

# 2021 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

The first annual Rule of Law Report was published on 30 September 2020. It is the core of the new mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness

In the preparation of the first annual Rule of Law Report, the Commission relied on a diversity of relevant information from Member States, country visits, and stakeholders' contributions collected through a targeted stakeholder consultation. The information provided has informed the Member State-specific assessments of the Commission in the 2020 Rule of Law Report. On the positive experience from the first Rule of Law Report, the Commission is inviting stakeholders to provide contributions for the preparation of the 2021 Rule of Law Report through this targeted consultation.

The contributions should cover in particular (1) feedback and developments with regard to the points raised in the chapters of the 2020 Rule of Law Report and (2) any other significant developments since January 2020. The information outlined in next section. This would also include significant rule of law developments since the start of the COVID-19 pandemic falling under the scope of the four pillars covered by the report.

The input should be short and concise, if possible in English, and summarise information related to the points referred to in the template. You are invited to focus on the areas that relate to the scope of work of the Rule of Law Network (or your organisation). Existing reports, statements, legislation or other documents may be referenced with a short summary (not full text). Stakeholders are encouraged to make references to any contributions already provided in previous Rule of Law Reports and documents already published.

Contributions should focus on significant developments both as regards the legal framework and its implementation.

Please provide your contribution by 8 March. Should you have any requests for clarifications, you can contact us at the following email address: [rule-of-law-network@ec.europa.eu](mailto:rule-of-law-network@ec.europa.eu).

[1] [https://ec.europa.eu/info/publications/2020-rule-law-report-targeted-stakeholder-consultation\\_en](https://ec.europa.eu/info/publications/2020-rule-law-report-targeted-stakeholder-consultation_en)

[2] Unless the information was already submitted in the consultation for the 2020 Rule of Law Report.

## Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework (you survey / dashboard / forum) Other institutional issues related to checks and balances. The replies could include aspects set out Hello Markus HAMETNER (logout) | Help | Language can include challenges, current work streams, positive developments and best practices:

### Legislative developments

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

### 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 or
- Important administrative measures
- Generalised practices

### 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 and nominations for high-level positions (e.g. Supreme Court, Constit Judiciary, heads of independent authorities included in the scope of the request for input[1])

### Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however the point.

Please include, where relevant, information related to measures taken in the context of the COVID topics.

If there are no changes, it is sufficient to indicate this and the information covered in the 2020 Rule repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions and supreme aud

## About you

\* I am giving my contribution as

Civil society organisation/NGO



\* Organisation name

250 character(s) maximum

\* Main Areas of Work

- ☐ Justice System
- ☒ Anti-corruption
- ☐ Media Pluralism
- ☒ Other

If "Other", please specify

Access to Information & Transparency

\* Please insert an URL towards your organisation's main online presence or describe your organisation  
500 character(s) maximum

https://www.informationsfreiheit.at/

36 / 500

Transparency register number ?

\* Country of origin ?

Austria



\* First Name

Markus

\* Surname

Hametner

\* Email Address of the organisation (this information will not be published)

office@informationsfreiheit.at

\* Publication of your contribution and privacy settings ?

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. transparency register number, first name and surname given above will not be published. **To refrain from mentioning the name of your organisation and any details from which you identified in the rest of your contribution.**

- ☒ Public - Your personal details (name, organisation name, transparency register number, country) will be published with your contribution. Hello **Markus HAMETNER** (logout) | Help ▾ | Language ▾
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be published in documents produced by the Commission based on this consultation.

\*

☒ I agree with the personal data protection provisions

([https://ec.europa.eu/info/sites/info/files/specific\\_privacy\\_statement\\_targeted\\_stakeholder\\_consultation\\_en.pdf](https://ec.europa.eu/info/sites/info/files/specific_privacy_statement_targeted_stakeholder_consultation_en.pdf)).

## Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends covering all or several Member States. In particular, you could mention issues that are common to all Member States as best practices identified in one Member State that could be replicated. Moreover, you could refer to the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[overview topics for contribution.pdf \(/eusurvey/files/a9b130f6-72bd-4f4b-884c-e9502670138b9fbd8276536\)](https://ec.europa.eu/info/sites/info/files/specific_privacy_statement_targeted_stakeholder_consultation_en.pdf)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

0 / 5000

## Questions on developments in Member States

The following four pillars are sub-divided into topics and sub-topics. You are invited to provide comments on developments, focusing primarily on developments since January 2020, for each of the sub-topics. Please feel free to provide a link to and reference relevant legislation/documents. Significant challenges, positive developments and best practices, covering both legislative developments or administrative developments (as outlined under "type of information").

If there are developments you consider relevant under each of the four pillars that are not mentioned under the section "other - please specify". Only significant developments should be covered.

Please note that, due to the size of the questionnaire, certain elements may be slow to load, especially when viewing all Member States at once. In such cases, it is recommended to wait a few minutes to let the page load correctly.

Member States covered in contribution [several choices possible]

Please select all Member States for which you wish to contribute information. For each Member State, a separate template for providing information will be loaded.  
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- ☒ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

Justice System - Austria

Independence

Appointment and selection of judges, prosecutors and court presidents

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

3000 character(s) maximum

Irremovability of judges, including transfers, dismissal and retirement regime of judges, court pres  
*3000 character(s) maximum*

0 / 3000

Promotion of judges and prosecutors  
*3000 character(s) maximum*

0 / 3000

Allocation of cases in courts  
*3000 character(s) maximum*

0 / 3000

Independence (including composition and nomination of its members), and powers of the body ta  
independence of the judiciary (e.g. Council for the Judiciary)  
*3000 character(s) maximum*

0 / 3000

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rul  
criminal liability of judges  
*3000 character(s) maximum*

0 / 3000

Remuneration/bonuses for judges and prosecutors  
*3000 character(s) maximum*

0 / 3000

Independence/autonomy of the prosecution service  
*3000 character(s) maximum*

Independence of the Bar (chamber/association of lawyers) and of lawyers

*3000 character(s) maximum*

0 / 3000

Significant developments capable of affecting the perception that the general public has of the inc

*3000 character(s) maximum*

0 / 3000

## Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under "type of info

Accessibility of courts (e.g. court fees, legal aid, language)

*3000 character(s) maximum*

0 / 3000

Resources of the judiciary (human/financial/material)

Material resources refer e.g. to court buildings and other facilities.

*3000 character(s) maximum*

The judiciary in Austria is severely under-resourced. This issue has been highlighted, among others, by the Association of Judges (Richtervereinigung), including in a set of demands to the current government (<https://richtervereinigung.at/?download=5051>). Clemens Jabloner, who served as interim Minister of Justice in 2019, spoke of a “silent death” of the judiciary due to a lack of resources (<https://www.derstandard.at/story/2000107256398/patientin-justiz-und-ihr-stiller-tod-eine-bestandsaufnahme>).

Only less than a percent of cases use electronic filing systems (<https://www.addendum.org/justizreform/algorithmen/>). In our experience with administrative courts, this means people representing themselves do not get notifications regarding correspondence between judges and public bodies, and viewing files often means travelling to the courts.

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Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

0 / 3000

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the users, including resilience of justice systems in COVID-19 pandemic)

(Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, does not need to be repeated)

3000 character(s) maximum

0 / 3000

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics & monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

0 / 3000

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specializations

3000 character(s) maximum

0 / 3000

## Efficiency of the justice system (the justice system board/runner)

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under type of info)

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### Length of proceedings

3000 character(s) maximum

The work of civil society organisations is affected by the lack of resources of the judiciary. While administrative courts are supposed to decide on cases such as complaints against denied access to information within 6 months, it often takes well over one year to receive a decision in the first instance.

In one of our cases, which started in 2015, we submitted an appeal to the supreme administrative court (VwGH) in April 2019. The court took no action until August 2020, when it asked the public body for a response to our appeal. As of early March 2021, there is no decision in this case.

