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Technological challenges, with particular attention being paid to the introduction of digital technology and artificial intelligence into the organisation of the administration and administrative justice

QUESTIONNAIRE

Responses from _**Austrian Supreme Administrative Court**_ (Please indicate your institution)

This questionnaire has been prepared in anticipation of the seminar to be held in Turin on 23 and 24 November 2026. In accordance with point 2 of the guiding principles adopted by the Hellenic Presidency of ACA-Europe, it aims to explore the current challenges facing administrative judges, particularly those related to technology, and more specifically the introduction of digitalisation and artificial intelligence into the organisation and functioning of the administration and administrative justice.

In order to gain an in-depth understanding of the various dimensions of these technological challenges, the survey is split into three parts:

Part A - The digitalisation of administrative proceedings, with a focus on the experience of various supreme administrative jurisdictions and the impact of this transformation on the organisation and conduct of judicial activity.

Part B - Automated administrative decision-making and judicial review by administrative courts, particularly issues of technical discretion, automation and the delimitation of judicial powers.

Part C - The role of the administrative judge and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, particularly in light of Regulation (EU) 2024/1689, known as the 'AI Act', as well as other European Union standards and regulations, such as Regulation (EU) 2016/679, known as the 'GDPR', Regulation (EU) 2022/2065, known as the 'DSA', and Regulation (EU) 2022/1925, known as the 'DMA'.

Part A

The digitalisation of administrative proceedings and the use of artificial intelligence tools by the administrative justice system

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Please note that the questions in Part A can only be answered from the perspective of the Austrian Supreme Administrative Court (SAC) as we do not have sufficiently detailed information regarding other administrative courts.

A.I – Infrastructure and technological organisation

A.I.1 – Digital equipment and resources

1. What is the level of digital equipment available to judges and administrative staff?

☐ Non-existent
☐ Limited
☐ Intermediate
☐ High
√ **Complete**

Please explain if necessary:

Judges and administrative staff have access to digital infrastructure and technical equipment necessary to facilitate remote work such as laptops and related IT resources (e.g. the Virtual Private Network - VPN, institutional email accounts). The SAC also uses video conference software for deliberations and meetings.

All Austrian courts have access to the legal information system (*Rechtsinformationssystem des Bundes*) which contains, on the one hand, most of the Austrian legislation, including provincial legislation, and, on the other hand, decisions of all courts, including those of the administrative courts and the Constitutional Court (https://www.ris.bka.gv.at/default.aspx).

Apart from this, judges and administrative staff have access to comprehensive legal research databases and may use a dictation program to draft judgments.

2. Is the technological infrastructure (networks, servers, equipment, connectivity) suited to the day-to-day operational needs of the administrative jurisdictions?

☐ Strongly disagree
☐ Somewhat disagree
☐ Neither agree nor disagree
☐ Somewhat agree
√ **Strongly agree**

Please explain if necessary:

The connectivity has been scaled to ensure optimal performance for the court. For IT-related issues a support hotline is available from Monday to Friday. Also, advanced security systems are implemented.

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A.I.2 – Cloud solutions, remote access and interoperability

3. To what extent does your jurisdiction use cloud-based solutions for its information systems?

☐ Not at all
☐ To a limited extent
☐ Moderately
√ **Extensively**
☐ Completely
Please explain, where applicable, and, in the absence of cloud solutions, specify the alternative infrastructure solutions implemented:

The main working tool of the judges, the digital case management system, is located in the cloud. Some tasks, however, are still processed locally.

3a. Do the adopted technical solutions enable judges and staff to perform their duties remotely using the institutional equipment made available to them? If so, please specify any limitations.

See question A.I.1.1. Judges and administrative stuff can use institutional equipment remotely. They have access to all digital applications necessary for the proper performance of their duties (e.g. access to the digital case management system) via VPN and can use all digital research databases.

3b. Are the applications being used interoperable with other national or cross-border judicial IT systems? If so, please specify the extent of this interoperability.

The Austrian administrative jurisdiction does not apply uniform file management systems. Therefore, most of the eleven first instance administrative courts as well as the SAC use different case management systems and full interoperability is not possible yet. However, the SAC successfully launched pilot projects with the Federal Administrative Court and the Federal Tax Court regarding the unification of the electronic submission of files. It is planned to start similar pilot projects with the other first instance administrative courts in the future.

A.II – Digitalisation and dematerialisation of judicial administrative proceedings

A.II.1 – Dematerialised administrative proceedings

4. Is a dematerialised judicial administrative proceedings system in place within your jurisdiction?

☐ No
☐ Yes, at an initial stage
☐ Yes, at an intermediate stage
√ **Yes, at an advanced stage**
☐ Yes, on a fully integrated basis

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Please explain if necessary:

As explained in the previous answer (see question A.I.2.3b), most of the first instance courts use different case management systems compared to the system used by the SAC. For this reason, transfer of cases between the SAC and first instance administrative courts (e.g. submission of the administrative file) is mainly not dematerialised. Exceptions are cases from the Federal Administrative Court and the Federal Tax Court which are already transferred digitally. With regards to the SAC itself, paper acts still exist parallel to digital acts.

