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## FOURTH EVALUATION ROUND

Corruption prevention in respect of members of  
parliament, judges and prosecutors

### THIRD *INTERIM* COMPLIANCE REPORT

### AUSTRIA

Adopted by GRECO at its 98th Plenary Meeting  
(Strasbourg, 18-22 November 2024)

## **I. INTRODUCTION**

1. The Fourth Round Evaluation Report on Austria was adopted at GRECO's 73rd Plenary Meeting (21 October 2016) and made public on 13 February 2017, following authorisation by Austria ([GrecoEval4\(2016\)1](#)). GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. In the Compliance Report adopted by GRECO at its 81st Plenary Meeting (7 December 2018) and made public on 17 July 2019, following authorisation by Austria ([GrecoRC4\(2018\)15](#)), it was concluded that only one of the 19 recommendations contained in the Evaluation Report had been dealt with in a satisfactory manner, five recommendations had been partly implemented and thirteen had not been implemented. GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" and decided to apply its "non-compliance" procedure.
3. In the Interim Compliance Report adopted by GRECO at its 85th plenary meeting (25 September 2020) and made public on 1 March 2021. GRECO concluded that the low level of compliance with the recommendations remained "globally unsatisfactory".
4. In the Second Interim Compliance Report adopted by GRECO at its 89th plenary meeting (3 December 2021) and published on 20 April 2022, GRECO concluded that the low level of compliance with the recommendations was no longer "globally unsatisfactory".
5. In the Second Compliance Report adopted by GRECO at its 94th plenary meeting (9 June 2023) and made public on 16 November 2023, GRECO concluded that three of the nineteen recommendations contained in the Fourth Round Evaluation Report had been implemented satisfactorily or dealt with in a satisfactory manner. Of the remaining recommendations, eleven have been partly implemented and five have not been implemented. Since the vast majority of recommendations remained partly implemented or not implemented, GRECO had to conclude that the current level of compliance with the recommendations was again "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of the Rules of Procedure. GRECO therefore decided to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report. Pursuant to paragraph 8.2 of Article 31 of the Rules of Procedure, GRECO asked the head of the Austrian delegation to provide a report on measures to implement the outstanding recommendations. That report, submitted on 27 June 2024, and subsequent information, provided on 21 October 2024, form the basis of this report.
6. This Third Interim Compliance Report evaluates the progress made in implementing the outstanding recommendations (recommendations ii to xii, xiv, xvi, xvii, xviii and xix) since the previous Second Compliance Report and provides an overall appraisal of the level of Austria's compliance with these recommendations.
7. GRECO selected Poland (in respect of members of parliament) and Liechtenstein (in respect of judges and prosecutors) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Bogusław NOCUŃ, on behalf of Poland, and Mr Fabian RITTER, on behalf of Liechtenstein. They were assisted by GRECO's Secretariat in drawing up this Third Interim Compliance Report.

## **II. ANALYSIS**

*Corruption prevention in respect of members of parliament*

### **Recommendations ii to viii**

8. *GRECO recommended: (i) that a code of conduct (or ethics) be developed for members of parliament and communicated to the public; ii) ensuring there is a mechanism both to promote the code and to provide advice and counselling to MPs, but also to enforce such standards where necessary. (Recommendation ii)*
9. *GRECO recommended: (i) to clarify the implications for members of parliament of the current system of declarations of income and side activities when it comes to conflicts of interest not necessarily revealed by these declarations; and in that context (ii) to introduce a requirement of ad hoc disclosure when a conflict between specific private interests of individual MPs may emerge in relation to a matter under consideration in parliamentary proceedings – in the plenary or its committees – or in other work related to their mandate. (Recommendation iii)*
10. *GRECO recommended that internal rules and guidance be provided within parliament on the acceptance, valuation and disclosure of gifts, hospitality and other advantages, including external sources of support provided to parliamentarians, and that compliance by parliamentarians be properly monitored, consistent with the rules on political financing. (Recommendation iv)*
11. *GRECO recommended that the legal framework applicable to lobbying be reviewed so as to (i) improve the transparency of such activities (also for the public) and the consistency of requirements including the legal prohibition for parliamentarians themselves to act as lobbyists, and to ensure proper supervision of these declaratory requirements and restrictions (ii) to provide for rules on how members of parliament have contacts with lobbyists and other persons seeking to influence parliamentary work. (Recommendation v)*
12. *GRECO recommended: (i) that the existing regime of declarations be reviewed in order to include consistent and meaningful information on assets, debts and liabilities, more precise information on income (ii) that consideration be given to widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public). (Recommendation vi)*
13. *GRECO recommended that: (i) that the future declarations of income, assets and interests be monitored by a body provided with the mandate, the legal and other means, as well as the level of specialisation and independence needed to perform this function in an effective, transparent and proactive manner and (ii) that such a body be able to propose further legislative changes as may be necessary, and to provide guidance in this area. (Recommendation vii)*
14. *GRECO recommended that infringements of the main present and future rules in respect of integrity of parliamentarians, including those concerning the declaration system under the Act on incompatibilities and transparency, carry adequate sanctions and that the public be informed about their application. (Recommendation viii)*
15. GRECO recalls that recommendation ii remained partly implemented since the *Interim Compliance Report*. At the time, new codes of conduct had been adopted and published by both chambers of parliament, supplementary guidance and enforcement mechanisms were still lacking, and no steps were foreseen to provide advice and

