



# IT applications in the Austrian justice system

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# 1. The Austrian justice system at a glance

As a modern and innovative organisation the Austrian justice system provides an indispensable service for society. It generates annual revenues of EUR 1,435 million and employs a staff of around 11,400 members.

A glance at the income figures reveals that the justice system is managed efficiently: approximately 84 per cent of its expenses are covered by income. And in this context it has to be kept in mind that the justice system's responsibilities include duties (e.g. in the area of prison administration) from which obviously no income can be generated.

## Key figures for 2017:

Federal budget:

- Expenditure            EUR 1,435 million
- Income                 EUR 1,209 million
- IT budget    EUR    34 million

Staff employed by the justice system: 11,364

## 2. Case Automation in the Justice System

The Case Automation in the Justice System (VJ) application supports all courts and public prosecutors' offices in keeping the registers of more than 66 different types of proceedings. Some types of proceedings (e.g. the order for payment procedure) are fully automated; court decisions are issued automatically and dispatched via a centralised mailing line. Submissions and decisions are transmitted via the Electronic Legal Communication (ELC) system and court fees are collected as cashless payments.

### Tasks:

- Case administration including internal access control and logging of access
- Administration of organisational data (court, public prosecutors' office, prison, etc.; departments; users; ...)
- Automated mailing line in the Federal Computing Centre [Bundesrechenzentrum/BRZ]
- Statistics (key performance indicators)
- Administration and collection of court fees
- Austria-wide name search
- Scheduling, search and administration functions
- Integrated text processing (text module system)
- Social security search (in particular identifying the third-party debtor/employer in connection with an attachment of earnings)
- Connection to the Electronic Legal Communication system (ELC in civil and criminal proceedings, Central Register of Civil Status [Zentrales Personenstandsregister/ZPR], Criminal Records Authority [Strafregisteramt])
- Interface to the Database of Official Publications [Ediktsdatei] and other apps of the justice system
- External electronic case search
- Online help

### Key figures for 2017:

- 8,000 users within the justice system (thereof approx. 2,000 judges and public prosecutors)
- 2.87 million cases (thereof 354,767 justice administration cases)
- 8.4 million documents served electronically
- 7.6 million documents served by post

### 3. Electronic integrated assistance for the public prosecutors (EliAs)

The EliAs - electronic integrated assistance for the public prosecutors - IT solution is intended to facilitate file administration in preliminary criminal investigations and to replace the vast number of physical files (about 600,000 per year) to a large extent. After completion of an initial development stage cases against unknown offenders (uT) will be processed via EliAs (about two thirds of all cases). For this purpose, clearly-structured EliAs files are created on the basis of the incoming (via ELC) reports and presented to the (district) public prosecutors. Following simple menu prompts they may directly discontinue proceedings pursuant to Section 197 of the Austrian Code of Criminal Procedure [*StPO*] in an electronic (paperless) way (about 90% of cases against unknown offenders). To date approx. 2 million cases have been closed exclusively digitally.

Thus, the benefits that can be achieved already in this stage include savings in terms of paper and space, a reduction in the clerks' offices' workload regarding manual routine tasks, leaving more room for supporting (district) public prosecutors and resulting in shorter processing times and electronic receipt of files from other cases.

In the subsequent project phases the application was extended to discontinuation of cases against unknown offenders, including dispatch of notifications about the discontinuation to victims and the criminal police. An application implemented in the incoming mail offices allows scanning of additional documents that are received by post and integrating them into the EliAs file. This fully electronic file management system now also allows support of the service of file copies on petitioners, which is accomplished via a separate delivery application. Such and other applications may now be filed via ELC and integrated into EliAs files.

Currently, an extension of EliAs to cases against known offenders is being developed.

## 4. IT in prison administration

### A. Integrated Prison Administration (IVV):

The objective of the IVV is the comprehensive automated administration of the inmates. This application, which has been in use since the beginning of 2000, includes inmates' records with the core areas of prison administration and term calculation. In the last few years the entire inmate administration has *de facto* been replaced by electronic administration through module expansions (e.g. administration of monies, work and scheduling), and most recently the focus has been on care of the inmates (e.g. social and medical service).

For electronic transmission of documents (e.g. start of term reports or reports of the prison administration) to the courts internal electronic delivery has become part of IVV.

### B. Electronic Enforcement Management (eVM)

Incorporating the Strategic *Justiz 3.0* Initiative, an initial module of the successor application eVM was developed in 2016. Apart from replacing IVV, the objective of that application is to realise the electronic inmate file. Currently the components for a petition for electronic surveillance of inmates and the complaints register have been realised. The two IVV modules "*Sozialer Dienst* - Social Service" and "*Klassifizierung* - Classification" will be available to users in the Electronic Enforcement Management (eVM) application from 2019. Upon introduction of the Classification module the foundation for an electronic inmate file will be laid by integration of the *Justiz 3.0* filing system and the *Justiz 3.0* task management system.

### C. Integrated Business Management (IWV)

Integrated Business Management has been developed to support the processes in business enterprises. Apart from parts of the accounting tasks, it comprises warehouse management of the merchandise as a central component. This functionality has also been used in the management of medicines (including, but not limited to narcotic drugs). Finally, the IWV has been upgraded by functions in the security area through the administration of arms and locks & keys.

In addition, in certain cases there is a possibility to use video conferencing technology to examine inmates, by which unscheduled transfers have been considerably reduced.

In addition to those described above, numerous other IT applications (e.g. e-learning, electronic admission procedures, interpreting via video conferencing, duty roster and working time accounting) are used in the area of prison administration.

**Key figures for 2018:**

- 11,013 prisoners who were committed from outside prison (remand custody, serving a sentence, administrative custody, etc.)
- average daily number of inmates: 8,932
- approx. 7,000 users from the areas of responsibility of the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice and of the Federal Ministry of the Interior
- approx. 3.8 million transactions per calendar month

## 5. Electronic legal communication (ELC)

Electronic legal communication with the courts was introduced as early as in 1990 as a means of communication with the parties that would be on the same footing as submissions in hard copy. In introducing this system Austria was the first country in the world to establish electronic legal communication.

Electronic legal communication enables electronic transmission of submissions and an automatic receipt of the details of the case in the IT applications of the justice system. This means an estimated reduction of 130 staff members and suggests further optimisation due to the increased use of ELC.

In 1999 also the opposite lane on the "justice system's data highway" was opened, which enables electronic service of process documents in the so-called "*Rückverkehr* - return communication". Yearly savings on postage worth more than EUR 12 million will be made in this way.

In 2007 electronic legal communication was migrated to web service technology using MTOM. ELC, which is secured by SSL and certificates, can be accessed via several transmission points and *inter alia* allows the sending of exhibits in the form of attachments in pdf/A format together with the electronically submitted brief in the form of XML data. Since early 2009 courts and public prosecutors' offices have been transmitting judgments, transcripts and other documents as pdf attachments via ELC. Currently ELC has more than 10,000 subscribers with a total volume of approx. 14 million messages.

Since 2013 Austrian citizens using the mobile phone signature application called citizen card [*Bürgerkarte*] have been able to send all submissions to all courts and public prosecutors' offices online via [www.eingaben.justiz.gv.at](http://www.eingaben.justiz.gv.at) by way of secured communication; foreign nationals using eIDAS-compliant identification have been able to do so since 2018. As one of the outstanding e-government applications in Europe, Electronic Legal Communication was awarded the EU e-government label in 2001.

