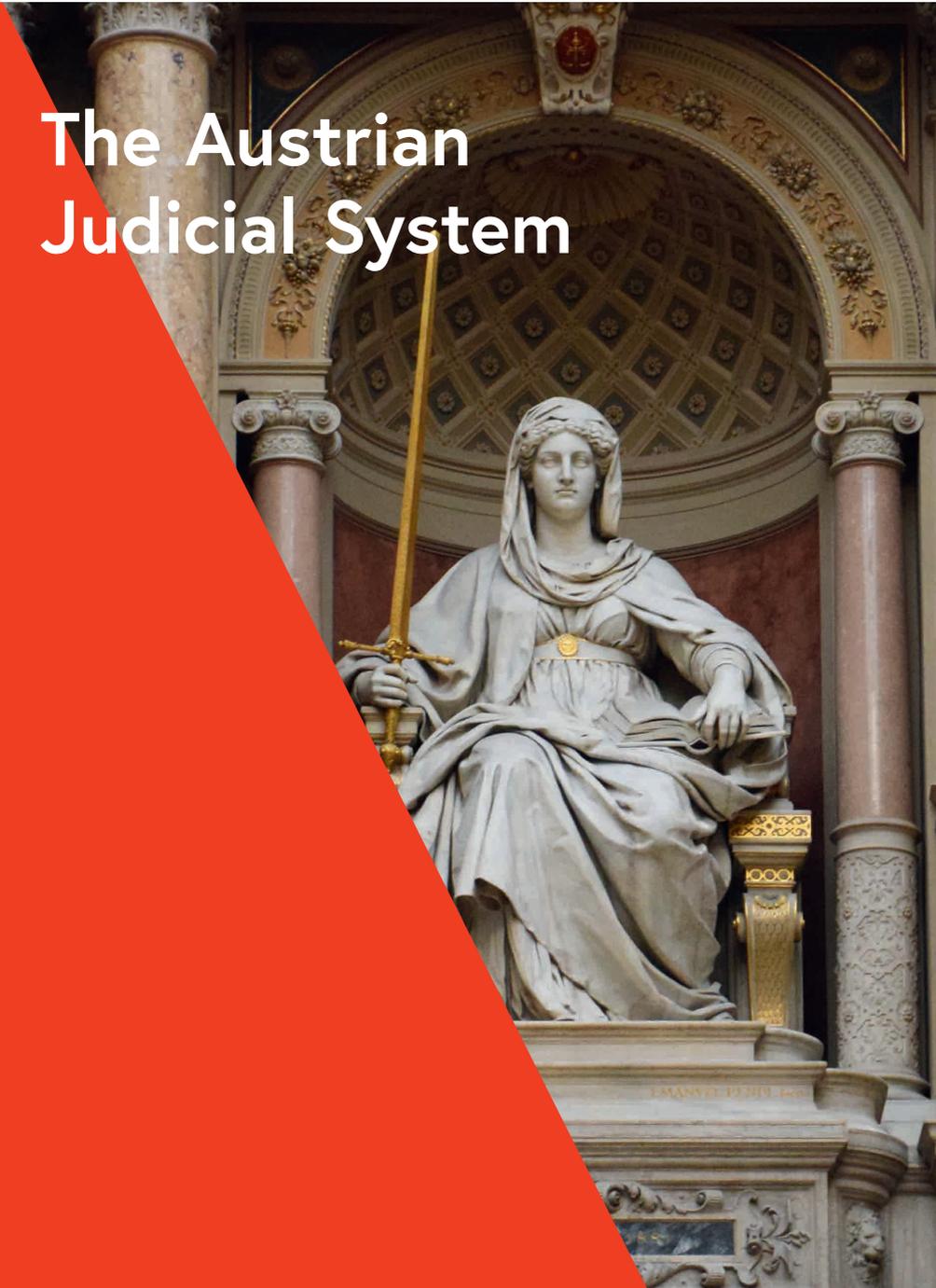


The Austrian Judicial System



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Vienna 2018

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Preface

I am convinced that investing in education and knowledge pay off in the long term. As an example, persons who have graduated with a law degree from an Austrian university possess a qualification that opens many doors.

No matter whether one wants to become a judge or a public prosecutor – the Austrian judiciary offers motivated and dedicated persons an abundance of interesting and captivating career options in their own country. A functioning and reliable judiciary needs notaries and lawyers. Apart from these legal occupations in the more narrow sense there is the profession of judicial officer, which is essential to the functioning of a state under the rule of law. It is important that the duties of all these professions complement each other while their competencies are clearly delimited.

The choice of a course of studies is not always easy. After all, with it we pave the way for our future professional career. What should be kept in mind, however, is that anyone of us can encounter the judiciary, even without a conflict. Our everyday lives offer meeting points with the state under the rule of law: may it be a case of inheritance in the family, or the registration of property in the land register.

With this brochure, persons interested in studying law as well as soon-to-be graduates can get a first impression of the different professional fields in the Austrian judicial system – complete with all their duties and performance

I wish you all a good time reading,



Dr. Josef Moser
Federal Minister of Constitutional Affairs,
Reforms, Deregulation and Justice



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The Judiciary in a Constitutional State

The Republic of Austria is a democratic republic. Austria is a constitutional state and member state of the European Union.

The main characteristics of an constitutional state are:

- The laws and amendments are enacted by a legitimately elected Parliament
- The laws and amendments apply equally to all
- Independent courts rule in civil and criminal matters
- Administration is subject to independent courts
- The three state powers (the legislative power, the executive power and the judicial power) are separated strictly

The judicial system includes basically the following agendas and institutions:

- The ministry of constitutional affairs, reforms, deregulation and justice
- The ordinary courts
- The Federal Administrative Court
- The public prosecutors
- the penal system (institutions for penal service, as well as court prisons)

Courts are state institutions which decide in a formal procedure on civil law claims and criminal law charges. They are set up by law and managed by judges, who are independent, cannot be removed or transferred from office, and are impartial and only bound by the legal system.

The public prosecution offices are special bodies separate from the courts. They mainly safeguard the public interests in the administration of criminal justice by heading preliminary proceedings, deciding on indictments and acting as prosecutors in criminal proceedings before the courts. In exercising their function, they are independent of the courts.

Prisons are responsible for enforcing penal sentences. The probationary facilities are also part of the judicial system. They take care of persons with conditional sentences and prisoners released on probation. These tasks have mostly been transferred to private organisations, which are under the supervision of the Federal Ministry of Justice, however.

The so-called “competence articles” of the Federal Constitution (Austrian Federal Constitution Act (*Bundes-Verfassungsgesetz/B-VG*)) split legislative and executive tasks between the federation (*Bund*) and the states (*Bundesländer*). Jurisdiction of the courts of law and the professional rules of lawyers and notaries fall within the exclusive competence of the federation. The structure and the jurisdiction of the courts of law are regulated by federal laws.

The area of administration, which was completely redesigned as of 1st January 2014, not only comprises the Supreme Administrative Court (*Verwaltungsgerichtshof*) but also a Federal Administrative Court (*Bundesverwaltungsgericht*) and a Federal Fiscal Court (*Bundesfinanzgericht*) and nine regional administrative courts. The regional administrative courts are the successors to the former independent administrative panels in the states (*unabhängige Verwaltungssenate*) which used to have jurisdiction before the reform.

The Courts of Law

“Jurisdiction of the courts of law” means jurisdiction over general civil matters, commercial matters, labour and social matters and criminal matters. On the other hand, there is administrative justice and jurisdiction of the public-law courts (administrative courts and constitutional courts) and private arbitral tribunals.

In Austria, jurisdiction of the courts of law is organised at **four levels**:



Currently **115 District Courts** (*Bezirksgerichte/BG*) constitute the lowest organisational level; a total of approximately 710 judges work there.

