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# Initial training of judges and prosecutors in the European Union

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## General description

The Austrian judiciary is in charge of the initial training of ordinary judges and public prosecutors. The following explanation only refers to these groups of legal professionals.

The initial training phase for judges and public prosecutors in Austria is mandatory and organised as well as carried out by the Presidents of the four Higher Regional Courts (Vienna, Graz, Linz, and Innsbruck). In Austria, unlike in some other countries, there is no Judicial School or Academy, but rather a decentralized training approach.

Trainee judges and prosecutors undergo the same 4-year initial training; there is no specialisation during this phase.

The basic elements of the initial training are defined by the [Act on Judges' and Prosecutors' Service Law](#) and by the [Training Regulation for Trainee Judges](#).

The specific design and content of initial training is determined by the Presidents of the four Higher Regional Courts.

As of 1<sup>st</sup> of July 2021 there were 180 trainee judges and public prosecutors.

## Access to the initial training

After graduating from law school, every graduate is entitled to undergo the seven-month long “court internship”, which is a legal requirement for practicing a “classic” legal profession (i.e. judge, public, prosecutor, lawyer, and notary). When applying for the court internship, applicants are required to declare if they seek for admission to the judicial preparatory service (i.e. becoming a judge or public prosecutor). A retroactive declaration is possible under certain circumstances.

The selection procedure for the admission to the judicial preparatory service is run by the competent Higher Regional Court, based on the place of residence of the applicant.

The court internship consists of two- to three-month long assignments to different ordinary courts dealing with civil and criminal law matters.

After the first assignment, every applicant must undergo a test in front of the president of the competent Regional Court, covering the subjects of the past assignment. If the applicant passes the test, he/she is entitled to participate in the next round of the selection procedure.

The second round consists of two written exams on civil and criminal law, where the applicants have to draft a court decision based on an actual court file. The duration of these exams is five hours each. The draft decisions are evaluated by judges or by public prosecutors involved in the initial training.

Those applicants, who pass the second round, advance to the third round consisting of four oral exams (civil law, civil procedure, criminal law, criminal procedure) also in front of judges involved in the initial training.

All applicants, who have passed the previous selection rounds, are invited to an interview in front of the president of the competent Higher Regional Court, as well as a representative of the Senior Public Prosecutor's Office and of the Association of Austrian Judges.

The president of the Higher Regional Court then nominates the selected applicants to the Federal Ministry of Justice, based on the results of the selection rounds as well as the standardized written assessments drafted by the judges in charge of training during the court assignments.

Finally, the Federal Ministry of Justice invites the nominated applicants to a final interview.

The Federal Minister of Justice then appoints the selected applicants as trainee judges and prosecutors.

All exams and interviews mentioned before can only be taken once; the entire selection procedure lasts approx. 14 months.

When necessary, fully trained lawyers are invited to apply for an open position of a trainee judge. They have to undergo an adapted initial training phase and a supplementary exam.

## Format and content of the initial training

The initial four-year long training phase follows an on-the-job-approach. That means that trainee judges and prosecutors are assigned to a court or a public prosecutor's office at any time of their initial training.

Their main task is to assist their respective training judge or public prosecutor by drafting judicial decisions, conducting hearings, representing the public prosecutor's office during trials etc., all under the supervision of the respective trainer judge or prosecutor.

These assignments last two to four months each and cover courts of all instances (i.e. District Courts, Regional Courts, Higher Regional Courts, etc.), public prosecutor's offices but also law firms.

In addition to these court assignments, all trainee judges and prosecutors undergo a two-week assignment at a victim protection organization as well as a three-week assignment at a penitentiary.

Additionally, all trainee judges and prosecutors complete theoretical classes covering civil law, criminal law, family law, EU law, administrative and constitutional law, judicial and digital skills etc.

Furthermore, every trainee judge and prosecutor has to complete curricula on Human and Fundamental Rights as well as Austrian History of Justice.

Theoretical classes consist of presentations, group works, workshops etc. In legal matters, mostly judges and public prosecutors are being used as trainers. For soft skill training the Austrian judiciary mostly relies on experts from the respective branch.

In addition to the national training program, trainee judges and prosecutors are invited and encouraged to take part in international training activities, such as those provided by EJTN and ERA.

## Termination of the initial training and qualification process

The final exam takes place in the last four months of the initial training phase (Art. 20 RStDG, see Link in General description section). It consists of two written exams (civil and criminal law), in which the trainee has to draft one decision each based on actual court files during a ten-hour period. In addition, the final exam consist of an oral exam in front of a commission involving four judges/public prosecutors (one of them is the president of the competent Higher Regional Court) and a lawyer. The oral exam covers criminal law, criminal procedural law, civil law, civil procedural law, commercial law, constitutional law, human and fundamental rights, the basics of administrative law, conduct of hearings, service law, and European law. The oral exam is not public and lasts for at least two hours. The exam can be repeated once.

After the positive completion of the final exam and of four years of initial training, the trainee judge is eligible to be appointed a judge or public prosecutor. For this purpose, the trainee has to apply for an open position. All applicants are ranked by one or two committees (depending on the position they have applied for) consisting of peer-elected judges, based on their suitability for the respective positions. The committee submits a ranked shortlist of three applicants per open position to the Federal Minister of Justice, who appoints the judge or public prosecutor according to the shortlist.

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