**Key figures for 2017:**

14.5 million messages, including:

- 4.6 million electronic submissions (this accounts for more than 94% of civil actions and 76% of the petitions for enforcement) and
- 7.6 million electronic submissions plus 2.2 million case number replies.

## 6. Online submission application for expert witnesses and interpreters

By means of this application court-appointed and certified expert witnesses and interpreters are able to submit expert opinions or translations, including attachments, in a secured electronic way to the offices of the justice system. Analyses have shown that every year approx. 150,000 expert opinions are delivered; 48% thereof concern social-law cases (Cgs), another 31% civil cases (C), guardianship cases (P), committal cases (Ub) and criminal cases. Based on the assumption that two thirds are suitable for electronic transmission, about 100,000 potential transactions are to be expected every year. The integration of expert witnesses and interpreters is effected via smart card/activated citizen card or mobile phone signature. Thanks to the connection to the list of court-appointed and certified expert witnesses and interpreters users are provided with a personalised workflow. Apart from connecting this service to the Case Automation in the Justice System application, future use in the Business Register and the Land Register is also planned.

The benefits of this solution include, without limitation, cost savings (reduction in mailing, copying and handling costs), faster processing of dispatching, standardised transmission via secured connections and availability in digital formats for further processing.

Introduction of a reasonably worded duty to use this Service in early 2019 is therefore planned.

### **Key figures for 2018:**

- more than 7,000 submissions by approx. 1,200 expert witnesses a month

## 7. Land Register [*Grundbuch*]

In the early 1980s the land database was set up at the Federal Computing Centre in cooperation with the Federal Ministry of Science, Research and Economy (at that time: FM for Buildings and Technology) and with the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice, which has enabled automated keeping of the Land Register by the courts and automated keeping of the cadastre by the surveying offices. As early as in 1986 "external searches" of the migrated Land Registers were possible. Since 1 July 1999 the Austrian Land Register can be inspected via the internet from all over the world. For external searches of the Land Register database so-called clearing offices [*Verrechnungsstellen*] were established. (For further information please go to <http://www.justiz.gv.at> under "E-Government")

In order to take account of the technological development of this application and to meet, in the best possible way, the constantly increasing requirements of the economy and the public administration as well as those of the justice system itself, a project aiming at fundamental technological reformation of the Land Register database in all of its applications was initiated. In a first step towards realisation of the New Land Register the Electronic Collection of Documents was set up in 2006. By now more than 90% of the documents are submitted electronically. Since 2006 all documents have been available for inspection on the internet via the clearing offices. Following other milestones, such as connecting the Land Register to Electronic Legal Communication, processing of court fees in the Land Register and automated issuing of decisions, a technically updated version of the application including new features was made available as of 7 May 2012; since mid-2013 partitioning plans have been registered in the Land Register automatically in cross-departmental cooperation with the surveying offices. Since 2016 structured processing of titles and liens has been possible; since October 2017 condominium ownership rights have been registered systematically and automatically as well.

### **Key figures for 2017/2018:**

- 3.289 million valid Land Register folios (=registration unit in the Land Register; as at 31 August 2018)
- 10.222 million plots of land in the main register (as at 31 August 2018)
- 670,967 applications (thereof 427,547 (=64%) by way of ELC in 2017)
- 14.560 million documents (as at 31 December 2017)

## 8. Business Register [*Firmenbuch*]

The change from commercial register law to the Business Register Statute [*Firmenbuchgesetz*] on 1 January 1991 laid the foundation for the central electronic Business Register. This has been in operation since 17 July 1991.

The Business Register contains the data of all Austrian business entities that are subject to registration (main register). The documents which are relevant to registration are stored in the electronic archive of documents of the justice system (Collection of Documents – *Urkundensammlung*).

The Business Register is constantly upgraded and technologically adapted to recent developments and current conditions. It has been integrated into the service landscape of the justice system. Applications may be filed electronically or as a hard copy.

Public announcements of the Business Register Courts are made fully automatically in the Database of Official Publications [*Ediktsdatei*].

The 16 Business Register Courts issue their decisions and bills of fees in automated processes via a central register.

Business Register documents are served via Electronic Legal Communication (ELC), via the justice systems' delivery service or via a central dispatch office ("mailing line") by post. Apart from those internal applications and facilities the Business Register also uses *FinanzOnline* for communication with parties.

Electronic submission of annual financial statements to the Business Register was introduced in 2001.

Since mid-2005 all applications and documents received by the Business Register Courts have been recorded and stored electronically.

Since 2009 all orders and decisions issued by the Business Register Courts have also been stored electronically. Thus, all relevant documents are available electronically, which allows a completely digital file management in Business Register proceedings.

Business Register data may be retrieved by everybody through "clearing offices" via the internet from everywhere in the world (for further information please go to:

<http://www.justiz.gv.at/firmenbuch>). Public authorities may access the Business Register via the portal of the Federal Computing Centre; Member States of the European Union may do so via the European Business Register (EBR).

Since mid-2017 the Business Register has been linked with a number of other European registers via BRIS (Business Registers Interconnection System). Focused on corporations the system features Europe-wide search functions and document queries as well as interconnections between registers for notifications of insolvencies, liquidations or mergers.

Apart from those access points, authorised licensees also have the possibility to purchase Business Register data in a machine-readable format as embodied in the Austrian Statute on Further Use of Information [*Informationsweiterverwendungsgesetz*].

In addition, the Business Register offers numerous interfaces with other (partly external) applications, which are supplied with data by way of a notification procedure or a change service.

**Key figures for 2017:**

- 260,081 validly registered legal entities
- 291,177 transactions
- 5.2 million external Business Register excerpts via clearing offices
- 11.8 million search products (retrieved internally by the courts or externally via clearing offices), including excerpts, searches, documents, etc.

## 9. Database of official publications [*Ediktsdatei*] (publications of the Business Register, real property auctions, insolvency database, etc.)

At first the Database of Official Publications (<http://www.edikte.justiz.gv.at>) was limited to publications from the area of insolvency but every year other matters were included in addition.

Since 1 January 2000 insolvencies (bankruptcies, compositions, debt regulations) have been exclusively published on the internet and are legally binding as such. This has led to a reduction in publication costs of 95%. Via the internet every internet user can view the current status free of charge. "At the touch of a button" data is transferred automatically from the insolvency register of the Case Automation in the Justice System (VJ) application to the Insolvency Database. As of the next day the opening of insolvency proceedings becomes legally effective.

Since 2002 official publications about auctions of real property and announcements of the Business Register Courts can also be retrieved from the database.

At the beginning of 2003 the Database of Official Publications was expanded by inclusion of auction edicts regarding movable items and by the option to search for property owners in criminal cases. Since 1 January 2005 all publications prescribed for legal proceedings have exclusively been made in the Database of Official Publications. Examples worth mentioning are: publications in probate proceedings, invalidation proceedings, proceedings for declaring a person dead, and appointment of curator proceedings.

In the subsequent years, notaries were provided with the option to publish voluntary offers for sale; notaries and lawyers were provided with the option to publish merger agreements and spin-off plans.

The Database of Official Publications was presented with the Ökomanager Award 2000 of the Austrian Economic Chamber, the Justitia 2000 award and, at the European level, with the e-Government Label for Good Practice 2005 as well as with the Crystal Scales of Justice Prize 2006.