600 / 3000

### Other - please specify

3000 character(s) maximum

Regarding administrative court decisions on access to information, Austria lacks an effective enforcement mechanism to ensure that access to information is granted. In practice, courts often do not decide on the matter itself. Instead, they cancel the official decision of an authority ("Bescheid") justifying that access is not granted. This allows the authority to produce a new decision in which it can make a new argument about why access is not granted, so the plaintiff has to file a new complaint and launch a new court case.

In one case by Forum Informationsfreiheit, concerning the Eurofighter purchase contracts (a case linked to irregularities and apparent corruption which has been subject of three parliamentary investigative committees), the first instance found procedural errors by the public body twice, allowing the public body to re-do their decision, before deciding against the requester. The content of the complaint filed in July 2015 was finally examined by the first instance in February 2019, after having been (more or less) re-filed twice.

A high-court judgement against the City of Vienna won by Forum Informationsfreiheit led to a partial response. The city also refused to provide a formal rejection for the remaining information, claiming that the original request was fulfilled completely. A complaint against this inaction has been filed, the first instance has decided in our favor, but the public body has again appealed to the supreme administrative court, which has not started its proceedings as of half a year later.

This case highlights another issue with the administrative court system: the courts cannot access the information it may need to decide on a case. The court has asked for information, the public body has not delivered the requested information, and the court was unable to sanction this behavior.

<https://www.derstandard.at/story/2000117726511/zaeher-kampf-um-wiener-daten-zeigt-maengel-im-informationsrecht>

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## Anti-Corruption Framework - Austria

### The institutional framework capacity to fight against corruption (prevention and prosecution)

List of relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation, and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal and practical).  
*3000 character(s) maximum*

## Prevention

Integrity framework including incompatibility rules (e.g.: revolving doors)

3000 character(s) maximum

0 / 3000

General transparency of public decision-making (including public access to information such as law and transparency of political party financing)

3000 character(s) maximum

The lacking Freedom of Information Act and the absence of a right to information in general and the lack of a possibility to access documents held by state bodies result in low levels of transparency of public decision-making. This has become particularly apparent during the Corona crisis: it is often not clear who advises which decision-maker, and which data, models and documents serves as a basis for decisions (see: [https://www.ots.at/presseaussendung/OTS\\_20200427\\_OT0058/forum-informationsfreiheit-fordert-corona-transparenzgesetze](https://www.ots.at/presseaussendung/OTS_20200427_OT0058/forum-informationsfreiheit-fordert-corona-transparenzgesetze)).

Austria has no framework for asset disclosure or disclosure of interests for public or elected officials. The only such requirements apply to federal ministers who have to report assets to the head of the Court of Audit and to members of two chambers of parliament and regional parliaments who have to disclose some information on other paid and unpaid positions. However, the regulation has many large gaps, no verification mechanism is in place, and there are no sanctions for incomplete or false information being provided (see: Sickinger/Huter/Skrabal/Breitschopf (2019): "Parteienfinanzierung, Abgeordneteneinkünfte, Medientransparenz, Lobbygesetzgebung, Informationsfreiheit – Eine kritische Bilanz aus zivilgesellschaftlicher Perspektive und Forderungen an den neu gewählten Nationalrat und die künftige Bundesregierung", <https://www.informationsfreiheit.at/2019/10/21/evaluierung-des-transparenzpakets-empfehlungen-fuer-den-nationalrat-und-die-naechste-regierung/> pp. 21-28).

While Austria formally has lobbying regulation in place, this is a largely meaningless bureaucratic exercise that does not provide any added value or transparency to the public or to decision-makers. Parts of the lobby-registry are secret, there is no authority to ensure compliance, and there appears to be no case of any sanctions ever being involved for non-compliance (Ibid. pp. 33-37).

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Rules on preventing conflict of interests in the public sector.