counselling to MPs. The authorities reported no new measures at the time of examining the Second Compliance Report.

16. Recommendation iii remained partly implemented in the Second Compliance Report. The rules on recusal applicable to members of supervisory committees of the two chambers of parliament had been adopted, but their application needed to be broadened to cover all MPs, as well as other parliamentary activity. Moreover, no steps had been taken to implement the first part of this recommendation.
17. Recommendation iv was partly implemented in the Second Compliance Report. The adoption of the guidelines on how MPs should deal with gifts and other advantages had been welcomed, but the internal rules regarding acceptance, disclosure and valuation of gifts by MPs had still not been adopted, and were not even in the making at the time.
18. Recommendation v remained not implemented in the Second Compliance Report. A working group established by the Ministry of Justice was to evaluate the Austrian Lobbying and Advocacy Transparency Act to inform possible alignment of lobbying activities of the MPs, but that evaluation had not been completed at the time.
19. Recommendation vi remained partly implemented in the Second Compliance Report. No measures had been taken to address the first part of the recommendation. As to the second part, a parliamentary working group had rejected broadening the scope of information about MPs' incomes to also cover spouses and dependent family members. However, a more substantive, formal consideration of the matter had not been carried out.
20. Recommendation vii remained not implemented in the Second Compliance Report. Authorising the incompatibility committees of both chambers of parliament to demand MPs additional financial information had been considered as insufficient to fulfil the requirements of either part of this recommendation.
21. Recommendation viii was not implemented in the Second Compliance Report. The possibility of introducing additional sanctions had been discussed by a parliamentary working group, but no such sanctions were introduced following this discussion.
22. The Austrian authorities inform that no new measures addressing the above recommendations have been taken during the reporting period, or are envisaged before the next general election in September 2024. In some cases, parliamentary groups have expressed their intention to resume negotiations on the implementation for specific recommendations under the new legislature, once elected. The authorities report that multiple meetings of working groups took place in different ministries to review the legal framework on transparency in lobbying and the implementation of asset declaration system for top executives in the public sector. However, these meetings did not lead to the implementation of any recommendations. The authorities reaffirm their intention to resume work on implementing the recommendations after the general election.
23. GRECO takes note of the information provided. It regrets the absence of any progress in the reporting period, which is a missed opportunity. GRECO trusts that the new legislature, once elected, will step up efforts towards the full implementation of the outstanding recommendations regarding members of parliament.
24. GRECO concludes that recommendations ii, iii, iv and vi remain partly implemented and recommendations v, vii and viii remain not implemented.

