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Online processing of cases and e-communication with courts



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European Judicial Network
(in civil and commercial matters)

1 Is it possible to initiate court proceedings via the internet?

Yes, court proceedings can be initiated online via the Austrian e-Justice (*Elektronischer Rechtsverkehr, ERV*) platform. However, this requires registration with one of several possible clearing houses, which forward the input to the judicial system. Registration is not free. There is a basic charge of approximately EUR 20.00 per month, plus a fee of approximately EUR 0.30 per upload. A registered letter costs around EUR 3.00 in Austria.

A free upload service using a citizen's card (ID Austria) is also available for electronic submission. However, unlike the Austrian e-Justice platform, it provides a one-way service only.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

The Austrian e-Justice platform allows online communication between the courts and the public prosecutors' offices on the one hand and the parties on the other, in the same way as in paper form. It can be used for all types of proceedings. There are no proceedings which must always be initiated online.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

The service is available 24 hours a day, 7 days a week.

4 Should the details of the claim be provided in any particular format?

The grounds for the claim and all procedural data required for the claim must be uploaded in a prescribed XML structure (or as a PDF attachment to this structure). With the establishment of the *Justizbox* data storage service in mid 2023, other file formats are now also supported (e.g. for the transmission of audio and video files).

5 How is transmission and storage of data secured?

Data transmission via the Austrian e-Justice platform is secured using the https protocol. Certificates are used to authenticate all parties involved. Communication between servers is also certificate-based. The need for users to register with an access point (see point 1 above) provides additional security.

6 Is it necessary to use any kind of electronic signature and/or time record?

See point 5 above (certificates). Electronic signatures are not required. A central timestamp service is available for entries in the land register only, confirming receipt of a valid submission.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Court fees for online uploads are paid by direct debit. As a general rule, fees for initiating proceedings online are the same as for proceedings initiated in paper form. In certain cases, there is a discount for electronic submission.

8 Is it possible to withdraw a claim that has been initiated via the internet?

There is no difference between online and offline variants. The rules of civil procedure law apply equally to proceedings conducted via the Austrian e-Justice platform. Even if they were not filed online, claims can be withdrawn online.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

Yes, the internet can be used to defend claims, file appeals, etc. Use of the Austrian e-Justice platform is not generally mandatory; however, lawyers, notaries, banks, insurance companies, social security funds, the Financial Prosecutor's Office (*Finanzprokurator*) and bar associations must use the Austrian e-Justice platform.

Experts and interpreters are required to use the Austrian e-Justice platform under certain conditions.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

The rules of civil procedure law apply equally to proceedings conducted via the Austrian e-Justice platform.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

The rules of civil procedure law apply equally to proceedings conducted via the Austrian e-Justice platform.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Yes, all types of documents can be submitted to the courts via the Austrian e-Justice platform. Original deeds can even be submitted electronically in land register and companies register proceedings.

13 Can judicial documents, and particularly judgments, be served via the internet?

Yes, via the Austrian e-Justice platform.

14 Can judicial decisions be given electronically?

Yes, via the Austrian e-Justice platform.

15 Can an appeal be made and its decision served via the internet?

Yes, via the Austrian e-Justice platform.

16 Is it possible to initiate enforcement proceedings via the internet?

Yes, via the Austrian e-Justice platform.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Yes, parties and their legal representatives can inspect the case register in all civil and enforcement proceedings online via clearing houses, but only for their own cases. Inspection rights are verified using a unique address code allocated to each person with inspection rights.

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