

2025 Rule of Law Report - additional consultation on single market dimension

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As announced in the Political Guidelines for the 2024-2029 Commission, a Single Market dimension will be added to the Rule of Law Report to report to address rule of law issues affecting companies, especially SMEs, operating across borders.

Therefore, in addition to the regular stakeholder consultation for the 2025 Rule of Law report which was launched on 29 November 2024 (available [here](#)), **the Commission is now launching an additional targeted stakeholder consultation on the single market dimension of the rule of law**. This short questionnaire covers additional topics that are not yet included in the Report's scope which the Commission considers of particular relevance under this angle. The questionnaire is in particular directed to business stakeholders, but all interested parties are invited to contribute. The deadline for contributions is on 24 January (midnight Brussels time).

Under the questions below, you are invited to provide information both on the **relevant legal framework** as well as information on any relevant developments since January 2024. Under each question, the following types of information may be relevant:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures

- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the questionnaire)

D) Any other relevant developments

About you

* I am giving my contribution as

Public authority or network of public authorities

* Organisation name

250 character(s) maximum

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

Transparency Register Number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

-

* Country of origin

Austria

First Name

Surname

* Email Address of the organisation

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☒ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☐ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Topics for input on the single market dimension of the Rule of Law Report

* Country covered in your contribution [only one choice possible]

If you wish to submit information concerning several countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

Austria

Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases.

This question complements the questions in the original questionnaire related to quality and efficiency of justice

5000 character(s) maximum

Since our institution has no jurisdiction in commercial cases, there is no specialisation or training for the judiciary in this field of law.

Alternative dispute resolution and mediation

This question complements the questions in the original questionnaire on quality and efficiency of justice

5000 character(s) maximum

There is no ADR with regard to the jurisdiction of our institution.

Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy and various types of construction)

This question complements the questions in the original questionnaire on the prevention of corruption

5000 character(s) maximum

N.a.

Reporting on the use of digital technologies to enhance transparency and oversight in public procurement

This question complements the questions in the original questionnaire on the prevention of corruption

5000 character(s) maximum

N.a.

Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

This question complements the question in the original questionnaire on rules and use of fast-track and emergency procedures, linked to the overall process for preparing and enacting laws

5000 character(s) maximum

N.a.

Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators

This question complements the questions in the original questionnaire on the independence, resources and powers of national human rights institutions, ombudspersons, equality bodies and supreme audit institutions

5000 character(s) maximum

N.a.

Respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

This question complements the question in the original questionnaire on transparency of administrative decisions

N.a.

Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies

This question complements the question in the original questionnaire on judicial review of administrative decisions

5000 character(s) maximum

In addition to the previous responses to the questionnaire on the Rule of Law Report, the following safeguards regarding decisions or inaction of administrative authorities - apart from the granting of suspensive effect and the issuing of interim measures - are provided by law:

If an administrative authority fails to give a timely decision within the legally stipulated period of time (usually six months), any party claiming to be entitled to assert the duty to decide may lodge a complaint on the ground of a breach of the duty to reach a decision with the defaulting administrative authority (see art. 132 para. 3 B-VG), which may issue the decision within three months of the complaint being lodged. If the defaulting administrative authority issues the decision within this period, the complaint proceedings must be discontinued (see sec. 16 para. 1 VwGVG). If the defaulting administrative authority does not issue the

decision within this period, it is obliged to hand over the complaint to the first instance administrative court together with the files of the administrative proceedings (see sec. 16 para. 2 VwGVG). After expiry of the grace period under sec. 16 para. 1 VwGVG, the responsibility for deciding on the administrative matter is ex lege transferred to the first instance administrative court.

If two (or several) administrative authorities deny their jurisdiction in a particular case, one (or several) of them wrongly, the Constitutional Court rules on disputes regarding the jurisdiction of authorities, namely between (i.a.) courts and administrative authorities or between federal and provincial administrative authorities or between the administrative authorities of different provinces. In the event of such a negative conflict of jurisdiction, the party concerned is the only one entitled to submit an application to the Constitutional Court (see art. 138 para. 1 subparas. 1 and 3 B-VG; sec. 42 to 52 VfGG). If the application is neither to be rejected nor the proceedings discontinued, the Constitutional Court has competence to issue a ruling stating which authority has (sole) jurisdiction to rule on the particular case.

Safeguards regarding inaction of first instance administrative courts:

In proceedings before the first instance administrative court, parties can file an application with the Supreme Administrative Court to set a deadline due to a breach of the duty to reach a decision, provided that the stipulated decision deadline (usually six months) has expired (see art. 133 para. 7 B-VG). In this case, the Supreme Administrative Court sets the first instance administrative court a maximum period of three months to catch up on the decision. The deadline can be extended once if the first instance administrative court can prove that it was impossible to issue the decision on time and that this is due to the merits of the case.

If two first instance administrative courts or an first instance administrative court and the Supreme Administrative Court deny their jurisdiction in a particular case, one of these courts wrongly, the Supreme Administrative Court has competence to issue a ruling stating which court has (sole) jurisdiction to rule on the particular case (see sec. 71 VwGG).

Any other points you would like to raise related to the single market dimension in the context of the Rule of Law Report

5000 character(s) maximum

N.a.

If you would like to upload any supplementary document(s), please do so here

Contact

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