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2025 Rule of Law Report
Country Chapter on the rule of law situation in Austria

Accompanying the document

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions

2025 Rule of Law Report
The rule of law situation in the European Union

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ABSTRACT

In Austria, the level of perceived independence of the judiciary among the general public continues to be very high and the overall efficiency of the justice system remains high as well. There have been no steps to introduce systematic judicial involvement in the appointment of administrative court (vice-)presidents. The establishment of an independent Federal Prosecution Office has not advanced so far, though the Government programme commits to take such a reform forward and legal drafts are being prepared. Certain reporting obligations of the prosecution service remain high, and the Minister of Justice continues to make use of the right to instruct prosecutors in individual cases within the existing legal framework, further underlying the need for a reform of the system. Resources allocated to the justice system allow for posts to be filled, while needs for additional posts for judges have been identified. Digitalisation of justice continues to advance, and the compulsory online publication of judgments has been expanded to the Higher Regional Courts. A reform of the system of evaluation of judges to introduce a more feedback-based system is being discussed. Court fees in specific contexts continue to be high and the Constitutional Court found a restriction on access to legal aid in the Administrative Procedural Code to be unconstitutional.

The National Anti-Corruption Strategy and the 2023-2025 Action Plans are being implemented. Investigations in high-level corruption cases continue, while prosecutors can still face intense scrutiny with regard to specific cases. Work on an asset declaration system and Code of Conduct for Ministers, as well as new rules for Members of Cabinet, is ongoing. First discussions are taking place on an asset and interests regime for Members of Parliament. The establishment of a publicly accessible register of parliamentary groups strengthened transparency, and web-based reporting channels for whistleblowers are reported to function well. The lobbying framework and rules on revolving doors remain limited in scope. The Court of Audit performed new tasks in line with its extended mandate. Measures to mitigate corruption risks in public procurement, which is seen as an area at high risk of corruption, continue.

The media regulator continues to operate independently. While funding for quality journalism is having a positive impact, the economic situation of media business operators deteriorates. There have been limited steps to address the proper implementation and enforcement of fair distribution of state advertising. Following a Constitutional Court ruling, the rules on the management bodies of the public service broadcaster were amended to increase the independence of these bodies. Measures continue to address challenges regarding the safety of journalists.

The Ombudsman Board, which is the National Human Rights Institution, functions effectively and the nomination procedure for its members is set to be strengthened. The Government has committed in its programme to transparency and objectivity with respect to appointments to high-level positions at independent authorities, which remains an area susceptible to politicisation. The implementation of the recent reform of the tax framework for civil society organisations has shown positive results.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2024 Rule of Law Report, Austria has made:

- No progress on addressing the need for involvement of the judiciary in the procedures for appointment of court presidents of administrative courts, taking into account European standards on judicial appointments and the selection of court presidents.
- Limited progress on taking forward the reform to establish an independent Federal Prosecution Office, taking into account European standards on the independence and autonomy of the prosecution, including to ensure the independent operation of the specialised anti-corruption prosecution.
- Limited progress on introducing effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- No progress on adopting a legislative proposal to strengthen the framework on lobbying, including the transparency register.
- Limited progress on taking steps to ensure proper implementation and enforcement as regards the fair distribution of state advertising.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Austria to:

- Address the need for involvement of the judiciary in the procedures for appointment of court presidents of administrative courts, taking into account European standards on judicial appointments and the selection of court presidents.
- Take forward the reform to establish an independent Federal Prosecution Office, taking into account European standards on the independence and autonomy of the prosecution, including to ensure the independent operation of the specialised anti-corruption prosecution.
- Take forward efforts to introduce effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms.
- Adopt a legislative proposal to strengthen the framework on lobbying, including the transparency register.
- Take steps to ensure proper implementation and enforcement as regards the fair distribution of state advertising.

I. JUSTICE SYSTEM[1]

Independence

The level of perceived judicial independence in Austria continues to be very high among the general public and is now high among companies. Overall, 86% of the general population and 71% of companies perceived the level of independence of courts and judges to be 'fairly or very good' in 2025[2]. The perceived judicial independence among the general public has increased in comparison with 2024 (82%) and has slightly increased in comparison with 2021 (84%). The perceived judicial independence among companies has decreased in comparison with 2024 (77%), as well as in comparison with 2021 (78%).

There has been no progress on the recommendation to address the need for systematic judicial involvement in appointment of administrative court (vice-)presidents[3]. Administrative court (vice-)presidents at the eleven administrative first instance courts continue to be appointed through a variety of procedures, without consistent judicial involvement and without a clear requirement to be selected among already appointed judges[4], which raises concerns with respect to European standards[5]. A reflection process by the conference of presidents of the first instance administrative courts initiated in 2024 did not lead to any operational conclusions[6]. Stakeholders have reiterated concerns about the existing system and point to the upcoming end of terms of the president of the Supreme Administrative Court and the vice-president at of Federal Administrative Court[7]. The Government programme commits to transparent and merit-based appointments, while allocating the right to make proposals for certain high-level positions in the judiciary to specific members of the Government[8]. In this light, no progress has been made on the recommendation.

There has been limited progress on the recommendation to establish an independent Federal Prosecution Office, as the Government programme commits to taking forward such a reform[9]. The independent committee set up to investigate allegations of (attempted)

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1 An overview of the institutional framework for all four pillars can be found here.

2 Figures 50 and 52, 2025 EU Justice Scoreboard and Figures 49 and 51, 2023 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

3 The 2024 Rule of Law Report recommended Austria to "[a]ddress the need for involvement of the judiciary in the procedures for appointment of court presidents of administrative courts, taking into account European standards on judicial appointments and the selection of court presidents."

4 2024 Rule of Law Report, Austria, pp. 4-5. See in this respect also GRECO (2023), recommendation xi.

5 CCJE (2016), para. 38, Committee of Ministers (2000), para. 47. See also Judgment of the CJEU, C-896/19, para. 57.

6 Country visit Austria, Regional Administrative Court Lower Austria. In the region of Tyrol, internal guidelines have been developed for the appointment process of the president and vice-president of the administrative court; Land Tyrol (2024). However, these guidelines provide that only three of the nine members of the selection committee have to be judges.

7 Country visit Austria, Associations of Judges and Administrative Judges. See recently e.g. Falter (2025).

8 Including (vice-)presidents of the Supreme Administrative Court, the Federal Administrative Court and the Federal Finance Court. Austrian Government (2025), pp. 207-209. While the Government programme also includes plans for an overall evaluation of the administrative judiciary ten years after its establishment, no details are known at this stage. Austrian Government (2025), p. 125.

