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Serving documents (recast)

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 3(1) - Transmitting agencies

Under Article 3(1) of Regulation (EU) 2020/1784 of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), Austria's transmitting agencies are the district courts, but also all other courts, provided that they are required to serve judicial documents, for example as trial courts.

Article 3(2) - Receiving agencies

Under Article 3(2) of Regulation (EU) 2020/1784 of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), Austria's receiving agencies are exclusively the district courts.

Article 3(4)(c) - Means of receipt of documents

Even after the obligation to transmit documents to be served, requests, etc. under this Regulation via the decentralised IT system based on e-CODEX (Article 5(1) in conjunction with Article 37(2) of the Regulation) becomes applicable, in the event of disruption of this IT system (Article 5(4)), the means hitherto available for the transmission of documents to be served, requests, etc. - transmission by post, by other delivery services (e.g. express courier), by email and by fax - may be used.

Article 3(4)(d) - Languages that may be used for the completion of the standard form set out in Annex I

The forms may be completed in English as well as German.

Article 4 - Central body

The central body referred to in Article 4 of the Regulation is, for the whole of Austria,

The Federal Ministry of Justice

Museumstraße 7

1070 Wien

Telephone: (+43-1) 52 1 52 0

Fax: (+43-1) 52 1 52 2727

Email: team.z@bmj.gv.at

Article 7 – Assistance in address enquiries

Addresses of recipients in Austria can be found as follows (Article 7(1)(c)):

The Central Population Register (*Zentrale Melderegister* – ‘the register’) is located at the Austrian Federal Ministry of the Interior (Bundesministerium für Inneres). This is a public register containing all persons registered with their main residence ([Hauptwohnsitz](#)) and – where applicable – their secondary residence ([Nebenwohnsitz](#)) or residences in Austria. The register contains data on identity (e.g. name, gender, date of birth, number in the register, nationality, etc.) and residence data of individuals. Registration or deregistration ([An- bzw. Abmeldung](#)) of a place of residence in Austria is mandatory.

Entries in the register are made by the various registration authorities ([Meldebehörden](#)), civil registry offices (*Standesämter*) and citizenship offices (*Staatsbürgerschaftsstellen*) of the towns and municipalities of Austria. It can be accessed online by all authorities (e.g. district authorities, police authorities). On request, banks, insurance companies, lawyers, notaries, etc. inspected by the Austrian Ministry of the Interior also have direct access.

Anyone can (pay to) request registration information ([Meldeauskunft](#)) concerning a person’s main residence ([Hauptwohnsitz](#)) from the registration authorities ([Meldebehörden](#)).

In order to locate an individual, both natural and legal persons may obtain information on registered persons from the register by requesting information on the person’s main residence ([Hauptwohnsitz](#)). Information on birth data may be requested only by persons who have an enforcement order ([Exekutionstitel](#)) against the requested person(s).

As a general rule, only information on a person’s main residence is provided. If a person whose details are requested does not have a genuine main residence, information on their last deregistered main residence is provided.

Registration information may be obtained on condition that the person whose details are requested is individually distinguished by certain characteristics such that the information provided cannot relate to more than one person. In order to obtain information, the first name and surname and at least one additional characteristic of the requested person is required in order to be able to definitively identify the person (e.g. date of birth, place of birth, nationality or previous address).

The competent authority is the registration authority, i.e. the municipal authority ([Gemeindeamt](#)); in chartered towns ([Statutarstädten](#)) it is the town council ([Magistrat](#)) and in Vienna it is the municipal district office ([Magistratische Bezirksamt](#)).

Requests for registration details may be made informally in person, by post or via the internet.

Registration details can be requested online from the register website or via oesterreich.gv.at. An activated citizen’s card ([Bürgerkarte](#)) and an electronic payment facility are required. The requested information is provided as soon as the administrative charge has been paid. The current administrative charge of EUR 3.30 is due even if a search produces no clear result.

Official photo ID ([amtlicher Lichtbildausweis](#)) is required to obtain registration details. In the case of written applications, the original official document or a copy authenticated by a notary or a court of law ([beglaubigte Abschrift](#)) must be submitted.

A written application costs EUR 14.30. Queries from the local population register cost EUR 2.10 and queries from the Central Population Register cost EUR 3.30.

Article 8 – Transmission of documents

Form A may be completed in English as well as German.

Article 12 – Refusal to accept a document

Translations that may have been produced by order of a court are not acceptable.

Article 13 – Date of service

It appears that there are currently no documents in Austrian law of the kind referred to in Articles 12(5) and 13(2).

Article 14 – Certificate of service and copy of the document served

The certificate (form K) may be completed in either German or English.

Article 15 – Costs of service

No fixed fees apply.

Article 17 – Service by diplomatic agents or consular officers

Austria does not oppose service under Article 17(1).

Article 19 – Electronic service

Austria has not laid down any additional conditions for electronic service by email pursuant to Article 19(1)(b) in conjunction with Article 19(2) of Regulation (EU) 2020/1784 of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents).

Article 20 – Direct service

Service of judicial documents directly through the judicial officers, officials or other competent persons of the Member State addressed is not permitted under Austrian law.

Article 22 – Defendant not entering an appearance

Notwithstanding Article 22(1), the Austrian courts may give judgment on the matter under the conditions laid down in Article 22(2).

Austria has not set a deadline as referred to in the last subparagraph of Article 22(4) for filing an application for the re-establishment of rights.

Article 29 – Relationship with agreements or arrangements between Member States

As already notified by letters of 23 February 2009 from the German and Austrian Federal Ministries of Justice concerning Regulation (EC) No 1393/2007, the following should continue to apply between Germany and Austria:

With regard to mutual legal assistance, in so far as it also relates to service of process, Germany and Austria continue to apply the agreement concluded by their governments on 6 June 1959 on further simplification of legal transactions under the Hague Convention of 1 March 1954 (published in Austrian Federal Law Gazette No 27/1960 and in German Federal Law Gazette No 1959 II, p. 1523).

Article 33(2) – Notification on the early use of the decentralised IT-system

The system will be operational from May 2025, in accordance with the EU Digitalisation Regulation. There are no plans for its use before that time.

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