The size of the District Courts varies considerably. With over 40 judges District Court Innere Stadt Vienna (*BG Innere Stadt Wien*) is the largest in terms of the number of judges. In the smallest District Courts there is not even enough work for one judge, which is why judges work at another District Court in addition.

The second organisational level is Austria's **20 Regional Courts** (*Landesgerichte/LG*), which are, in principle, responsible for all fields of the administration of justice. In Vienna and Graz there is a Regional Court with exclusive jurisdiction over civil matters and a Regional Court with exclusive jurisdiction over criminal matters. In addition, there is a Commercial Court (*Handelsgericht/HG*) and a Court for Labour and Social Matters (*Arbeits- und Sozialgericht/ASG*) in Vienna.

A total of around 740 judges work at the Regional Courts. The number of judges working at a Regional Court ranges from 12 to more than 70.

The third organisational level is made up of the **four Higher Regional Courts** (*Oberlandesgerichte/OLG*), where currently around 190 judges work:

Higher Regional Court Vienna (*OLG Wien*) for the states of Vienna, Lower Austria and Burgenland,

Higher Regional Court Graz (*OLG Graz*) for the states of Styria and Carinthia,

Higher Regional Court Linz (*OLG Linz*) for the states of Upper Austria and Salzburg, and

Higher Regional Court Innsbruck (*OLG Innsbruck*) for the states of Tyrol and Vorarlberg.

The highest instance in civil and criminal matters is the **Austrian Supreme Court** (*Oberster Gerichtshof/OGH*) in Vienna, where 67 judges adjudicate.

The organisation of the courts at four levels is not to be confused with the stages of appeal available in a court case, i.e. the number of times that a decision can be reviewed and the type of courts that are competent to do so.

Supreme Court

Procurator General's Office

Central Office of Public Prosecutor's Office for
Combating Economic Crimes and Corruption

4 Higher Regional Courts

OLG Wien

OLG Graz

OLG Linz

OLG Innsbruck

4 Senior Public Prosecution Offices

OStA Wien

OStA Graz

OStA Linz

OStA Innsbr.

20 Courts of Law

LGZ Wien

LG Krems

HG Wien

...

16 Public Prosecution Offices

StA Wien

StA Graz

StA Linz

StA Krems

...

115 District Courts

BG Hietzing

BG Döbling

BG Gmünd

BG HS

...

The Stages of Appeal

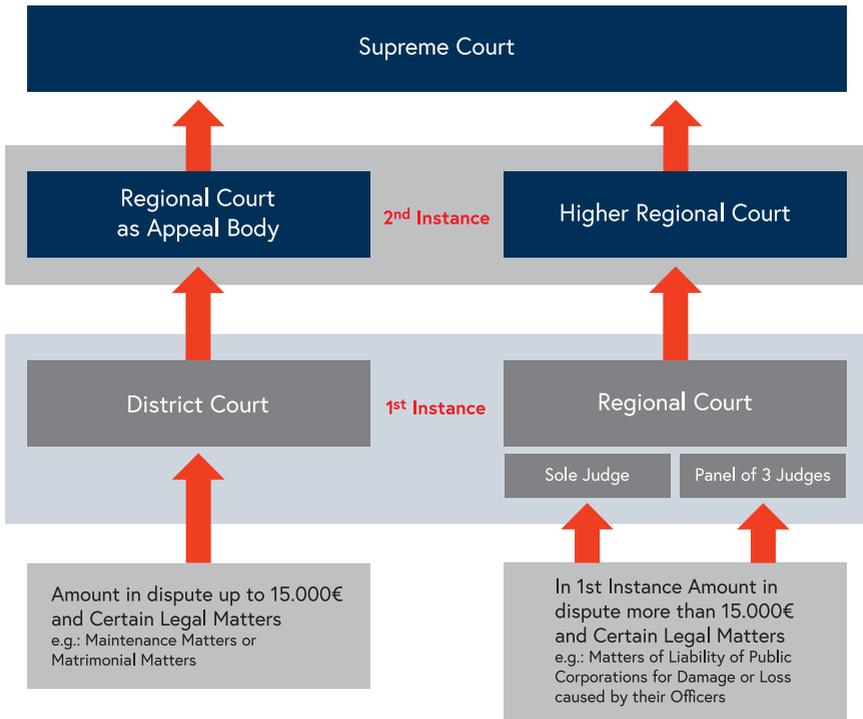
In civil matters three courts may be asked to deal with a case as a matter of principle (initial ruling by the court of first instance plus two stages of appeal) and in criminal matters two courts may be asked to deal with a case (initial ruling by the court of first instance plus one stage of appeal).

The Stages of Appeal in Civil Matters

The District Courts' jurisdiction over **civil matters** including **commercial matters** depends, on the one hand, on the amount in dispute ("**monetary jurisdiction**"; since 1st January 2013 the threshold in terms of the amount in dispute has been **EUR 15,000**) and, on the other hand, on the type of the matter ("**specific jurisdiction**", e.g. certain legal matters like matters of descent or parentage, maintenance matters and matrimonial matters, Land Register matters and enforcement matters, debt restructuring cases and most non-litigious matters definitely fall within the jurisdiction of the District Courts). Where District Courts have jurisdiction over civil matters appeals are dealt with by a Regional Court, which is the court of second instance in such cases and, sometimes, by the Supreme Court as the court of third instance.

Where the amount in dispute exceeds the threshold fixed for the District Courts or where a legal matter otherwise falls within the specific jurisdiction of the Regional Courts (e.g. Business Register matters, other insolvency matters, labour and social matters or matters of liability of public corporations for damage or loss caused by their officers (*Amtshaftung*)), a Higher Regional Court will deal with the appeal and, where necessary, the Austrian Supreme Court as the court of third instance.

In **labour and social matters** participation of expert laypersons (representatives of employers and employees) is provided for in all instances. In commercial cases, expert laypersons (merchants, *Kommerzialräte* (persons who were honoured for their services in business)) are called in for cases tried in courts of first or second instance only by way of exception.



The Stages of Appeal in Criminal Matters

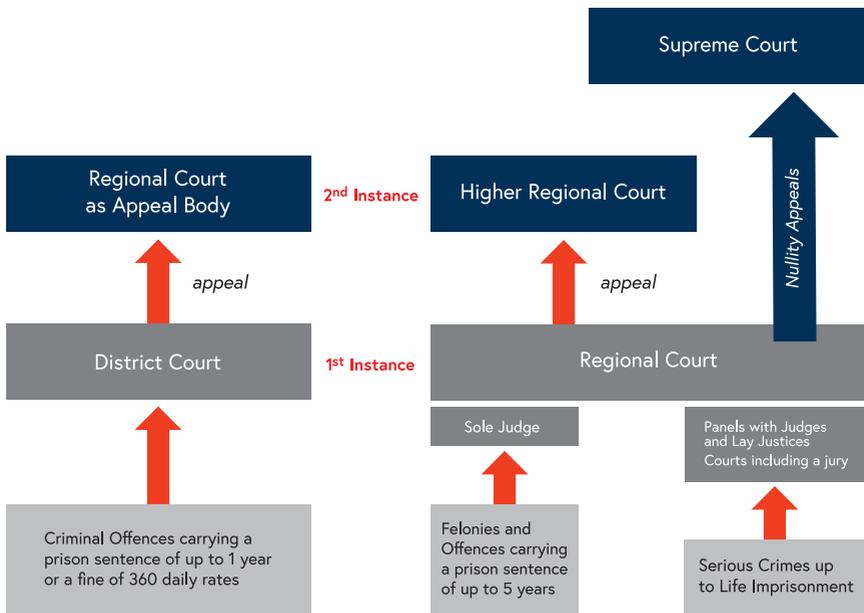
In criminal matters District Courts have jurisdiction over offences which exclusively carry a fine or a prison sentence of up to one year (except for specific offences for which it is particularly likely to be imprisoned like “serious threat” or “duress”; the Regional Courts having jurisdiction over criminal matters have jurisdiction over those cases as courts of first instance). Appeals against decisions in criminal matters rendered by District Courts may be lodged with the Regional Courts, which are the courts of last resort in these cases.

