of prosecution offices at second instance (court of appeal) level	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>3. Number of heads of prosecution offices at Supreme Court level</b>	1	1	0
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above:

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

Yes

No

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

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

[ 166 ]

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

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?**

Yes

No

Comments

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

	Total	Males	Females
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	338	62	276
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA

Comments

**C2. Please indicate the sources for answering questions 55, 56 and 60**

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

### 3.4. Gender equality

#### 3.4.1 Specific provisions for facilitating gender equality

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

	Yes, please specify	No
<b>judges</b>	( X ) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017).	( )
<b>prosecutors</b>	( X ) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017).	( )
<b>non-judge staff</b>	( X ) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017).	( )
<b>lawyers</b>	( )	( X )
<b>notaries</b>	( )	( 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 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017).	( )
--------------------	--	-----

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017).

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

	Yes, please specify	No
judges	( X ) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017) 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.	( )

<b>prosecutors</b>	( X ) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017) 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.	( )
<b>non-judge staff</b>	( X ) Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017) 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.	( )
<b>lawyers</b>	( )	( X )
<b>notaries</b>	( )	( X )

<b>enforcement agents</b>	<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 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017) 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"/>
---------------------------	---	--------------------------

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017) 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.

### 3.4.2 At national level

**061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:**

	Yes	No
<b>judges</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>prosecutors</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>non-judge staff</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>lawyers</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>notaries</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>enforcement agents</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

[https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40197072/II\\_246\\_2017\\_Anlage.pdf](https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40197072/II_246_2017_Anlage.pdf) (see Annex, p 9 ff)

**061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?**

( X ) Yes

( ) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send 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 58/2019) and the Action Plan for the promotion of women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017) -

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

[https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40197072/II\\_246\\_2017\\_Anlage.pdf](https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40197072/II_246_2017_Anlage.pdf) -Catalogue of measures to promote women and their equal treatment within the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice : -Participation in the inter-ministerial cross-mentoring-program for Women provided by the Federal Chancellery continuous training offer promoting women (e.g. trainings for women returning after maternity leave, etc) <https://www.jobboerse.gv.at/aufstieg/crossmentoring/index.html> - design of a concept on human resource development dedicated to the specific needs of the individual

**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	( X )	( )
the promotion of judges	( X )	( )
the recruitment of prosecutors	( X )	( )
the promotion of prosecutors	( X )	( )
the recruitment of non-judge staff	( X )	( )
the promotion of non-judge staff	( X )	( )

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

Equal-treatment officer and deputy officers and contact persons for equal treatment.

Working Group for equal treatment.

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

(title, date, nature of the text) Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019), Articles 22 ff, 26 ff, 28 ff, 35 ff

[ ] NAP

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

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) Equal opportunities commission: attached to the Federal Chancellery (Art 22 Federal Equal Treatment Act)

Equal-treatment officer and deputy officers and contact persons for equal treatment: attached to the Minister of Constitutional Affairs,

Reforms, Deregulation and Justice (Art 26, 28 Federal Equal Treatment Act)

Working Group for equal treatment: attached to the Ministry of Constitutional Affairs, Reforms, Deregulation and Justice (Art 35 Federal Equal Treatment Act)

[ ] NAP

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

(e.g. block a decision or allow an appeal) In hearings for the recruitment of judges or prosecutors with candidates of different sex, the equal-treatment officer has a right to sight the application forms and documents. She has to be heard by the personnel chambers (“Personalsenate”) and is allowed to ask questions (Para 32b Judges’ and Public Prosecutor’s Office’s Service Act (Richter- und Staatsanwaltschaftsdienstgesetz; Federal Law Gazette Nr 305/1961; last modified by Federal Law Gazette I Nr 120/2018). See Regulation regarding the Action plan for Promotion of women at the Supreme Administrative Court of Austria, BGBl. II Nr. 175/2018 and B-GlBG. 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, for instance, 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. (Article 26 with further references, esp. to Article 4).

In addition, the equal-treatment officer is the contact person for women for any questions, needs, complaints or notifications related to equality matters.

See Regulation regarding the Action plan for Promotion of women at the Supreme Administrative Court of Austria, BGBl. II Nr. 175/2018 and B-GlBG. administrative Courts:

Consultation and Information, partial permission to disciplinary notice.

[ ] NAP

### 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 - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments. Contact persons for equal treatment (Article 35 ff Federal Equal Treatment Act [Bundes-Gleichbehandlungsgesetz, Federal Law Gazette



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

	Yes	No
Assignment in different positions	( )	( X )
Workload distribution	( )	( X )
Working hours	( )	( X )
Modalities of teleworking and presence in the work space	( )	( X )
Replacement of absent persons	( )	( X )
Organisation of the hearings	( )	( X )
Other	( )	( X )

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

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

have been already implemented (please specify) : Regarding the Action plan for Promotion of women at the Supreme Administrative Court of Austria, see Regulation BGBl. II Nr. 175/2018 and B-GIBG.

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

Comments - If the situation changed since reference year, please specify in the comments. please see answers to 61-5.

[ ] NAP

**061-10. In your judicial system, and eventually based on evaluation, studies or official reports,**

**what are the main causes of inequalities in:**

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

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

[ X ] NAP

**061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:**

	Yes, please specify	No
<b>judges and court staff are more chosen among males or females according to the type of cases</b>	( )	( X )
<b>the composition of hearings with several judges is always mixed</b>	( )	( X )
<b>statistics exist concerning males and females who initiate a case/victims, accused persons, etc.</b>	( )	( X )

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

**3.5 Use of information technologies in courts**

**3.5.1 General policies in Information Technology in judicial systems**

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

Organisation

<b>IT policies and strategies</b>	<input checked="" type="checkbox"/> defined and coordinated at national level by one institution <input type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
<b>IT Governance</b>	<input checked="" type="checkbox"/> governed on national level by one institution <input type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments

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

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

Comments - (please specify if there are other modernisation approaches that have been implemented):

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

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

Comments - please also describe in case of “other alternatives”

**065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?**

- Yes
- No

Comments (please specify projects that have experienced national developments) Among other projects the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice operates an idea management system and an intranet site to detect and promote innovations regarding IT. The Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice has also installed several feedback groups and other instruments with practitioners.

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

( X ) Yes

( ) No

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

[ ] Business processes

[ ] Workload

[ X ] Human resources

[ X ] Costs

[ ] Other, please specify .....

Comments (please specify examples of the impact)

**3.5.2 Security of courts information system and personal data protection**

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

( X ) Yes

( ) No

Comments (please specify in particular if national frameworks of information security exist): Internal Auditing Department of the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice.