**Recommendation ix**

25. *GRECO recommended that i) adequate legislative, institutional and organisational measures be taken so that the judges of federal and regional administrative courts be subject to appropriate and harmonised safeguards and rules as regards their independence, conditions of service and remuneration, impartiality, conduct (including on conflicts of interest, gifts and post-employment activities), supervision and sanctions; ii) the Länder be invited to support those improvements by making the necessary changes which fall within their competence.*
26. It is recalled that this recommendation remained partly implemented in the Second Compliance Report. GRECO had noted that, apart from the adoption of the Compliance Guidelines to be followed by all judges, no legislative, institutional or organisational measures had been taken to harmonise the safeguards and rules in respect of federal and regional administrative court judges, whereas the second part of the recommendation had already been assessed as implemented satisfactorily in the Compliance Report.
27. The Austrian authorities reiterate that Austria has a federalised system of administrative courts, operating under mostly similar main rules. Nonetheless, some aspects, for instance, the employment conditions, may differ among these courts. The authorities express the view that there is no reason for full harmonisation of these rules as, in their assessment, the Evaluation Report did not identify concrete corruption risks and offered no examples of corruption prevention in this regard. The authorities again refer to constitutional guarantees and safeguards applicable to all ordinary and administrative courts.<sup>1</sup> Further, they indicate that pursuant to the Federal Constitutional Law (Article 21), the employment law of the provincial administrative judges and non-judicial employees is to be regulated by the provinces. The authorities maintain that the legal regulations at the level of the provinces are very similar, including with regard to the position of judges of provincial administrative courts, and a certain minimum degree of standardisation is therefore guaranteed. Finally, they reiterate that every newly appointed administrative judge follows an introductory curriculum at the Austrian Academy of Administrative Justice, which places a strong emphasis on compliance, prevention of corruption, and judges' ethics.
28. GRECO takes note of the position expressed by the authorities. GRECO refers to its concerns expressed in the Evaluation Report on the need to harmonise safeguards and rules regarding the independence, conditions of service, remuneration, impartiality, conduct, supervision and sanctions applicable to all judges in Austria (paragraphs 80 and 81 of the Evaluation Report). In this regard, GRECO regrets that no further measures have been taken to implement this recommendation.
29. GRECO concludes that recommendation ix remains partly implemented.

**Recommendation x**

30. *GRECO recommended that the recruitment requirements be increased and formalised for judges when they are to become candidate-judges (Richteramtsanwärter) and administrative court judges, and that this includes proper integrity assessments as*

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<sup>1</sup> In particular, Articles 134 to 136 of the Federal Constitutional Law set out the requirements for the organisation of the provincial administrative courts and the position of administrative judges. Reference is also made to Article 10, subsection 1 No. 1 of the Federal Constitutional Law, which states that the administrative jurisdiction, with the exception of the organisation of the Provincial Administrative Courts, is the responsibility of the federation in terms of legislation and execution.

*well as objective and measurable criteria on professional qualifications to be applied by the independent selection panels involved.*

31. It is recalled that this recommendation remained partly implemented in the Second Compliance Report. Legislation was adopted to formalise judicial appointment procedures and to transfer the power of proposing candidates for judicial appointments to a selection panel, composed of a majority of representatives of the judiciary. However, these arrangements had not been applicable to administrative court judges at the time.
32. The Austrian authorities now report that no statutory provisions are in place regarding candidate judges for the Federal Administrative Court. They reiterate that the criteria for the recruitment of administrative judges is defined in the Federal Constitutional Law (Article 134, subsections 2 and 3), further refined in the relevant organisational acts of relevant provincial administrative courts.<sup>2</sup> The authorities point out that these provisions closely resemble the criteria enumerated in § 54, subsection 1 of the Service Act for Judges and Public Prosecutors, which apply to ordinary judges. In addition, the authorities indicate that the proposals for appointment of judges to the relevant provincial government are also regulated in the Federal Constitutional Law (Article 134, subsection 2).<sup>3</sup> For other judges of administrative courts, the provincial government must obtain a proposal containing up to three candidates from the plenary of the relevant provincial administrative court, or from a committee consisting of the President, the Vice-President and, as a minimum, five judges elected by the entire court. While those proposals are not binding, in practice they are adhered to by provincial governments.<sup>4</sup>
33. As to the selection criteria, the authorities indicate that only persons having Austrian citizenship, a law degree or a degree in law and political science (*„die rechts- und staatswissenschaftlichen Studien“* in German) and five years' professional legal experience may be appointed as members of a Provincial Administrative Court (§ 3, subsection 3 of the Provincial Administrative Court Act and Article 134, subsection 2 of the Federal Constitutional Law). The necessary qualifications also include a clean criminal record.<sup>5</sup>
34. GRECO takes note of the information provided. It notes that while the requirements of this recommendation have been complied with as regards ordinary judges and candidate-judges, no new measures have been taken in respect of administrative judges. The examples provided by the authorities illustrate once again that selection and appointment of administrative judges remains essentially the same as it was at the time of the evaluation.<sup>6</sup> In the absence of any tangible progress, this recommendation cannot be considered as implemented more than partly.

