

[Home](#) > ... > [Taking Legal Action](#) > [My E-Justice Space](#) > [Austria](#)

My e-Justice space

Austria



Austria

The central hub for digital public services in Austria is the cross-authority platform [oesterreich.gv.at](https://www.oesterreich.gv.at), on which Austrians can complete selected official procedures online and find immediate help and public administration information. The platform can be accessed via PC or mobile devices with the app "Digital Office" ("Digitales Amt"). The digital public services require a smartphone signature ("Handysignatur") as authentication and legally valid electronic signature on the Internet (https://www.oesterreich.gv.at/themen/dokumente_und_recht/e_government/4.html).

Online procedures are official dealings and contacts with authorities that can be carried out electronically. Applications can be submitted using electronic forms. These forms can be filled out on the Internet.

While some online procedures do not require identification, other electronic procedures are handled using smartphone signatures or card-based citizen cards. The smartphone signature turns the smartphone into an electronic ID card that can be used to digitally sign applications with public authorities.

Online procedures are available in the following categories on [oesterreich.gv.at](https://www.oesterreich.gv.at):

- Work and pensions
- Building, housing and environment
- Education and New Media
- Documents and law
- Family and Partnership
- Leisure and road traffic
- Health and emergencies
- Young people
- Life in Austria
- People with disabilities
- Seniors
- Social affairs
- Taxes and finances

The various categories include both Austria-wide and regional online procedures. It is possible that the regional procedures are not offered in all municipalities or provinces of Austria. As Austria has more than 2000 municipalities, it is not possible to evaluate if all services are offered by all authorities online. Therefore, the analysis will focus on individual authorities and it will be indicated if authorities of municipalities were identified that offer online services or not.

Possibility to lodge an application for legal aid

Purpose and scope:

In Austria, the party of a civil proceeding may apply for legal aid ("Verfahrenshilfe") if he or she is not able to afford the costs of the proceeding without endangering his or her financial recourses to maintain a modest standard of living. The legal aid covers general costs of the proceeding, costs arising with bringing

evidence in front of the court, costs of an attorney if necessary and others. If legal aid is granted, it also covers legal advice prior to the trial as well as possible appeals. It depends on the income and private asset situation of the respective applicant if full cost relief is granted or only partially. Additionally, the intended claim or legal defence must not appear to be apparently wilful or futile (Sec 63 - 73 Code of Civil Procedure ["Zivilprozessordnung"], Federal Gazette 113/1895 last amended by Federal Gazette I 77/2023).

For criminal proceedings, legal aid is available for a defendant if he or she is not able to meet the full costs for the defence without causing a detriment to the maintenance of a simple livelihood by the accused and for the accused's family in his or her care, and if and insofar as this is necessary in the interest of justice, especially in the interest of an appropriate defence. If these requirements are fulfilled, it is possible to apply for a legal aid defence counsel ("Verfahrenshilfeverteidiger"). (Sec 61(2) Code of Criminal Procedure ["Strafprozessordnung"], Federal Gazette 631/1975 last amended by Federal Gazette I 223/2022)

Austria offers the option to apply for legal aid in civil proceedings fully online via the platform <https://justizonline.gv.at/jop/web/formulare/kategorie/4>.

Competent authority:

The online service is offered by the Federal Ministry of Justice. The decision whether the legal aid is granted is the responsibility of the respective court in charge. (Sec 65(1) Code of Civil Procedure)

Conditions of access:

- Eligibility requirements:

Legal aid shall be granted to a party in whole or in part to the extent that he or she is unable to meet the costs of the proceedings without prejudice to the necessary maintenance, and the intended claim or legal defence must not appear to be apparently wilful or futile. (Sec 63(1) Code of Civil Procedure)

- Identification and authentication requirements:

The authentication process requires a citizen card "Bürgerkarten/ID Austria" account. With this account the identity of the applicant is verified for the further proceedings

- Documents to be provided:

A statement by the applicant, not older than four weeks, on the applicant's assets, income and family circumstances (statement of assets) and documents proving the statement of assets shall be submitted. The statement of assets shall also state in particular all burdens and current maintenance obligations. (Sec 66(1) Code of Civil Procedure)

Legal effects of electronic document:

N/A

Possibility to complete the procedure fully online:

Yes (in the case of legal aid for civil procedures).