3000 character(s) maximum

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During the Covid-19 crisis, numerous people are advising the Austrian government. Many of these advisers work informally and are unpaid. There appear to be no measures in place to prevent or manage any conflicts of interest emerging from their role (see: [https://www.ots.at/presseaussendung/OTS\\_20200427\\_OTS0058/forum-informationsfreiheit-fordert-corona-transparenzgesetz](https://www.ots.at/presseaussendung/OTS_20200427_OTS0058/forum-informationsfreiheit-fordert-corona-transparenzgesetz)).

Due to missing asset and interest disclosures for elected and public officials, it is often not clear if and how possible conflicts of interest in the public sector are addressed and managed.

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Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

0 / 3000

List the sectors with high-risks of corruption in your Member State and list the relevant measures corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

3000 character(s) maximum

As a result of a lacking Freedom of Information Act, there is a high level of opacity in areas of the public sector that face high corruption risks, including privatizations, the award of permits and licenses, hiring in state- owned enterprises and state-controlled entities, public procurement, and the award of subsidies, grants and other forms of State aid.

There is no possibility to access government documents, such as procurement contracts. However, with the Federal Procurement Act 2018, Austria since March 2019 requires the release of open data for tenders and contract awards above €50.000 via the open data portal [data.gv.at](https://data.gv.at). Forum Informationsfreiheit has launched the transparency platform <https://offenevergaben.at/> which collects, archives and re-publishes this data to make it more accessible to the public as well as journalists, public sector and private sector stakeholders. The quality of the published data could, however, be improved. The state-owned railway company, for example, publishes many tenders received by "xxx"; there are apparent gaps in the data and there is inconsistent use of unique identifiers.

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Measures taken to address corruption risks in the context of the COVID-19 pandemic

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector.

*3000 character(s) maximum*

0 / 3000

## Repressive measures

Criminalisation of corruption and related offences

*3000 character(s) maximum*

0 / 3000

Data on investigation and application of sanctions for corruption offences (including for legal persons in corruption cases) and their transparency, including as regards the implementation of EU funds

*3000 character(s) maximum*

0 / 3000

Potential obstacles to investigation and prosecution of high-level and complex corruption cases(e.g. lack of resources and personnel in the judiciary in general and the office of the white-collar crime and anti-corruption prosecutor (Wirtschafts- und Korruptionsstaatsanwaltschaft) in particular appears to be one of the key obstacles to investigation and prosecution of high-level and complex corruption cases.

*3000 character(s) maximum*

A lack of resources and personnel in the judiciary in general and the office of the white-collar crime and anti-corruption prosecutor (Wirtschafts- und Korruptionsstaatsanwaltschaft) in particular appears to be one of the key obstacles to investigation and prosecution of high-level and complex corruption cases.

There have been limited resources made available to investigate and prosecute international corruption cases that link to Austria (such as the Odebrecht scandal). There is no transparency on the freezing and confiscation of stolen assets conducted by Austria – it is unclear to what extent Austria conducts asset recovery (for with the UN Convention against Corruption provides a framework).

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Other -- please specify (survey/dashboard/runner)  
3000 character(s) maximum

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0 / 3000

## Media Pluralism - Austria

### Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Independence, enforcement powers and adequacy of resources of media regulatory authorities ar  
3000 character(s) maximum

0 / 3000

Conditions and procedures for the appointment and dismissal of the head / members of the collec  
authorities and bodies

3000 character(s) maximum

0 / 3000

Existence and functions of media councils or other self-regulatory bodies

3000 character(s) maximum

0 / 3000

## Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other saf  
interference

3000 character(s) maximum

The Media Transparency Act (MedKF-TG) requires public bodies to disclose advertisement spending in some media, as long as quarterly spending exceeds € 5.000. Only the media outlet and the quarterly sum are published, and there are large loopholes, mainly since many publications are exempt. According to the court of audit, only 60-80 percent of actual advertisement spending is published. According to Dossier.at, it is possible that the City of Vienna influenced publishers to ensure publications do not meet transparency requirements. (<https://www.dossier.at/dossiers/inserate/wiener-beilagen/>)

One of the authors of the MedKF-TG has criticized many advertisement campaigns that were „devoid of content” and – in his opinion – would not be allowed by the law. <https://www.derstandard.at/story/2000043334580/regierungsinserate-jurist-kritisiert-inhaltsleere-slogansstatt-information>