**Key figures for July 2018:**

- 882,108 searches of the insolvency database
- 637,471 searches for judicial real property auctions

## 10. *Justiz-Auktion*

Since March 2015 Austrian bailiffs have been provided with the possibility to auction moveable items on the internet auction platform of the justice system: justiz-auktion.at in accordance with the provisions of the Austrian Enforcement Code [*Exekutionsordnung/EO*]. In this way items that have been attached in enforcement proceedings, as well as seized, confiscated or forfeited items may be auctioned. The bailiff is responsible for choosing the place of the auction. The most important advantages of internet auctions compared to on-site auctions include a much larger group of bidders, no (prohibited) price-fixing agreements on site, presumably higher gains, a higher auctioning rate and an individual length of the different auctions.

As with other online auctioning platforms *Justiz-Auktion* also offers the option of "immediate purchase". This means that an item can be purchased at a price that is 25% higher than the estimated value before the first bid is made, with no auction being conducted.

The Competence Centre at Higher Regional Court (OLG) Innsbruck, which was especially established for this purpose, technically processes the auctions for the whole of Austria.

Items that are regularly being auctioned include motor vehicles, home electronics (e.g. mobile phones, personal computers, video games), jewellery (e.g. watches, necklaces, charms) or sports articles (e.g. bicycles, skis); and even a rough cutting mower found a new home once.

Regarding *Justiz-Auktion* the Austrian justice system has worked together with the online auction platform justiz-auktion.de, which has been successfully operated by the German justice system for many years. *Justiz-Auktion Deutschland* is an online platform which was established by the Ministry of Justice of North Rhine-Westphalia in 2006 and has been operated by the same to date with the purpose of auctioning off all movable property that is suited for (online) auctions and has to be sold by the (judicial) authorities.

### **Key figures for 2017:**

- 1,000 auctions
- EUR 400,000 in auction proceeds

# 11. Advances on maintenance

This IT solution supports the Higher Regional Courts [OLG] in processing disbursement and collection of advances on maintenance as defined in the Statute on Advances on Maintenance [Unterhaltsvorschussgesetz/UVG].

- The IT process includes the following transactions:
- recording and processing of court decisions/orders
- monthly payment orders
- processing of electronically transmitted refunds
- correspondence with parties involved in the proceedings and with public authorities
- electronic migration of data from other proceedings in the justice system (court decisions, curatorship register, insolvency register and probate register; collection office, etc.)
- entering items into the federal budget accounting system
- settlement of accounts with the Family Burden Equalisation Fund [Familienlastenausgleichsfond]
- keeping a business calendar
- statistics and analyses
- DWH statistics and checklists
- JUTA web service (youth welfare offices are able to retrieve master data from the advances on maintenance application)

The advances on maintenance process was the first IT application in the justice department (in 1976). The process is being constantly developed further with a special focus on integration of manual work processes and implementation of electronic interfaces with other proceedings. In 2009 an electronic search option for the youth welfare offices was implemented. In the medium term the application will be integrated into *Justiz 3.0* (see chapter 31).

## Key figures for 2017:

At the four Higher Regional Courts [OLG] there is a total of 60 users.

- Total master data sets: approx. 258,000
- Current master data sets: approx. 49,000
- Disbursements in 2017: EUR 133.4 million
- Refunds in 2017: EUR 85.3 million (63.95%)

## 12. The Collection Office

This IT process supports the Collection Office [*Einbringungsstelle/EBSt*] in the Austria-wide collection of court fees, costs, fines of all kinds, advances on maintenance and in the granting of easier payment terms as defined in Section 9 of the Statute on Collection by Court [*Gerichtliches Einbringungsgesetz*] 1962. The main purpose of the *EBSt* is effective collection of outstanding receivables of the justice system by identifying the best collection method.

The IT process includes the following transactions:

- Transmission of all enforceable payment orders in an electronic, structured form from the applications VJ, Advances on Maintenance, and Land Register to the Collection Office
- Collection in the best possible way:
  - Request for payment
  - Easier payment terms
  - Lodging of claims in insolvency or probate proceedings
  - Search for third-party debtors
  - Search at the registration office
  - Land Register search
  - Enquiry to the prison administration
  - Enforcement measure(s)
- Automatic search for third-party debtors with the Main Association of Social Security Institutions [*Hauptverband der Sozialversicherungsträger*]
- Automatic data reconciliation in the Insolvency Register [*Insolvenzregister*] and the Probate Register [*Verlassenschaftsregister*]
- Entering of payments received
- Automated business calendar
- Preparation of reports and statistics

This IT process is being constantly developed further by integrating manual work processes and the creation of electronic interfaces with other proceedings.

## Figures and benchmarks:

Fifty (50) users work in the Collection Office, which operates for the justice system all over Austria.

Transactions at the Vienna Collection Office	
	<b>2017</b>
Total number of pending enforcement files	141,758
Total number of pending advances on maintenance files	78,743
New enforcement cases	57,232
New advances on maintenance cases	5,578
Number of closed enforcement cases	7,097
Number of closed advances on maintenance cases	3,720
Orders/Injunctions	130,440
Entries of outstanding receivables in enforcement cases	110,854
Entries of outstanding receivables in advances on maintenance cases	16,517
Entries of payments received in enforcement cases	61,775
Entries of payments received in advances on maintenance cases	85,901
Total outstanding receivables in enforcement cases in EUR	122,763,066.90
Total outstanding ancillary expenses in enforcement cases in EUR	3,311,878.31
Total outstanding receivables in advances on maintenance cases in EUR	56,749,232.70
Total outstanding ancillary expenses in advances on maintenance cases in EUR	1,702,570.25
Total payments received on claims in enforcement cases in EUR	10,146,058.11
Total payments received on ancillary expenses in enforcement cases in EUR	1,607,435.15
Total payments received on claims in advances on maintenance cases in EUR	12,412,237.12
Total payments received on ancillary expenses in advances on maintenance cases in EUR	1,163,792.12

# 13. Family and Youth Court Support Register

This recording application for statistical key figures at the locations of the Family Court Support Service [*Familiengerichtshilfe/FGH*], which was introduced in 2014, was upgraded to a single nationwide register application (Family Court Support Register).

At the end of 2015 the Family Court Support Register was expanded by functionalities for the Youth Court Support Service so that the register is now called Family and Youth Court Support Register.

Since then the application has been recording relevant key figures and order data on the orders for all offices of the Family and Youth Court Support Service [*Familien- und Jugendgerichtshilfe/FJGH*] and of the Vienna Youth Court Support Service. Clear search and filtering functions allow the display of orders according to various criteria (person concerned, subject matter of the order, court/public prosecutors' office placing the order, etc.) and location-specific criteria.

In addition, in location-based reporting and staff controlling team leaders are supported by a separate controlling functionality.

The key figures on the Family and Youth Court Support Register are available in the periodical statistics of the Data Warehouse of the Justice System (DWH).

# 14. Electronic Certification Register

In line with the requirements of the Austrian Act Amending Professional Rules and Regulations [BRÄG] of 2010 this project migrated the Certification Register of the Austrian Justice System, which had been kept in writing and on a non-central basis till then, to an automated data processing system. This system enables court staff to electronically record and manage data of parties and documents in certification proceedings. Transcripts which are required for the transaction process can be archived electronically and documents to be certified may be entered into the Documents Archive of the justice system.