Where a Regional Court is the court of first instance in a criminal case, decisions are rendered by **sole judges** (regarding offences which carry a prison sentence of up to five years), decisions rendered by a sole judge of a Regional Court may be appealed against by means of a remedy to the Higher Regional Court.

Panels which are composed of professional judges and lay justices (*Schöffensenate*) (normally one professional judge and in certain cases two professional judges and always two lay justices) for offences which carry a prison sentence of more than five years, unless the case has to be dealt with by way of a jury trial.

Courts including a jury (*Geschworenengerichte*) (courts composed of three professional judges and eight laypersons “jurymen and jurywomen”) for offences which carry a minimum prison sentence of more than five years and a maximum prison sentence of more than ten years, and for political offences (e.g. treason, high treason, engagement in National Socialist activities).

Judgments rendered by courts including a jury or by panels which are composed of professional judges and lay justices may be appealed against in the Supreme Court, unless only the sentence will be appealed. In the latter case the court of appeal is the competent Higher Regional Court.



Administrative Jurisdiction

Until the 31st of December 2018 administrative bodies held the jurisdiction as well in first instance as in second instance. The only exception were the so-called “UVS” – the independent administrative panels.

The area of administration, which was completely redesigned as of 1st January 2014, comprises not only the Supreme Administrative Court (*Verwaltungsgerichtshof*) but also a Federal Administrative Court (*Bundesverwaltungsgericht*) and a Federal Fiscal Court (*Bundesfinanzgericht*) and nine regional administrative courts.

Public Law Courts

Apart from the Austrian Supreme Court in Vienna, there are two more supreme courts (which are, however, outside the jurisdiction of the courts of law), namely the Austrian Supreme Constitutional Court and the Austrian Supreme Administrative Court.

The **Austrian Supreme Constitutional Court** (*Verfassungsgerichtshof*) is composed of 14 members appointed by the Federal President; some are proposed by the Federal Government, some by the lower chamber of the Austrian Parliament called the National Council (*Nationalrat*) and by the upper chamber of Parliament (*Bundesrat*) from among judges, professors, lawyers and public officials; in principle, they only work for the Supreme Constitutional Court on a part-time basis but nevertheless enjoy the full judicial guarantees of being independent and irremovable.

The Austrian Supreme Constitutional Court is, inter alia, in charge of reviewing federal laws and state laws for their constitutionality, regulations of administrative authorities for their lawfulness and final decisions of administrative authorities for their constitutionality when asked to do so by means of a petition.

The **Austrian Supreme Administrative Court** (*Verwaltungsgerichtshof*), which reviews rulings of the administrative courts for their lawfulness upon petition of the parties, is comprised of 69 full-time judges.

The **Austrian Asylum Court** (*Asylgerichtshof*) was integrated into the Federal Administrative Court (*Bundesverwaltungsgericht*), which was established on 1st January 2014.

Public Prosecution Offices

Public prosecution offices are special bodies separate from the courts, safeguarding the public interests in the administration of criminal justice. This primarily involves bringing in charges against persons and raising and representing indictments in criminal proceedings.

Public prosecution offices are judicial authorities, but in contrast to the courts, they are not independent. They have a hierarchical structure and are bound by instructions of senior public prosecution offices and ultimately of the Federal

Minister of Justice. There are precise statutory rules for the right to issue instructions. Instructions by a senior public prosecution office or by the Federal Minister of Justice may only be issued in written form and must contain a statement of reasons. Moreover, any instruction received has to be recorded in the criminal case file. The Federal Minister of Justice bears ministerial responsibility and is thus accountable and obliged to provide information to the Parliament. The



staff members of the individual public prosecution office must comply with instructions given by the office director. However, if they consider an instruction to run contrary to the law, they may demand a written order concerning the instruction and may even ask to be released from dealing with the criminal matter in question. The public prosecution offices are therefore organised in subordinate and superordinate levels. This is also necessary because – contrary to court rulings – their decisions cannot be contested by any legal remedy. Basically, the organisational levels of the prosecution offices correspond to the levels of court organisation.

A public prosecution office is set up at every regional court in charge of criminal cases. The public prosecutors of these courts are in charge of raising and presenting indictments, both before regional courts and district courts of the respective regional court district. As a rule, district prosecutors will present indictments at district courts. They are public officials with special expertise, but do not require university training.

The Austrian judiciary has been confronted over more than ten years with an increasing number of most voluminous economic criminal matters with multiple international ramifications. The increased complexities of such proceedings require new concepts and structures for achieving efficient and successful interventions by the investigative bodies.

With the **Central Public Prosecutor's Office for Combating Economic Crimes and Corruption (WKStA)**, a new prosecuting body was established on 1st September 2011, in which the necessary competence and know-how for prosecuting large-scale economic crimes and corruption are concentrated in a qualified and efficient manner.

Senior public prosecution offices are one level above public prosecution offices and have been established with the regional courts of appeal in Vienna, Graz, Linz and Innsbruck. In addition to acting for the prosecution before higher regional courts, they are also responsible for supervising all public prosecution offices in their district and report directly to the Federal Minister of Justice.

The **Procurator General's Office**, set up with the Supreme Court, holds a special position. The Procurator General reports directly to the Federal Minister of Justice, but does not have the right to issue any instructions to public prosecutors or senior public prosecutors. Nor does he raise any indictments, but is in charge of supporting the Supreme Court. In order to comply with this task, he is especially authorised to lodge so-called “nullity appeals in observance of the law” in criminal matters, in which parties have no (further) possibility of appeal to the Supreme Court. He thus serves an important function in preserving the uniformity of the law, as well as in providing legal certainty in matters of criminal law.

The Penal System

The Federal Minister of Justice is also responsible for the penal system. The Federal Constitution distinguishes between the Federal responsibilities for legislation and enforcement.

Prisons – Numbers and Types

There are 27 prisons in total:

- seven prisons for men to enforce prison sentences of more than 18 months;
- one prison for juveniles;
- one prison for women;
- three institutions for involuntary forensic placement;
- 15 court prisons at the site of regional courts in charge of criminal cases.

In addition, there are a number of prisons annexes which are partly run as agricultural enterprises.

Imprisonment – Types and Purpose

The Austrian legal system distinguishes three types of imprisonment imposed by criminal courts, namely pre-trial detention, penal service and preventive measures in connection with detention.

Pre-trial detention must be imposed if a person is urgently suspected of having committed a punishable act and if one of the reasons for detention stipulated by law (risk of absconding, risk of collusion, and risk of committing and/or perpetrating an offence) prevails. The foregoing is governed by the 1975 Code of Criminal Procedure.

The Penal Services Act governs any penal service imposed by a court. According to Section 20 of that Act, serving a prison sentence is intended to assist the convicted person to regain a righteous attitude towards life that is adapted to the needs of living in a community, as well as to prevent him/ her from following criminal inclinations. Moreover, the enforcement of a sentence is to demonstrate the negative value of the conduct underlying the conviction.



The Criminal Code distinguishes two types of punishments: imprisonment and fines. Punishment is a reaction to a preceding culpable conduct of the person convicted. In addition, the Criminal Code provides for preventive measures in connection with detention. These are determined by the particular danger posed by the offender. They are also used whenever they serve to obtain better results with regard to re-socialising the offender and protecting society, or when no punishment can be administered in the absence of guilt (e.g. for lack of criminal responsibility).