4a. When this system exists at least at an initial stage, do judges and staff process and sign documents exclusively in digital format in their everyday working practice?

☐ Never
☐ Rarely
√ **Occasionally**
☐ Frequently
☐ Always

Please explain if necessary:

At the SAC, digital signatures are used in cases judges decide as reporting judges (e.g. in preliminary proceedings or decisions concerning legal aid). However, the implementation of a digital signature for panel decisions has not been completed yet.

4b. Percentage of paper files prior to the implementation of dematerialised administrative proceedings that have been digitised:

☐ 0–20%

☐ 20–40%

√ **40–65%**

☐ 60–80%

☐ 80–100%

A.II.2 – Digital services for members of the public, lawyers and public authorities
5. Are digital services available for filing documents, consulting files, notifications, payments or other related services? If so, please specify which ones.

Yes. Lawyers are, in general, obligated to transmit documents electronically.

6. Do these digital services guarantee an adequate level of accessibility for people with disabilities?

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☐ 0–20%

☐ 20–40%

☐ 40–65%

☐ 60–80%

√ **80 - 100%**

7. Are lawyers involved in the design, development and implementation of digital platforms and tools intended for their use?
If so, please specify the terms of this involvement.

N.a.

8. Are there any support and training measures in place for users outside the court system (lawyers, members of the public, government agencies) regarding the use of the digital tools available to them?

√ **YES**
□ NO

If so, please specify which ones

The SAC's websites (https://www.vwgh.gv.at/) provides all necessary information explaining the digital tools necessary for the submission of files.

A.III – Security of information systems and data protection

A.III.1 – Compliance with the regulatory framework

9. Do your jurisdiction's information systems comply with European and national standards on security, data protection and digital preservation?

☐ Strongly disagree
☐ Agree only slightly
☐ Indifferent
☐ Somewhat agree
√ **Strongly agree**

Please explain if necessary:

A.III.2 – Incident management and business continuity

10. Are IT security incidents dealt with promptly and effectively?
☐ Never

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☐ Rarely
☐ Occasionally
☐ Frequently
√ **Always**

11. Are business continuity and disaster recovery plans regularly updated and tested?

☐ Never
☐ Rarely
☐ Occasionally
√ **Frequently**
☐ Always

A.III.3 – Publicity and dissemination of court decisions

12. Are court decisions available online in their entirety?

☐ Never
☐ Rarely (only for the most significant decisions)
☐ Occasionally
☐ Frequently
√ **Always**

Please add any additional information and explain if necessary:

See question A.I.1.1.

13. Where a system for publishing decisions online is in place, is there an internal policy to ensure the protection of personal data and respect for the right to be forgotten?

☐ No
☐ No formalised policy; anonymisation is carried out by the registry services on a case-by-case basis
☐ No formalised policy; anonymisation is decided on a case-by-case basis on the instructions of judges
☐ Yes, personal data are systematically anonymised
√ **Yes, personal data are anonymised in accordance with an internal policy providing for targeted exceptions**

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☐ Other (please specify)

**All published decisions of the SAC are anonymised according to sec. 43 of the Supreme Administrative Court Act (*Verwaltungsgerichtshofgesetz*) and internal guidelines.
After a panel's session, legal clerks anonymise all decisions. Names, birthdates and addresses of the parties have to be removed, leaving only the initials of the name or an initial for the place of residence. Names of expert witnesses are reduced to their initials as well as names of associations. The name of the lawyer representing a party is not anonymised. Exceptions exist e.g. for the Austrian Public Broadcasting (*Österreichischer Rundfunk*) or similar public enterprises which are not anonymised.**

A.IV – Training and digital skills

14. Does your jurisdiction offer structured and regularly updated digital technology training courses for judges and staff?

If so, please specify which ones.

No, however, internal manuals (e.g. on the secure use of notebooks outside the workplace) are available.

A.V – Involvement of judges in digital transformation

15. To what extent are judges involved in decision-making and design processes relating to technological innovation and digital transformation in the judiciary? If applicable, please provide details.

Judges are occasionally involved in decision-making and design processes relating to technological innovation and digital transformation.

A.VI – Use of AI systems in administrative justice

A.VI.1 – Tools and level of deployment

16. Are artificial intelligence systems currently used to assist in judicial or administrative activities?

No.

