

This section of the Portal provides an overview of the courts in Austria.

#### Organisation of justice - judicial system

Alongside the legislative and executive branches, the judiciary is considered to be the third pillar of government in a country under the rule of law. Under the Austrian federal constitution **the ordinary courts belong to the federal level**. The judicial system is separate from the executive at all levels. There are also areas of justice administered by independent tribunals subject to special rules.

Austria's judicial system comprises — in addition to the Ministry of Justice — the ordinary courts, the public prosecutor's offices, the prisons (prisons holding prisoners for trial and prisons enforcing sentences), and the probation services, which for the most part are privately operated.

The **ordinary courts** (*ordentliche Gerichte*) are state institutions that adjudicate on civil-law claims and on criminal charges in formal proceedings. They are established by law and are made up of independent and impartial judges who cannot be removed or transferred from office, and are bound only by the law.

**Public prosecutor's offices** (*Staatsanwaltschaften*) are special bodies that are separate from the courts. Their main task is to represent the public interest in the administration of criminal justice. They direct the preliminary investigation in criminal proceedings, bring charges, and conduct the prosecution. They are regarded as forming part of the ordinary court system.

**Prisons** are responsible for the enforcement of sentences of imprisonment and other orders for detention.

The **probation services** are also part of the judicial system. They take care of convicts with conditional sentences and prisoners released on probation. For the most part these tasks have been transferred to private associations, which, nevertheless, are under the supervision of the Federal Ministry of Justice.

The Federal Minister for Justice heads the judicial administration; the Federal **Ministry of Justice** is one of the supreme administrative bodies of the federal state. The Minister is a member of the federal government, and is in charge of political management and coordination and overall supervision of all the associated bodies and departments.

As well as the ordinary courts there is also the Constitutional Court (*Verfassungsgerichtshof*), the High Court of Administration (*Verwaltungsgerichtshof*), and since 1 January 2014 the administrative courts. At federal level there is a Federal Administrative Court (*Bundesverwaltungsgericht*) and a Federal Revenue Court (*Bundesfinanzgericht*), both of which are based in Vienna, though they also sit in other towns. In every province there is a regional administrative court (*Landesverwaltungsgericht*). The administrative courts are outside the sphere of responsibility of the Ministry of Justice.

#### The ordinary courts can be divided into several levels

district courts (*Bezirksgerichte*),

regional courts (*Landesgerichte*), also known as 'courts of first instance' (*Gerichtshöfe erster Instanz*),

higher regional courts (*Oberlandsgerichte*), also known as 'courts of second instance' (*Gerichtshöfe zweiter Instanz*), and

the Supreme Court (*Oberster Gerichtshof*).

#### Legal databases

The [Austrian Justice](#) portal provides general information on the Austrian judicial system.

#### Is access to the legal database free of charge?

Yes, access to the [Austrian Justice](#) portal is free.

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