Public sector advertising spending in Austria is significantly larger than in many other countries. In 2019, the Austrian public sector spent some 180 million Euro on advertising, according to disclosed numbers – given the under-reporting mentioned above, actual spending is likely substantially higher. <https://www.derstandard.at/story/2000115721098/expertenkabinett-reduzierte-regierungswerbung-drastisch>

The reasoning for advertisement campaigns, their target audience and the cost of campaigns are usually kept secret even on request. See also: Sickinger/Huter/Skrabal/Breitschopf (2019): “Parteienfinanzierung, Abgeordneteneinkünfte, Medientransparenz, Lobbygesetzgebung, Informationsfreiheit – Eine kritische Bilanz aus zivilgesellschaftlicher Perspektive und Forderungen an den neu gewählten Nationalrat und die künftige Bundesregierung”, <https://www.informationsfreiheit.at/2019/10/21/evaluierung-des-transparenzpakets-empfehlungen-fuer-den-nationalrat-und-die-naechste-regierung/> pp. 28-33)

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Rules governing transparency of media ownership and public availability of media ownership information  
*3000 character(s) maximum*

Austria has quite effective rules in place to ensure the transparency of media ownership. The Media Act requires all periodic media (including websites that aim to influence public opinion) to publish an imprint, in which they are required to disclose their ultimate owners as well as ownership of these individuals in other media (Articles 24, 25, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000719>).

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Framework for journalists' protection

3000 character(s) maximum

0 / 3000

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

0 / 3000

Access to information and public documents

3000 character(s) maximum

Austria does not have a right to information, it appears to be the last country in the EU without this right. The Duty to Provide Information Act (Auskunftspflichtgesetz) of 1989 does not allow for effective or timely access to information. In line with jurisprudence, it does not provide a basis for access to documents held by state bodies. The Act only requires administrative bodies to respond to a request within eight weeks, unless a secrecy provision such as statutory secrecy ("Amtsgeheimnis", Art 20 (3) of the Federal Constitutional Act) applies. As a result, Austria has been ranking last among currently some 130 countries in the global Right to Information Rating for many years (<http://rti-rating.org/>).

Combined with the six-month time limits for public bodies to formally deny requests (after informally denying them within 8 weeks) and an overburdened administrative court system, receiving information while still relevant to journalists is the exception, not the rule.

Despite these issues, over 2.000 public requests have been filed through the FOI portal FragDenStaat.at. The portal is operated by Markus Hametner of Forum Informationsfreiheit, and allows activists, journalists and citizens to easily submit and organize requests for information.

A 2018 decision by the Supreme Administrative Court (<https://www.vwgh.gv.at/medien/mitteilungen/2018-06-19-Auskunftsrecht.html>) in a case brought by Forum Informationsfreiheit implemented the jurisprudence of the European Court on Human Rights on access to information and restricted the application of the statutory secrecy provision, in particular, related to requests for information submitted by social watchdogs. However, there still has not been a high-court decision affirming an individual's right to request specific documents. Lower courts have, indeed, held, that requests for documents are formally invalid.

(E.g.:

[https://www.ris.bka.gv.at/Dokumente/Bvwg/BVWGT\\_20190809\\_W214\\_2214836\\_1\\_00/BVWGT\\_20190809\\_W214\\_2214836\\_1\\_00.html](https://www.ris.bka.gv.at/Dokumente/Bvwg/BVWGT_20190809_W214_2214836_1_00/BVWGT_20190809_W214_2214836_1_00.html))

Austria should sign and ratify the Council of Europe Convention on Access to Official Documents. Austria should adopt a Freedom of Information Act that at the very least meets the minimum standards of the Council of Europe Convention, with its implementation to be supervised by an independent information commissioner. Furthermore, Austria should join the Open Government Partnership and make commitments to implementing a genuine transparency regime in the public administration, as well as in the legislative and judicial branches. This is also something that the Council of Europe's GRECO has recommended.