Cost:

The service is free of charge.

Link:

Compensation

Purpose and scope:

In Austria claims for compensation can be filed online via the general form on [JustizOnline](#).

If the damage was caused by a criminal offence, the claimant may use the right to join the criminal proceeding as a private party ("Privatbeteiligter"). This needs a declaration in front of the criminal police, the public prosecutor or the court and opens the opportunity to claim for private compensation without the cost risk of a civil proceeding. If the public prosecutor drops the charges, the private party may still try to initiate a trial in front of the court as a subsidiary prosecutor ("Subsidiärankläger"). In the case that the court does not grant any or too little compensation, the claimant is still free to initiate a civil proceeding (Sec 67, Sec 72, Sec 372 Code of Criminal Procedure "Strafprozessordnung")

Competent authority:

The competent authority varies with the action which caused the damage.

Conditions of access:

- Eligibility requirements:

To claim for compensation someone has to suffer damages prior to the claim.

- Identification and authentication requirements:

N/A

- Documents to be provided:

Photos of the damage, expert opinions, invoices, cost estimates and other documents relevant to the damage

Legal effects of electronic document:

N/A

Possibility to complete the procedure fully online:

No

Cost:

If the claim is made by a private party of a criminal proceeding, there is no fee charged and no risk of costs. Costs may arise if the private party acts as a subsidiary prosecutor. (Sec 390(1) Code of Criminal Procedure "Strafprozessordnung")

If the claimant initiates a civil proceeding and gets granted full compensation, in principle the defendant must bear the costs of the proceedings. (Sec 41(1) Code of Civil Procedure “Zivilprozessordnung”)

Link:

[Claiming damages from the offender - Austria](#)

https://www.oesterreich.gv.at/themen/dokumente_und_recht/strafrecht/3/Seite.2460208.html#:~:text=Jede%20durch%20ein%20Offizialdelikt%20betroffene,und%20wird%20damit%20zum%20Privatbeteiligten

https://www.oesterreich.gv.at/themen/dokumente_und_recht/zivilrecht/1/Seite.1010180.html

Initiation of a civil case online

Purpose and scope:

The webpage <https://justizonline.gv.at/jop/web/formulare> offers a variety of legal topics with the option to initiate the respective civil case fully online.

On the webpage the user has to look for his or her relevant legal issue (e.g. insolvency proceedings, legal aid, files to receive payments etc.). Once an issue is chosen, the user can obtain information about the legal topic, it is also possible to see if a full-online initiation is possible. In this case the respective form is indicated with a “@” symbol with a blue background colouring.

If the user decides to choose this means of initiating a legal case, he or she has simply to click on the form and will be linked to the authentication platform. The application will then guide the user through the full process. It is important to note that this does not make the whole further proceeding digital, but the claimant still must visit the court in person or must be represented in a rightful way.

In the case the demanded legal topic is not available for full-online initiation, the webpage will show a letter symbol with yellow background colouring next to the form. This indicates that the form must be sent to the competent authority by mail. For this case the webpage offers, in most cases, the possibility to fill in information digitally. At the end it is required to print the final document and post it to the court or authority.

Competent authority:

For the web service itself the Federal Ministry of Justice is competent but if a legal case is initiated via the platform, the proceeding itself is the responsibility of the respective court or authority.

Conditions of access:

- Eligibility requirements:

To initiate a legal proceeding via online means no specific requirements are demanded. If a person is subject to legal guardianship, in most cases an approval is needed.

- Identification and authentication requirements:

The authentication process requires a citizen card “Bürgerkarten/ID Austria” account. The account facilitates the identity of the applicant to be verified for the further proceedings

- Documents to be provided:

The documents required vary according to the type of legal action the user wants to initiate.

Legal effects of electronic document:

N/A

Possibility to complete the procedure fully online:

Depending on the legal topic an online initiation may or may not be possible. The relevant information can be obtained on the website <https://justizonline.gv.at/jop/web/formulare>. For example, Dunning claims (“Mahnklagen”) (in lawsuits in which payment of a sum of money not exceeding 75,000 € is claimed) can be filed online (<https://justizonline.gv.at/jop/web/formulare/kategorie/5>).