## **Key figures for the first half of 2018:**

- Certifications of signatures: 9,439
- Certifications of copies: 4,328
- Documents entered into the Documents Archive of the justice system by the Certification Register: 5,556

# 15. List of expert witnesses, interpreters, mediators, insolvency administrators and official receivers, and the Lobbying and Interest Group Register

These databases contain the above persons in their relevant capacity, including special qualifications. They are primarily available to the courts for selection for legal proceedings but may also be searched by the public via the internet.

Since early 2004 the lists of expert witnesses and court interpreters have been offered on the intranet of the justice system and on the internet at <http://www.sdgliste.justiz.gv.at>. Expert witnesses, interpreters, insolvency administrators and official receivers are able to update certain details in the lists (address, phone number, email address, etc.) themselves by means of an appropriate certificate and to publish a description of their business.

Since 2005 new ID cards for expert witnesses and interpreters have been available which are in line with the standard of the citizen card. Real property experts also need their expert ID for electronic transmission of expert opinions plus photos to the courts. Likewise insolvency administrators are able to announce sales and rental transactions in insolvency proceedings by means of their ID card. Mediators in civil cases may be found at <http://www.mediatorenliste.justiz.gv.at>.

Since 1 January 2013 searching for lobbying enterprises, including the areas of their activities, for entities that employ business lobbyists, self-governing bodies and interest groups at <http://www.lobbyreg.justiz.gv.at> has been possible.

## **Key figures for July 2018:**

- 315,115 searches of the list of court-appointed and certified expert witnesses and interpreters
- 12,626 searches of the list of insolvency administrators and official receivers
- 10,667 searches of the Lobbying and Interest Group Register

# 16. Electronic Documents Archive

At the time of the migration of the Land Register and the Business Register to IT-based systems those responsible decided against also migrating the collections of documents of those court registers to electronic storage and documentation. However, the technology for archiving documents has made considerable progress in the meantime; voices from among those practising law have shown the necessity of modernising the court system with the assistance of information technology also in this area.

A central archive of documents has emerged, which can be used for all types of applications, proceedings and procedures. There will be a possibility to archive documents (e.g. electronically signed contracts) from the court in a database in any application and in any type of proceedings, and to establish a link to the same. In this way a document once stored in the archive could be used in different legal proceedings.

Since 2005 the collections of documents of all Business Register courts have been kept exclusively electronically; since 2006 the same has been true for the Land Register. The data content stored in the electronic documents archive is deemed the original of the document (fictitious original) until the contrary is proved. The electronic documents archive was awarded the first prize in the "*Amtsmanager Wettbewerb*" - the Public Office Manager Competition of the Austrian Federal Economic Chamber in 2006 and the Good Practice Label of the EU in 2007. In this way another step towards optimised and service-oriented legal proceedings was implemented as planned.

## **Key figures for 2017:**

- 1.27 million documents retrieved from the Collection of Documents of the Business Register
- 0.9 million documents retrieved from the Collection of Documents of the Land Register
- Documents stored in the archive: 5.7 million in the Business Register; 14.4 million in the Land Register

## 17. Electronic signature

Electronic Legal Communication with the courts has proved to be working well since it was introduced in 1989. However, electronic transmission of original documents and exhibits of petitions or applications to the courts by way of ELC has not been possible so far. To promote Electronic Legal Communication notaries, civil engineers and lawyers were provided with the option to draw up (public) electronic documents by the Statute Amending the Professional Rules and Regulations [*Berufsrechts-Änderungsgesetz/BRÄG*] 2006 and through the setting-up of an electronic documents archive of the justice system plus an authorisation of public-law corporations to keep such archives. For this purpose an electronic "professional signature" [*Berufssignatur*] was introduced for those persons. In this way they are enabled in connection with their occupational activities to sign documents electronically with the legal effects of a personal signature. In addition, notaries and civil engineers possess an electronic "certification signature" [*Beurkundungssignatur*], which allows them to use an electronic signature also when they act in the sovereign area of their occupation.

The *BRÄG 2006* also introduced the electronic signature of the justice system, by which the court decisions that will be sent via ELC will be signed in future. The initial practical application of the electronic signature of the justice system has been in use since 1 January 2007. Since then the electronic signature of the justice system has been confirming that Business Register excerpts and documents from the Land Register's and the Business Register's electronic Collections of Documents are in conformity with the data stored in the database. Since 1 January 2010 also certifications by the courts have been done using the electronic signature of the justice system.

In addition, electronic signatures have been in use in the justice system for ID cards of expert witnesses and court interpreters since 2005.

Since 1 November 2009 an online form has been available by which authentication is done by means of the citizen card.

# 18. Statistics/Data Warehouse

The manifold IT applications cover the entire area of responsibilities of the justice department. This has led to a comprehensive nationwide database, which has turned out to offer an enormous advantage, in particular when preparing statistics, which are required for many different purposes.

The justice system's statistics products may be roughly categorised as follows:

- workload statistics, which show the cases processed by the justice system
- statistics to control the staff employed
- statistics to support staff supervision
- statistics to document procedural facts (e.g. length of proceedings, alternative measures imposed instead of punishment)
- ad-hoc analyses, including, without limitation, upon instruction by parliament or scholars
- statistics to plan use of IT

The said analyses are carried out by means of Data Warehouse technology. This technology makes it possible to carry out the analyses in a more flexible, cost-efficient way with no interference with ongoing operation of the underlying applications. In addition, it offers the option of providing certain users with the possibility to search for analyses that have been designed individually by the relevant user.

Analyses which are of interest to a larger group of addressees are published in a statistics database that has been set up on the intranet. This database is equipped with an authorisation concept and therefore provides for the option of making selected products accessible only to certain user groups.

In addition, guidelines and documentations are also published in the statistics database for specific statistics, which offer users the possibility to understand the data shown. A limited user group can directly access the raw data by means of the Cognos Online access in the Data Warehouse and for certain displayed parameters to also identify the case numbers from the specific applications behind the same. Every month approx. 6,100 different parameters are being identified, plus another 4,800 or so in the course of drawing up quarterly and/or yearly statistics. If one also takes a look at all calculation levels, this means approx. 27 million potentially calculated figures per month for brief statistics alone. As of August 2018 approx. 190,000 pdf files and approx. 98,000 MS Excel files were archived in the statistics database. The growth is around 3,000 files per month.

Since July 2013 three data cubes (incoming files, decisions and parties) have been in use to prepare special analyses in the criminal section of the justice system, to which the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice has direct access.

Data cube is a term used in data warehouse terminology for the logical display of data. In this process the data is arranged as elements of a multi-dimensional cube. The dimensions of the cube describe the data and allow easy access. Data may be selected via one or more axes of the cube.

The cube is loaded on a monthly basis; access has been implemented in a user-friendly way via MS Excel 2010. In this way key figures regarding, e.g., sections of a law or statute, types of decisions, sex, nationality, etc. can be analysed quickly by the users themselves at all hierarchy levels.

Due to the positive experiences gained from the data cube in the criminal justice section this technology will also be used in other areas in future.

## 19. Form sheets / Online submissions; MOVE

Forms designed for submissions to courts or public prosecutors' offices are available on the internet at [www.eingaben.justiz.gv.at](http://www.eingaben.justiz.gv.at). The form sheet service was extensively revised in 2014 and 2015 and the new system was put into operation in April 2016. The form sheet service of the justice system offers a number of forms from the different areas of the justice system (e.g. application form in an order for payment procedure, application for legal aid, petition for enforcement, etc.). Many of those forms are available as accessible web forms including enhanced help texts.

