

1. Legislation in Austria

One important task of the Austrian Bar (ÖRAK) is to express an opinion on the many bills and other drafts for legal regulations. These position papers are prepared by experts from among the ranks of the bar. During the period January 2025 to December 2025, ÖRAK had to deal with 128 bills and draft regulations. The position papers submitted by ÖRAK on the various bills are an important contribution to law-making, which is highly appreciated by the parties involved in the legislative process as well as the public.

It is regrettable and difficult to understand from a factual perspective that, in the subsequent steps of the legislative process, well-founded position papers prepared by recognised experts are sometimes entirely disregarded. Moreover, it has increasingly become the case that laws are adopted on the basis of initiatives by members of parliament. As a result, consultation periods are shortened, information is lacking, and there are insufficient opportunities to evaluate legislative proposals. Legislative projects with significant consequences for each and every citizen should undergo careful scrutiny prior to adoption.

In addition, recent experience has shown that extensive legislative amendments with far-reaching consequences, although formally subject to review, were examined within extremely short consultation periods (in some cases only one week), making a thorough engagement with the subject matter impossible. Where in-depth consideration of complex legislative projects is not possible, the quality of legislation suffers and the important practical experience of lawyers is disregarded.

2. New Rules Concerning Professional Regulations

An ongoing practice of the ÖRAK working groups and task forces is to prepare proposals updating and amending the professional regulations. A forthcoming **amendment to the professional regulations**, based on proposals submitted by ÖRAK, is intended, inter alia, to clarify the rights and obligations of the chamber commissioner who is required to take over or transfer the affairs of a lawyer who has left the profession. Furthermore, work is currently underway on the establishment of a joint pension and welfare institution for the Austrian legal profession. This will require legislative amendments to the Lawyers' Act (RAO).

The **5th FATF Country Review of Austria** commenced in October 2024 and will continue until February 2026. The assessment is conducted by an audit team of the International Monetary Fund consisting of seven experts. Based on the results of the country review (and the EU anti-money-laundering package), amendments to the national anti-money-laundering prevention regime are to be expected.

On an internal level, **the ÖRAK Assembly of Representatives** implemented amendments to several guidelines. The Assembly adopted changes to the Guidelines on the Practice of the Lawyer's Profession (RL-BA 2015), the Statute, Part A 2018, and the ID Guidelines. In RL-BA 2015, § 40 para. 3 was adapted to technological developments. Short-term, non-permanent processing via specialised, cloud-based AI systems is permissible (including where operators are located outside the EU), whereas the traditional use of large language models remains impermissible. A contractual obligation for foreign service providers to provide immediate notification in the event of house searches is not required; however, such an information obligation must continue to be agreed with operators of specific AI systems based in the EU. All other due-diligence obligations remain unchanged.

In the Statute, Part A 2018, clarifications and editorial amendments were made in order to implement a comprehensive digitalisation project, namely the full digitalisation of all content and processes of the welfare institutions under Part A.

3. Developments in Adult Protection Law

With the Budget Accompanying Act 2025 (Federal Law Gazette I 2025/25), one of the grounds for refusal pursuant to § 275 of the Austrian Civil Code (ABGB) applicable to lawyers acting as adult representatives was abolished, namely where the matter does not predominantly require legal expertise. Due to the associated potential additional burden on the legal profession in non-legal matters, ÖRAK strongly intervened and was at least able to ensure that the relevant new provision was limited to a period of three years by means of a sunset clause under the Adult Protection Adjustment Act 2025 (ErwSchAG 2025, Federal Law Gazette I 2025/74).

4. Professional Secrecy

The professional secrecy of lawyers is an indispensable prerequisite for ensuring the right to a fair trial. Independent lawyers committed to professional secrecy guarantee the functioning of a democratic state governed by the rule of law. It is only when the professional secrecy of lawyers is guaranteed and respected that legal peace is maintained and legal certainty is achieved. Time and again, attempts can be observed which aim at diluting the professional secrecy of lawyers. At the same time, in light of the DAC6 Directive (Directive (EU) 2018/822), it must be noted that Austria continues to exceed the requirements of EU law in a manner incompatible with professional secrecy.

