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National case law

Content provided by:

Austria

Austria



This section provides an overview of Austrian case law and the relevant legal databases.

Online case law databases

Judgments made by Austrian courts are published in the legal information system of the Republic of Austria and can be found at <http://www.ris.bka.gv.at/>. Judgments by the highest courts and the administrative courts are published in full; those of the other courts are published only in some individual cases.

The legal information system (*Rechtsinformationssystem – RIS*) is an electronic database operated by the Austrian Federal Chancellery. Its main purpose is to announce legislation published in the Austrian federal law gazette (*Bundesgesetzblatt*) and provide information about the law in the Federal Republic of Austria.

The RIS offers good web accessibility (WAI-AA in accordance with WCAG 2.0).

Presentation of decisions / headlines

	Supreme courts	Other courts
Case law presented with headlines	Yes	Partially

Examples of headline/s:

Serial number RS0127077

Reference number 11 Os 87/11w

Date of judgment 25.8.2011

Text of the headline

Generally a headline is composed of the following elements: number of the division: 11, procedure type reference: Os, running number: 87, and year: 11. Then the date of judgment is added: 25.8.2011.

European Case Law Identifier (ECLI)

The European Case Law Identifier (ECLI) can be found under this heading. It is a unique identifier for court judgments within the EU Member States.

Formats

Judgments are available in the following formats: XML, RTF, PDF and HTML.

Courts and other institutions concerned

Supreme courts

- Supreme Court (*Oberster Gerichtshof*)
- Constitutional Court (*Verfassungsgerichtshof*)
- Administrative Court (*Verwaltungsgerichtshof*)

Courts and other institutions

- Higher regional courts (*Oberlandesgerichte*) and other courts (civil and criminal cases)
- Federal Administrative Court (*Bundesverwaltungsgericht*)
- Regional Administrative Courts (*Landesverwaltungsgerichte*)
- Federal Finance Court (*Bundesfinanzgericht*, external)
- Data Protection Authority (*Datenschutzbehörde*) (prior to 2014: Data Protection Commission (*Datenschutzkommission*))
- Disciplinary Commissions (*Disziplinarkommissionen*), Supreme Disciplinary Commission (*Disziplinarioberkommission*), Appeals Tribunal (*Berufungskommission*)
- Supervisory Authority for Employee Representation (*Personalvertretungsaufsichtsbehörde*) (prior to 2014: Supervisory Commission for Employee Representation (*Personalvertretungs-Aufsichtskommission*))
- Equal Treatment Commissions (*Gleichbehandlungskommissionen*) from 2014
- Equal Treatment Commissions (*Gleichbehandlungskommissionen*) from 2008 (external)
- Independent Administrative Tribunals (*unabhängige Verwaltungssenate*) – selected rulings from 1991 to 2013, then Regional Administrative Courts
- Financial documentation, Independent Finance Tribunal (*unabhängiger Finanzsenat*) (external; rulings until 2013, then Federal Finance Court)
- Independent Federal Asylum Tribunal (*unabhängiger Bundesasylsenat*) (selected rulings from 1998 to 2008)
- Asylum Tribunal (*Asylgerichtshof*) (rulings from July 2008 to 2013, then Federal Administrative Court)
- Environmental Tribunal (*Umweltsenat*) (selected rulings from 1994 to 2013, then Federal Administrative Court)
- Federal Communications Board (*Bundeskommunikationsrat*) (selected rulings from 2001 to 2013, then Federal Administrative Court)
- Public Procurement Review Authorities (selected decisions up to 2013, then Federal Administrative Court)

Note: Not all the answers below are applicable to all the above courts and tribunals

Further proceedings

	Supreme courts	Other courts
Is information available on:		
• appeals?	No	No
• whether a case is still pending?	No	No
• the outcome of appeals?	No	Yes, providing the rulings by the highest courts are published
• the irrevocability of the judgment?	Only irrevocable judgments are published.	Only irrevocable judgments are published.
• Further proceedings before:		
• another national court (Constitutional Court, etc.)?		
• the European Court of Justice?		
• the European Court of Human Rights?		
• Special summaries of the Supreme Court's judgments	Yes	No
indicate that proceedings before another national or	Yes	No
international high court are pending.	Yes	No

Publication Rules

	At national level?	At the level of courts?
Are there binding rules for the publication of judgments?	Yes	Yes
Sections 15 and 15a of the Supreme Court Act (OGH Act), Section 48a of the Court Organisation Act (GOG), Section 23 of the Federal Finance Court Act (BFGG), Section 20 of the Federal Administrative Court Act (BVwGG)		

	Supreme courts	Other courts
Are all judgments published or only a selection?	With few exceptions Judgments are published in full together with a summary.	Only a small selection in the case of the ordinary courts; extensively in the case of the administrative courts
If a selection is made, what criteria are applied?	Supreme Court judgments which reject an appeal without substantial reasoning are not published.	Judgments are published in full together with a summary. Judgments by other courts are published if their significance extends beyond the individual case.

■ Last update: 04/05/2023

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