The most important of these measures is the placement of persons in institutions for mentally disturbed offenders. This measure is imposed for an unlimited period. The court must examine, at least on an annual basis, whether such placement is still necessary. Preventive measures are administered in prisons, specialised departments or in certain public psychiatric hospitals.

Every prisoner capable of work is obliged to work. The work environment is an important area of technical and social learning. Different workshops and enterprises in about 50 branches are available in Austrian prisons. For their work, prisoners earn remuneration which they may use to buy basic daily necessities, but also to build up reserves, which are to help them to return to an orderly life after serving their prison term.

A New Start after Serving a Prison Sentence The Republic of Austria has entrusted nation-wide probationary services to a private entity, i.e. the organisation “Neustart” – (A New Start – Probationary Services, Conflict Solution and Social Work). “Neustart” operates throughout Austria. In addition to providing probationary services, they also offer services in connection with out-of-court settlement of offences, assistance to persons released from prison, and they provide housing facilities. “Neustart” has facilities in all Federal provinces. The initiatives also comprise advice and help upon release from prison, as well as communication centres, training for work, finding community service, clearing, crime prevention, drug counselling, family support, social work in schools, assistance to juveniles and assistance to crime victims.

The Constitutional Service

The Constitutional Service is a Directorate in the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice. Its inner organisation reflects the duties of the Federal Ministries, the Federal State's relation to the Länder, as well as the relations between Austria and the European Union.

The data protection council's head office also lies within the Constitutional Service.

The Constitutional Service is in charge of drafting legislative acts in many important areas, especially in Federal constitutional law and administrative procedural law. Furthermore, the Constitutional Service is responsible for preparing the Federal Ministries Act (*Bundesministeriengesetz*) as well as legislative acts in data protection and procurement law.

By order of the Federal Minister of Constitutional Affairs, Reforms, Deregulation and Justice the Constitutional Service drafts legislative drafts in all of the aforementioned areas, which then are subject to a public review procedure. Subsequently, they are resolved as a government bill and communicated to the parliament. As far as these legal areas are concerned, the Constitutional Service also represents the Republic of Austria in bodies of European and international organisations.

The Constitutional Service exercises extensive review activities, such as the verification whether all legislative and regulative drafts from all ministries are in compliance with constitutional law and fundamental rights. It evaluates legislative issues such as legal terminology, legal technique, and formal structure in order to maintain a uniform legislation. Legislative drafts and government bills of the Länder are examined in the same manner.

Furthermore, all public offices may request expert opinions from the Constitutional Service as far as constitutional questions and other issues within its competence are concerned.

The Constitutional Service represents the Federal Government in proceedings before the Austrian Constitutional Court. It also represents Austria in proceedings before the European Court of Justice in Luxembourg and together with the Federal Ministry of Europe, Integration and Foreign Affairs before the European Court of Human Rights in Strasbourg.

Furthermore, the Constitutional Service is responsible for the coordination of the relationship between the Federal State and the Länder.

The Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice

The judicial administration is headed by the Federal Minister of CA, R, D and J. The Federal Ministry reports to the Federal Minister of CA, R, D and J. The Federal Minister belongs to the supreme administrative organs of the Federal State and is a member of the Federal Government. He is responsible for the political management, coordination and supreme supervision of the judicial system (including the penal system), together with all associated service units.

The Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice encompasses the following administrative departments:

- The Directorate for European and International Affairs,
- the Directorate for Public Affairs and Communications,
- the Directorate General for Civil Law,
- the Directorate General for the Prison Service and Preventive Detention,
- the Directorate General for Central Administration and Co-ordination,
- the Directorate General for Criminal Law, and
- the Directorate for Constitutional Service.

The duties of the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice are preparation of legislative acts in constitutional, jurisdictional, and penal law. Furthermore, the ministry is responsible for reform

and deregulation agendas and ensures an independent judiciary as well as international cooperation. The core responsibilities of the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice encompass important administrative and legislative matters:

As far as administrative agendas are concerned, the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice ensures the personal and functional conditions for the operation of the courts, public prosecution offices, penal institutions, and the Data Protection Authority. In regard of this agenda, the ministry aims to comply with the principles of legality, expediency, and economic efficiency.

As far as legislative agendas are concerned, the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice prepares legislative drafts in constitutional, civil, and criminal law.

Another important duty of the ministry is to ensure that the judges, public prosecutors, officials, court officers, and other employees of the above-listed institutions can fulfil their duties and are offered help by the ministry if necessary. Furthermore, the ministry is responsible for the operative and strategic direction of the execution of sentences and measures.



Palais Trautson
Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice

General Marks

As the term judiciary is primarily understood as meaning implementation of the law by courts, judges are seen as playing the leading role when legal professions are being considered.

Judges perform the task of determining the law and adjudicating civil and criminal law cases on behalf of the State. However, the judiciary not only comprises (independent) jurisdiction, but also the function of public prosecutors who are under instruction, penal services and all other elements that ensure full operation of the judicial system, including administrative services. Such judicial services also cover providing legal certainty and securing legal peace in terms of the rule of law, including extra-judicial proceedings and services, such as care and custody cases, and offices open to the public.

In order to ensure proper jurisdiction, which on the one hand is fully functional, and on the other hand adequately safeguards citizens' rights, the participation of additional judicial organs is necessary. Therefore, public prosecutors have the main task to introduce criminal proceedings on behalf of the State. Following a comprehensive reform of criminal procedure, as from 1st January 2008 public prosecutors have become responsible also for conducting preliminary criminal proceedings. As a matter of principle, no criminal proceedings may be initiated in Austria without a public prosecutor proposing such proceedings (principle of public indictment, principle of public prosecution). Exceptions are the so-called offences subject to private charges, which are only prosecuted upon request by the injured party.

In the European Union, the self-employed liberal professions are free to establish themselves wherever they wish, and to provide their services in all Member States. However, activities related to the exercise of public power do not come under the freedom of establishment and service provision. Judges, public prosecutors, notaries public, as well as Diplomrechtspfleger exercise public duties, these activities therefore continue to be reserved to Austrian nationals, even after Austria's accession to the EEA and the EU. However, under

certain circumstances, lawyers and notaries, who are nationals of another Member State under the EEA agreement and are admitted to the bar in their home state, may exercise their profession in Austria.

University Education and on the Job Training

In Austria education and training of the legal occupations consists of two stages. In the first stage the focus is on university education in the form of a degree programme in Austrian law. The second stage is on-the-job training. Here the so-called “court internship” functions as a bridge between academic education and on-the-job training. After completion of court internship on-the-job training is different for the different legal occupations:

Austrian Law Studies

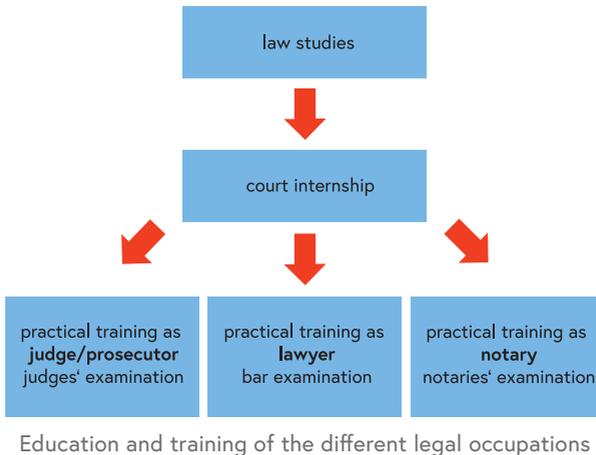
The basic qualification for working in a legal occupation is completion of a university programme in Austrian law of at least four years and at least 240 ECTS credits. Graduates in (classic) diploma law studies and Austrian law studies which they commenced after 31st August 2009 and which they completed with a law degree usually fulfil these requirements.