In case C-694/20, the Court of Justice of the European Union held that Article 8ab(5) of the DAC6 Directive is invalid in light of the Charter of Fundamental Rights insofar as it obliges a lawyer acting as an intermediary, who is exempt from reporting obligations due to professional secrecy, to immediately inform other intermediaries not represented by that lawyer of their reporting obligations. This interferes with the protected confidential communication between lawyers and their clients. Accordingly, rigid reporting and information obligations for lawyer-intermediaries, as envisaged in the implementation practice surrounding the DAC6 regime, conflict with the duty of confidentiality enshrined in § 9 para. 1 of the Lawyers' Act (RAO) as well as with the resulting duties of loyalty and safeguarding of interests.

5. Services for Citizens

In 2024, Austrian lawyers provided gratuitous services to more than 37,000 citizens, either by counselling or representing them. These services include, amongst others, legal-aid services, the "Stand-by Legal Counselling Service for Arrested Suspects" (*Rechtsanwaltlicher Bereitschaftsdienst für festgenommene Beschuldigte*) as well as the gratuitous "Initial Legal Advice" (*Erste Anwaltliche Auskunft*). By providing these services, Austrian lawyers live up to their self-imposed claim of making an essential contribution to the rule of law.

6. Services for Bar Members

ÖRAK supports its members by offering lawyers a wide range of services. Especially in the field of Legal Tech, ÖRAK is committed to reacting to the challenges of digitalisation. For example, ÖRAK designed a tailor-made solution for lawyers to control digital signature processes, which can be used from any location and any terminal device to apply a digital signature to a document in a simple and qualified form.

7. Legal Aid

In 2024, lawyers were assigned under the legal-aid scheme to a total of 19,393 cases throughout Austria (14,752 criminal cases / 4,262 civil cases / 108 cases before the Constitutional

Court / 238 cases before the Supreme Administrative Court / 14 cases before the Regional Administrative Courts / 11 cases before the Federal Administrative Court / 0 cases before the Federal Finance Court). The value of the services provided under the legal-aid scheme amounted to more than EUR 38 million in 2024.

8. Stand-by Legal Counselling Service for Arrested Suspects – Arrest Hotline

A person becomes a “suspect” in criminal proceedings when suspected of having committed a punishable offence, on account of certain specific facts, and when investigations are conducted concerning that person, or constraint is exercised against him/her. In keeping with § 49, number 2 of the Code of Criminal Procedure (StPO), suspects have the right to retain a lawyer. As early as 2008, ÖRAK launched a stand-by service for arrested suspects, together with the Federal Ministry of Justice (BMJ), in order to facilitate the exercise of this right. Depending on the case, the service comprises a counselling interview either by telephone or in person as well as legal assistance during the examination, if required. The telephone number 0800 376 386 is available free of charge 24 hours/day and 7 days/week so that a lawyer can be contacted without delay.

In 2020 the Stand-by Legal Counselling Service for Arrested Suspects was re-organised when transposing the Directive on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings as well as the Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings. Since that date, recourse to this service has once again expanded tremendously. In 2025 alone (cut-off date: 28 January 2026), there were 4,591 on-site interventions and 3,666 telephone interventions conducted via the stand-by hotline. This high demand highlights the enormous importance of the service.

Together with the regional bars, ÖRAK is responsible for managing the stand-by service. In ongoing dialogue with the Federal Ministry of Justice, ÖRAK ensures the high quality and efficiency of this institution, which is of fundamental importance to the rule of law.

9. Access to Justice

For years, electronic legal transactions (ERV) with the general courts have been common practice in Austria. The system runs smoothly and to everybody’s satisfaction. In day-to-day legal practice, it saves time and costs and enables fast and secure communication between all participants. Following a long-overdue legislative amendment, submissions filed with administrative authorities by post and electronic submissions have been placed on an equal footing with regard to time limits since 2023. Another urgent concern of ÖRAK is the full integration of the Regional Administrative Courts and the Federal Finance Court into the ERV system. It is gratifying to note that eight of the nine Regional Administrative Courts are already accessible via ERV. All supreme courts have been connected to the ERV system since 2015.

10. Update of Rates for Legal Services

§ 25 of the Rates for Legal Services Act (RATG) stipulates that the Federal Minister of Justice has to determine by decree what surcharge has to be added to the fixed rates indicated in the rate scheme as remuneration due to lawyers, as well as to the amounts listed in § 23a of the Rates for Legal Services Act (RATG), if and whenever this appears to be necessary in order to ensure that lawyers earn an income that is adequate to and commensurate with changed economic conditions.