Since May 2017 additional forms have been available for Business and Land Register, ELiAs, expert witnesses and interpreters. Also "*Mein Bereich* - My Area" was implemented, where users can view and edit the transmissions which they have sent or which are still being processed.

Submissions may be transmitted to the courts and public prosecutors' offices via secured electronic communication ("ELC for Everyone"). For more details on Electronic Legal Communication (ELC) please see Chapter 4.

By means of the text processing application upgrade **Mein Office Vorlagen Editor (MOVE)** [My Office Template Editor] data from applications of the justice system can be included in text files (forms) that are made available centrally or created by the users themselves. For this purpose only the case number needs to be entered and, where applicable, the correct reference must be selected (e.g. which one of several parties involved in the proceedings is actually concerned).

In mid-October 2015 MOVE was installed on all workstations of the justice system. Since then four MOVE functions have been available, by which new forms may be created or existing forms may be filled with case data.

The interfaces between text processing and the applications of the justice system make up so-called "module placeholders", which act as placeholders for future case data in forms which have not been "filled" yet. By entering a case number the module placeholders may be filled with case data from the relevant file (e.g. names of parties, account details, data of the court, public prosecutors' office or prison; etc.). A successfully filled module placeholder will be emphasized visually. Then the filled text file may be processed further like any other "normal" text file.

**Key figures for 2017:**

- 43,500 ELC web forms submitted
- 55,000 fillable pdf forms downloaded
- 470,000 pdf downloads
- approx. 70 types of forms in up to 14 foreign languages

**Key figures for June 2018:**

- 5,300 expert opinions submitted
- 230 translations submitted
-

# 20. Mail Processing Service of the Justice System

The Mail Processing Service [*Poststrassenservice/PSS*] serves as the justice system's central service for processing letters that are sent by post and for providing them to the Output Competence Center of the Federal Computing Centre (BRZ) for printing and physical dispatch.

Both the master document and any number of supplementary documents are delivered by the application as pdf files. All other functions are controlled via XML meta data. All return advice is sent electronically in XML or pdf format.

- The major functionalities of the service include:
- putting into and dispatch via (standard) window envelopes
- putting into and dispatch via hybrid return receipt envelopes (Hybrid RSa and RSb)
- producing cover sheets for local dispatch via hybrid return receipt letter (Hybrid RSa and RSb)
- putting into and dispatch via international return receipt letter (IntRS)
- printing at a (future) time that may be selected
- dispatch and service in Austria, the EU or third countries
- enclosing any number of written documents in pdf format
- enclosing any number of money transfer forms (including "pay per code")
- regular reports
- provision of processing and dispatch information
- provision of status information
- provision of digital proofs of service
- automated notification in the case of automatically identified defects in service of process
- bundling of several service of process deliveries to one addressee (bundle)

The Mail Processing Service was put into operation for the first time in 2007. Since then numerous upgrades have been implemented and performance of the service has been optimised. Upgrades include the processing of hybrid return receipt letters, international return receipt letters and producing of cover sheets for dispatch via local HRSB.

**Key figures for 2017:**

Total number of decisions: approx. 10.1 million (thereof approx. 1.85 million were bundled in approx. 0.5 million envelopes). Window envelopes: 3.6 million; RSa letters: 0.2 million; RSb letters: 4.25 million, international return receipt letters: 0.01 million, cover sheets for local HRSB: 0.2 million.

## 21. Electronic Paperwork Management

Due to the staff cuts resolved by the Federal Government the justice department had to lay off 246 public officials [*Beamte*] and employees [*Vertragsbedienstete*] in 2006. In order to cope with the massive impact on the special typing services, staff on parental leave possessing a computer plus internet access were offered the opportunity, on a volunteering basis, to do typing work for the justice department within the limits on additional income while on parental leave.

For this purpose a Lotus Notes-based database was programmed, which allows secure transmission of digital dictations and automatic return of the typed texts with an optimal use of the typing capacities available at the same time. Clearing offices were set up at the Higher Regional Courts [*OLG*], which are in charge of supervision of the Electronic Paperwork Management application and of registration and supervision of the typists being part of the project. Dictations that cannot be typed at a District Court [*BG*] within a reasonable period of time will be put into a database and automatically transferred to the pool of the special typing service set up at the superior Regional Court [*LG*]. If dictations cannot be typed within 48 hours they will be automatically forwarded from there to the pool of the relevant clearing office. The typists on parental leave may access the pool of their clearing office via the internet and download dictations onto their home computer. Electronic dictations may also be allocated to certain typists by the clearing offices.

Once the text file has been transferred to the database by the typist, the person who entered the dictation into the database will be informed via email and can then download the text file from the database. At the same time the clearing office will receive the information required for billing the typing fee and will then be able to do the billing by way of automation.

Due to the large demand also full-time and (temporarily) part-time staff of the justice system have been offered the opportunity to do typing work from home. As of 1 July 2018 a total of 191 home typists (thereof 22 on parental leave and 26 retired staff members) were working as part of the Electronic Paperwork Management system in Austria. On average, dictations are typed within one day. In the first half of 2018 the home typists typed more than 242,000 pages.

## 22. Voice recognition systems in the justice system

Since 1997 the Austrian justice system has been testing voice recognition systems. Back then a group of ten volunteer judges and public prosecutors were equipped with voice recognition systems which consisted of a notebook including headset and the Voice Type Simply Speaking Gold IBM software. Since then technology has rapidly developed both in the area of hardware and in that of software. For example, since 2005 the standard equipment at a workplace in the justice department has been so powerful that voice recognition programs can be used at the workplace and no additional hardware needs to be bought.

Out of all tested programs the best results were obtained by Dragon Naturally Speaking (DNS). Currently around 300 staff (judges, public prosecutors, *Rechtspfleger* [paralegals/senior court officers], office staff/clerks, etc.) have access to version 15 of that software at their workplace, which has turned out to be a quasi-quantum leap with respect to the recognition rate. For use within the justice system a specific glossary has been integrated into Dragon Naturally Speaking, which includes the RIS documents as at 26 January 2001, the rulings of the Austrian Supreme Court [*Oberster Gerichtshof/OGH*] of 2004 and around 16,000 transcripts and decisions of Regional Court [*LG*] Eisenstadt. In addition, users feed additional vocabulary into the overall glossary on a regular basis in order to constantly optimise the recognition rate. Presently we are working on updating the specific glossary of the justice system.

In the last few years use of the voice recognition tool has also been included in the training programme for trainee judges, which has resulted in an increased interest among judges. Since 2016 training in voice recognition software has become a fixed part of the training schedule of trainee judges.

## 23. Video conferencing

Since 2005 the procedural law requirements have been fulfilled for use of video conferencing equipment in examinations of witnesses and defendants in preliminary criminal proceedings, of witnesses at trials, and of witnesses, parties, interpreters and expert witnesses in civil proceedings.

Video conferencing technology offers the judges a possibility to summon persons who would otherwise have to be examined by a different court by way of judicial assistance to the court equipped with a video conferencing system which is the closest to their home and to directly examine him or her via video conferencing. This means much less time and costs for the persons being examined due to the fact that the distance they have to travel is much shorter. Moreover, the length of the proceedings can be cut significantly short because there is no need for judicial assistance proceedings.