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

( X ) Yes

( ) No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) Yes, the Court Organisation Act (Gerichtsorganisationsgesetz – GOG) regulates the data protection framework for courts (§§ 83 et seq. GOG). The court shall pronounce whether the alleged infringement has taken place and, where appropriate, issue the necessary orders to the competent court. An appeal against the decision may be brought before the Supreme Court under certain circumstances.

**3.5.3 Centralised databases for decision support**

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

( X ) Yes

( ) Non

Comments

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

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
<b>Civil and/or commercial</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Criminal</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Administrative</b>	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( ) Yes all judgements ( X ) Yes some judgements ( ) No	( X ) Yes all judgements ( ) Yes some judgements ( ) No	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - if it exists in other matters please specify

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

( X ) Yes

( ) No

Comments

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

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

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

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

Comments - Please specify who is the authority delivering the access The data is stored in the register of case called "Verfahrensautomation Justiz" which is operated by the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice.

### 3.5.4 Writing assistance tools

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

( X ) Yes

( ) No

Comment – if it exists in other matters please specify

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

	Availability rate
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

**062-8. Are there voice recording tools?**

Yes

No

Comments

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

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA

<b>Administrative</b>	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
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**062-9. Is there an intranet site within the judicial system for distribution of news/novelities?**

**Availability rate:**

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

NA

Comments

**3.5.5 Technologies used for administration of the courts and case management**

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

- Yes
- No

Comments - if it exists in other matters please specify

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

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

<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

### 063-2. Computerised registries managed by courts

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

Comment – if it exists in other matters please specify

### 063-6. Budgetary and financial management systems of courts

Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)



<b>Budgetary and financial management of courts</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Justice expenses management</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other (please specify in comments)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Monthly controlling reports of the budgetary authorities.

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

Yes

No

Comments The data for the measurement tools is provided by the CMS, but there is no way get access to this data directly by using the CMS.

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

	<b>Tools deployment rate</b>	<b>Data used for monitoring at national level</b>	<b>Data used for monitoring at court local level</b>	<b>Tool integrated in the CMS</b>
<b>For judges</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>For prosecutors</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>For non-judge/non-prosecutor staff</b>	<input checked="" type="checkbox"/> 100%	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input type="checkbox"/> No	<input type="checkbox"/> No	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> 10-49%	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> 1-9%	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP
	<input type="checkbox"/> 0% (NAP)			
	<input type="checkbox"/> NA			

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

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

Yes

No

Comments

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

	<b>Availability rate</b>	<b>Simultaneous submission of cases in paper form remains mandatory</b>	<b>Specific legislative framework authorising the submission of a case</b>	<b>An integrated/connect ed tool with the CMS</b>
<b>Civil and/or commercial</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

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

Yes

No

Comments

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

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

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

Yes

No

Comments

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

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/>

<b>Criminal</b>	[ ]	[ ]	[ X ]	[ ] SMS [ ] E-mail [ X ] Specific computer application [ ] Other	[ X ]
<b>Administrative</b>	[ X ]	[ ]	[ X ]	[ ] SMS [ ] E-mail [ X ] Specific computer application [ ] Other	[ X ]

Comments

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

**Communication between court and lawyers representing parties**

( X ) Yes

( ) No

**Communication between court and parties not represented by lawyer**

( X ) Yes

( ) No

Comments

**064-6-1. If yes, please specify the following information:**

	<b>Tool deployment rate</b>	<b>Trial phases concerned</b>	<b>Modalities (if there are different according to the trial phases or if other, please specify in a comment)</b>	<b>Specific legal framework</b>
<b>Civil and/or commercial</b>	[ X ] 100% [ ] 50-99% [ ] 10-49% [ ] 1-9% [ ] 0% (NAP) - for this matter [ ] NA	[ X ] Submission of a case to a court [ X ] Phases preparatory to a hearing [ X ] Schedule of hearings and/or appeals management [ X ] Transmission of court decisions	[ ] E-mail [ X ] Specific computer application [ ] Other	[ X ] Yes

<b>Criminal</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
<b>Administrative</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

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

	<b>Tool deployment rate</b>	<b>Modalities (if there are different according to the deeds or if other, please specify in a comment)</b>	<b>Specific legal framework</b>
<b>Enforcement agents (as defined in Q169 and following)</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
<b>Notaries (as defined in Q192 and following)</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
<b>Experts (as defined in Q202 and following)</b>	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

<b>Judicial police services</b>	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
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Comments

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

Yes

No

Comments – Please describe the system that exists. Civil and/or Commercial: Payment order system, enforcement case system

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

Yes

No

Comments

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

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

Comments

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

Yes

No

Comments

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

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

**064-12. Is electronic evidence admissible?**

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

Comments

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

Comments

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

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

Yes

No

Comments

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

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of judges and court staff

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

costs of the judicial procedures

number of appeals

appeal ratio

clearance rate

disposition time



other (please specify): .....

Comments

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

Yes

No

Comments

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

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of prosecutors and prosecution staff

satisfaction of prosecution staff

satisfaction of users (regarding the services delivered by the public prosecutors)

costs of the judicial procedures

clearance rate

disposition time

percentage of convictions and acquittals

other (please specify): .....

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Operational Information System (BIS) annually

Periodic check lists (on October 1st of every year)

Internal audit examination all 4 to 7 years (less frequent)

Monthly statistics about incoming and closed cases ("Kurzstatistik") (more frequent)

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

- Yes
- No

Comments

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

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

Comments

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

- Yes
- No

Comments

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

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify: Operational Information System (Sta-BIS) annually  
Periodic check lists (on October 1st of every year)  
Internal audit examination all 4 to 7 years (less frequent)  
Monthly statistics about incoming and closed cases ("Kurzstatistik") (more frequent)

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

- Yes
- No

Comments

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

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

Comments

**079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): Head of the organisational unit or hierarchical superior court

Comments

**079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :**

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify): .....

Comments

**3.6.3. Measuring courts' / public prosecution services activity**



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

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

Comments

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

**concerning:**

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

Comments

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

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

Comments

**072. Do you monitor waiting time during judicial proceedings?**

	Yes (If yes, please specify)	No
<b>within the courts</b>	( )	( X )
<b>within the public prosecution services</b>	( )	( X )

Comments

**3.6.4. Information regarding courts /public prosecution services activity**



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

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

Comments

**080-1. Does this institution publish statistics on the functioning of each court:**

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

Comments

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

Yes (please indicate the name and the address of this institution):Federal Computing Centre of Austria (Bundesrechenzentrum GmbH)

- No

Comments

**080-3. Does this institution publish statistics on the functioning of each public prosecution service?**

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

Comments

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

- Yes
- No

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

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

- Internet
- Intranet (internal) website
- Paper distribution

Comments Administrative Courts:

The activity report is prepared once a year by every administrative court and publicly available. The report contains, among others, the number of incoming and resolved cases, the number of cases, which were still open at the end of the year, type of proceedings, duration of proceedings, number of staff, etc. The reports are published.