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<sup>2</sup> They provide several examples of such organisational of provincial administrative courts (Lower Austria Burgenland, Carinthia, Upper Austria, Vienna), which list legal requirements candidates need to fulfil for appointment as a judge, and set out criteria related to judges' performance to be taken into account in the recruitment process.

<sup>3</sup> According to these provisions, the President, the Vice-President and other members of the Provincial Administrative Courts are appointed by the provincial government.

<sup>4</sup> By way of example, the authorities refer to appointments' regulations in Vorarlberg, where, for instance, the task of proposing three candidates for the position of a member of the Provincial Administrative Court lies with the plenary assembly (§ 7, subsection 2 lit. d Provincial Administrative Court Act).

<sup>5</sup> By way of example, the authorities indicate that in Styria, the recruitment and appointment requirements for provincial administrative judges are defined under § 3 of the Provincial Administrative Court Act. According to § 3, subsection 2 of this Act, only those may be appointed as provincial administrative judges who have full legal capacity, Austrian citizenship, completed a degree in law or law and political science (*„die rechts- und staatswissenschaftlichen Studien“*) at an Austrian university, practised for at least five years in a profession, and successfully passed a state examination for a legal profession or a service examination provided for the legal administrative service or are authorised to teach at an Austrian university a subject within the jurisdiction of the provincial administrative court.

<sup>6</sup> In particular, paragraph 90 of the Evaluation Report states as follows: *"as for administrative court judges, the on-site discussions have shown that the requirements are too loose and leave broad discretion to the courts at*

35. GRECO concludes that recommendation x remains partly implemented.

#### **Recommendation xi**

36. *GRECO recommended that staff panels be involved more broadly in the selection and career evolution of ordinary and administrative court judges, including the presidents and deputy-presidents, and that the proposals of the panels become binding for the executive body making appointments.*

37. It is recalled that this recommendation was partly implemented in the Second Compliance Report. Following legislative amendments, staff panels had become involved in the appointment procedures of the President and Vice-Presidents of the Supreme Court<sup>7</sup> (whilst they were already involved in appointments of ordinary judges and administrative court judges). However, the proposals of staff panels to the executive body making appointments remained consultative for the appointing authority, which still needed to be addressed.

38. The Austrian authorities now report that the appointment procedure for the Presidents and Vice Presidents of the Federal Administrative Court is planned to be reviewed by a working group, which is to be set up for this purpose. In addition, the authorities point out that administrative court judges do not have "career opportunities" comparable to ordinary judges owing to single level administrative court system, not allowing for promotions to higher courts. The only exception is the appointment to the Supreme Administrative Court upon a constitutionally binding proposal by the plenary of judges to the government.<sup>8</sup>

39. GRECO takes note of the information provided by the authorities. It notes that some plans to review the appointment procedure for the Presidents and Vice Presidents of the Federal Administrative Court, but the objectives of this review have not been articulated, and the review itself has not been initiated yet. Overall, no new substantial developments have taken place during the reporting period, as the appointment proposals of judicial panels remain non-binding for the executive bodies in charge of appointment decisions.

40. GRECO concludes that recommendation xi remains partly implemented.

#### **Recommendation xii**

41. *GRECO recommended that a system of periodic appraisals be introduced for judges, including the presidents of the courts, and that the results of such appraisals be used in particular for decisions on career progression.*

42. It is recalled that this recommendation remained not implemented in the Second Compliance Report. Some initiatives and draft legislation had been prepared by the Ministry of Justice, but the system of periodic appraisal of judges had still not been introduced.

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*federal or regional level to select successful candidates. Contrary to members of the ordinary courts, administrative judges are not (as yet) part of a career system and they often enter directly the profession without prior judicial experience."*

<sup>7</sup> See paragraph 91 of GRECO's Fourth Evaluation Report on Austria, accessible via the following link: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806f2b42>

<sup>8</sup> By way of example, the authorities refer to provisions regarding appointments to provincial administrative court in Styria, where the personnel committee submits a three-candidate proposal to the provincial government. A deviation by the provincial government from this proposal must be justified. It is indicated that such deviation has not occurred in practice so far. The authorities indicate that appointment proposals have also been systematically followed by the provincial government in Vorarlberg.