Cost:

The service is free of charge but proceeding fees may still occur.

Links:

[How to bring a case to court - Austria](#)

<https://justizonline.gv.at/jop/web/formulare>

Electronic service of judicial documents

Purpose and scope:

Since 01 January 2020, people living in Austria have the right to receive official documents from authorities and courts by electronic means if the respective topic is subject to federal law. (Sec 1a(1) E-Government Act “E-Government Gesetz” Federal Gazette I 10/2004 last amended by Federal Gazette I 169/2020)

Via the platform oesterreich.gv.at or the mobile application “Mobiles Amt” it is possible to register an e-mail address. This address will be used by the respective court or authority to service future documents digitally.

Companies have an obligation to participate in the electronic service system if a certain revenue threshold is exceeded. (Sec 1b E-Government Act “E-Government Gesetz”)

Competent authority:

To implement the electronic service system within the respective authority each ministry is competent within its scope of activities. (Sec 28 E-Government Act “E-Government Gesetz”)

Conditions of access:

- Eligibility requirements:

No specific requirements are demanded.

- Identification and authentication requirements:

The authentication process requires a citizen card “Bürgerkarten/ID Austria” account. With this account the identity of the applicant is verified, and the chosen mail address can be activated.

- Documents to be provided:

No documents are needed

Legal effects of electronic document:

Electronic documents will be treated equally to paper documents, given that they are signed with the qualified e-signature (“Amtssignatur”) of the issuing authority.

Possibility to complete the procedure fully online:

Yes (excluding documents where physical service is obligatory)

Cost:

The service is free of charge.

Links:

Service of documents: official transmission of legal documents - Austria

<https://www.bmdw.gv.at/Services/ElektronischeZustellung/eZustellung-B%C3%BCrger.html>

<https://www.bmdw.gv.at/Services/ElektronischeZustellung/Anmeldung-zur-elektronischen-Zustellung.html>

Participation in judicial auctions

Purpose and scope:

Austria offers two online platforms regarding judicial auctions.

The webpage <https://www.justiz-auktion.de/> offers a wide range of different movable goods. On this platform the courts, prosecutor’s offices, liquidators and bailiffs offer goods which are forfeited, confiscated or goods which are subject to foreclosure proceedings or realization in the insolvency proceedings. The platform runs in cooperation with the similar German authorities to offer auctions from both countries to the user.

On the webpage <https://edikte.justiz.gv.at/edikte/edikthome.nsf> it is possible to search through announcements regarding insolvency proceedings and ongoing and planned foreclosure auctions. In contrast to the first platform, no direct participation is possible within the webpage.

Specific information is offered on the webpage regarding [judicial auctions in Austria](#).

Competent authority:

For judicial auctions usually the district court (“Bezirksgericht”) is the competent authority. (Sec 3 Code of the Austrian Enforcement Act “Exekutionsordnung”)

Conditions of access:

- Eligibility requirements:

To participate in the offered services a person must be legally capable to do business or acting with the consent of the legal guardian in charge. To access the portals a user-account is needed which can be set up on the [relevant webpage](#).

- Identification and authentication requirements:

After the registration the user will receive a confirmation message via e-mail. Other identification measurements are not implemented.

- Documents to be provided:

No documents needed.

Legal effects of electronic document:

N/A

Possibility to complete the procedure fully online:

Yes

Cost:

The service is free of charge.

Links:

<https://www.justiz-auktion.de/>

<https://edikte.justiz.gv.at/edikte/edikthome.nsf>

Access to mediation services

Purpose and scope:

In Austria the mediation act (“Zivilrechts-Mediations-Gesetz” Federal Gazette I 29/2003 latest amendment by Federal Gazette I 246/2021) offers guidelines, definition and training regulations in regard to the mediation process and the profession of a mediator. Information concerning this topic can be found [here](#).

The Federal Ministry of Justice offers an [online search tool](#) to look for all mediators registered in Austria.