Administrative Supreme Court:

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

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

- Annual
- Less frequent

More frequent

Comments Administrative Supreme Court: Annual

Administrative Courts: Depending on the court's Organisation between 1 and 3 years.

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

Yes

No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments

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

Annual

Less frequent

More frequent

Comments

### 3.6.5 Courts administration

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

### 3.6.6 Performance and evaluation of judges and public prosecutors

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

- Yes
- No

Comments There are no specific targets given to the Judges, which are seen as a conflict with the Independence of Courts.

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

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify): .....

Comments

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

- Yes
- No

Comments

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

- Annual
- Less frequent
- More frequent

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

- Yes
- No

Comments

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

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public prosecutorial Council
- Head of the organisational unit or hierarchical superior public prosecutor
- Other (please specify): .....

Comments There are no specific targets given to public prosecutors.

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

- Yes

No

Comments

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

Annual

Less frequent

More frequent

Comments

**C4. Please indicate the sources for answering the questions in this chapter:**

Sources: NA

## 4. Fair trial

### 4.1. Principles

#### 4.1.1. Principles of fair trial

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

[            ]

NA

NAP

Comments - Please add methodology for calculation used.

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

Yes

No

Comments - Please could you briefly specify:

**085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):**

[            ]

NA

Comments

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



For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): The Ministry of Justice disseminates current information to all courts and prosecution services about the jurisprudence of the ECtHR by annual circular letters. Judgments of the ECtHR are discussed on a regular basis in the advanced training courses for judges on fundamental rights and in seminars for candidate judges and legal trainees. Sec 363a CCP provides that a retrial shall be held on application in so far as it cannot be ruled out that a violation of the ECHR or one of its Protocols, which was established in a judgment of the ECtHR on account of a decision or order of a criminal court, might have affected the decision in a manner detrimental to the person concerned. According to the jurisprudence of the Supreme Court (13 Os 135/06m), an application under sec 363a CCP may be lodged with the Supreme Court even prior to an application with the ECtHR, because sec 363a CCP must not be interpreted as permitting a retrial only in cases where a violation of Convention rights has already been established in a judgment against Austria by the ECtHR. The ECtHR considers an application under sec 363a CCP an effective and appropriate remedy for the purpose of Article 35 of the Convention (ECtHR 6.10.2015, ATV Privatfernseh GmbH, Appl.no. 58842/09).

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

Yes

No

NAP

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

## D1. Please indicate the sources for answering questions in this chapter.

Sources: See above

## 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: in civil cases:

“Einstweilige Verfügung” (“Urgent order”)

Concerning 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.

in 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: Civil Cases:

Austrian Payment Order:

The Austrian Code of Civil Procedure includes a fully tried and tested order for payment procedure (Mahnverfahren) for payment claims. Most payment claims in Austria are processed online in a simplified, fast-track order for payment procedure. The order for payment procedure is limited to payment claims other than those which have to be decided in a special type of 'non-contentious' procedure (Ausserstreitverfahren). The order for payment procedure has been limited to amounts in dispute of up to EUR 75 000 since 1 July 2009. Claims for amounts over that limit must be filed under the 'ordinary' civil procedure in the form of preparatory pleadings. The order for payment procedure is mandatory in Austria for claims up to the limit referred to above. The Austrian order for payment procedure cannot be used if the defendant is domiciled or habitually resident or has its registered office abroad. Such disputes must be settled under the 'ordinary' civil procedure. Depending on the claim, the court with jurisdiction will either ask the defendant to submit a defence within four weeks or set a date for a hearing.

Alternatively, payment claims against defendants resident in another Member State may be enforced under the European order for payment procedure:

For cross border cases within the EU the European Payment Order can be used (Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure). Please see [https://e-justice.europa.eu/content\\_order\\_for\\_payment\\_procedures-41-en.do?init=true](https://e-justice.europa.eu/content_order_for_payment_procedures-41-en.do?init=true) for further information.

European procedure for small claims:

The European Small Claims procedure is designed to simplify and speed up cross-border claims of up to € 5000. It is available to litigants as an alternative to the procedures existing under the laws of the Member States. A judgment given in the European Small Claims Procedure is recognized and enforceable in another Member State without the need for a declaration of enforceability and without any possibility of opposing its recognition. For further information please see [https://e-justice.europa.eu/content\\_small\\_claims-42-en.do?init=true](https://e-justice.europa.eu/content_small_claims-42-en.do?init=true).

Criminal Cases:

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

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

The written penal order has to be confined to fines or prison sentences up to one year on probation.

administrative cases (Misdemeanour criminal cases):

If the Administrative Court has pronounced the ruling including the essential reasons for the decision, the court has to produce a minute.

According to Sec 29 of the Proceedings of Administrative Courts Act – VwGVG just upon request of the parties concerned within two weeks a written copy of the ruling shall be served on the parties.

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

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

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: See the answer to question 88.

Civil cases:

According § 417a para 1 Civil Procedure Code (Zivilprozessordnung – ZPO) the grounds of the judgment may be limited in certain cases. The condition for this is that the judgement was given orally in the presence of both parties (§ 414 Civil Procedure Code (Zivilprozessordnung – ZPO)) and that none of the parties filed an appeal in time against the judgment (§ 461 para 2 Civil Procedure Code (Zivilprozessordnung – ZPO)).

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

Yes

No

Comments - If yes, please specify:

## 4.2.2. Case flow management – first instance



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	522 569 [ ] NA [ ] NAP	3 267 183 [ ] NA [ ] NAP	3 274 813 [ ] NA [ ] NAP	514 939 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	32 437 [ ] NA [ ] NAP	83 403 [ ] NA [ ] NAP	84 061 [ ] NA [ ] NAP	31 779 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	366 196 [ ] NA [ ] NAP	2 598 742 [ ] NA [ ] NAP	2 614 882 [ ] NA [ ] NAP	350 056 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>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)</b>	324 166 [ ] NA [ ] NAP	1 669 386 [ ] NA [ ] NAP	1 676 640 [ ] NA [ ] NAP	316 912 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	42 030 [ ] NA [ ] NAP	929 356 [ ] NA [ ] NAP	938 242 [ ] NA [ ] NAP	33 144 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	16 644 [ ] NA [ ] NAP	621 199 [ ] NA [ ] NAP	622 348 [ ] NA [ ] NAP	15 495 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	25 386 [ ] NA [ ] NAP	308 157 [ ] NA [ ] NAP	315 894 [ ] NA [ ] NAP	17 649 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	71 648 [ ] NA [ ] NAP	71 553 [ ] NA [ ] NAP	64 177 [ ] NA [ ] NAP	79 024 [ ] NA [ ] NAP	19 367 [ ] NA [ ] NAP
<b>4. Other cases</b>	52 288 [ ] NA [ ] NAP	513 485 [ ] NA [ ] NAP	511 693 [ ] NA [ ] NAP	54 080 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