A change in economic conditions can be assumed whenever the consumer price index rises by 10%. The most recent adjustment in keeping with § 25 of the Rates for Legal Services Act (RATG) was made in May 2023 and amounted to 20%.¹

As early as April 2021, ÖRAK had applied to the Federal Minister of Justice for a determination of a surcharge in keeping with § 25 of the Rates for Legal Services Act (RATG). At that time, the consumer price index VPI 2015 showed a rise of 10.5%. In a further letter in April 2022, ÖRAK reminded the Federal Ministry of Justice of the application to determine the surcharge. ÖRAK succeeded in obtaining the surcharge required under the RATG only after applying considerable pressure and engaging in protest measures. It entered into force on 01 May 2023. At that time, the VPI 2015 index already showed a rise of 29.8%. **The increase that entered into force on 01 May 2023 therefore covered merely around two thirds of the actual inflation. Such serious deviation from inflation has not been experienced in earlier years.**

Ever since, the consumer price index VPI 2015 has gone up by a further 12.09% (VPI status of October 2024) – when taking into account the inflation rise not covered by the recent enactment of the surcharge. In consequence, ÖRAK submitted a further application to the Federal Minister of Justice requesting her, in agreement with the Main Committee of the National Council, to enact a surcharge by way of decree.

Every time when applying for a determination of the surcharge, ÖRAK also calls for an overhaul of § 25 of the RATG, in line with § 2 of the Reimbursement of Expenses Act (Aufwandersatzgesetz) and § 31a of the Court Fees Act (Gerichtsgebührengesetz), respectively. As in the past, the adjustments are made insufficiently and at irregular intervals, which leads to major disadvantages as well as legal uncertainties. This is to the detriment of Austria as a venue of litigation and as an industry location. On account of the current arrangements, only the price increases of the past are taken into account (and, by far, not to their full extent). The price increase between adjustments constitutes a burden on every individual lawyer as well as on the people seeking legal assistance, who depend on an adequate refund of their expenses. This is not ensured by the adjustment of rates for legal services.

11. Securing and Analysing Data and Data Carriers

On the basis of an expert opinion prepared by experts of the University of Vienna, ÖRAK calls for a comprehensive reform:

- To raise the requirements for securing communication media by introducing special provisions that are similar to those pertaining to the control of communications
- To draw up clear rules on how to handle discoveries by accident
- Transparency vis-à-vis accused persons in connection with seizures
- Shorter periods for the analysing process by introducing binding time limits
- To restrict the examination of files by co-accused persons – in analogy to the legal status of victims, private participants and private plaintiffs – to the extent that their interests are not affected
- To recognise the accused person's right to object when a person who is subject to professional secrecy pleads confidentiality

In its decision of 14 December 2023 (case number G352/2021), the Constitutional Court ruled that it is unconstitutional to secure mobile data carriers in criminal proceedings without first obtaining court authorisation. Some of the arguments listed in the court decision tally with ÖRAK criticism. In this context, ÖRAK also drew up specific possible solutions for new regulations. The 2024 Amendment of the Criminal Procedural Law stipulated new rules for the seizure of data carriers and data as well as their analysis. In the opinion of ÖRAK, there is further need

¹ [Federal Law Gazette BGBl II 131/2023.](#)

for action in this context, as the requirements listed in the decision of the Constitutional Court were not adequately taken into account. In particular, it is necessary to clearly distinguish between the persons and organisations processing and analysing the seized data.

12. Marketing Activities

The Austrian Bar is currently working on a strategic realignment of its marketing activities. The focus is on a new campaign which places less emphasis on advertising individual services and instead aims at strengthening the image of lawyers as reliable and independent points of contact who support citizens in legally and personally challenging situations and stand by them with competence.

Particular emphasis is placed on a contemporary and gender-sensitive representation. The campaign comprises concise banner visuals as well as complementary, more emotional TV spots with a storytelling approach. The concept is developed in close coordination with all Austrian bar associations.

In parallel, ÖRAK's social-media activities have been professionalised in recent years. Since the previous year, the focus has been on LinkedIn and Instagram. In particular, events, activities of the Presidency and central topics of the legal profession, such as women in the legal profession, mental health and issues relevant to young professionals, are communicated. The social-media strategy is deliberately primarily aimed at the legal community. The regular presence is reflected in steadily growing follower numbers and a gratifyingly high reach of posts.