9 The 2024 Rule of Law Report recommended Austria to "[t]ake forward the reform to establish an independent Federal Prosecution Office, taking into account European standards on the independence and

political influence in the judiciary[10] presented its final report in July 2024, concluding that there had been clear instances of attempts to influence prosecutorial action on political grounds, notably in high-profile cases, linked also to the extensive system of oversight and reporting to the Ministry of Justice[11]. It recommended again to increase the independence of the prosecution by establishing a Federal Prosecution Office independent from the executive. The new Government programme presented in March 2025 includes a commitment to create an independent Federal Prosecution Office as a collegiate body supervising the prosecution services[12]. Draft legislation is in preparation, as the project requires a constitutional change and multiple legal adjustments. Stakeholders generally welcome this, but voice concerns related to the design of the mechanism of parliamentary control, as the Government programme does not explicitly exclude oversight by Parliament over ongoing cases[13]. According to European standards, regular reporting of the prosecution service should not extend to an obligation to report to Parliament on the details of individual cases[14]. In view of the political commitment in the Government programme, limited progress has been made on the recommendation.

Certain reporting obligations of the prosecution service remain high, and the Minister of Justice continues to make use of the right to instruct prosecutors in individual cases. The system of reporting obligations of prosecutors to the senior prosecutors' offices and ultimately to the Ministry of Justice continues to constitute an important burden notably on the Central Public Prosecutor's Office for Combating Economic Crimes and Corruption (WKStA)[15], with the possibilities for reducing it without legislative change having been exhausted[16]. As regards the power of the Minister of Justice to issue instructions to prosecutors in individual cases, the 2023 report on instructions (covering only concluded cases) reports 17 instructions between 2017-2023[17]. The Council of Directives (*Weisungsrat*), an independent advisory body to the Minister of Justice examining all instructions in individual cases, examined 31 cases in 2024 in which the Minister intended to issue an instruction[18]. This shows that this power continues to be exercised in practice, which, linked with the system of reporting obligations, continues to underline the relevance of the above mentioned reform to establish an independent Federal Prosecution Office. In this respect, the authorities note that reporting obligations and instructions serve to ensure the high quality of the prosecutorial work and are not meant to undermine the independent conduct of the Public Prosecutors' investigations.

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autonomy of the prosecution, including to ensure the independent operation of the specialised anti-corruption prosecution."

10 2024 Rule of Law Report, Austria, pp. 5-6.

11 Investigative Commission (2024), pp. 7-12.

12 Further details of the reform included in the government programme are: appointment by the Federal President upon an election by Parliament based on a proposal of an independent committee for a non-renewal term of six years and ensuring parliamentary involvement in the on-going control and dismissal. Austrian Government (2025), pp. 123-124.

13 Country visit Austria, Associations of Judges and Prosecutors, WKStA, Weisungsrat.

14 Venice Commission (2022), para. 23. See more generally, Committee of Ministers (2000) and Venice Commission (2010).

15 Country visit Austria, WKStA. Association of Prosecutors (2025), written input, p. 6.

16 Austrian Government (2025), written input, p. 5.

17 Ministry of Justice (2025b), p. 2. The Report on Instructions 2024 is currently in preparation and is expected for autumn 2025.

18 Ten of these were simultaneously cases of particular public interest. Weisungsrat (2025). It should also be noted that two new members of the Weisungsrat were appointed in September 2024, after a delay of almost two years. Country visit Austria, Weisungsrat.

Quality

Resources allocated to the justice system currently allow for posts to be filled, while needs for additional posts for judges have been identified. In 2024, Austria was able to increase the proportion of judicial posts filled, despite a significant increase in the overall number of posts, reporting that 99% of posts for judges and court staff and 98% for prosecutors were filled as of January 2025[19]. This is linked to various measures to increase the attractiveness of the profession by the Ministry of Justice and the judiciary[20]. Nevertheless, the Judges' Association, based on the personnel measuring tool of the Ministry of Justice, estimates a need of about 200 additional posts to match an increased workload[21], which could be achieved by hiring further judges or by increasing the numbers of judicial clerks to support judges[22]. At the Finance Court, the process to fill vacancies has progressed, although challenges remain to keep pace with the rates of retirements[23]. Stakeholders further point to a significant gap between judges' salaries and pensions and gaps between salaries of judges and prosecutors[24]. The Government programme commits to aligning the latter within the budgetary possibilities[25] and to creating additional posts for judicial clerks at the ordinary courts[26]. The proposed budget for 2025 foresees around EUR 4.9 billion funding for the judiciary, including salary increases[27].

Digitalisation of justice continues to advance, and the compulsory online publication of judgments has been expanded to the Higher Regional Courts. Digital tools are used widely in civil, commercial and criminal cases by courts and prosecution services. Room for improvement remains with regard to the general use of electronic communication tools by courts and in administrative cases as regards digital solutions to initiate and follow proceedings online[28]. The 'Justice 3.0' initiative for the fully digital handling of cases in all courts and prosecution services advances steadily, with the aim to reach 90% of the new cases being managed digitally by the end of the year (75% now). The next steps in 2025 will be the piloting and rollout in custody, inheritance and insolvency proceedings[29]. At the regional administrative courts, though progress is being made, the situation remains more divergent, as most courts use different digital systems[30]. Following amendments adopted, with effect as of 1 January 2025, the obligation to publish all decisions in the federal legal information system was extended to all legally binding decisions of the Higher Regional

19 Ministry of Justice (2025a), additional written input, p. 1.

20 This includes e.g. the establishment of a career portal and a widespread advertising campaign, apprenticeship campaigns, and efforts by the Ministry of Justice and the judiciary to promote judicial professions through to secondary school and university students. Austrian Government (2025), written input, p. 8. Country visit Austria, Judges' Association, Supreme Court.

21 Country visit Austria, Judges' Association, Supreme Court. Judges' Association (2025).

22 Country visit Austria, Judges' Association, Supreme Court.

23 The fact that the publication of any post at the Court needs to be first authorised by the Minister of Finance remains a potential obstacle in practice. Country visit Austria, Association of Administrative Judges.

24 Judges' Association (2025), written input, p. 8 and (2025a), pp. 1-2. See also Judges' Association and Public Sector Union – Judges and Prosecutors (2024).

25 Currently, entry level salaries for judges are lower than for prosecutors by around EUR 300 per month. Judges' Association (2025), p. 2.

26 Austrian Government (2025), p. 126.

27 Ministry of Finance (2025).

28 Figures 43-49, 2025 EU Justice Scoreboard.

29 Ministry of Justice (2025), additional written input, pp. 2-3.

30 Country visit Austria, Regional Administrative Courts, Federal Bar.

Courts; it previously only applied to the Supreme Court[31]. The Federal Bar notes that the courts have access to a broader repositorium of judgments than lawyers and the public, and can cite them in future decisions, which they consider can impact the equality of arms between the parties[32]. However, anonymised copies of cited but not published decisions can be obtained by parties upon requests and the decisions must also be subsequently published[33].