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

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

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

. 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  
 Some Non litigious family matters

#### 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
<b>Total of criminal law cases (1+2+3)</b>	24 435 [ ] NA [ ] NAP	70 019 [ ] NA [ ] NAP	71 055 [ ] NA [ ] NAP	23 399 [ ] NA [ ] NAP	794 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	5 579 [ ] NA [ ] NAP	23 682 [ ] NA [ ] NAP	23 895 [ ] NA [ ] NAP	5 366 [ ] NA [ ] NAP	217 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	8 730 [ ] NA [ ] NAP	27 478 [ ] NA [ ] NAP	27 827 [ ] NA [ ] NAP	8 381 [ ] NA [ ] NAP	365 [ ] NA [ ] NAP
<b>3. Other cases</b>	[ ] 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 indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: The distinction between misdemeanour criminal cases and severe criminal cases is possible only for the criminal courts. However the total number includes administrative criminal law cases as well, where distinction is not possible.

#### 4.2.3. Case flow management – second instance



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of other than criminal law cases (1+2+3+4)</b>	5 003 [ ] NA [ ] NAP	25 461 [ ] NA [ ] NAP	25 703 [ ] NA [ ] NAP	4 761 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>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)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.3. Other non-litigious cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Administrative law cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If "Other cases" please specify

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

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec. ref. year</b>	<b>Pending cases older than 2 years from the date the case came to the second instance court</b>
<b>Total of criminal law cases (1+2+3)</b>	1 185 [ ] NA [ ] NAP	9 643 [ ] NA [ ] NAP	9 680 [ ] NA [ ] NAP	1 148 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	803 [ ] NA [ ] NAP	7 108 [ ] NA [ ] NAP	7 140 [ ] NA [ ] NAP	771 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	382 [ ] NA [ ] NAP	2 535 [ ] NA [ ] NAP	2 540 [ ] NA [ ] NAP	377 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP

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

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	2 818 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	8 885 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	8 850 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	2 853 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	57 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, 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)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2.3. Other non-litigious cases</b>	<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
<b>3. Administrative law cases</b>	2 191 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 802 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 787 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 206 <input type="checkbox"/> NA <input type="checkbox"/> NAP	57 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<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 The reasons for this increase of the incoming administrative cases is related to the high number of cases in the field of asylum and aliens law.

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

( ) Yes

( X ) No

Comments

#### 099-1-1. If yes, please indicate the number of:

cases received by the Highest court? [                    ]

cases closed by this procedure? [                    ]

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
<b>Total of criminal law cases (1+2+3)</b>	791 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 855 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 980 <input type="checkbox"/> NA <input type="checkbox"/> NAP	666 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	161 <input type="checkbox"/> NA <input type="checkbox"/> NAP	784 <input type="checkbox"/> NA <input type="checkbox"/> NAP	769 <input type="checkbox"/> NA <input type="checkbox"/> NAP	176 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	630 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 071 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 211 <input type="checkbox"/> NA <input type="checkbox"/> NAP	490 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Other cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify

### 4.2.5. Case flow management and timeframes – specific cases

#### 101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases,



intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens 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
Litigious divorce cases	2 700 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 497 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 686 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 511 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	9 922 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 910 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 799 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 033 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	162 <input type="checkbox"/> NA <input type="checkbox"/> NAP	520 <input type="checkbox"/> NA <input type="checkbox"/> NAP	539 <input type="checkbox"/> NA <input type="checkbox"/> NAP	143 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP	80 <input type="checkbox"/> NA <input type="checkbox"/> NAP	89 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	331 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 030 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 872 <input type="checkbox"/> NA <input type="checkbox"/> NAP	489 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	29 017 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 560 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23 210 <input type="checkbox"/> NA <input type="checkbox"/> NAP	37 367 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

. See [http://fra.europa.eu/sites/default/files/fra\\_uploads/1022-asylum\\_factsheet\\_Austria\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1022-asylum_factsheet_Austria_en.pdf)

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). 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 enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	222 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Litigious divorce case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	161 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	164 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

. NAP

**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 figure mentioned for litigious divorces is showing precisely only this kind of procedure. The figure for Employment dismissal cases is taken from the average length (median) of litigious procedures in civil labour categories as they go along with. The figures concerning the length of procedure are calculated as follows: Median length in months x 4,33 x 7.

% of pending cases for more than 3 years: pending cases for more than 3 years divided by incoming cases = 1,3%

#### 4.2.6. Case flow management – public prosecution



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

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal

to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify): .....

Comments Prosecutor can not propose the penalty to the judge, but the prosecutor's office prepares the indictment.

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

civil cases

administrative cases

insolvency cases

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

**107. Cases processed by the public prosecutor - Total number of first instance criminal cases:**

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	465 944	372 221	18 536	60 749
	<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

**107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?**

	Number of guilty plea procedures
<b>Total</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Before the court case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>During the court case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**108. Total number of cases which were discontinued by the public prosecutor.**

Number of cases
-----------------

<b>Total number of cases which were discontinued by the public prosecutor (1+2+3+4)</b>	372 221 [ ] NA [ ] NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	213 601 [ ] NA [ ] NAP
<b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	147 078 [ ] NA [ ] NAP
<b>3. Discontinued by the public prosecutor for reasons of opportunity</b>	11 542 [ ] NA [ ] NAP
<b>4. Other</b>	0 [ ] NA [ ] NAP

Comments

**109. Do the figures include traffic offence cases?**

- ( ) Yes
- ( X ) No

Comments

**D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.**

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?**

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

Comments All judges except administrative go through a competitive exam (open competition). For the appointment as a judge at an administrative court, a five year professional experience and the (previous) passing Service exam or an authorisation to teach 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 of the administrative Courts.

**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 made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: Appointment by the Federal President (High judges) or by the Federal Minister of Justice based upon a Nomination by an authority composed of judges.

Administrative Courts:

Appointment by the Land Government based upon a nomination by the competent judicial committee or the administrative court or appointed by the Federal President based upon a nomination by the competent judicial committee or the administrative court Supreme Administrative Court: NAP, within the Supreme Administrative Court there aren't any "Young professionals"/"recent graduates"

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

- Yes
- No

Comments

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

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

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): general nondiscrimination rules apply (in case of equally qualified applicants, the female applicant has to be appointed).