The curricula of the **Universities of Vienna, Graz, Linz, Salzburg and the Vienna University of Economics and Business**, which offer law studies, regulate the details of diploma and master courses as defined in the Universities Act (*Universitätsgesetz*) 2002, *BGBI.* (Federal Law Gazette) I No. 120, which aim at providing the students with an academic educational background. After having passed an equivalency assessment test, graduates from other law programmes are, in principle, also entitled to work in the legal core occupations, provided that they fulfil certain statutory requirements.

Court Internship

After having completed their law studies in Austria graduates are **entitled** to continue their training as a **legal trainee** (*Rechtspraktikant*) in a court to deepen their theoretical legal skills and to use them in practice.

The legal bases are contained in the Federal Statute of 15th December 1987 on a Court Internship of the Legal Trainees (Rechtspraktikantengesetz/RPG), *BGBI.* No. 644/1987, as amended. This Statute, which was considerably amended by the Statute Accompanying the Budget 2011 (*BGBI.* I No. 111/2010), is attached as Annex III; for more information see also <http://gerichtspraxis.justiz.gv.at>.

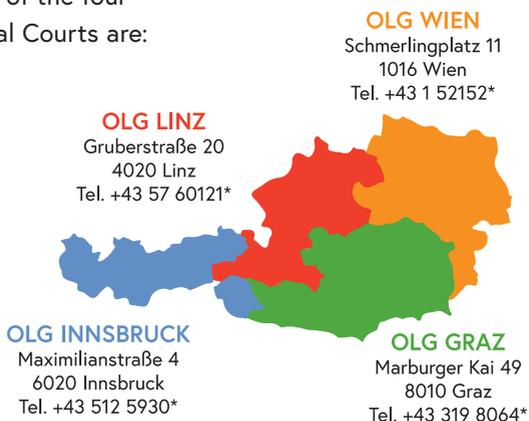


The 7-month training covers civil matters and criminal matters and may also be completed at a public prosecutors' office.

Court internships may, in principle, start on the first day of any month. They are no employment relationship but **traineeships**.

The application for admission to court internship must be sent to the President of the competent Higher Regional Court.

The addresses of the four
Higher Regional Courts are:



During the period of court internship legal trainees are entitled to a monthly gross “training allowance” of currently EUR 1.318,95 plus a pro-rata share of the special payments, i.e. the Christmas bonus and holiday pay.

The **Austrian Statute on the Recognition of Education, Training and Examinations** (*Ausbildungs- und Berufsprüfungs-Anrechnungsgesetz/ABAG*), BGBl. No. 523/1987, which provides for mutual accreditation of certain parts of the notary examination, the bar examination or the judge examination, makes such career changes easier. Lawyers who have successfully passed a vocational exam in one of the abovementioned occupations may apply for accreditation of the previously passed examination before taking another examination so that they only have to take a supplementary exam in certain examination subjects which are specific to the additional exam they want to take.

The mutual partial accreditation of exams has to be distinguished from the issue of mutual accreditation of work experience. The extent to which it can be accredited is set forth in the relevant provisions on practice (see Section 26 of the Austrian Act on the Service of Judges and Public Prosecutors (*Richter- und Staatsanwaltschaftsdienstgesetz*), Sections 1 and 2 of the Austrian Lawyers’ Code (*Rechtsanwaltsordnung*) and Section 6 of the Austrian Notaries’ Code (*Notariatsordnung*).

The following chapters describe the different options of education and training for the “classic” legal occupations, namely judge, public prosecutor as well as training to become a court officer (*Rechtspfleger*), lawyer and notary, plus the relevant requirements for practicing the occupation and the job-related responsibility.

Judges

At present, there are about 1,900 professional judges in Austria.

Lay judges on the bench must be distinguished from professional judges, who do not need any legal training and work on a voluntary basis. They may either be lay judges or trial jury members in criminal proceedings, or associate judges with special expertise in labour and social law cases.

Professional judges have a public law employment relationship with the Federal State. In addition to the Federal Constitution Act, the Service Act for Judges and Public Prosecutors is the main legal source for the training and professional status of judges. Professional judges are appointed for an unlimited period of time, and retire at the end of the year in which they reach the age of 65.

Judges are responsible for adjudicating civil and criminal law cases, and in administrative and constitutional law matters they act as monitors of the administration and as guardians of the Constitution. According to Articles 87 and 88 of the Federal Constitution Act, judges act as independent agents of the State in determining the law and in adjudicating cases. Such independence finds expression in the freedom of judges from complying with any instructions (factual independence), as well as in their freedom from dismissal or transfer to another position (personal independence).

Judges are only bound by the law and decide on the basis of their own legal convictions. Nor are they bound by earlier decisions in similar legal issues by other courts (precedents).

One exemption is constituted by administrative matters within the judicial system (measures to maintain the operation of the judicial system). In this connection, judges are only independent if they deal with these matters on panels or in commissions (such as the distribution of court business, proposals for appointments to court positions). Otherwise, judges are bound by the instructions of their superiors in such matters. An established distribution of court business ensures the right to a judge under the legal system guaranteed by the Constitution.

Judges who are found guilty of violating their professional and ethical duties have to face disciplinary and possibly also criminal law sanctions. Under civil law, judges are liable only to the State. Parties having suffered damages on account of any unlawful and culpable conduct of a judge may only assert their claims against the State pursuant to the provisions of the law on official liability.

Appointment as a Judge

Persons wishing to become judges must apply for one of the vacancies of candidate judge announced by the president of a higher regional court of appeal. The Federal Minister of Justice appoints the candidate judge upon proposal by the president of the respective higher regional court. Completion of university studies, Austrian citizenship, aptitude regarding subject matter and character, physical fitness, the required social skills for the profession of a judge, as well as a five-month traineeship at court are prerequisites for being admitted to the preparatory service for becoming a judge. When deciding on admission, the training judges during the traineeship and the head of the trainee courses are also heard. Since 1986, written and oral examinations, and a psychological aptitude test, performed by an independent psychologist, are also required.

By their appointment as a candidate judge, the future judges are admitted to the preparatory service for becoming a judge. It generally lasts four years. The traineeship at court is included in this training period. The training period is spent at a district court and a court of first instance, with a public prosecu-

tion office, in a prison, as well as with a lawyer or notary public, or with the Financial Procurator's Office, and with a victim protection or public welfare institution. The judge's examination comes at the end of the training period.

It is a written and oral examination. After having passed the examination and having completed four years of legal practice, candidates may apply for a vacant tenured judge's position. Upon proposal by the competent staff panels, applicants are appointed as judges for an indefinite period of time. The appointment is reserved to the Federal President, who has delegated this privilege to the Federal Minister of Justice for most of the judge's positions.

Public Prosecutors

Public prosecution offices are independent judicial authorities separate from the courts safeguarding the interests of the State in the administration of justice. The judicial function of public prosecutors is enshrined in the Constitution (Article 90a B-VG).

The public prosecutor's most important tasks include conducting preliminary proceedings and initiating criminal proceedings and acting for the prosecution in such proceedings. Their tasks are governed by the Code of Criminal Procedure; structure and organisation of public prosecution offices are governed by the Public Prosecution Act. In contrast to judges, public prosecution offices, as judicial bodies, are obliged to follow the instructions given by their superiors. At first-instance courts their responsibilities are vested in the public prosecutor, at the court of appeal in the senior public prosecutor and at the Supreme Court in the Procurator General.