For fixing examinations via video conferencing the judges have been provided with a room reservation system via the intranet of the justice system. This allows user-friendly booking of all courtrooms required in one step, with all persons involved automatically receiving a reservation confirmation including all relevant information via e-mail.

Since March 2011 all courts, public prosecutors' offices and prisons have been equipped with video conferencing systems. In 2017 a total of around 4,000 video conferences were held Austria-wide, of which approximately 12% were with foreign courts.

Expansion of the area of application of video conferencing technology in court hearings (e.g. to counsel) is currently being considered with regard to the current law-making and infrastructural conditions.

## 24. Internet presence of the justice system – [www.justiz.gv.at](http://www.justiz.gv.at)

The website of the justice system was completely revised in 2009, to offer information on the Ministry and on the services provided by the judiciary in a neat design with the best possible accessibility. Since 2013 the website is regularly enhanced and expanded. Today every court, every public prosecutors' office and penal institution has its own area and, thus, virtually its own internet presence.

For this purpose some parts of the design were newly structured and updated in terms of their content. The homepage includes the headlines and fast access options to some other important websites. The main areas are now divided into the following categories:

"*Justiz*": This page offers general information on the Austrian justice system.

The "*Ministerium/Ministry*" page includes the area of the Federal Minister of Constitutional Affairs, Reforms, Deregulation and Justice and information about the organisation and the main focuses of the head office's work.

The "*Staatsanwaltschaften/Public Prosecutors' Offices*" page describes how the offices are organised and leads to the webpages of the Public Prosecutors' Offices.

The "*Gerichte/Courts*" page describes how the courts are organised and leads to the webpages of the courts.

Both the courts and the public prosecutors' offices offer material information about their organisation in a standard form. The relevant homepage shows a picture of the court or office and provides information on opening hours, contact details (address, phone and fax numbers), including directions on how to get there plus information about specific features, such as public transport or car parks. The page also says whether a video conferencing system is available. A new feature allows larger offices to display press releases directly on the homepage. Other pages contain details about local jurisdiction and subject-matter jurisdiction and about the head of the court or office. Details about the media office and special offers such as an ombudsperson, service centre, etc. complete the information.

In 2014 the former website of the prison administration was removed. The content and the information was newly designed and arranged under the "roof" of [www.justiz.gv.at](http://www.justiz.gv.at) and integrated

within the new area of "*Strafvollzug*/prison administration". In this area every prison in Austria has its own webpage. In addition to general information you will also find visitor information for every prison and details about products and services offered by the same. For buying these products and/or services a specially designed webshop has been available since 2017, which can be accessed at [www.jailshop.at](http://www.jailshop.at). In addition a career portal was set up in this area in 2016, where interested parties can not only find out about the job description of a prison guard and current calls for tenders, but also complete a mock test and apply for a job online.

Another important area is the "Citizens Service [*Bürgerservice*]". This includes the most important information for individuals in the categories: "*Formulare* - Forms", "*Die Servicecenter* - The Service Centres", "*Justiz-Ombudsstellen* - Ombudspersons' Offices of the Justice System", "*Rechtsauskünfte* - Legal Information", "*Verfahrenshilfe* - Legal Aid", "*Prozessbegleitung* - Court Assistance" and "*Elternberatung* - Parental Advice Offices" (which must be consulted prior to a divorce by consent).

In the "e-Government" area you will find other lists of the courts and public prosecutors' offices plus a court search function. Upon entering an Austrian municipality all courts having local jurisdiction (in different stages of proceedings) will be shown according to their allocation to district court circuits. In addition, when entering a postcode all villages and their allocation to the relevant municipality will be shown. After having selected the appropriate municipality, you will be referred to the (data of the) judicial authorities having local jurisdiction.

This area also contains manifold information about ICT in the justice system and about the most important applications.

The "*Presse* - Press" area offers all information required by the courts, public prosecutors' offices and the prisons (contact details of the media offices), by the Head Office and the Cabinet for their media work.

The webpage is based on a fail-safe and high-performance server landscape. It must be stressed that the overall solution, which is based on a standard web server (Tomcat) and a standard database server (MySQL), draws a clear line between the provider (server hardware), the basic software (server software) and the editing system and content management system.

The website is visited approximately one million times a month. An average of 34,000 site visits are recorded per working day.

## 25. Justiz intranet

The intranet of the justice system is the internal information portal for all staff of the department and an important work tool. The intranet is based on the same concepts and technologies as the internet; however, the content is only available within the department ("intra" means inside in Latin.) Thus, the intranet is a central access point to all internal and to selected external web applications and information for the staff of the justice system. Internal web applications such as the Integrated Prison Administration, Webmail, the Collection of Forms, the Collection of Ministerial Orders, international judicial assistance or maintenance of the Database of Official Publications [*Ediktsdatei*] may be retrieved quickly, easily and in a structured manner. External applications, including but not limited to the Federal Law Information System RIS, the Land Register, the Business Register or the Central Register of Residents, may be reached via these applications as well.

Some of the information is collected and managed in a content management system. However, the system also prepares content which has come from databases that have already existed or have been specifically created for that purpose. Overall management is done in a content management system, which organises the content and processes it for presentation on the website. Structuring makes it easier to edit and allows users faster and more targeted access.

The intranet is being expanded constantly and adapted flexibly to the requirements of the users. In 2012, the intranet website, which had initially been designed in a uniform style for the entire department, was completely revised and newly designed and since then has presented itself in a new look in terms of technical, organisational, structural and visual aspects. Localisation was introduced, which means that every court, office and prison has its own virtual intranet site. The information in the content management system is categorised according to organisational areas and is specifically available to the same. Every court, office or prison belongs to an organisational area and possesses its own homepage. The homepage is divided into an information block, a headline block, a navigation block and an advertisements block (vacant positions & continuing education programmes). From the information block direct access to current VJ [Case Automation System] information, to ministerial orders and decrees is available. The navigation block is divided into four central areas: "*Justizverwaltung* - Administration of the Justice System", "*Rechtspflege* - Administration of Justice", "*Erlässe, Verfügungen* - Orders, Decrees" and "*Schulung & Wissen* - Training and Knowledge". Sub-categories within those areas offer an overview of the relevant content. Via the special function "My pages" users are able to store in a separate area content or links which they often require and thus create their own individual work tool. In this way both individual needs are taken account of and the requirements of specific organisational areas are met; in addition, information is efficiently distributed Austria-wide and across court circuits.

Localisation strengthens identification with the content and allows a more targeted use of the products offered. This is demonstrated by steadily increasing access figures (currently an average of approximately 9.75 million visits per month).

Schedules of responsibilities of all ordinary courts of law in Austria, ministerial orders, staff news, responsibilities and matters of education and continuing education and training, forms, job advertisements and papers are revised, enhanced and supplemented on a regular basis.

**Key figures for 2017:**

- approx. 32,000 documents in the content management system
- an average of 322,000 visits per working day
- approx. 9.75 million visits per month

## 26. Federal Law Information System (RIS)

The Federal Law Information System operated by the Federal Chancellery has become indispensable in daily court work as a medium for fast searches for court decisions, mainly in the *Judikaturdokumentation Justiz* database, and also for finding sources of law and academic writing. This tool is available to the staff of the justice system at all workplaces.