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

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- 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?**

- statutory independent
- under the authority of the Minister of Justice or another central authority
- other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

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

Yes

No

Comments - If yes, please specify:

**116. How are public prosecutors recruited?**

mainly through a competitive exam (open competition)

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

a combination of both (competitive exam and working experience)

other (please specify): .....

Comments Only judges or prosecutors can be appointed as prosecutors. They have to meet the requirements for being appointed as a professional judge.

**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

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: See question 116. Applicants have to meet the same requirements and complete the same training periods and exams as judges before they can apply for a post as prosecutor.

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

Yes

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

Comments In Austria “promoting” means exclusively the appointment to higher posts like the chief of a public prosecution, a General Advocate or a prosecutor of second instance. The Federal President appoints public prosecutors upon proposal by the staff commission. However, for most established (lower) public prosecutor posts he has delegated the right of appointment to the Federal Minister of Justice.

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

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): See question 116. In the proposal which includes a ranking of the applicants the staff commission has to consider the professional experience, the appropriate application, organizational skills and the appraisals of the applicants.

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

- Assessment results
- 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"):

### 5.1.3.Mandate 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: A judge has to be temporary retired if,

- he/she is away sick for more than one year
- he/she does not fulfil the requirements anymore
- he/she becomes a member of an Regional Administrative Court ("Landesverwaltungsgericht")

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

A judge loses his/her job automatically if,

- he/she loses the Austrian citizenship
- he/she gets dismissed as a disciplinary sanction
- he/she is convicted (3 possibilities)
  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)

#### **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):Ad for organisational reasons: In case of court closures/mergers the transfer has to be regulated by federal law. This has never been necessary so far because affected judges usually apply for other posts in time. Ad Other reasons: A judge has to be transferred if nonprofessional circumstances (that haven't been inflicted by him-/herself) permanently damage his/her reputation and ability to perform the duties of his/her post to an extent that he/she would not be able to function as a judge at that post anymore. Furthermore in cases of adoption of the judge by another judge of the same district court, adoption of another judge of the same district court by the judge or marriage or non-marital relationship of judges of the same district court.

- No

Comments Answer is NO for the Administrative Courts.

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

- Yes, duration of the probation period (in years): .....
- No

Comments

#### **123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until**

**the official age of retirement)?**

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

No

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

A public prosecutor has to be temporary retired if,

- he/she is away sick for more than one year

- he /she does not fulfil the requirements anymore

- he /she becomes a member of an Regional Administrative Court (“Landesverwaltungsgericht”)

A public prosecutor has to be permanently retired if he/she has a negative review of his/her work for two years straight.

A public prosecutor loses his/her job automatically if,

- he/she loses the Austrian citizenship

- he/she gets dismissed as a disciplinary sanction

- he/she is convicted (3 possibilities)

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)

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

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

No

Comments

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

[            ]

NA

NAP

Comments

**125-1. Is it renewable?**

Yes

No

NAP

Comments

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

[            ]

NA

NAP

Comments

**126-1. Is it renewable?**

Yes



( ) No

[ X ] NAP

Comments

### E1. Please indicate the sources for answering the questions in this chapter:

Sources: NA

## 5.2. Training

### 5.2.1. Training of judges

#### 127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions of the court (e.g. court president)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments

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

	Frequency of the judges training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed

<b>In-service training for management functions of the court (e.g. court president)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in courts</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

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

## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

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

<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in office</b>	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training on ethics</b>	<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:

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

	<b>Initial training only</b>	<b>Continuous training only</b>	<b>Initial and continuous training</b>
<b>One institution for judges</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>One institution for prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>One single institution for both judges and prosecutors</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

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

	<b>Budget of the institution for the reference year, in €</b>
<b>One institution for judges</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>One institution for prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>One single institution for both judges and prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

. In Austria candidates for judges and prosecutors get the same initial training. After education the candidate is free to choose either between a career as a judge or as a prosecutor. The initial training takes about four years and is conducted by judges. All the candidates also get practice at the Public Prosecutions Office. The initial training is compulsory for each candidate. After four years of practice at Court and the Public Prosecutions Office and initial training the candidates are allowed to make the Judge Office Examination (in writing and orally), which is held by examination commissions established at each Court of appeal.

The continuous training is based on a balanced decentralized and centralized judicial training system. After having passed the examination both judges and prosecutors are free to take part in continuing education offered by the presidents of the four courts of appeal, the Public Prosecution Offices, the Judges Association and the Federal Ministry of Justice/Training Unit for Judges and Prosecutors. An annual Training Programme for judges and prosecutors is published as a booklet and distributed to every judge and prosecutor and it also can be found on the homepage of the Federal Ministry of Justice. The general in-service training offered by the judicial authorities mentioned above is taken up by more than 70% of the judges and prosecutor every year.

For administrative Judges there is the Austrian Academy of Administrative Jurisdiction.

### 131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
<b>Total</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>1. Only for judges</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Only for prosecutors</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Only for other non-judge staff</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Only for other non-prosecutor staff</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>5. Other common training</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments:

### E2. Please indicate the sources for answering the questions in this chapter:

Sources: NA

### 5.3.Practice of the profession

#### 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	53 865 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	53 865 <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 average salary of a judge at this level, and not the salary of the Court President)	131 228 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	131 228 <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	57 158 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	57 158 <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 average salary of a public prosecutor at this level, and not the salary of the Attorney General).	131 228 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	131 228 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Gross annual Salary in € on 31 Dec 2018 First instance professional judge at the beginning of his/her career 53 865

Judge of the Supreme Court or the Highest Appellate Court : 131 227,88

Public prosecutor at the beginning of his/her career: 57 158,80

Public prosecutor of the Supreme Court or the Highest Appellate Instance : 131 227,88

Administrative court:

first instance professional Judge at the beginning of his/her Career: 69 600,00

Judge of the Supreme Court or the Highest Appellate Court: 126 000

### 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Judges at Administrative Courts get the same benefits as functionaries (e.g. anniversary reward, child allowance, possibly cost of living bonus, travel fees of transportation allowance)

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

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

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Mediator</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other function</b>	( 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 other functions/activities?

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Mediator</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other function</b>	( 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.

specify:

**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

No

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

### 5.3.2 Body/institution of ethics

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

Yes

No

Comments

**138-1. If yes, how is this institution / body formed**

only by judges

by judges and other legal professionals

other, please specify: .....