43. The Austrian authorities now describe a system of appraisal of judges established in administrative courts, which is not periodic, and provide several examples from different provincial administrative courts.<sup>9</sup> Further, they specify that the appointment to the Supreme Administrative Court or a transfer to another first instance court would require a performance appraisal of the judge concerned. The outcome of the performance appraisal can be "positive" or "negative" and two consecutive "negative" appraisals result in a mandatory removal from office of the judge concerned.<sup>10</sup>
44. GRECO takes note of the information provided. In spite of draft comprehensive legislation, in development since 2017, the periodic appraisal for judges has still not been introduced. Overall, no new information has been provided by the authorities,<sup>11</sup> and the situation remains the same as at the time of the evaluation. This demonstrates a persistent lack of progress in this area, which is not satisfactory. GRECO calls upon the Austrian authorities to take concrete steps towards introducing periodic appraisal system for all judges, including presidents of the courts, with no further delay.
45. Therefore, GRECO concludes that recommendation xii remains not implemented.

#### **Recommendations xiv and xvi**

46. *GRECO recommended that (i) to ensure that all relevant categories of judges, including lay judges, are bound by a Code of conduct accompanied by, or complemented with appropriate guidance and (ii) that a mechanism is put in place to provide confidential counselling and to promote the implementation of the rules of conduct in daily work (recommendation xiv).*
47. *GRECO recommended that the persons responsible for the implementation and supervision of the various obligations laid upon judges - notably on professional secrecy, gifts, accessory activities and management of conflicts of interest - be properly identified and known to all, and that they be required to introduce the proper procedures needed for these obligations to become effective (recommendation xvi).*
48. It is recalled that recommendation xiv remained partly implemented and recommendation xvi remained not implemented in the Second Compliance Report.
49. The Austrian authorities, in relation to recommendation xiv, again refer to "Compliance Guidelines" issued by the Ministry of Justice in 2019, which applies to judges, prosecutors, correctional officers, etc. and are accessible on the justice system intranet. Reference is also made to the "Wels Declaration of Ethics" (adopted by the Judges' Association) and a "Professional Code of Conduct of Austrian Public Prosecutors", applicable to public prosecutors. In addition, the authorities report that the Conference of the Presidents of Administrative Courts is in the process of establishing a code of conduct. As regards a code of conduct for lay judges, it is reported that a working group will be set up for this purpose in the Federal Ministry of Justice.

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<sup>9</sup> In particular, they indicate that in the Vorarlberg Provincial Administrative Court, performance appraisals should be carried out upon request of the President of the Court or the member concerned, if no such assessment has been carried out for at least one year.

<sup>10</sup> Appeals against appraisal results, as well as the issue of the removal from office in case of two consecutive "negative" performance appraisals are to be examined by a nine-member senate.

<sup>11</sup> The appraisal system in administrative courts has already been reflected in paragraph 41 of the Compliance Report, which reads as follows: "As far as administrative courts are concerned it should be noted that an appraisal system already exists but the only marks are "negative" or "positive" (there is no further distinction), as the Conference of the Presidents of the Administrative Courts considers this to be a safeguard for the judges' independence."



50. As regards recommendation xvi, the authorities reiterate various provisions of domestic legislation, setting out responsibilities of administrative courts as regards the observance of rules on professional secrecy, gifts, accessory activities and conflicts of interests. They submit that all these responsibilities are regulated in detail for all administrative courts.<sup>12</sup>
51. GRECO takes note of the information provided. With respect of recommendation xiv, while the intention to set up a working group to develop a code of conduct for lay judges is noted, no new tangible developments have been reported. The adoption of various documents on conduct and ethics applicable to judges, as well as the setting up of a network of compliance officers,<sup>13</sup> also in charge of providing advice, has already been taken into account in previous compliance reports. However, the need to ensure that the counselling provided to judges on integrity matters is confidential remains unresolved.
52. As to recommendation xvi, no new information has been submitted with respect to clarifying the roles and responsibilities of persons tasked with the implementation and supervision of judges' obligations regarding professional secrecy, gifts, accessory activities and conflicts of interest. The information provided by the authorities describes the situation already in place at the time of the evaluation (see paragraph 130 of the Evaluation Report). No progress has been reported regarding the state of affairs of the "Compliance Management System", in development since 2021.
53. GRECO notes that no tangible progress has been made with regard to the above recommendations and concludes that recommendation xiv remains partly implemented and recommendation xvi remains not implemented.