A reform of the system of evaluation of judges is being discussed. Earlier attempts to reform evaluations of judges to introduce a more feedback-based system had failed due to the lack of agreement between the Ministry of Justice and the judiciary[34]. The Ministry has now renewed these efforts based on exchanges with other Member States in the framework of the European Network of Councils for the Judiciary. A meeting was held in March 2025 with all relevant national stakeholders and expertise from the Netherlands[35] and further discussions are planned[36]. The Government programme also includes a commitment to reform the system of evaluation of judges[37]. As regard administrative courts, some concerns are being raised by stakeholders on the system of performance evaluation of the courts (the so-called internal revision) in view of the role of the executive[38]. Relevant legislation generally sets out requirements to guarantee judicial independence in the evaluation process[39].

Court fees in certain contexts continue to be high and the Constitutional Court found a restriction on access to legal aid in the Administrative Procedural Code to be unconstitutional. The previously reported situation as regards high court fees in certain contexts due to the absence of a cap on court fees remains unchanged[40]. On 1 April 2025, further increases to court fees of around 23% on average entered into force[41]. This challenge applies also to the business sector as the absence of a cap on court fees is particularly relevant in high-value cases[42]. In 2024, there was a significant decrease in the income through court fees, due to economic developments in the property market and the temporary suspension of certain registry fees[43]. The Government programme commits to evaluating court and judicial fees to guarantee access to justice[44]. Furthermore, in October 2024, the Constitutional Court

31 See also Figure 49, 2025 EU Justice Scoreboard, showing the gaps in all first and second instance courts.

32 Country Visit Austria, Ministry of Justice, Federal Bar. Federal Bar (2025), written input, pp. 9-10. The Bar further underlines that the obligation only applies to final decisions of general interest, which is to be assessed by the deciding court.

33 §48a subsection 5 Court Organisation Act (GOG).

34 2023 Rule of Law Report, Austria, p. 8.

35 Country visit Austria, Ministry of Justice, Judges' Association. Administrative judges continue to raise concerns about the possibility of an automatic dismissal or early retirement in case of two 'not satisfactory' evaluations win consecutive calendar years. Country visit Austria, Association of Administrative Judges.

36 The aim is to develop an innovative evaluation system, in which the focus is on regular feedback and personal as well as professional development of judges. Austrian Government (2025b).

37 The government programme also commits to modernise the training of judges and prosecutors. Austrian Government (2025), p. 126.

38 Country visit Austria, Association of Administrative Judges.

39 E.g. §3 Law on the Federal Administrative Court, in conjunction with §78a of the Court Organisation Law.

40 2024 Rule of Law Report, Austria, p. 10. Federal Bar (2025), written input, pp. 8-9. The Federal Bar also points to challenges related to legal transaction fees that disincentivise the conclusion of written agreements (e.g. for out-of-court settlements), due to associated costs. Country visit Austria, Federal Bar, WKO.

41 Ordinance of the Federal Minister of Justice on the re-assessment of court fees.

42 WKO (2025), written input, p. 7. For first-instance civil cases above a EUR 350.000 in value, the fee is 1.2% of the value plus EUR 4203, amounting e.g. up to EUR 124.000 for a case with a value of EUR 10 million.

43 Austrian Government (2025), written input, pp. 7-8.

44 Austrian Government (2025), p. 126.

found the wording in a provision of the Administrative Procedural Code limiting access to legal aid to under the scope of Article 6 of the European Convention on Human Rights or Article 47 of the Charter of Fundamental Rights to be unconstitutional and ruled that the principle of the rule of law requires legal aid for all administrative court proceedings. The suspension of these provisions as of 31 March 2026 is expected to expand access to legal aid in administrative cases in practice[45]. In June 2024, the UN Committee against Torture recommended Austria to ensure that all fundamental safeguards are guaranteed in practice for all detained persons, in particular the right to be assisted by a lawyer and, if applicable, be provided with free legal aid[46].

Efficiency

The overall efficiency of the justice system remains high, although there is a slight increase in the disposition time for administrative and bribery cases. The average time to resolve litigious civil and commercial cases remains very low (141 days in 2023 compared to 142 days in 2022), also at second (87 days) and third instance (111 days), with a clearance rate at 98%[47]. In administrative cases, the positive trend from previous years has stagnated, with the disposition time increasing (313 days in 2023 compared to 285 days in 2022), the clearance rate decreasing (100% in 2023 in comparison to 112% in 2022), and the backlog remaining high (0.5 per 100 inhabitants in 2023). However, the disposition time in administrative cases at last instance is considerably lower (172 days in 2023). The positive trend regarding the disposition time in bribery cases seems to have reversed, resulting in significantly longer cases (518 days in 2023 in comparison to 164 days in 2022)[48]. Several amendments to the criminal procedure law came into force on 1 January 2025, aiming to increase the efficiency of proceedings, notably by reducing the time limits for preliminary proceedings, further expanding the courts' competence to order the public prosecutor's office to expedite the proceedings, and establishing time limits for expert witnesses[49]. Business stakeholders also consider the efficiency of justice to be very high[50].

II. ANTI-CORRUPTION FRAMEWORK

The perception among experts, business executives and citizens is that the level of corruption in the public sector remains relatively low. In the 2024 Corruption Perceptions Index by Transparency International, Austria scores 67/100 and ranks 10th in the European Union and 25th globally[51]. This perception has significantly increased over the past five

45 Judgment of the Austrian Constitutional Court G3504/2023. The Austrian authorities inform that no further action to implement the judgment is needed. Country visit Austria, Ministry of Justice.

46 UN OHCHR (2025), written input Austria, p. 5. See UN CAT (2024), para 14 and 15, noting concerns about reports that, in practice, the presence of a lawyer during police questioning, free of charge, is still not available to all detained adults who cannot afford to pay for a lawyer themselves.

47 Figures 6, 7 and 11, 2025 EU Justice Scoreboard.

48 Figures 8, 9, 12, 15, and 23, 2025 EU Justice Scoreboard.

49 Austrian Government (2025), written input, p. 10. Stakeholders note that they consider the impact of the limit of the duration to preliminary proceedings to be limited in practice – on the one hand, prosecutors do no longer need to request a prolongation ex officio, but parties can request a discontinuation. Country visit Austria, Association of Prosecutors, Senior Prosecution Office Vienna, WKStA.

50 WKO (2025), written input, p. 8. Country visit, WKO.

51 The level of perceived corruption is categorised as follows: low (above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

years[52]. The 2025 Special Eurobarometer on Corruption shows that 58% of respondents consider corruption widespread in their country (EU average 69%) and 28% of respondents feel personally affected by corruption in their daily lives (EU average 30%). As regards businesses, 55% of companies consider that corruption is widespread (EU average 63%) and 22% consider that corruption is a problem when doing business (EU average 35%). Furthermore, 55% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 36%), while 40% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 33%)[53].

