

[Home](#) > ... > [Taking Legal Action](#) > [European Judicial Atlas In Civil Matters](#) > [Maintenance Obligations](#) > [Austria](#)

Maintenance obligations

Austria



Austria

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 71 1. (a) - Courts for application for a declaration of enforceability and courts for appeal against decisions on such applications

Applications: the relevant District Court (*Bezirksgericht* - under Article 27(2), this is the court with jurisdiction at the debtor's place of habitual residence or at the place of enforcement).

Appeals: Appeal against a decision (*Berufung*) or appeal on a point of law (*Rekurs*) to the Regional Court (*Landesgericht*) via the District Court that issued the decision.

Article 71 1. (b) - Redress procedure

In Austria: an appeal on a point of law (*Revisionsrekurs*) pursuant to Articles 78(1) and 411(4) of the Enforcement Code (*Exekutionsordnung*) in conjunction with Article 528 of the Code of Civil Procedure (*Zivilprozessordnung*) must be lodged with the District Court (court of first instance), which will refer it to the Supreme Court (*Oberster Gerichtshof*) for a decision.

Article 71 1. (c) - Review procedure

In the event of due service under Austrian law: an application for relief (*Antrag auf Wiedereinsetzung in den vorigen Stand*) from the effects of failing to meet the deadline for contesting the claim or failing to attend a hearing.

If the document was not duly served under Austrian law: there are two types of appeal, i.e. an appeal against a decision (in the case of default judgments) and an appeal on a point of law (in the case of court orders based on default).

Names and contact details of the courts with jurisdiction: all appeals should be lodged at the court of first instance, which will either itself rule on the matter (in the case of relief, for example) or refer it to the higher court for a decision.

Article 71 1. (d) - Central Authorities

For all matters:

Bundesministerium für Justiz

Museumstrasse 7, 1070 Vienna

Organisational unit: Abteilung I 10

Email address: team.z@bmj.gv.at

Tel.: +43 1 52152 2142

Fax: +43 1 52152 2829

Article 71 1. (f) – Competent authorities for enforcement

All enforcement matters are decided by the court with jurisdiction for enforcement under Section 5 et seq. of the Enforcement Code, or if necessary by the appellate court.

Article 71 1. (g) - Accepted languages for translations of documents

German.

Article 71 1. (h) - Languages accepted by Central Authorities for communication with other Central Authorities

English, French, German

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