*Corruption prevention in respect of prosecutors*

**Recommendations xvii and xviii**

54. *GRECO recommended that the statute of prosecutors be further approximated with the one for judges recommended in the present report, particularly with regard to decisions on appointments and career changes including for the highest functions (the role of the executive should be limited to the formal appointment and should not include the choice of the candidate), as well as with regard to periodic appraisals for all prosecutors and the incompatibility of their function with a political function in the executive or legislature (recommendation xvii).*
55. *GRECO recommended that (i) that all prosecutors are bound by a code of conduct accompanied by, or complemented with, appropriate guidance and (ii) that a system be put in place to provide confidential counselling and to support the implementation of the code in daily work (recommendation xviii).*
56. It is recalled that recommendations xvii and xviii remained partly implemented in the Second Compliance Report, as no new information had been provided by the authorities at the time.

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<sup>12</sup> By way of example, the authorities indicate that in Vorarlberg Provincial Administrative Court the competent civil service authority for the judges is the President of the Court. Appeals lodged against the President's decisions, as well as decisions on dismissal or provisional dismissal from office are to be examined by a senate of nine judges. Further, in Styria the members of the Provincial Administrative Court have the same degree of independence as judges within the meaning of Article 87, subsection 1 of the Federal Constitutional Law. In addition, the Service and Remuneration Act for Employees of the Province of Styria also applies to the judges of the Provincial Administrative Court, thereby regulating the issue of gifts, conflicts of interest and secondary employment.

<sup>13</sup> According to the authorities, the network has 60 members, who may be contacted for compliance issues and are tasked raising awareness and monitoring of compliance among their colleagues. Since July 2023 a web-based internal platform has also been put in place as an information tool on compliance/integrity issues and for reporting corrupt practices affecting members of the judiciary.

57. The Austrian authorities provide no new information regarding recommendation xvii. As to recommendation xviii, the authorities reiterate that in March 2019, the Federal Ministry of Justice issued the "Compliance Guidelines", applicable to all persons in the service of the Federal Ministry of Justice, including prosecutors. In addition, they also refer to the "Wels Declaration of Ethics", adopted by the Association of Judges, and a "Professional Code of Conduct of Austrian Public Prosecutors".
58. GRECO takes note of the information submitted by the authorities. It points out that the reported developments had already been considered in previous compliance reports and no information has been provided on any new measures taken to implement the outstanding aspects of either of the two recommendations. More specifically, it remains unclear whether the draft amendments to the Federal Service Act for Judges and Public Prosecutors containing provisions on prosecutorial appointments and performance appraisals have been adopted. The network of compliance officers for the judiciary (see paragraph 51 above) is also to provide integrity and ethics advice to prosecutors, but it remains unclear to what extent this advice and counselling is to be confidential.
59. GRECO concludes that recommendations xvii and xviii remain partly implemented.

*Corruption prevention regarding judges and prosecutors*

#### **Recommendation xix**

60. *GRECO recommended that an annual programme be put in place for the in-service training of judges and prosecutors, including administrative judges and lay judges, which would include integrity-focused elements concerning the rights and obligations of these professionals.*
61. It is recalled that this recommendation remained partly implemented in the Second Compliance Report. Various training activities on anti-corruption and integrity for judges had continued, but no such training was offered to lay judges. The initiative to provide lay judges with an e-Learning tool to cover integrity matters had not materialised at the time.
62. The Austrian authorities now report that regular training courses covering compliance and anti-corruption issues continue being offered to judges and prosecutors. They also inform that since March 2021 the Federal Administrative Court is conducting a one-hour monthly online training programme, involving all members of the Federal Administrative Court. By 30 April 2024, some 278 members of the Court have completed this programme.<sup>14</sup> Besides, a mandatory e-Learning programme entitled "Compliance" for judges, prosecutors and other court staff has now been completed by 6 867 persons,<sup>15</sup> including 1001 judges. As all trainees and trainee judges will have to follow the e-learning programme, all judges will have completed it in the future. Further, an e-Learning tool entitled "Data security", which aims at training court employees on handling data and data security in the workplace, has been completed by 5 314 people, including 844 judges (as of 30 April 2024). In addition, the authorities indicate that administrative judges in the federal states are also trained on ethics and anti-corruption. Finally, as regards training of lay judges, the authorities indicate that a working group on this matter will be set up in the Federal Ministry of Justice.