Other - please specify

3000 character(s) maximum

0 / 3000

## Other institutional issues related to checks and balances - Austria

### The process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly judicial reforms), and transparency and quality of the legislative process

3000 character(s) maximum

Many laws are subject to a so-called pre-parliamentary process, meaning a public consultation on a draft law produced by a ministry. The draft laws are published on the website of Parliament (<https://www.parlament.gv.at/PAKT/REGES/>) where submissions made to the consultation are also published. However, there is no legal framework requiring a consultation process. As a result, deadlines are often unreasonably short – or the consultation process is skipped altogether. This lack of regulation and shortcoming in transparency has been criticised by GRECO (4th evaluation round, <https://www.justiz.gv.at/file/2c94848b582a715a015a2326d21437c2.de.0/greco%204.%20evaluierungsrunde%20compliance%20reportdocx.pdf?forcedownload=true>).

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Rules and use of fast-track procedures and emergency procedures (for example, the percentage of emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

0 / 3000

Regime for constitutional review of laws.

3000 character(s) maximum

COVID-19: provide update on significant developments with regard to emergency regimes in the c  
pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the c
- oversight by Parliament of emergency regimes and measures in the context of COVID-19 pa
- measures taken to ensure the continued activity of Parliament (including possible best pract

3000 character(s) maximum

The constitutional court has already reviewed some of the laws and regulations enacted during the COVID-19 pandemic. It has decided that some regulations were unconstitutional because they exceeded their legal basis, while some others were unconstitutional because there was no documentation regarding why they were enacted.

[https://www.vfgh.gv.at/medien/Covid\\_Entschaedigungen\\_Betretungsverbot.de.php](https://www.vfgh.gv.at/medien/Covid_Entschaedigungen_Betretungsverbot.de.php)  
[https://www.vfgh.gv.at/medien/Covid\\_Schulen.php](https://www.vfgh.gv.at/medien/Covid_Schulen.php)

Only since Devenber 2020, a "Transparency law" for COVID financial aid was enacted. It contains reporting requirements for public to the towards parliament, but stops short of any measures improving transparency toward the public

<https://www.informationsfreiheit.at/2020/12/17/forum-informationsfreiheit-kritisiert-corona-transparenz-etikettenschwindel/>

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## Independent authorities

Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsmen, NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

3000 character(s) maximum

0 / 3000

## Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collect  
review (incl. scope, suspensive effect)

3000 character(s) maximum

Implementation by the public administration and State institutions of final court decisions  
*3000 character(s) maximum*

In the administrative court system, there seems to be no way for courts to directly oversee the implementation of their decisions. Public bodies or public servants can seemingly not be held in contempt if their implementation of the court decision is lacking. If the complainant does not agree with the public bodies implementation of a court ruling, they need to re-file an updated version of their complaint or a complaint against the public body's inaction.

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## The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration affecting the public perception of civil society organisations, etc.)  
*3000 character(s) maximum*

One obstacle in the framework for civil society organisations is the fact that non-profit organisations working on human rights, civic and political rights, anti-corruption, transparency, democracy or investigative journalism cannot hold a status that would allow them to receive tax-exempt donations. Such rules exist for non-profit organisations in almost all other sectors, including environmental protection, international development, animal rights, protection of cultural heritage, science, etc. This framework contributes to a situation where Austrian civil society watchdog groups focusing on good governance, civic rights, democracy and anti-corruption/transparency have very few resources, as there are hardly any foundations or other non-state donors that support such causes. EU funds hardly ever reach such watchdogs, as they are too small to apply and manage such funds.

Austria should create a framework that allows NGOs working on good governance, human rights, civic and political rights and on advancing anti-corruption, transparency and accountability to receive tax exempt donations. Ideally, a mechanism should be put in place to support the work of watchdog groups in a way that protects their independence.

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Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, pu  
(/eusurvey/dashboard/run/ner)  
rule of law issues, etc.)

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3000 character(s) maximum

0 / 3000

Other – please specify

3000 character(s) maximum

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