The new RIS, which is based on internet technology, allows for an even more efficient search for desired information and, therefore, for a faster decision-making process. Important parts of the RIS system, such as, e.g., the statutory provisions or the rulings of the Supreme Administrative Court [*Verwaltungsgerichtshof*] or of the Supreme Constitutional Court [*Verfassungsgerichtshof*] and those of the ordinary courts of law are available to the general public free of charge on the internet (<http://www.ris.bka.gv.at>).

## 27. Third-party applications

Apart from the IT solutions developed by the Austrian justice system itself it also uses applications of other software providers, in particular for matters concerning several ministries/departments, including the following:

- As the standard file management and workflow solution of the federal government ELAK im Bund, which is based on Fabasoft Components and is operated by the ELAK Joint Venture (a subsidiary of BRZ GmbH), supports fully electronic management of files in the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice.
- For the area of budget accounting and HR management the Ministry uses the HV-SAP and PM-SAP applications, which are also operated by BRZ GmbH.
- In some areas of the justice system the search functions of databases of other departments which are principally not freely accessible are being used, such as the Central Register of Residents (ZMR) and the Electronic Information System of the Criminal Investigation Department (EKIS).

## 28. The *Justiz* Network

At the beginning of the 1980s the Austrian justice system started to build a comprehensive IT network. This network (Corporate Network Austria/CNA) supports Austria-wide use of information technology by all courts, public prosecutors' offices, prisons and by the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice via a dual-node called the Federal Computing Centre [*Bundesrechenzentrum/BRZ*], where all major applications of the justice system run. Communication with the other ministries, other government agencies and, ultimately, the citizens is also effected by the BRZ.

Since March 2010 every office belonging to the justice system is connected to the BRZ at least by an 8 MBit line (CNAX). Using Voice over IP, also phone calls and video conferences can be made via those lines. The network is also the basis for the email system of the justice system (using Lotus Notes) and for access of all staff of the justice system to the internet.

Currently the *Justiz* Network comprises 180 routers, 340 servers, 12,500 PCs, 180 video conferencing systems, more than 6,000 VoIP telephone connections and 1,600 notebooks. As early as in February 2001 every member of the justice system's staff was equipped with a computer workstation. The standard operating system of the justice system is still Windows 7, but an upgrading to Windows 10 in the near future is being worked on. LibreOffice is used for text processing and spreadsheets.

Since the beginning of 2007 all bailiffs have been integrated into a virtual private network (VPN) via laptops including mobile internet cards. The mobile VPN allows online access to the applications running in the BRZ, independent of the location of the bailiff.

Since mid-2012 all workplaces have been gradually equipped with card reading devices, which means that staff members of the justice system can only log into the *Justiz* Network by means of their electronic staff ID.

## 29. User management

The Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice has started to introduce a standard comprehensive user management system for all applications. The system allows linking of the staff of the justice system and their access authorisations with both internal applications of the Austrian justice system, and with external applications belonging to the portal network. This is a network of management portals for joint utilisation of existing infrastructure and applications. The objective of the same is to amalgamate personal data, user rights and roles, as well as passwords which are currently stored in different registers, lists or applications in a central meta register.

Through the introduction of this user management system the personal data of the justice department is replicated by the Staff Management System [*Personalverwaltungssystem/PMSAP*] onto the meta register on a daily basis. This is to ensure that changes in the human resources of the justice department are also made in the meta register on a daily basis.

This means that the user management system does the following:

- work as a central register for managing users of the justice system
- synchronise personal data from existing registers or lists with the overall register
- role-based access authorisation for internal and external applications within the portal network
- delegate the management of access authorisations to non-central agencies of the justice department
- Enterprise/Legacy/Web access (to internal and external applications via a portal)
- single sign-on (SSO) for internal and external applications within the portal network

# 30. IT application for the European Payment Order

By Regulation (EC) No. 1896/2006 the European order for payment procedure was introduced on 12 December 2008, the objective of which is to establish a uniform rapid and efficient mechanism for the recovery of uncontested pecuniary claims. In Austria the District Court for Commercial Matters Vienna [*Bezirksgericht für Handelssachen Wien*] is responsible for all claims (applications) in the European order for payment procedure. The cases are processed by means of standard forms that are available in all EU languages. An unopposed order for payment is directly enforceable in all EU Member States. Austria and Germany have jointly developed an IT application sponsored by the EU for electronic processing, which uses large parts of the Case Automation (VJ) application and possesses the following functions:

- easy processing of applications by taking over the data from the application form (form A) and creation of other forms and procedural steps in the system.
- Important data of the procedure is available in the form of a "file cover sheet" (spreadsheet) at any time.
- All procedural steps are shown in a "register" (spreadsheet) in a structured manner. All other work steps, like letters or notes/memoranda, are made out of the register.
- Text modules may be freely created and stored for any and all purposes.

Standard forms and court documents may either be printed and sent by post or served electronically via ELC. The IT application has been developed in a form that can essentially be used in all Member States and in the European e-Justice Portal. The IT project was awarded the e-Government Award 2009 in the e-Government supporting the Single Market category from among 259 participants.

The European order for payment procedure is one of the pilot procedures of the e-CODEX project (see chapter 30). Since 2017 the European order for payment procedure has been operated for Austria and Germany by the (Austrian) Federal Computing Centre [*BRZ*]. Since August 2018 the product has been maintained and enhanced.

## Key figures for 2017:

- 2,420 claims (applications) in Austria; thereof 60% filed electronically
- opposition rate: 13%
- European Business Register (EBR)
-

Since 1 April 1999 (start of the test run on 1 April 1998) the EBR has been enabling access to the official commercial or business register data of (currently) France, Italy, Germany, the United Kingdom, Belgium, Luxembourg, Spain, Ireland, Latvia, Lithuania, Estonia, Finland, Sweden, Denmark, Norway, Greece, the Netherlands, Malta Jersey, Guernsey, Ukraine, Slovenia, Serbia, Macedonia and Austria via the relevant national provider (in Austria: MANZ'sche Verlags- und Universitätsbuchhandlung GmbH) as part of a European Economic Interest Grouping (EEIG). In total more than 20 million business entities can be retrieved online via the EBR.

Since June 2017 a second, parallel system has been available for EU-wide linking of companies. The Business Registers Interconnection System (BRIS) was established by the European Commission and provides the possibility to search for companies and corporations and to obtain commercial or business register excerpts and documents free of charge. In addition, the registers exchange information about changes regarding parent companies.

## 31. E-Codex – ME-Codex

e-CODEX (e-Justice Communication via Online Data Exchange) was an ambitious and trend-setting project supposed to enable citizens and business entities in all of Europe to electronically communicate with the courts of other Member States in a secure and easy way in cross-border cases. In addition, it was supposed to enable electronic communication among judicial authorities of the Member States. The project was funded by the EU and had a volume of around EUR 25 million.

Living up to its pioneering role in the area of e-justice Austria intensively contributed to the work on e-CODEX. As a consortium partner the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice headed one of the seven working groups. As the e-CODEX project ended in May 2016, sustainability of e-CODEX (ongoing operation and maintenance also beyond the project term) is of major importance and should be warranted by way of a European agency solution. Until the project will be operated and maintained by an existing European agency, presumably from 2022, the duties are being fulfilled by the bridging project me-CODEX until November 2018 and presumably by the follow-up project me-CODEX II from February 2019.