The senior public prosecution offices and the Procurator General's Office each report directly to the Federal Ministry of Justice. The Procurator General has no authority to issue instructions to senior public prosecutors or public prosecutors. At present, there are about 400 public prosecutors in Austria.

Appointment as a Public Prosecutor

A person may be appointed public prosecutor only if he or she fulfils the requirements for appointment as a judge (see Section 26 RStDG as printed in the Annex) and has worked as a judge at a court for at least one year or as a public prosecutor in a previous capacity.

Pursuant to Section 174 (2) RStDG an exemption from the requirement of one year of work experience can be granted if there are no other equally qualified applicants who fulfil all requirements. As in the case of judges, you have to be an Austrian citizen to be appointed public prosecutor.

This means that there is no separate education and training for public prosecutors, but judges and trainee judges (being granted an exemption from the required work experience) will be appointed public prosecutors.

Public prosecutors are in a public law employment relationship to the Federal State and represent the public interests on behalf of the State in court as an independent entity of the administration of justice. In criminal proceedings, public prosecutors present indictments and are thus formally a party in the proceedings and obliged to observe full impartiality against all parties. Public prosecutors must follow up both aggravating and mitigating circumstances with equal diligence and care. The public prosecutor heads preliminary proceedings and in doing so may issue instructions to the criminal police; but any serious interference in fundamental rights requires approval by the court. Any party to the proceedings who regards a prosecutor's order as onerous may turn to the court. An accused person may request termination of the proceedings; the victim may oppose such termination by applying for continuation of the proceedings.

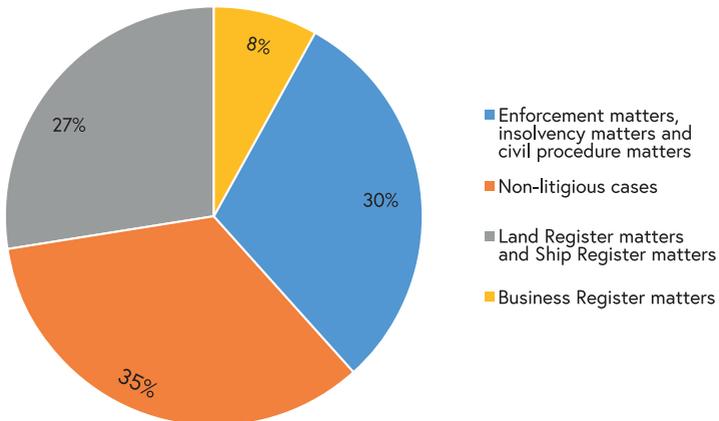
If a public prosecutor is found guilty of violating professional or ethical obligations, he/she is responsible to a disciplinary commission set up with the Federal Ministry of Justice. The sanctions such a commission may impose even include termination of employment. In addition, public prosecutors are also liable in criminal law. In terms of civil law, public prosecutors may only be held responsible by the State, similarly to judges, and not by the parties involved in a case, who may only bring in an action against the State for official liability.

Court Officers

Court officers (some 700) are an **indispensable pillar of the Austrian legal system**. In terms of numbers they issue the major part of all court decisions, especially in the areas of enforcement matters, Business Register and Land Register matters.

They are **specially trained officials** of the courts who are entrusted with precisely defined transactions of the courts of first instance in civil matters under the Austrian Federal Constitution Act (Article 87a B-VG) and the Austrian Statute on Court Officers (*Rechtspflegengesetz*). In this capacity they only report to their judges and are only bound by the judges' instructions. This right of the judges to give instructions to their court officers has no practical importance today, so that court officers more or less completely work on their own responsibility.

Areas of responsibility of court officers



Areas of Responsibility of Court Officers

The Austrian legal regime provides for four areas in which court officers work:

- Enforcement matters, insolvency matters and civil procedure matters
- Non-litigious cases
- Land Register matters and Ship Register matters
- Business Register matters

The responsibilities of court officers do not include all tasks to be performed and decisions to be taken in the aforementioned areas. The tasks which fall within their responsibility are specifically listed in the Statute on Court Officers, with the responsibilities differing from area to area.

Land Register matters, for example, are almost exclusively dealt with by court officers.

Likewise, the majority of enforcement matters is handled by court officers; judges only deal with very difficult cases (such as, for example, attachment of real property) or with parts of cases (such as, for example, declaring foreign enforceable instruments enforceable in Austria).

Lawyers

It is the vocation and power of lawyers to represent parties in and out of court and in all public and private matters before courts and public authorities of the Republic of Austria.

No appointment by a public authority is required to practice as a lawyer in Austria; but the following qualifications are required.

The material legislation is contained in the Austrian Lawyers' Code (*Rechtsanwaltsordnung/RAO*), *RGBl.* No. 96/1896, the Disciplinary Code for Lawyers and Trainee Lawyers (*Disziplinarstatut für Rechtsanwälte und Rechtsan-*

waltsanwärter/DSt), BGBl. No. 474/1990, the Federal Statute on Lawyers' Tariffs (*Bundesgesetz über den Rechtsanwaltsstarif/RATG*), BGBl. No. 189/1969, and the Austrian Statute on the Bar Examination (*Rechtsanwaltsprüfungs-gesetz/RAPG*), BGBl. No. 556/1985.

Anybody who wants to become a lawyer has to prove that he/she has worked in a legal occupation of at least five years after having completed their studies of Austrian law. Of those five years at least five months must have been spent working at a court or a public prosecutors' office (**court internship**, see Part II.C, page 8) and at least three years as a trainee lawyer at an Austrian law firm. Currently there are around 2,200 trainee lawyers, 49% of whom are women.

The **bar examination**, which is required for practicing the profession, can be taken after having worked as a trainee lawyer for three years, at least five months of which at a court or a public prosecutors' office and at least two years at a law firm. Another prerequisite for taking the examination is completion of compulsory training courses offered by a Bar Association in Austria (*Rechtsanwaltskammer*).



The examination consists of an oral part and a written part and has to be taken before a panel of the board of examiners of lawyers (*Rechtsanwaltsprüfungskommission*), which is established at the Higher Regional Courts. The panel must comprise two judges and two lawyers.

Persons who meet the listed requirements may apply for registration in the list of the Bar Association in whose circuit they intend to practice as a lawyer.

Lawyers who breach their professional duties or harm the reputation of the profession must

account for their action to a disciplinary board elected by the local Bar Association. The disciplinary board's power to impose punishment goes as far as striking lawyers off the list. The court of second instance is the Supreme Court, where a panel of four persons, comprising two judges of the Supreme Court and two lawyers, will decide. Apart from that, lawyers are obviously also accountable under criminal law and civil law.

All lawyers and trainee lawyers of an Austrian state who are registered in the relevant list of lawyers form a Bar Association. Bar Associations are public-law corporations and autonomous self-governing bodies. The Bar Associations, which also have to fulfil government tasks, are governed by freely elected committees and a President, who is elected by all members as well.

Notaries

Since the Austrian institution of notary was re-established in 1850 persons who seek legal assistance may turn to a notary, who is an independent and impartial organ of the preventative administration of justice, to take care of their private-law legal relationships.

The main task of a notary is to attend to legal transactions and to provide the citizens with legal support. Notaries execute public documents, keep safe third party property, draft private documents and represent parties, above all in non-litigious matters. In addition, notaries have to act as agents of the court in non-litigious proceedings. As so-called court commissioners (*Gerichtskommissäre*) they are, in particular, responsible for handling probate proceedings. Notaries have to ensure that the assets of a deceased person are protected and that they are distributed. This requires special expertise in the field of inheritance law and non-litigious cases, which is why people regularly seek the assistance of notaries to draw up their last will and testament and to get advice on and be represented in inheritance affairs.