The National Anti-Corruption Strategy 2023-2025 is currently being implemented. In 2024, the Federal Bureau of Anti-Corruption (BAK) hosted training courses for Federal Ministries as well as under the Integrity Officer Network and through the network of Corruption Prevention Officers. In addition, the BAK produced a booklet addressed to executives on integrity issues[54]. Civil society organisations advocate for a mandatory reporting to Parliament on the implementation of the strategy. Although awareness-raising events were held in 2024 for the general public as well as for the education sector, some stakeholders regret the insufficient information regarding the implementation of the strategy[55]. The first evaluation of the actions under the National Action Plan 2023-2025 is planned to be launched in June 2025[56].

Investigations in high-level corruption cases continue, while prosecutors still experience intense public scrutiny when dealing with specific cases. Investigations on a number of high-level corruption cases are ongoing[57]. As already noted in previous reports[58], public scrutiny characterised by a critical narrative in the media remains high, including in relation to individual prosecutors[59], especially in cases of corruption[60]. Prosecutors also highlight practical concerns in the prosecution of these high-level cases related to security clearance and the length necessary to obtain information required for investigations. Prosecutors still consider that a more clearly framed dialogue with the political sphere and the media could help improve public trust in the work of the prosecution[61]. Prosecutors have raised concerns that one of the consequences of the amendments to the Code of Criminal Procedure regulating the seizure of electronic devices, in place since January 2025, could be to impact

52 In 2020, the score was 76 while, in 2024, the score is 67. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); has been relatively stable (changes from 1-3 points) in the last five years.

53 Data from special Eurobarometer 561 (2025). Flash Eurobarometer 557 (2025).

54 Austrian Government (2025), written input, p. 20.

55 Country visit, Austria, Transparency International Austria, Antikorruptionsbegehren and Forum Informationsfreiheit.

56 Austrian Government (2025), written input, p. 20. The 2023-2025 Action Plan of organisations and authorities with voluntary participation contains 111 objectives with 224 measures and 216 measurable indicators in the area of prevention. Like the Federal Action Plan, this second Action Plan in the field of prevention is divided into fields of action: 1. Integrity Management – Promoting Conduct with Integrity; 2. Compliance Management Systems – Public Administration; 3. Reduction of structural corruption risks; 4. Promoting measures to prevent corruption; 5. Raising awareness – public; 6. Awareness raising – training of specific target groups.

57 The 2024 Annual Report of the WKStA summaries further steps in several high-level cases.

58 2024 Rule of Law Report, Austria, p. 14.

59 Country visit, Austria, Association of Prosecutors and Central Public Prosecutor's Office for Combating Economic Crimes. Association of Prosecutors (2025), written input, p. 5.

60 Country visit, Austria, Central Public Prosecutor's Office for Combating Economic Crimes and Corruption.

61 Country visit, Austria, Central Public Prosecutor's Office for Combating Economic Crimes and Corruption.

the effectiveness of investigations including in the anti-corruption field, and would need to be observed over time[62].

Resources of the prosecution service for anti-corruption remain stable, although they still consider additional posts are needed to address complex cases and burdens related to heavy reporting obligations. In 2024, the Federal Bureau of Anti-Corruption (BAK) detected 83 potential cases of corruption (compared to 66 in 2023), in addition to 769 cases (688 in 2023) relating to allegations of abuse of official authority[63]. Regarding the outcomes of criminal proceedings against legal persons for corruption offences, since 2023 no cases led to indictments and 10 to discontinuation of investigation proceedings, with no conviction issued so far[64]. As of December 2024, the WKStA has around 200 open investigations; 77 are ongoing large-scale cases [65]. In terms of resources, there has been no change with regards to the number of 47 public prosecutors, and the five additional permanent posts asked in 2024 have not been granted so far. On the other hand, the WKStA has obtained additional resources in supporting staff[66]. A strengthening of law enforcement capacities in IT forensics and in corruption investigations generally is also envisaged under the new Government[67]. Reporting obligations are still particularly heavy for the anti-corruption prosecution (in the cases subject to reporting requirements, the reports in 40% of cases remain pending/under preparation; see also pillar I), weighing on its resources[68]. The resources of the Federal Bureau of Anti-Corruption (BAK) have increased: as of 1 December 2024, the BAK had 174 employees (161 in 2023)[69]. The cooperation between prosecution and the BAK and between prosecution services themselves, including with the EPPO, remains smooth, especially as regards exchange of data[70].

Limited progress has been made on the recommendation to introduce rules on assets and interests disclosure for Members of Parliament[71]. A meeting of the parliamentary groups in May 2025 launched discussions on this matter[72]. At present, Members of

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62 Austrian Parliament (2024a), Criminal Procedure Law Amendment Act 2024 (4125/A). Country visit, Austria, Association of Prosecutors. Association of Prosecutors (2025), written input, p. 5.

63 This includes 10 cases of alleged corruptibility, 4 cases of alleged acceptance of an advantage, and 5 cases of alleged bribery. In addition, the Bureau registered 2 cases of alleged acceptance of an advantage for the purpose of exerting influence, 1 case of illicit intervention and 3 cases of alleged acceptance of gifts and bribery of employees or agents and 37 cases of alleged breach of official secrecy. (§4 BAK Act). Austrian Government (2025), written input, p. 27.

64 Data for 1 January 2023 – 31 December 2024. Austrian Government (2025), written input, p. 27.

65 WKStA (2025), 2024 Annual Report. Among the 200 open cases, 28% are corruption offences, while the remaining 72% are economic crimes. Around 1 000 cases were completed in 2024, while around 960 new cases were opened in the same year.

66 The WKStA can rely on 11 business experts but 2 other ones would be necessary. Besides, 15 IT experts are available for the whole justice system and are not dedicated exclusively to the WKStA. Country visit, Austria, Central Public Prosecutor's Office for Combating Economic Crimes and Corruption.

67 Programme of the new Austrian Government, p. 126.

68 Country visit Austria, Central Public Prosecutor's Office for Combating Economic Crimes and Corruption.

69 13 of whom are on justified leave of absence or working in other organisational units outside the BAK. Austrian Government (2025), written contribution, p. 17 and additional contribution, pp. 5-6. Ministry of Finance (2025), Budget 2025.

70 Country visit Austria, Senior Prosecutor's Office Vienna Central Public Prosecutor's and Office for Combating Economic Crimes and Corruption. According to the 2024 Annual Report (2025), no EPPO case for Austria in 2024 concerned specifically corruption.

71 The 2024 Rule of Law Report recommended to Austria to 'introduce effective rules on assets and interests' declaration for Members of Parliament, including effective monitoring and sanctioning mechanisms'.

72 Austrian Government (2025), additional written input.

Parliament are obliged to declare any income generated by freelance or salaried work and the employer. Nevertheless, these obligations do not include a full range of assets, interests, debts or liabilities[73]. This lack of disclosure obligations has been the subject of several GRECO recommendations[74] and is reflected in the current Code of Conduct for Members of both chambers of Parliament, which mostly reiterates existing legal provisions[75]. In addition, this Code of Conduct has been updated and published online in February 2025 in order to take into account the amendments of the law that have taken place in the meantime. The updated version is more comprehensive and also reflects security and data protection instructions[76]. However, no monitoring or sanction mechanisms have been introduced to control the accuracy of voluntary declarations. There are no dedicated rules on accepting and disclosing gifts by Members of Parliament[77]. Discussions on parliamentary groups level took place towards the end of the previous legislative period in order to create the possibility to live-stream sessions of parliamentary investigative committees[78]. Recent media reports suggest that these discussions might be continued during the current legislative period[79]. As a result, limited progress has been made on the recommendations made in the previous years.