Comments

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

Yes

No

[ ] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. In 2007, the members of the Association of Austrian Judges drew up a Declaration of Ethics, which summarises the ethical principles that guide them. This idea was further developed and therefore the General Assembly of the Association of Austrian Judges elected the members of the Ethics Council established last year on 29 November 2018. They will concentrate on questions of judicial values, measures for education and training in this context, and the interpretation and presentation of proposals for the further development of the Declaration of Ethics.

It is at the discretion of the Ethics Board to deal with and respond to requests from members of the Association. However, it also has the option of taking up topics on its own initiative in order to promote the further development of ethical principles on the basis of concrete cases. Recommendations of the Ethics Council shall be addressed exclusively to the Board of the Association of Austrian Judges. Once a year, the Ethics Council submits a report to the Board and the General Assembly of the Association of Austrian Judges, which must be general and avoid allocation to specific persons. It is conceivable, but not obligatory, that a recommendation of the Ethics Council be published.

The Ethics Council meets at least four times a year.

[ ] NAP

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

Yes

No

Comments

#### 138-4. If yes, how is this institution / body formed

- only by prosecutors  
 by prosecutors and other legal professionals  
 other, please specify: .....

Comments

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

- Yes  
 No  
 NAP

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

NAP

### 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 options possible)?

- Court users  
 Relevant Court or hierarchical superior  
 High Court / Supreme Court  
 High Judicial Council  
 Disciplinary court or body  
 Ombudsman  
 Parliament

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

- Other (please specify): .....  
 This is not possible

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

#### 141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options 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 or body
- Ombudsman
- Professional body
- Executive power (please specify):See the answer to question 140.
- Other (please specify): .....
- This is not possible

Comments

**142. Which authority has disciplinary power over judges? (multiple options 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 options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....

Comments

**5.4.2.Number of disciplinary procedures and sanctions**

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

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	27 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>1. Breach of professional ethics</b>	4 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Professional inadequacy</b>	21 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Criminal offence</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Other</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If "other", please specify:

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

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	2 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>1. Reprimand</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Suspension</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Withdrawal from cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Fine</b>	2 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>5. Temporary reduction of salary</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>6. Position downgrade</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>7. Transfer to another geographical (court) location</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>8. Resignation</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

<b>9. Other</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>10. Dismissal</b>	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.

### E3. Please indicate the sources for answering questions 144 and 145:

Sources: Internal Register

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1.Status of the profession of lawyers

#### 146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	6 483 [ ] NA	5 023 [ ] NA	1 460 [ ] NA

Comments

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

Yes ( )

No ( X )

Comments

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

[ ]

[ ] NA

[ X ] NAP

Comments

#### 149. Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[ ]	[ ]	[ X ]

<b>Dismissal cases</b>	[ ]	[ ]	[ X ]
<b>Criminal cases – Defendant</b>	[ ]	[ ]	[ ]
<b>Criminal cases – Victim</b>	[ ]	[ ]	[ ]
<b>Administrative cases</b>	[ ]	[ ]	[ ]

[ ] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly: 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 of the last instance and for applications and complaints lodged before the constitutional court representation by a lawyer is mandatory. Possible representation by Member of family, NGO, e.g. the party itself, each person able to represent him-/herself.

**149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:**

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

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s): See comments on question 149.

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

[ ] Notarial activity

[ X ] Arbitration / mediation

[ X ] Proxy / representation

[ X ] Property manager

[ X ] Real estate agent

[ X ] Other law activities (please specify): .....

Comments e.g. receiver in insolvency, custodian, special guardian;

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

- Self-employed lawyer  
 Staff lawyer  
 In-house lawyer

Comments

## 150. Is the lawyer profession organised through:

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

Comments

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

- Yes  
 No

Comments - If not, 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 questions 146 and 148:

Sources: Statistic from the Austrian Bar (Österreichischer Rechtsanwaltskammertag) of 31 December 2018 (available at [www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)). The data only includes lawyers registered in the list of Austrian lawyers (6.389), lawyers registered in the list of established European lawyers (94) registered by 31 December 2018. It does not include solicitors nor legal advisors as such professions/types of service providers do not exist in Austria.

### 6.1.2. Practicing the profession

## 154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the

**foreseeable amount of fees)?**

Yes

No

Comments

**155. Are lawyers' fees freely negotiated?**

Yes

No

Comments

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

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

### 6.1.3. Quality standards and disciplinary procedures

**157. Have quality standards been determined for lawyers?**

Yes

No

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

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

the bar association

the Parliament

other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify:

**160. Which authority is responsible for disciplinary procedures?**

a judge

Ministry of Justice

a professional authority

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

lawyers, challenging an election, etc) of lawyers and trainee lawyers.

Comments

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

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	477 [ ] NA [ ] NAP
<b>1. Breach of professional ethics</b>	[ X ] NA [ ] NAP
<b>2. Professional inadequacy</b>	[ X ] NA [ ] NAP
<b>3. Criminal offence</b>	[ X ] NA [ ] NAP
<b>4. Other</b>	[ X ] NA [ ] NAP

Comments - If "other", please specify:

**162. Sanctions pronounced against lawyers.**

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	[ X ] NA [ ] NAP
<b>1. Reprimand</b>	[ X ] NA [ ] NAP
<b>2. Suspension</b>	[ X ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	[ X ] NA [ ] NAP
<b>4. Fine</b>	[ X ] NA [ ] NAP
<b>5. Other</b>	[ X ] NA [ ] 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: Civil cases: in some tenancy law matters, before of going to court; in some family law matters ordered by the judge

Criminal cases: (Withdrawal of the prosecution (Diversion): victim-offender mediation (Tatausgleich)

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

Yes

No

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

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

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

Comments



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

Yes

No

NAP

Comments - If yes, please specify (only one or both options):: Depending on the income of the family in some family law cases the price of mediation is reduced. It is supported but not usual legal aid as for bringing an action an a court.

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

	Total	Males	Females
Number of mediators	2 273 <input type="checkbox"/> NA <input type="checkbox"/> NAP	887 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 386 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**167. Number of court-related mediations:**

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
<b>Total ( 1 + 2 + 3 + 4 + 5 + 6)</b>	<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
<b>1. Civil and commercial cases</b>	<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
<b>2. Family cases</b>	<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
<b>3. Administrative cases</b>	<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
<b>4. Labour cases including employment dismissal cases</b>	<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
<b>5. Criminal cases</b>	<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
<b>6. Consumer cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

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

Sec. 198 – 209 CPC

In administrative proceedings in matters of taxes, customs duties and respective penalties arbitration is possible.