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<sup>14</sup> The authorities indicate that, by 1 September 2024, the Federal Administrative Court had a total of 651 members, including 222 judges, 155 legal clerks, 76 case manager, 170 court staff, 3 apprentices and 25 administrative interns.

<sup>15</sup> Compared to 4008 persons reported by June 2023.

63. The authorities further refer to regular training provided to members of the compliance officers' network, established in 2021. The Compliance Committee annually reviews training programmes and, on that basis, decides on the topics for future trainings. Thus, the Committee decided that the annual training programme for 2024 will focus on communication measures in connection with the completion of the e-Learning programmes, the organisation of the next network meeting and compliance in-house trainings. In addition, a web-based internal reporting platform has been in place since July 2023, which serves as an information tool on compliance/integrity issues and, on the other hand, as a reporting tool for corrupt practices affecting the justice system.
64. GRECO takes note of the information provided. It appears that ethics and integrity trainings for judges, already acknowledged in previous compliance report, have continued. GRECO welcomes this sustained practice. However, the provision of regular integrity training for lay judges is yet to occur.
65. GRECO concludes that recommendation xix remains partly implemented.

### **III. CONCLUSIONS**

66. **In view of the foregoing, GRECO concludes that Austria has made no actual progress in connection with the fulfilment of recommendations found to be not implemented or partly implemented in the Fourth Round Second Compliance Report; only three out of nineteen recommendations have been dealt with in a satisfactory manner.** Of the outstanding sixteen recommendations, eleven remain partly implemented and five remain not implemented.
67. More specifically, recommendations i, xiii and xv have been dealt with in a satisfactory manner, recommendations ii, iii, iv, vi, ix, x, xi, xiv, xvii, xviii and xix have been partly implemented and recommendations v, vii, viii, xii and xvi have not been implemented.
68. With respect to members of parliament, GRECO regrets that no progress has been made. Resolute steps are necessary to introduce confidential advice and counselling on integrity matters to parliamentarians. Implications for failure to reveal conflicts of interest in declarations of members of parliament should be clarified, and the recusal rules must be broadened to cover all parliamentary activities. While guidelines have been put in place on how to handle situations regarding gifts, benefits and other advantages offered in connection with parliamentarians' official activities, the rules on the acceptance, valuation and disclosure of gifts, hospitality and other advantages, and on parliamentarians' interaction with lobbyists are still lacking. Finally, the regime of declarations needs to be reviewed, proper consideration should be given to including in the declarations submitted by members of parliament the relevant information on spouses and dependent family members, and sanctions for infringement of integrity rules need to be introduced. GRECO trusts that the forthcoming new legislature will give impetus to concrete steps towards the implementation of these recommendations.
69. As to judges and prosecutors, no tangible progress has been reported. While the power of proposing candidates for judicial appointments has been delegated to a selection panel, composed of a majority of judges, these arrangements still do not apply to appointments in administrative courts. Further, the staff panels have been involved in the appointment procedures of ordinary judges, as well as the President and Vice Presidents of the Supreme Court, but the appointment proposals made by these panels are still not binding for the executive. Moreover, the reform of the

appraisal system of judges has still not been carried out and standards regarding independence, service conditions, impartiality and conduct of administrative court judges have not been harmonised. Finally, appropriate integrity training is still not being offered to lay judges.

70. Austria must substantially step up its response to GRECO's outstanding recommendations. Since the vast majority of recommendations remain partly implemented or not implemented, GRECO has to conclude that the current level of compliance with the recommendations remains "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report and asks the Head of the Austrian delegation to provide a report on the progress made in implementing recommendations ii to xii, xiv, xvi, xvii, xviii and xix by 30 November 2025.
71. In addition, in accordance with Rule 32, paragraph 2, sub-paragraph (ii.a), GRECO invites its President to send a letter – with a copy to the President of the Statutory Committee – to the Head of the delegation of Austria, drawing her attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.
72. Finally, GRECO invites the Austrian authorities to authorise, as soon as possible, the publication of this report, to translate it into the national language and to make the translation public.