Work on an asset declaration system and a Code of Conduct for Ministers as well as new rules for Members of Cabinet is ongoing. A new asset-declaration system is still being drafted by the Federal Chancellery, following the GRECO recommendations[80]. There is no clear timeline for adoption[81]. Additionally, a Code of Conduct for Ministers has been prepared in the Federal Chancellery, which would focus on conflicts of interest[82]. The programme of the new Government also includes a Code of Conduct for Cabinet staff[83]. Furthermore, since 2020, a Code of Conduct for the Prevention of Corruption in the Public Service is also in place, which provides instructions to public service employees and managers on how to deal with bribery attempts, gifts and invitations, lobbying, includes examples of compliant and non-compliant behaviour, and provides guidance on whistleblowing[84].

There has been no progress on the recommendation to strengthen the lobbying framework, which remains limited in scope[85]. No changes have been made so far to

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73 Other sources of income are listed in the Incompatibility and Transparency Act. The amounts and activities are published and accessible for everyone interested (Gesamtliste gemäß § 9 BezBegrBVG - Nationalrat | Parlament Österreich). Austrian Parliament (2013), Incompatibility and Transparency Act (59/2012). 2024 Rule of Law Report, Austria, pp. 16-17.

74 GRECO Fourth Evaluation Round – Second Compliance Report, recommendations iii – viii.

75 2024 Rule of Law Report, Austria, pp. 16-17. Austrian Parliament (2025), Code of Conduct for Members of the National Council and Members of the Federal Council.

76 Austrian Government (2025), written input, p. 14, Austrian Parliament (2025), written input, pp. 2-3.

77 2024 Rule of Law Report, Austria, pp. 16-17. Additionally, the compliance unit of the Parliamentary Administration continues to offer voluntary consulting on these topics for members of Parliament, Austrian Parliament (2025), written input p. 4.

78 Austrian Parliament (2025), written input, pp. 3-4; Austrian Government (2025), written input, p. 29.

79 Der Standard (2025).

80 GRECO Fifth Evaluation Round, p. 64 - Recommendation x (i).

81 Austrian Government (2025), additional written input.

82 Austrian Government (2025), written input, pp. 19 and 21. See GRECO Fifth Evaluation Round Report, recommendation iii, para 67. 2024 Rule of Law Report, Austria, p. 17.

83 Austrian Government (2025), p. 197.

84 Austrian Government (2020), The responsibility lies with me, Code of Conduct for the Prevention of Corruption in the Public Service.

85 The 2024 Rule of Law Report recommended to Austria to "adopt legislation to strengthen the framework on lobbying, including on its scope, supervision and enforcement".

improve the limited scope of the lobbying legislation, which dates back to 2013[86]. The need for reform has been underlined by GRECO[87], the Court of Audit[88], and other stakeholders[89], who consider the existing framework as limited as well as lacking sanctions and control mechanisms[90]. No follow up has been given so far on the recommendations of a working group established in 2020 and overall, no progress has been made on this recommendation made in the previous years.

The overall post-employment framework remains limited. As previously reported[91], revolving doors provisions remain very limited[92]. Beside the specific provisions of Constitutional law[93] which excludes former member of Government from certain positions for a period of five years, there is no post-employment restriction for ministers and state secretaries, nor an effective supervision mechanism regarding the rules in place[94]. As reported last year, the 2024 amendment introducing a three-year cooling off period for Members of Government before becoming constitutional judges[95] represents a limited step forward in creating a revolving doors framework. Stakeholders continue to call for broader rules[96].

The Court of Audit performed new tasks in line with its extended mandate. Following the amendments to the Political Parties' Act in July 2022, and additional tasks assigned[97], the Court of Audit (ACA) is carrying out audits of party statements according to the new rules for the first time since the end of 2024 (when the first party statements under the new regime since 2023 were submitted)[98]. The ACA considers that the current staff and budget provisions are sufficient to satisfactorily carry out its tasks[99].

The establishment of a publicly accessible register of parliamentary groups has strengthened transparency. The bill which amended the Parliamentary Groups Funding Act concerning the establishment of a publicly accessible register of parliamentary groups[100] entered into force in 2023, with some new obligations concerning the public party register being in force since January 2024. The definition of "party affiliated organisation" has been extended in order to broaden the scope of application by including affiliated organisations

86 Only specialist lobbying companies, in-house lobbyists, self-governing bodies and interest groups have to register and single contacts do not have to be reported; see 2020 Rule of Law Report, Austria, p. 9.

87 GRECO Fourth Evaluation Round – Second Compliance Report, recommendation v, paras 21-23; GRECO Fifth Evaluation Round Report, paras 82-87.

88 Court of Audit (2019).

89 Country visit, Austria, Transparency International Austria and Forum Informationsfreiheit.

90 Country visit Austria, Transparency International Austria, Antikorruptionsbegehren, and Forum Informationsfreiheit. Transparency International Austria (2022).

91 2024 Rule of Law Report, Austria, p. 18.

92 As underlined by the GRECO, Fifth Evaluation Round Report, recommendation ix, paras 122-126.

93 Former members of Government are excluded from certain positions for five years, such as in the Supreme Court, the Administrative Courts, the Supreme Administrative Court as well as the Constitutional Court leadership (President and Vice-President).

94 Austrian Parliament (2024).

95 Federal Constitutional Act, Federal Law Gazette Act and Others, Amendment (4099/A).

96 Country visit, Austria, Antikorruptionsbegehren and Forum Informationsfreiheit.

97 2024 Rule of Law Report, Austria, p. 19.

98 Country visit, Austria, ACA.

99 Depending on budgetary discussions at the Parliament, the ACA may count 295 full-time equivalents. The overall ACA budget is also expected to increase and amount to EUR 49.9 million (compared to 46.7 million in 2024). ACA (2025), written contribution, p. 10; Country visit, Austria, ACA. Ministry of Finance (2025).

100 Klubfinanzierungsgesetz 1985 – KlubFG.

that support a political party or another affiliated organisation of that party. Civil society acknowledges that the register has strengthened transparency, but has identified loopholes in the current framework regarding the transparency of foreign donations, delays on reporting to the public and advocates for more accountability towards voters in the spending[101].