So far, no specific regulations entered into force which promote an online or electronic mediation service.

Competent authority:

The mediation act (“Zivilrechts-Mediations-Gesetz”) is federal law. For more detailed rules regarding the training for becoming an acknowledged mediator, the Federal Ministry of Justice is authorized to enact further regulations (Sec 29(1) mediation act “Zivilrechts-Mediations-Gesetz”)

Conditions of access:

- Eligibility requirements: N/A
- Identification and authentication requirements: N/A
- Documents to be provided: N/A

Legal effects of electronic document:

N/A

Possibility to complete the procedure fully online:

N/A

Cost:

The cost of mediation is not determined by law and subject to the market. If mediation service is needed for family relating conflicts, a support program by the Chancellor's Office ("Bundeskanzleramt") is obtainable in certain circumstances. More information is available under <https://www.bundeskanzleramt.gv.at/agenda/familie/begleitung-beratung-hilfe/trennung-und-scheidung/mediation-fuer-trennung-und-scheidung.html>

Link:

https://www.oesterreich.gv.at/themen/familie_und_partnerschaft/scheidung/Seite.100800.html

<https://mediatoren.justiz.gv.at/mediatoren/mediatorenliste.nsf/contentByKey/VSTR-7DZNP-DE-p?open=&ref=mn&fname=A>

<https://www.bundeskanzleramt.gv.at/agenda/familie/begleitung-beratung-hilfe/trennung-und-scheidung/mediation-fuer-trennung-und-scheidung.html>

Company formation and access to information on companies

Purpose and scope:

Information on companies

In Austria the main public source of company information is the register of companies ("Firmenbuch"). It contains information about the registered enterprises among others: the company's name, the headquarter, the persons who are authorized to represent the company, the legal form of the company as well, if necessary, the share capital. The register is separated into the main book ("Hauptbuch") which contains the information mentioned above and the collection of documents ("Urkundensammlung") which is a collection of all the materials proving the rightfulness of the entries. (Sec 1, Sec 3, Sec 12(1) Companies Register Act "Firmenbuchgesetz" Federal Gazette I 10/1991 latest amendment by Federal Gazette I 104/2019)

The access to the register is open for everyone. (Sec 34(1) Companies Register Act "Firmenbuchgesetz") It is possible to obtain the information in person at a competent court but also via a private online provider authorized by the Federal Ministry of Justice.

Under the following link you can find different online providers offering digital access to the register of companies: <https://www.usp.gv.at/laufender-betrieb/firmenbuch/firmenbuchabfrage.html>

The Federal Ministry for Justice also offers an online service to obtain free basic information about registered companies under <https://justizonline.gv.at/jop/web/firmenbuchabfrage>

Setting up a company online

In Austria it is possible to set up a one-person limited liability (“Einpersonen-GmbH”) company or non-limited liability company (“Einzelunternehmen”) fully online using the application on the webpage <https://www.usp.gv.at/gruendung/elektronische-gruendung.html>.

For other types of companies, which require registration in the register of companies, no such application is available but due to the Electronic Notary Form Foundation Act (“Elektronische Notariatsform-Gründungsgesetz” Federal Gazette I 71/2018) it is possible to perform the mandatory notary authentication not only in person but also via video conference. This enables future founders of companies to execute the process without the need to go to a notary office or an authority in person.

In practice the process of setting up a company consists of various acts and legal proceedings, and it is always up to the founder whether a full-online company start is the best way to proceed. The Federal Ministry for Digitization and Economic Location (“Bundesministerium für Digitalisierung und Wirtschaftsstandort”) offers with the platform <https://www.usp.gv.at/gruendung.html> a single point of access to all relevant legal and procedural aspects regarding the foundation of a company.

Competent authority:

The competent court for the register of companies depends on the location of the current or the planned enterprise. The following [webpage](#) offers an overview of the responsible courts in Austria.

Conditions of access:

- Eligibility requirements:

To search for business entities in the register of companies no specific requirements are stated.