The European order for payment procedure (see chapter 23), which is of special importance to Austria, has already been successfully set up as a pilot project for e-CODEX in Germany, Estonia, France, Greece, Italy, the Netherlands, Poland, Portugal, Spain and in the Czech Republic; the European small claims procedure, transmissions in the area of the commercial or business registers, administrative penalties, cross-border exchange of sensitive data regarding conventions on mutual judicial assistance and the European arrest warrant are other pilot projects currently running. The special thing about e-CODEX is, therefore, also the aspect of electronic communication among the courts and authorities.

In Austria submissions may be made via the Austrian ELC application (Chapter 4) and, in future, also via the e-Justice Portal (<https://e-justice.europa.eu>).

Currently, connecting the first criminal procedure is being implemented by another project funded by the EU, namely the request for mutual assistance and related electronic transmission of evidence. Also here the infrastructure is implemented via the elements developed in e-Codex.

## 32. Strategic *Justiz 3.0* Initiative

For the purposes of a holistic view of the operations of the justice system this initiative aims to find best possible IT support for all the different user groups up to a fully electronic handling of procedures in the light of current trends and opportunities.

Together with justice system staff from a large number of user groups and sectors areas such as "Incoming and Compilation of Files", "Decisions and Orders" and "Workplace of the Judge" were considered in detail, with the most important business processes of the justice system being considered and/or designed as "Actual" or "Target".

The future architectures of information systems and technologies were designed in addition to and based on the results formulated in the specialised working groups.

An overall report concluding phase 1 was published in mid-2014.

Based on that report and the implementation plan contained therein, phase 2 of *Justiz 3.0* has been started, with several parallel projects running to establish and optimise the bases of digital file management. Among other things, the prerequisites for a viable Austria-wide scanning process and text recognition, a file document management and workflow system are being created.

By the end of 2016 a pilot project for completely digital file management was started in four regional courts, which will provide the basis for future upgrading and enhancement steps. Over the course of 2017 progress has been made in terms of stability, performance and functional assistance. In 2018 Commercial Court Vienna [*HG Wien*] was included as another pilot site. For 2019 a broader rollout and an in-depth analysis is planned, in particular in the area of criminal procedure.

### **Key figures for 2018 (as at 29 October 2018):**

- more than 8,200 digitally managed proceedings
- more than 3,000 court hearings conducted in these proceedings

## 33. IT support in criminal proceedings

Due to the progress of digitisation in all areas support tools are increasingly required for efficient analysis, evaluation and processing of data in criminal cases. In addition, more and more often the investigating authorities need supplementary support from highly specialised expert staff to process cases efficiently.

The Austrian department of justice has responded to this development at a very early stage and, apart from calling in external experts, has employed internal IT experts and assigned them to the Central Office of Public Prosecutors for Prosecution of Business Offences and Corruption [*Wirtschafts- und Korruptionsstaatsanwaltschaft*]. Due to the positive experiences made it was decided to expand this model. Since 2017 the internal IT experts of the justice system may now be assigned also to other public prosecutors' offices and criminal courts, if necessary.

Thanks to its own "large criminal cases environment" the justice system now also possesses an exclusive server infrastructure to process cases involving a large volume of data. The software and hardware used has been configured to warrant not only short computing times but also the handling of complex special requirements (e.g. decryption). At the same time very high security standards ensure data protection and prevent unauthorised access.

In order to structure and process large files efficiently, courts and public prosecutors' offices may use the "*Normfall Manager*" [standard case manager] software, which is intended to facilitate coping with large amounts of data (keeping an overview, creating and identifying links, compiling information on a topic, etc.). The justice system also uses various other supplementary "in-depth" analysis and evaluation tools. Due to the increasing options offered by the use of artificial intelligence the justice system intensely focuses on evaluating and testing the products offered in this area as well. Close coordination with the software manufacturers and exchanging information with other organisations combating fraud and crimes in Austria and abroad is intended to further enhance potential areas of application in the years to come.

## 34. Digitisation and artificial intelligence

Due to the increasing use of IT for business processes the requirements of the different professional groups and interest groups continue to grow. Accordingly, the demands on information technology are growing constantly. So-called digital natives grow up using IT and, as staff members of the justice system, expect adequate IT support to accomplish their job-related tasks and, as citizens, they expect digital access to the law.

Avoiding and/or targeted elimination of media breaches leads to significant efficiency growth in the processing of legal proceedings. Digitisation of procedures is ensured through a holistic approach (files, IT equipment in the court room, involved user groups and interfaces) with a special focus on the specific requirements of the case and digital inclusion of the parties involved in the proceedings. Digital assistants and artificial intelligence (AI) ease the routine workload of the staff and leave leeway for knowledge work. Under the heading of "Legal Tech" digitisation of legal services has been intensively discussed for quite a few years. Here, AI technologies constitute a (or maybe the) key technology. The potential areas of application reach from legal research based on facts and circumstances, recognition of meta data and structures in briefs, correct allocation of incoming documents and cognitive analysis of investigation data up to an intelligent analysis of video data (e.g. recordings of hearings) and a predictive analysis of movement data of prisons.

Since 2018 an AI service that has been "trained" to meet the specific requirements of the justice system has been in use, which can be expanded step by step to other areas. Currently, AI is used in two subareas, with algorithms from the areas of machine learning and deep learning being used in particular:

- Step 1: AI to facilitate recording of data (creating recording proposals)
- Step 2: AI to optimise internal workflows (identifying the person(s) in charge)

Experience gained to date shows considerable automation potential through the use of AI. Subsequently, further expansion to more complex tasks stands to reason:

- Step 3: AI to support decisions (context-related legal research)
- Step 4: use of AI to fully document the selected procedural steps

# 35. eJustice strategy

Digitisation increasingly accelerates the process of change in the ICT landscape of the justice system, which has become highly developed over the years, and requires guidelines and strategies for a controlled transformation. Since 2006 the department responsible for use of ICT in the justice system (III 3: IT Law, Information and Communication Technology) summarises the goals and principles of this transformation in the form of an IT strategy. The whole document can be retrieved free of charge from <http://www.justiz.gv.at> under "e-Justice"). The keynotes can be summarised as follows:

## A. IT Mission

The justice system's IT as a central and competent partner sees itself as the lever for modernisation of the justice system and as a modern and internationally recognised service provider and continues its development within the Austrian justice system to increase the value contributed by IT by use of innovative solutions and technologies.

## B. IT Vision

The justice system's IT uses digitisation to accelerate and simplify procedures and to provide modern services and access channels by at the same time ensuring an optimised cost-benefit-ratio. **For that purpose** highly specialised and motivated IT staff ensure **fast fulfilment of requirements of the necessary quality** and in compliance with the specifications of the **business architecture**.

## C. Strategic Goals

- Modern service for justice system staff, citizens and party counsel
- Acceleration and simplification of procedures by digitisation
- Increase in efficiency and effectiveness
- Co-designing the European eJustice strategy and the Austrian eGovernment
- Implementation of IT projects with the necessary quality according to plan
- Security and other qualitative requirements of IT solutions
- Innovative and competent partner of the departments
- Positive image of the justice system

## D. IT Guidelines

- Ensuring an autonomous justice IT system ("interoperability")
- Court decisions and official decisions are not to be replaced but should be given optimum support ("cognitive assistance")
- Maximum benefit for the entire justice system ("holisticity")

- Long-term planning when defining goals and drafting solutions ("sustainability")
- Inclusion of new user groups without putting existing ones at a disadvantage ("digital by default")
- Case data to be recorded only once; expansion of interfaces ("once only")