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Access to the Austrian Supreme Court in civil law cases

I. Function

The Supreme Court is the court of ultimate resort in the field of ordinary courts. It has to safeguard that the law is applied uniformly thus guaranteeing legal certainty. It also plays an important role in developing the law.

II. Jurisdiction

The Supreme Court can hear and determine an appeal by a party to a civil proceeding against the decision of a court of appeal. A system of admissibility is only provided for civil law cases whereas the access to the Supreme Court in criminal cases solely depends on the nature of the crime.

III. Limitations

Whether an appeal to the Supreme Court is admissible depends on the amount at issue and on the matter involved. With the exception of certain family matters, tenancy disputes, some consumer disputes and labour law and social law cases, no appeal to the Supreme Court is admissible if the amount at issue does not exceed 4000 Euros.

Above 4.000 Euros and in the matters mentioned above, leave to appeal to the Supreme Court has to be granted if the outcome of the case depends on an important legal question.

IV. Important legal question

A question is important if there exist conflicting Supreme Court decisions, the legal issue has not been decided by the Supreme Court before, or the decision appealed against amounts to a substantial miscarriage of justice.

V. Leave to appeal to the Supreme Court

It is up to the courts of appeal to give leave to appeal to the Supreme Court. Their refusal to give leave is final only if the amount at issue does not exceed 20.000 Euros. In all other cases an extraordinary remedy can be filed with the Supreme Court itself. In any case, regardless of whether the court of appeal grants or refuses leave to appeal, the case will be ultimately heard by the Supreme Court only upon the Supreme Court's leave.

VI. Summary

The system provides a compromise between the Supreme Court's role of safeguarding uniform application of law and individual justice and the need to restrict the access to the Supreme Court in order to maintain its efficiency and, last but not least, the high standard of the decisions.