Web-based reporting channels for whistleblowers are reported to function well. Several reporting channels exist in Austria: a web-based reporting channel established by the Federal Ministry of Justice[102] and the BAK's system, which are both operational since 2023. Since it was set up, the Federal Bureau of Anti-Corruption (BAK) has received 147 reports by 31 December 2024. The WKStA manages its own online whistleblower reporting channel already since 2013, which is reported to be working well, with no overlaps with the one from the BAK[103]. A coordination between the existing channel of the WKStA and the one established under the BAK is not in place[104]. Some civil society organisations also raise concerns regarding potential conflict of interests coming from leniency measures, currently granted to whistleblowers by the Minister of Justice. Some of them also advocate for a better promotion of these tools[105]. Specific trainings are offered to public servants on corruption and integrity, which include whistleblowing tools[106].

Measures to mitigate corruption risks in public procurement, which is still seen as an area at high risk of corruption, continue. Businesses' attitudes towards corruption in the EU shows that 22% of companies in Austria (EU average 25%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years[107]. 88% of businesses perceive the level of independence of the public procurement review body at federal level[108] (the Federal Administrative Court) as very or fairly good when it is reviewing cases[109]. The Single Market and Competitiveness Scoreboard on access to public procurement in Austria reports 28% of single bids for 2023 (EU average 29%). The Austrian Court of Audit (ACA) regularly examines areas with particularly high risks of corruption, with the possibility of follow-up audits to monitor the implementations of its recommendations. The ACA had previously recommended to the federal level to procure more via a central purchasing body, which has been partially implemented[110]. In addition, the Federal Ministry of Justice is in the planning stage for a project aimed at further developing e-procurement, also with a view of enhancing efficiency and transparency. In 2024, the Austrian Federal Competition Authority, in cooperation with the Federal Bureau of Anti-Corruption (BAK), launched a joint seminar series destined at decision-makers in local governments whose main responsibilities lie in the areas of public procurement law. In parallel, some Regional Courts of Audit also agreed to cooperate more closely with the competition authority to raise awareness of cartel law breaches among contracting

101 Country visit Austria, Forum Informationsfreiheit.
102 2024 Rule of Law Report, Austria, p. 20.
103 Country visit, Austria, Central Public Prosecutor's Office for Combating Economic Crimes and Corruption.
104 Country visit, Austria, Central Public Prosecutor's Office for Combating Economic Crimes and Corruption.
105 Country visit, Austria, Antikorruptionsbegehren.
106 Austrian Government (2025), written contribution, pp. 22-23.
107 Flash Eurobarometer 557 on Businesses' attitudes towards corruption in the EU (2025). This is 3 percentage points below the EU average.
108 There is no data available on the Regional Administrative Courts, which are the competent review bodies at regional level.
109 Figure 59, 2025 EU Justice Scoreboard.
110 Country visit, Austria, ACA.

authorities[111]. When identifying sectors at high risk of corruption, civil society and the prosecution service still point to the links between some media outlets and the political sphere, especially regarding state advertising[112], as well as to the zoning and urban planning sector, particularly at the local level[113].

III. MEDIA PLURALISM AND MEDIA FREEDOM

The media regulator continues to function independently. The independent regulator for audiovisual media services *KommAustria* and its administrative body, the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR) continue to operate under a legal framework that safeguard their independence and ensure the transparency of their decisions[114]. While some stakeholders consider that a lack of fully transparent and objective selection criteria in appointment procedures, and the role of the Federal Chancellor in the oversight structure, as potential risks to the perceived independence of the authority[115], the Media Pluralism Monitor (MPM) 2025 confirms a continuously very low risk for the independence and effectiveness of the media authority[116]. The self-regulatory body for print media, the Austrian Press Council, continued to function independently and handled around 420 complaints in 2024. Its funding was increased by law; however, this increase only accounted for past inflation, and the amount of funding has not been linked to the inflation rate[117]. As a result, the Austrian Press Council is facing funding problems, which resulted in a minor cut in staff and the relocation to smaller offices[118].

Following a Constitutional Court ruling, the rules on the management bodies of the public service broadcaster were amended to increase the independence of these bodies. In October 2023, the Constitutional Court ruled as unconstitutional the composition of the management bodies of the public service media provider *Österreichischer Rundfunk* (ORF) due to a violation of the requirement of independence[119]. In March 2025, the Government implemented the ruling through a reform of the ORF Act that reduced the number of members appointed by the Government to the two management bodies and established new qualification criteria for the members of the supervisory body (*Stiftungsrat*). The members of both management bodies will be newly appointed in June 2025. These reforms may also contribute to aligning the national framework with the requirements of the European Media Freedom Act (EMFA), and the Government is working on further changes to ensure full compliance. Moreover, the household contribution, which provides for a significant part of the ORF budget, is planned to be frozen at the current level until 2029[120]. According to the

111 Austrian Government (2025), written input, p. 25.
112 Country visit Austria, Central Public Prosecutor's Office for Combating Economic Crimes and Corruption and Antikorruptionsbegehren.
113 Country visit Austria, Transparency International Austria. Transparency International Austria (2025), written input, p. 6.
114 Country visit Austria, *KommAustria*.
115 For *KommAustria*, all 7 members of the collegial body are proposed by the Federal Government, following a public call for applications. For the RTR Media, the managing director is appointed by the Federal Chancellor and fulfills certain responsibilities under the oversight of the Chancellor; Presseclub Concordia (2025), written input, p. 2.
116 2025 Media Pluralism Monitor, country report for Austria, p. 12
117 2024 Rule of Law Report, Austria, p. 21. The increase was from EUR 150 000 to EUR 230 000.
118 Country visit Austria, Austrian Press Council.
119 2024 Rule of Law Report, Austria, p. 23.
120 Austrian Government (2025) p. 130.

MPM 2025, independence of public service media did strengthen and currently is at low risk[121].

While funding for quality journalism is having a positive impact, the economic situation of media service providers deteriorates. The overall business environment for media service providers has remained stable[122]. However, the already challenging economic situation of the private media sector is further deteriorating, driven, in particular, by shifts in advertising revenues. The revenue gap between online platforms and the media sector widened in 2024, with online platforms recording a significant growth in their advertising revenue. Against this backdrop, stakeholders reported a positive impact of the funding for quality journalism[123]. The total funding amount under 2023 law on funding of quality journalism was disbursed in 2024, with 172 out of the 213 applicants receiving funding. An evaluation of the law on funding of quality journalism is planned for 2026[124]. While online media are for the first time eligible for funding, stakeholders reported that only very few online media outlets received it, noting that further professional journalistic criteria, demonstrating quality journalism, should be taken into account for the awarding of funding[125]. According to the MPM 2025, media ownership transparency is at medium-high risk and the plurality of media providers at very high risk[126].