## G1. Please indicate the source for answering question 166:

Source: www.mediatorenliste.justiz.gv.at

## 8.Enforcement of court decisions

### 8.1.Execution of decisions in civil matters

#### 8.1.1.Functioning

#### 169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

#### 170. Number of enforcement agents

	Total	Male	Female
Number of enforcement agents	346 <input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments

#### 171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers: see answers to the questions below.

#### 171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

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

	Option
<b>Seizure of movable tangible properties</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of immovable properties</b>	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of remunerations</b>	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Seizure of motorised vehicles</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Eviction measures</b>	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
<b>Enforced sale by public tender of seized properties</b>	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

**171-3. Apart of 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 sale of moveable or immoveable property at public auction
- Seizure 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

**172. Is there a specific initial training or exam to become an enforcement agent?**

- Yes
- No

Comments

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

- Yes
- No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

- a national body
- a regional body
- a local body
- NAP

Comments

**174. Are enforcement fees easily established and transparent for court users?**

- Yes
- No

Comments

**175. Are enforcement fees freely negotiated?**

- Yes
- No

Comments

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

- Yes
- No

Comments

## H0. Please indicate the sources for answering question 170

Source: Bundesgesetz über die Vollzugsgebühren (Federal Act on Enforcement Fees)

### 8.1.2. Efficiency of enforcement services

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

Yes

No

Comments

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

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): .....

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

#### 179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used? Controlling Units at the four Courts of Appeal (Vienna, Graz, Linz and Innsbruck).

#### 180. If yes, who is responsible for establishing these quality standards?

professional body

judge

Ministry of Justice

other (please specify): .....

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

#### 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. (Article 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

other (please specify):Inadequate behavior toward parties (e.g. obligated party).

Comments

**184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?**

Yes

No

Comments - If yes, please specify: The Reform of Law Enforcement (“FEX-project”), see <http://www.coe.int/T/dghl/cooperation/cepej/events/EDCJ/Cristal/ProjektAustria2005.pdf>

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

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

for administrative cases	( X ) Yes ( ) No
--------------------------	---------------------

Comments

**186. Regarding a decision on debt collection, please estimate the average timeframe to 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
<b>Total number of initiated disciplinary proceedings (1+2+3+4)</b>	1 [ ] NA [ ] NAP
<b>1. For breach of professional ethics</b>	[ X ] NA [ ] NAP
<b>2. For professional inadequacy</b>	[ X ] NA [ ] NAP
<b>3. For criminal offence</b>	[ X ] NA [ ] NAP
<b>4. Other</b>	[ X ] NA [ ] NAP

Comments - If "other", please specify: Austria does not differentiate between the categories mentioned above (numbers 1 to 4). Therefore, we can only refer to the number of disciplinary cases as a whole.

**188. Number of sanctions pronounced against enforcement agents:**

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	0 [ ] NA [ ] NAP
<b>1. Reprimand</b>	0 [ ] NA [ ] NAP

<b>2. Suspension</b>	[ ] NA [ X ] NAP
<b>3. Withdrawal from cases</b>	[ ] NA [ X ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP
<b>5. Other</b>	0 [ ] NA [ ] 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: All disciplinary proceedings against public officials are recorded in an own register for disciplinary proceedings. The Federal Ministry of Justice administrates this register. The data for questions 187 and 188 comes both from this register and from the electronic file system, which the Ministry of Justice uses (ELAK).

### H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: All disciplinary proceedings against public officials are recorded in an own register for disciplinary proceedings. The Federal Ministry of Justice administrates this register. The data for questions 187 and 188 comes both from this register and from the electronic file system, which the Ministry of Justice uses (ELAK).

## 8.2. Execution of decisions in criminal matters

### 8.2.1. Functioning of execution in criminal matters

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

- Judge
- Public prosecutor
- Prison and Probation Services
- 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%



## 9. Notaries

### 9.1. Profession of notary

#### 9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Total	Male	Female
<b>TOTAL (1+2+3+4)</b>	515 [ ] NA [ ] NAP	457 [ ] NA [ ] NAP	58 [ ] NA [ ] NAP
<b>1. Private professionals (without control from public authorities)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Professionals appointed by the State</b>	515 [ ] NA [ ] NAP	457 [ ] NA [ ] NAP	58 [ ] NA [ ] NAP
<b>3. Public officials</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "other", please specify the status: Notaries in Austria are public office holders.

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

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- 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:

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

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication

Certification of signatures

Legality control of documents submitted by the parties

Mediation

Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify): Setting-up authentic instruments and private documents, agreements and contracts, collection of taxes, entries into registers, legal advice, representation of parties in certain cases.

Comments

### **194-1. Do notaries have the exclusive rights when exercising their profession:**

Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)

Authentication

Certification of signatures

Legality control of documents submitted by the parties

Mediation

Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify): .....

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with:

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

Real estate transaction

Family law

Succession law

Company law

Legality control of gambling activities

Other

Comments

### **194-3. Do notaries use specialised digital systems in their activity?**

In establishing authentic instruments

In recording authentic instruments (archives)

Other activity (please specify): .....

Comments Entries into registers, transmission of documents between notaries and courts/public administration (e.g. tax authorities)

### **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

**I1. Please indicate the sources for answering question 192:**

Sources: Directory of notaries, Austrian Chamber of Civil Law Notaries

## 10. Court interpreters

### 10.1. Details on profession of court interpreter

#### 10.1.1. Status of court interpreters

**197. Is the title of court interpreters protected?**

Yes

No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

Yes

No

Comments

**199. Number of accredited or registered court interpreters:**

[ 721 ]

NA

NAP

Comments

**200. Are there binding provisions regarding the quality of court interpretation within judicial**

**proceedings?**

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): And no see below

**201. Are the courts responsible for selecting court interpreters?**

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters .....

Comments

**J1. Please indicate the sources for answering question 199**

Sources: List of Sworn and Certified Court Interpreters, available via the internet:  
<http://www.sdgliste.justiz.gv.at/>

**11.Judicial experts**

**11.1.Profession of judicial expert**

**11.1.1.Status of judicial experts**



**202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):**

experts who are requested by the parties to bring their expertise to support their argumentation,

experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify): .....