Notaries hold a public office but they are no public officials. They bear the financial risk involved with a notary's firm but do not practice a trade. The job of a notary is similar to a profession but in their capacity as court commissioners they act as judicial organs. The job of a notary has to be performed as a primary occupation and, unlike in other countries, a notary cannot practice as a lawyer at the same time.

The number of notary positions and their official place of office is governed by regulations of the Federal Minister of Justice. Currently there are around 515 notary positions in Austria.

The road to appointment as a notary is a long one. After you have completed your studies of Austrian law and if you are interested in becoming a notary, you have to find a notary who will employ you and arrange for your registration in the list of candidate notaries (currently there are around 450 candidate notaries) in Austria. Registration in the list of candidate notaries, which is kept by the competent chamber of notaries, is only permitted if the applicant has completed a **court internship** as a legal trainee (at a court or a public prosecutors' office, see Part II.C) and is below 35 years of age at the time of initial registration in the candidate register.

Other than that, registration can only be denied for important reasons (cause), e.g. in the case of a disastrous financial situation.

Vacant or newly created notary positions have to be advertised publicly before they are filled. Among other things, the law (Section 6 of the Notaries' Code) requires job applicants to:

- be citizens of a Member State of the EU or of a Member State of the European Economic Area or a Swiss citizen,
- have successfully completed their diploma law programme or their studies of law and political sciences (studies of Austrian law),
- have passed the notary examination and
- have worked in a legal occupation for at least seven years, thereof at least three years as a candidate notary after passing the notary examination.

However, meeting these basic requirements gives you no right to be appointed as a notary. In the course of the appointment procedure applicants will be examined and listed by the local chamber of notaries and, subsequently, by the staff panels of the competent Regional Court and the Higher Regional Court, with the length of work being the decisive criterion. The chamber of notaries and the two staff panels each propose three applicants to the Federal Minister of Justice. Although the Minister of Justice is not bound by these proposals, he or she will always appoint shortlisted applicants in practice.

Due to their duty as authors of public documents and as court commissioners notaries are subject to special supervision requirements. Notaries are supervised by the Federal Minister of Justice, the administration of the justice system and by the chambers of notaries directly.



Cases of the Ordinary Courts and Public Prosecution Offices

1st January 2018

	District Courts		Regional Courts		Higher Regional Courts		Supreme Court		Public Prosecution Offices Higher Public Prosecution Offices Prosecutor General's Office	
	2016	2017	2016	2017	2016	2017	2016	2017	2016	2017
Civil Matters	451.282	434.260	65.803	64.352						
Non Contentious Matters	546.850	564.027	21.717	22.864						
Land Register/ Business Register Matters	683.624	633.837	18.684	19.447						
Executorial Matters	923.171	902.095								
Insolvency Matters	10.590	9.819	12.967	12.587						
Stages of Appeal in Civil Matters			19.832	19.625	7.502	6.800	2.453	2.352		
Criminal Matters	31.948	29.581	49.674	50.548					547.869	520.918
Stages of Appeal in Criminal Matters			3.998	3.917	7.149	6.926	797	780	12.311	12.349
Controller Register (since 2014)					109.749	107.713				
In Total (without AM)	2.647.465	2.573.619	192.675	193.340	124.400	121.439	3.250	3.132	560.180	533.267
Administrative Matters	123.237	119.089	130.140	129.108	54.677	54.402	5.554	4.948	51.719	52.168
In Total (with AM)	2.770.702	2.692.708	322.815	322.448	179.077	175.841	8.804	8.080	611.899	585.435

Of approximately 8.8 million people who live in Austria (thereof approximately 7.5 million Austrian citizens)

- approx. 6.200 work as lawyers,
- approx. 2.000 work as (professional) judges* at courts of law, another 68 work at the Supreme Administrative Court (*Verwaltungsgerichtshof*) and approx. 610 at the federal and regional administrative courts,
- approx. 710 are court officers (*Rechtspfleger*)*,
- approx. 515 are notaries and
- approx. 495 are public prosecutors*.

(*calculated according to full-time equivalents)

That means that there are approx.

- 70 lawyers,
 - 23 judges,
 - 8 court officers,
 - 6 notaries public and
 - 6 public prosecutors
- per 100.000 inhabitants.

The courts are concerned with about 3.4 Million proceedings per year, 2.8 million being owned by the District Courts, 325.000 by the Regional Courts, 189.000 by the Higher Regional Courts and 9.000 being owned by the Supreme Court.

The Public Prosecution Offices have to face 520.000 charges filed every year.

The Use of Information Technology in the Judicial System

Since the early eighties of the last century, a comprehensive IT network has been built up for Austria's judiciary system. This network supports the nation-wide use of IT applications. All courts, public prosecution offices, prisons and the Federal Ministry of Justice are able to cooperate electronically via interface at the Federal Computing Centre, where all judicial applications are supported. The Federal Computing Centre also handles communications with other Federal ministries and service units, as well as, in due course, with all citizens.

In the course of many years, judicial process automation has proven to be most beneficial as electronic register. On account of its many additional functions, the successfully completed re-design facilitates even faster and easier handling of the about 50 different types of court processes. The system of Electronic Legal Transactions has contributed largely towards increasing work efficiency; it facilitates almost all types of electronic submissions to courts, and the service of documents by court through electronic means. The data base on edicts (www.edikte.justiz.gv.at) can be accessed free of charge and publishes insolvency proceedings, court auctions, decrees derived from penal and civil cases, notifications, publications and documents served, coercive court administration, voluntary sales offers, company publications, a list of mediators, sequestrators and courts. Moreover, further legally mandatory publications are made available through the data base on edicts: recently,

such edicts particularly concerned the Safekeeping and Seizure Act, as well as the publication of merger agreements and spin-off plans.

Documentation on judicial case law is also available free of charge on the Internet, as part of the Federal Legal Information System (www.ris.bka.gv.at). By setting up the web site www.sdgliste.justiz.gv.at it has become much easier to find court-certified experts, as well as court-certified interpreters/translators.

A central data base for storing documents has been set up, which can be used for all kinds of applications and proceedings, especially for the Land and Company Registers.

The “Integrated Administration of the Penal System” serves the goal of providing comprehensive IT support for the administration of prisoners. It includes a list of current prisoners, helps manage detention space, plan and manage transfers of prisoners, and automatically calculates the end of any prison term and any deadline associated therewith.

In the framework of the strategic initiative der Justiz 3.0 the Federal Ministry of CA, R, D and Justice on the road to e-Justice in the meantime is also discussing the question – involving all professional groups and representatives, how to design future IT work stations for judicial staff, so that the services offered by the judiciary to citizens and corporations can be handled timely and efficiently, in the face of ever growing workloads and increasing challenges.

The Land Register

The Land Register is a public register maintained by district courts for recording real-estate and associated object rights in rem. The following rights may be recorded in the Land Register: ownership, home ownership, pledges, construction rights, easements and land charges; in addition, notes and references may point to certain legally relevant facts and circumstances.

The primary importance of the Land Register lies in the fact that all object rights in rem may only be acquired when recorded in the Land Register (principle of recording rights), and that everybody may rely upon the correctness and completeness of the Land Register (principle of reliance).

The Land Register consists of a main ledger, which contains the current entries in the Land Register, a list of cancelled entries and a document depository (a collection of the documents that are at the basis of Land Register entries, for example, purchase contracts when acquiring real estate by way of purchase).

In addition, there are auxiliary registers, such as a register of real-estate parcels of land, a list of addresses, and a list of persons or names. All these registers indicate the entry number which was used to record the real-estate in question or the respective owner in the Land Register.

Enquiries

As a matter of principle, everybody is entitled to enquire about entries in the Land Register and its auxiliary registers from the Land Register data base. The same applies to the cadastral maps, including the Digital Cadastral Maps.