There has been limited progress on the recommendation on the proper implementation and enforcement of fair distribution of state advertising[127]. The rules governing the award of state advertising which is subject, in particular, to the rules and principles of public procurement[128] remained unchanged. These rules provide access to advertising contracts also for smaller media service providers. In most cases, the procurement is outsourced to media agencies. The Federal Ministry of Justice intends to send a circular to all contracting authorities, emphasising the need to award contracts in compliance with the public procurement rules before August 2025 when the new state advertising requirements under the EMFA start applying[129]. Stakeholders welcomed the amended Act on the Transparency of Media Cooperation and Funding, in force since January 2024, which strengthened transparency rules for the publication of state advertising contracts of public entities[130]. While these rules are considered to be properly implemented, stakeholders criticised the lack of an effective sanction mechanism in case the award of a state advertising contract violates the rules[131]. The Government plans to evaluate the newly adopted law in view of the EMFA requirements[132]. In 2024, reporting indicates that public spending on state advertising more

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121 2025 Media Pluralism Monitor, country report for Austria, p. 26.

122 Country visit Austria, Association of Austrian Private Broadcasters, *KommAustria* and Presseclub Concordia.

123 Country visit Austria, Association of Austrian Private Broadcasters, Austrian Press Council and Presseclub Concordia.

124 Country visit Austria, *KommAustria*.

125 Country visit Austria, Austrian Press Council and Presseclub Concordia.

126 2025 Media Pluralism Monitor, country report for Austria, p. 20.

127 The 2024 Rule of Law Report recommended Austria to "Take steps to ensure proper implementation and enforcement as regards the fair distribution of state advertising."

128 Austrian Government (2025), written input, p. 31.

129 Country visit Austria, Federal Chancellery.

130 Country visit Austria, Forum Informationsfreiheit and Presseclub Concordia; 2024 Rule of Law Report, Austria, p. 23.

131 Country visit Austria, Association of Austrian Private Broadcasters and Presseclub Concordia.

132 Austrian Government (2025), p. 144.

than doubled compared to 2023[133]. The views of stakeholders diverge on the allocation of state advertising. While some stakeholders viewed the significant share of state advertising awarded to the tabloid press as in line with their relevance and reach in the market, others criticised the current concentration of funding, raising concerns about political proximity between certain media outlets and certain political parties[134]. The large amount of public spending on state advertising has continued to have a strong influence on the media market and is considered a threat to independent journalism[135]. Some stakeholders raised the expectation that the overall amount of state advertising should be reduced, while public funding awarded by transparent and objective criteria should be increased[136]. As the authorities are preparing some further steps to clarify rules on the allocation of state advertising, limited progress has been made on the recommendation.

Preparations for the implementation of the Freedom of Information Act are well underway for the entry into force in September 2025. The Freedom of Information Act will for the first time provide a subjective right to information vis-à-vis public authorities and state-owned enterprises, which was also enshrined in the Constitution. The law consists of two pillars, one regarding the obligation of authorities to actively publish information, the other regarding the right to request information from them[137]. The scope of application for information requests extends also to foundations, funds, institutions and companies subject to the control of the Court of Audit or a provincial court of audit. The implementation of the Act started and is ongoing. The Government is preparing a comprehensive draft law, which will align the legislative framework on federal level to the requirements of the Freedom of Information Act. Training courses and circulars are moreover informing public authorities at all levels about the implementation[138]. In January 2025, the Data Protection Authority published draft guidelines on the evaluation of access to information requests.

Measures continue to address challenges regarding the safety of journalists. The situation regarding the safety of journalists remained challenging[139]. In particular, verbal attacks to discredit journalists or the media coming from politicians were an issue, with the Mapping Media Freedom platform issuing two related alerts since the 2024 Rule of Law Report[140].*The* Council of Europe Platform to promote the protection of journalism and safety of journalists did not issue new alerts concerning Austria[141]. The deployment of liaison officers within the police forces continued to help addressing physical altercations at public events[142]. The regular information sharing meetings between editors-in-chief of private and

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133 With a large share reached EUR 417.9 million (compared to EUR 193 million in 2023), out of which EUR 74 million were spent by the federal and *Länder* governments, however this significant increase in spending was mainly due to stronger transparency requirements, which limit the comparability of public spending with previous years, KommAustria (2025).

134 Country visit Austria, Association of Austrian Publishers, Presseclub Concordia and Transparency International Austria.

135 2025 Media Pluralism Monitor, country report for Austria, p. 44.

136 The new Government programme includes a commitment to reduce the budget for state advertising by 10 % compared to the previous years; Austrian Government (2025), p. 132; Country visit Austria, Austrian Press Council and Presseclub Concordia.

137 2024 Rule of Law Report, Austria, p. 24.

138 Austrian Government (2025), written input, p. 32.

139 Country visit Austria, Association of Austrian Private Broadcasters and Presseclub Concordia.

140 Mapping Media Freedom (2024).

141 Council of Europe Safety of Journalist Platform (2025).

142 Media liaison officers were established and measures such as contact availability and de-escalation training were introduced. According to the Government, despite the communicated contact options, media liaison

public media and the Government have continued, on topics such as training offers. Following a ruling of the Constitutional Court which found that a complete exemption of media outlets from the application of the data protection laws to be unconstitutional, the Data Protection Act was amended and entered into force in July 2024[143]. While broadly welcoming the amended Act which, among other things, strengthens the protection of editorial secrecy, stakeholders reported that the amended law treats differently professional freelance journalists as compared to journalists working for media service providers[144]. SLAPPs were not a major issue, with only few cases reported in the last years[145]. The Government is working on implementing the SLAPP Directive and set up a working group for that purpose[146]. The inclusion of stakeholders in the working group, including from the media sector, was welcomed[147].

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

The Ombudsman Board functions effectively and the nomination procedure for its members is set to be strengthened. The Ombudsman Board (which functions as the National Human Rights Institution and is accredited with A-Status) continues to operate effectively[148].The budget for the Ombudsman Board is expected to remain stable[149]. According to the Government programme, the nomination procedure for the three members of the board is expected to be reviewed (while remaining within the existing constitutional framework). In addition, parliamentary hearings for the designated members would be organised[150]. This could also respond to a long-standing recommendation of the Sub-Committee for Accreditation of the Global Alliance for National Human Rights Institutions (GANHRI) to review the nomination procedure to ensure full transparency and political independence of the Board[151]. In 2024, the Ombudsman Board received 23 955 complaints (similar to the level in 2023, where 23 124 complaints where received), out of which 16 458 were deemed admissible[152]. As regards other independent authorities involved in the protection of fundamental rights, the Government programme commits to a review and strengthening of the system of Legal Protection Officers[153].

The Government has committed in its programme to transparency and objectivity with respect to appointments to high-level positions at independent authorities, which remains an area susceptible to politicisation. The Government programme commits to

officers were rarely contacted by journalists. Some stakeholders flag remaining practical and organisational challenges. According to Presseclub Concordia, for instance, there are not enough liaison officers present or they cannot be found; country visit Austria, Presseclub Concordia.

143 2024 Rule of Law Report, Austria, p. 25.

144 Presseclub Concordia reported that under the amended Data Protection Act, journalists working for a media service provider are subject to fundamental exceptions to the data protection rights of those affected, while for freelance journalists a case-by-case examination is conducted by the data protection authority; Presseclub Concordia (2025), written input, p. 5.