To use the online platform to set up a company the following requirements must be met:

- Self-entitlement - completion of the 18th year of life, no legal guardian
- Citizenship of a member state of the EU, EEA or Switzerland or existence of a residence permit
- Residence in Austria, in the EU/EEA or in Switzerland

More information can be obtained under: <https://www.usp.gv.at/gruendung/elektronische-gruendung.html>

- Identification and authentication requirements:

The online identification process for the search in the register of companies varies with the respective private supplier. To use the online service for setting up a company, a mobile phone-signature (“Handysignatur”) is mandatory. No other ways of verifying the identity are provided.

- Documents to be provided:

No specific documents are needed but if the user wants to set up a limited liability company, the confirmation of the bank regarding the deposit of the required share capital is demanded.

Legal effects of electronic document:

N/A

Possibility to complete the procedure fully online:

Yes

Cost:

The cost for a copy of an in-person search in the register of companies at the competent court sums up to € 15,00. If obtained by online means the fees may vary with the provider but range between € 1,17 – € 6,30 depending on the information requested. A comprehensive listing of the online service fees may be obtained under: <https://www.usp.gv.at/laufender-betrieb/firmenbuch/firmenbuchabfrage.html>

The service platform for setting up a company is basically free, but the user has to consider that within the founding process external costs may occur. The following webpages offer detailed information regarding the two possible company types within the online founding service.

Non-limited liability company (“Einzelunternehmen”)

<https://www.usp.gv.at/gruendung/gruendungsfahrplan-einzelunternehmen.html>

One-person imited liability company (“Einpersonen-GmbH”)

<https://www.usp.gv.at/gruendung/gruendungsfahrplan-gesellschaften.html>

Links:

<https://www.usp.gv.at/laufender-betrieb/firmenbuch/firmenbuchabfrage.html>

<https://www.usp.gv.at/gruendung.html>

<https://www.usp.gv.at/gruendung/gruendungsfahrplan-gesellschaften/eintragung-firmenbuch.html>

<https://www.usp.gv.at/gruendung/elektronische-gruendung.html>

<https://www.usp.gv.at/laufender-betrieb/firmenbuch/firmenbuchabfrage.html>

Translation services (incl. machine translation and its legal impact)

Purpose and scope:

Multilingual standard forms

Based on EU-regulation, member states have to offer multilingual standard forms relating to official documents regarding birth, a person being alive, death, marriage, registered partnership, domicile and absence of a criminal record. These multilingual standard forms do not have autonomous legal value but must be used attached to the original public document to support the applicability of the original document in another member state without a certified translation of it. (Art 7,8,9 [Regulation \(EU\) 2016/1191 of the European Parliament and of the Council](#))

Austria offers all the multilingual standard forms besides forms relating to a person being alive via the [European e-Justice portal](#) for all official languages of the EU. The form can be downloaded by the competent national authority in an editable PDF format and can be attached to the requested original document.

There is no full online service for the applicant to apply for the standard forms yet. The applicant must

contact the respective authority and ask for the issuance of the official document including the multi-language standard form.

More information can be obtained on the webpage

<https://www.bmeia.gv.at/reise-services/urkunden-und-beglaubigung-apostille/beglaubigung-apostille/verordnung-eu-20161191/>

Official machine translation

In Austria no official online translation service is offered but it is possible to obtain information regarding translation services from the webpage <https://www.translationsplattform.at/>. The platform shows different translator associations based in Austria and offers links to the relevant webpages.

Competent authority:

For the attachment of the multi-language standard form, the authority which issues the official document is competent.

Conditions of access:

- Eligibility requirements: N/A
- Identification and authentication requirements: N/A
- Documents to be provided: N/A

Legal effects of electronic document:

The multilingual form does not have any autonomous legal effect on its own. (Art 8 Nr 1 Regulation (EU) 2016/1191 of the European Parliament and of the Council)

Possibility to complete the procedure fully online:

No

Cost:

Costs may vary but must not exceed the production cost of the standard form or the public document the form is attached to. (Art 11 Regulation (EU) 2016/1191 of the European Parliament and of the Council)

Links:

Public documents forms

<https://www.bmeia.gv.at/reise-services/urkunden-und-beglaubigung-apostille/beglaubigung-apostille/verordnung-eu-20161191/>

<https://www.translationsplattform.at/>

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