Comments

**202-1. Are there lists or databases of registered judicial experts?**

Yes

No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

**202-2. Who is responsible for registering judicial experts?**

Ministry of justice

Courts

Independent body (association of judicial experts)

Other

Comments

**202-3. Is the registration of judicial experts limited in time?**

Yes, for how long 5 years

No

Comments

**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
<b>Initial training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Continuous training</b>	<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

**205. Number of accredited or registered judicial experts:**

	Total	Male	Female
Number of experts	8 917 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

### 205-1. Who sets the expert remuneration?

- The remuneration of experts appointed by courts is governed by the Fees Claim Act (Gebührenanspruchsgesetz). It is fixed by the court on the basis of the time and effort expended, taking into account the income the experts can expect in their professional lives. In some proceedings, among others on nonlitigious matters, proceedings in which one of the parties receives legal aid, and in criminal cases some experts charges have to be fixed according to rates determined by law. The expert is furthermore compensated for costs such as travel expenses, assistants etc. The remuneration of the expert as part of the costs of litigation is paid by the litigant(s) having lost the case in civil cases. In criminal proceedings the State has to pay the expert, which is final following an acquittal; a convicted person is liable to bear these costs.

### 206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: the time limit to provide the technical report has to be set out by the judge in any particular case.

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

	Number of cases
Total (1+2+3+4)	116 889 [ ] NA [ ] NAP
1.Civil and commercial litigious cases	78 490 [ ] NA [ ] NAP
2.Administrative cases	[ X ] NA [ ] NAP
3.Criminal cases	15 773 [ ] NA [ ] NAP
4.Other cases	22 626 [ ] NA [ ] NAP

Comments

### 207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts .....

Comments see also answer to Q202.1

### 207-1. Does the judge control the progress of the expertise?

Yes

No

Comments

### K1. Please indicate the sources for answering question 205

Sources: List of Sworn and Certified Court Experts, available via the internet:

<http://www.sdgliste.justiz.gv.at/>

to Q203.1

yes and no to Initial training: to get on the List of Sworn and Certified Court Experts, the expert has to proof professional experience in his area of expertise for at least ten years and knowledge of the principles of Austrian legal and court procedures and expert practices & principles.

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1.Reforms

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:**

- 1. (Comprehensive) reform plans •Digitization of the citizen service in the sense of a modern, citizen-oriented and efficient judiciary
- Assurance of a strictly demand-oriented use of resources to ensure a rapid and high-quality judiciary

2. Budget NA

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts - ,

management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) Optimization of the structure of the district courts according to economic criteria and objective site criteria with the involvement of the public

3.1. Access to justice and legal aid The implementation of the Directive (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings requires adjustments in the legal aid system. For some procedural actions a thus far non-existent access to a free lawyer has to be granted under certain circumstances.

4. High Judicial Council Currently there are no plans to form a Judicial Council.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

- Establishment of a consistent basic education for all judges of the ordinary and administrative courts (BVwG)
- Quality increase through modular design of training with the possibility of setting priorities (compulsory or optional modules)
- Establishment of a shortened basic education programme which is attractive in terms of salary for lateral entrants with several years of previous professional experience
- Increase of interchangeability between ordinary and administrative jurisdiction

As regards the professions of lawyers and notaries, the Directive (EU) 2015/849 requires some additional amendments of the Lawyers' Act and the Notarial Code to clarify the already implemented AML/CFT provisions; the expected date of entry into force of these amendments is 1 August 2019. Also in preparation is the transposition of the fifth anti-money laundering directive (EU) 2018/843 in the field of the professional law of lawyers and notaries.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities In 2018, a task force was set up to develop recommendations in the fields of victim protection, active work with offenders and the extension of sentences in cases of violence and sexual crimes. Experts from federal ministries, from practice and science, presented their final report in mid-January 2019. The report contains concrete recommendations for the reform of the substantive and procedural aspects of criminal law. For instance, it proposed an amendment to the penal code to introduce female genital mutilation as a proper criminal offense and it also proposed various improvements and clarifications in the field of victim protection. In mid-February 2019, individual measures proposed by the task force were agreed by the Council of Ministers. In May 2019, draft bills for implementing these measures have been sent out for public consultation until the end of June 2019, entitled as draft of a "3rd Violence Protection Act" ("Drittes Gewaltschutzgesetz"). The draft also includes a provision concerning the extension of the limitation period for damage claims under civil law of crime victims.

7. Enforcement of court decisions A reform of the Enforcement Act (Exekutionsordnung) increasing the efficiency of enforcement



procedures of civil law judgements and improving the collection of receivables is planned for 2020. One of the main aspects of the current draft is the establishment of a court-appointed administrator, who will facilitate and improve the finding and identification of suitable assets.

#### 8. Mediation and other ADR NA

#### 9. Fight against crime NA

9.1. Prison system Against the background of the detestable terror attacks of recent years concerns have been repeatedly raised about the problems of radicalisation in prisons, and de-radicalisation and resocialisation programmes have been initiated. The Austrian Prison Administration has taken a plethora of measures to effectively counter this phenomenon. In 2015 an interdisciplinary Task Force “De-Radicalisation in Prison” was established, which is preparing strategies and implementation proposals, coordinating and supervising all activities in this area and is providing information between the stakeholders involved as well as ensuring good cooperation within the service and with other relevant Ministries, the Probation Service and non-governmental organisations on national and international level. A comprehensive package of measures for the prevention of extremism and for de-radicalisation in prisons has been developed and a number of measures, in particular in the areas of security, care, risk assessment, transition management and aftercare, training and further education as well as research have already been implemented.

9.2 Child friendly justice Since July 2010 a judge can instruct a child advisor in cases of parental custody or cases about the right to access to one’s child to support the child in the procedure and help to find out his or her wishes.

9.3. Violence against partners See also Point 6 above. The draft of the “3rd Violence Protection Act” (“Drittes Gewaltschutzgesetz”) also includes legislative measures concerning restraining orders in order to further improve the victim’s protection against violence. The changes foresee inter alia a better cooperation between victim help centers, security authorities and courts and the possibility to file a restraining order in cases of cyberbullying.

10. New information and communication technologies Strategic Justice 3.0 initiative  
The initiative aims to find the best possible IT support for all the different user groups up to all-electronic handling of cases in the light

of current technical trends and possibilities. The overall report concluding phase 1 of Justice 3.0 was published and communicated in June 2014.

Based on that report and the implementation plan contained therein, phase 2 of Justiz 3.0 was started, with several parallel projects running to establish and optimise the bases of digital file management. Among other things, the prerequisites for a viable Austria-wide scanning process and text recognition, a file document management and workflow system are being created.

By the end of 2016 a pilot project for completely digital file management was started in four Regional Courts, which will provide the basis for more upgrading and enhancement steps.

After implementing significant technological and functional improvements another pilot run started in May 2018 at the Commercial Court of Vienna.

According to our financial leeway roll-out of justice 3.0 hard- and software will proceed to additional courts and types of proceeding. An information video highlighting the strategic approach as well as soft- and hardware developments is available at [www.justiz.gv.at](http://www.justiz.gv.at) (E-Government » Justiz 3.0).

11. Other NA