145 Country visit Austria, Association of Austrian Private Broadcasters and Association of Austrian Publishers.

146 Austrian Government (2025), written input, p. 32.

147 Country visit Austria, Presseclub Concordia.

148 Country visit Austria, Ombudsman Board.

149 Ministry of Finance (2025). The proposed budget for 2025 is EUR 15.9 million, compared to 15.5 in 2024.

150 Austrian Government (2025), p. 124.

151 UN OHCHR (2025), written input Austria, p. 5, referring the recently reiterated recommendation by the UN OCT (2024), para 17, originally made by the GANHRI Sub-Committee on Accreditation (2022), pp. 12-14.

152 Ombudsman Board (2025), p. 14.

153 Austrian Government (2025), p. 126.

transparent, objective and merit-based appointments for high-level positions for which the Federal Government has the right of proposal. In addition, parliamentary hearings are set to be organised for all designated candidates to become Constitutional Court judges on the basis of proposals submitted by the National Council or the Federal Council and for all designated members of the Federal Government[154]. Stakeholders have long criticised the appearance of politicisation in appointment procedures for independent authorities and publicly owned companies, linked to often unjustified lengthy delays and the possibility to deviate from the proposals of selection commissions involved in these procedures[155]. During the reporting period, no significant delays in the appointments to such positions have been identified.

Over two thirds of the companies surveyed in Austria express confidence in the effectiveness of investment protection. 72% of companies are very or fairly confident that investments are protected by law and courts[156]. Stakeholders confirmed that they do not see an issue with investment protection in Austria. As regards authorities relevant for economic operators, 85% of companies perceive the level of independence of the national competition authority (the Federal Competition Authority) as very or fairly good[157]. There are no judicial mechanisms in place at the level of the Supreme Administrative Court to ensure the implementation of administrative court judgments[158].

On 1 January 2025, Austria had 5 leading judgments of the European Court of Human Rights pending implementation, a decrease of 1 compared to the previous year[159]. At that time, Austria's rate of leading judgments from the past 10 years that had been implemented was at 72% (compared to 68% in 2024; 28% remained pending), and the average time that the judgments had been pending implementation was 1 year and 11 months (compared to 1 year and 5 months in 2024)[160]. The oldest leading judgment, pending implementation for more than three years, concerns the violation of the applicant companies' right to fair civil proceedings[161]. As regards the respect of payment deadlines, on 31 December 2024 there were 2 cases in total awaiting confirmation of payments (compared to 3 in 2023)[162]. On 16 June 2025, the number of leading judgments pending implementation had decreased to 4[163].

The implementation of the recent reform of the tax framework for civil society organisations has shown positive results. Civic space in Austria continues to be considered

154 Austrian Government (2025), p. 207 and pp. 123-124.

155 2024 Rule of Law Report, Austria, p. 28. The act on the advertising of vacancies stipulates deadlines for both the advertisement and selection procedure of management positions. Country visit Austria, Competition Authority, Transparency International, Judges' Association.

156 Figure 54, 2025 EU Justice Scoreboard. Only 12% and 15% of the surveyed investors respectively perceive the frequent changes in legislation or concerns about the quality of the law-making process, and the quality, efficiency or independence of justice, respectively, as a reason for the lack of confidence in investment protection.

157 Figure 50, 2025 EU Justice Scoreboard.

158 Figure 49, EU Justice Scoreboard 2025. The data presented reflects exclusively the mechanisms in place at the level of the highest administrative jurisdictions; the same or other mechanisms may be in place at lower instance administrative courts.

159 For an explanation of the supervision process, see the website of the Council of Europe.

160 All figures calculated by the European Implementation Network (EIN) and based on the number of cases that are considered pending at the annual cut-off date of 1 January 2025. EIN (2025), written input, p. 1.

161 Judgment of the ECtHR, 56387/17, *Pagitsch GMBH v. Austria*, pending implementation since 2021.

162 Council of Europe (2025), p. 156.

163 Data according to the online database of the Council of Europe (HUDOC).

as 'open'[164] and stakeholders generally report that they are sufficiently consulted on draft legislation, though consultation periods can vary in practice[165]. The recent reform of the tax framework for non-profit organisations extending the eligibility for tax-exempt status for donations[166] has been complemented by an administrative decree adopted in January 2025, clarifying a number of points. While the competent Ministry expected the number of newly registered organisations to be higher, stakeholders indicate that they consider registration figures to be within their expectations, also linked to the fact that there is an option to register at the level of an umbrella organisation[167]. Overall, the new framework is considered to be a clear improvement by stakeholders, in particular as regards the broadening of eligible organisations and the definition of advocacy-related work. Civil society organisations have also broadly welcomed the functioning of the Investigation Office for Allegations of Maltreatment[168] established in 2024, including as regards the participation of civil society organisations in the Office's independent monitoring committee, though pointing to its lack of independence from the executive[169]. Concerning funding, civil society organisations expect the overall context of expected budget cuts to also impact funding available to them [170].

[164] Rating given by Civicus, Austria. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.
[165] Country visit Austria, Bündnis Gemeinnützigkeit, Amnesty International, Federal Bar.
[166] 2024 Rule of Law Report, Austria, p. 29.
[167] Country visit Austria, Ministry of Finance, Bündnis Gemeinnützigkeit.
[168] This Office is competent to investigate allegations of police mistreatment.
[169] Amnesty International Austria (2025) and Country visit Austria, Amnesty International.
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Annex I: List of sources in alphabetical order*

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Annex II: Country visit to Austria

The Commission services held virtual meetings in March 2025 with:

- Amnesty International Austria
- Anti-Corruption Citizens' Initiative
- Association of Administrative Judges
- Association of Judges
- Association of Private Broadcasters
- Association of Prosecutors
- Association of Publishers
- Austrian Economic Chambers
- *Bündnis Gemeinnützigkeit*
- Central Public Prosecutor's Office for Combating Economic Crimes and Corruption
- Competition Authority
- Council of Directives
- Court of Audit
- Federal Bar
- Federal Chancellery
- Federal Bureau of Anti-Corruption
- Federal Disciplinary Authority
- Federal Finance Court
- *Forum Informationsfreiheit*
- Journalists' Union
- Media Authority (K*ommAustria*)
- Ministry of Arts, Culture, the Civil Service and Sport
- Ministry of Finance
- Ministry of Justice
- Ministry of Labour and the Economy
- Ombudsperson Board
- ORF
- Parliamentary Administration
- Press Council
- Presse Club Concordia
- Regional Administrative Courts
- Senior Prosecutor's Office Vienna
- Supreme Administrative Court
- Supreme Court
- Transparency International Austria

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International
- Araminta
- Civil Liberties Union for Europe

- Civil Society Europe
- European Civic Forum
- European Partnership for Democracy
- European Youth Forum,
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- JEF Europe
- Philea – Philanthropy Europe Association.
- Transparency International