When entering the name of the cadastral community and the number of the real-estate parcel of land (so-called entry number or “EZ”) or of the real-estate property, information may be obtained from the data base (excerpts from the Land Register, excerpts from the cadastral maps, and copies of maps). This information contains all currently recorded data. Upon request, data that have been previously cancelled may also be obtained (back to when the system was converted to IT).

It is not possible to obtain electronic information on persons. For this type of information, interested persons must turn to (any) Land Register Court and demonstrate a legal interest in such information.

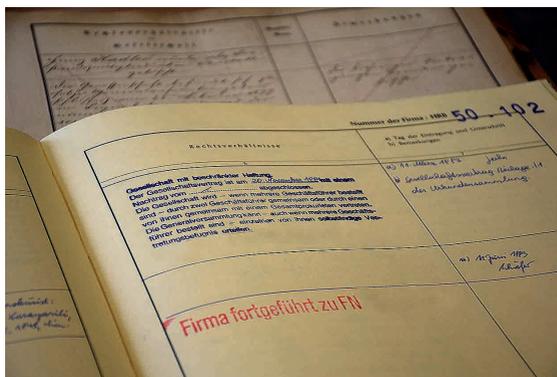
Enquiries to the land-register data base are subject to a fee. The fees are invoiced in keeping with the Fee Ordinance of the Federal Ministry of Finance via the above-mentioned accounting centres, where every customer must obtain an “account”.

The Company Register

The Company Register is a public register maintained by regional courts (in Vienna by the Commercial Court Vienna, in Graz by the Higher Regional Court for Civil Matters Graz). It serves to record and disclose facts that must be registered according to commercial law.

The Company Register consists of a main ledger, which contains the registry entries, and the document depository (i.e. the collection of documents that are the basis for registry entries, e.g. the articles of incorporation or the balance sheet).

The Company Register contains entries for all legal entities, i.e. Sole Proprietors, Open Partnerships, Limited Partnerships, Joint-Stock Companies, Limited Liability Companies, Commercial and Industrial Cooperatives, Mutual Insurance Companies, Savings and Loan Banks, Private Foundations, European Economic Interest Groupings, European Societies (SE), European Cooperative Societies (SCE) and other legal entities, whose registration is required by law.



Every legal entity is assigned a so-called Company Register Number in the Company Register.

As a matter of principle, everybody is entitled to access the Company Register data base to obtain information on entries in the Company Register.

When entering the Company Register file number, an excerpt from the register may be retrieved from the data base. This excerpt contains the currently recorded data. Upon request, data that have been previously cancelled may also be obtained (only going back to the conversion to IT management).

Company Register enquiries are subject to costs. The fees are calculated in keeping with the Fees Ordinance of the Federal Ministry of Justice and are handled by the accounting centres, where every customer must obtain an “account”.

Family Court Support

The amended Parent & Child and Name Right Act 2013 has created the legal basis for the so-called „family court support“. Since 1st July 2014 such support is available nationwide all over Austria. Under this scheme, family courts are supported in parent and child proceedings by a staff provided by the justice system and consisting of psychologists, pedagogues and social workers.

It is the objective of such family court support to contribute, by swift interventions (in the framework of the so-called “clearing”, to deescalating custody and contact litigations and to initiate amicable agreements, to broaden the basis for court decisions through most succinct inquiries and statements and thereby to improve quality and sustainability of court proceedings. For this purpose, family court support staff may investigate, summon and interrogate persons who might provide information about the living conditions of minors, and establish direct contact with the child.

Moreover, family court support staff may be employed as “visit mediators” in proceedings regulating or enforcing the right of personal contact. The visit mediator shall inform the parents about the importance of the child having contact with both parents, give advice of how to organise such contacts for the best benefit of the child, and mediate in cases of conflict. Moreover, they may occasionally monitor the orderly transfer or return of the child. Ultimately, they shall report their findings to the family court.

Access to the Judicial System for Socially Disadvantaged Persons

Persons, who cannot pay the cost of proceedings, without risking to their daily subsistence, will receive legal-aid support – upon application. This means that they are fully or partly (temporarily) exempt from paying fees and are (temporarily) assigned a lawyer free of charge. As a result, socially disadvantaged persons also have access to the law. They must pay these costs only to the extent and as soon as their financial situation has improved.

Every year, the Federal Ministry of Justice transfers a lump sum to the Bar Association in order to cover the services provided by lawyers as legal-aid counsels. This money is used for pension payments to retirees and surviving dependants.

Judicial Ombudspersons

On 1st November 2007, the Austrian judiciary introduced Ombudspersons to offer Austrian citizens an improved information and complaint service. All persons involved in court proceedings may turn to the Ombudspersons if they have questions or complaints concerning the work of the courts. Ombudspersons are experienced judges located at the higher regional courts.

The Judicial Ombudspersons explain court decisions, clarify misunderstandings and follow-up complaints in a competent, independent and expeditious manner, and subsequently directly inform the citizens. Ombudspersons, however, must not interfere with pending proceedings, nor do they constitute another type of appellate instance.

International Cooperation

The goal of international cooperation is the general exchange of ideas and opinions with representatives of foreign judiciary systems, as well as the support of other countries when building up a legal system based on the rule of law and democratic principles. Austria's judicial system, which is held in high esteem abroad, makes valuable contributions in this direction. Austrian expertise is also applied to projects that receive international support.

Also on an EU level, Austria stands up for the interest of the judiciary, but also of its citizens. One of the major priorities of the EU today is providing security and the rule of law in a Europe without internal borders. An essential element to achieve such objectives and to create a clear and easily comprehensible legal framework in the interest and on behalf of the citizens of Europe is the strengthening of mutual trust.

Austria's judicial policy is committed to the strategic guidelines adopted by the European Council on 26th June 2014 for a space of freedom, security and justice (= post-Stockholm Programme). In particular, the approach contained therein of evaluating and consolidating the achievements so far and to strengthen operative cooperation has proven an efficient instrument for protecting and enforcing private rights of citizens across borders, and to facilitate and accelerate cooperation in criminal matters among Member States.

Austria has actively participated in the design of the e-Justice portal (<https://e-justice.europa.eu>) established in 2010 by the European Commission to support EU citizens and legal operators with legal issues. At present, this portal offers numerous informative details on important legal issues in the EU and its Member States, but will be expanded in the future with a plethora of additional functions. As a case in point, the project e-CODEX under development will provide an opportunity to exchange information between Member States online in a secure manner, aimed at facilitating cross-border access of citizens and corporations to legal tools, and at improving the interoperability of judicial authorities with the EU. Austria plays a leading role in such develop-

ment, and is also committed to the interconnection of insolvency registers and criminal records, which are included in the portal together with Company Registers, Land Registers and national registers of wills. Moreover, Austria encourages European propagation of video conferencing technologies and an IT-solution for the European Order for Payment procedure, jointly developed with Germany.

Furthermore, Austria took over the Presidency of the Council of the European Union in the second half-year of 2018. **The Austrian Presidency of the Council of the European Union focused on security and the fight against illegal migration, securing prosperity and competitiveness through digitalisation, and stability in the European neighbourhood.**

The **motto** of the Austrian Presidency was ‘**A Europe that protects**’. In order to achieve this objective, Austria’s approach based on enhancing the principle of subsidiarity. The European Union should focus on big issues which require a joint solution and take a step back when it comes to smaller issues where member states or regions are in a better position to take decisions. To that effect, the Austrian Presidency prioritised the protective role of the European Union.

Austria viewed its role during the forthcoming Council Presidency as that of a neutral broker. Given its geographic location in the heart of the EU, its obligation of neutrality and in line with its traditional role as bridge builder, Austria endeavoured to contribute to the unity within the EU during its Council Presidency.