16a. If so, which ones are used? (Please tick all that apply)

☐ Chatbots

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☐ Semantic search tools

☐ Automated anonymisation of decisions

☐ Text analysis and assistance with legal research

☐ Tools to assist with organisation and court management

☐ Other (please specify)

16b. Overall level of internal deployment of AI systems:

☐ Occasional or isolated use
☐ Trial phase
☐ Development phase
☐ Widespread use
☐ Full integration

Please explain if necessary:

A.VII – Governance, regulation and ethical framework for AI

A.VII.1 – Internal guidelines and regulatory compliance

17. Has your jurisdiction adopted any internal guidelines, charters or policies governing the use of AI systems, in particular in application of Regulation (EU) 2024/1689 (the AI Act), the GDPR and other relevant European instruments?

√ YES

□ NO

If so, please specify which ones.

The government has issued guidelines (*Praxisleitfaden für Digitale Verwaltung: KI, Ethik und Recht 2.0*) on the use of AI that apply across the entire public service.

18. Are AI systems subject to prior risk assessments?
□ YES

□ NO

If so, please specify the terms of these assessments

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N.a.

19. Are there specific requirements in terms of transparency for the use of AI systems? If so, please provide details.

N.a.

20. Is the use of AI systems accompanied by human oversight mechanisms?
□ YES
□ NO
If so, please provide details

N.a.

21. Are specific methodologies implemented during the design, development and deployment of AI systems to ensure their traceability, reliability, integrity and accuracy? If so, please provide details.

N.a.

A.VIII – Innovation, prospects and future needs

A.VIII.1 – Current innovation projects

22. Are there any innovation projects currently under way in the following areas? (please tick all that apply)

√ **Process automation**
√ **System interoperability**
√ **Modernisation of existing systems**
☐ Advanced digital services for external users
☐ AI systems
☐ Other (please specify)

A.VIII.2 – Barriers to digital transformation

23 What do you consider to be the main barriers to the digital transformation of administrative justice? (please tick all that apply)

√ **Complexity of the regulatory framework**

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√ **Insufficient financial resources**
√ **Lack of specialised human resources**
√ **Organisational complexity**
☐ Resistance to change and digital skills gap
√ **Cybersecurity risks and challenges**
☐ Other (please specify)

A.VIII.3 – Investment priorities

24. What do you think should be the priority areas for investment over the next few years? (please tick all that apply)

√ **Modernisation of infrastructure**
√ **Cybersecurity**
☐ Training and skills development
☐ Deployment of AI systems
☐ Interoperability at European level
√ **Complete digitalisation of administrative procedures**
☐ Other (please specify)

25. Please describe one or more good practices in digitalisation that have been implemented or are planned within your jurisdiction.

See question A.I.2.3b.

Part B
Automated administrative decisions and judicial review

B.I – Automated administrative decisions: substantive legality and procedure

1. Are there provisions in your legal system that authorise public administrations to use digital or algorithmic technologies in the exercise of their powers?

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√ YES

□ NO

If so:

1.a. According to these provisions, what are the authorised tools and the objectives pursued by their use?

1.b. What types of acts can be adopted using these technologies?
In particular, is the use of algorithms permitted for the adoption of administrative decisions involving discretionary powers?

The Austrian legal system permits automated decisions but not the use of AI in first instance administrative procedures. It regulates both partially and fully automated decisions. In case of a partially automated decision, authorities create the decision electronically but a separate approval of the decision (by the person in charge) is necessary. This kind of automated decision is possible in all administrative procedures as provided in sec. 18 paras 3 and 4 of the General Administrative Procedure Act 1991 (*Allgemeines Verwaltungsverfahrensgesetz*).

Fully automated decisions encompass the creation and approval of an administrative decision and, therefore, require a specific legal basis. E.g. sec. 41 para 3 of the Austrian Student Financial Support Act (*Studienförderungsgesetz*) reads as follows:

"[…] Decisions made using automated data processing do not require the signature of the approving person or certification and, if they do not bear the signature of the approving person or certification, are deemed to have been approved by the head of the study grant authority. However, they must bear an electronic signature according to the Austrian E-Government Act."

Also, the Austrian Federal Tax Code (*Bundesabgabenordnung* - BAO) allows the authorities to issue fully automated decisions, even including decisions based on discretionary provisions. For example, according to sec. 96 BAO, tax authorities can issue fully automatic decisions. This provision is applicable to sec. 135 BAO, among others, regulating late fees in case of unexusable delay of tax return. The assumption of an unexcusable delay can be challenged by means of legal remedies.

In addition, Austrian authorities may deliver their decisions electronically according to sec. 28 of the Austrian Service of Documents Act (*Zustellgesetz*).

The possibility to issue automated decisions should lead to more effective administrative procedures, especially in mass proceedings.

2. Are there provisions in your legal system governing the design, deployment and use of artificial intelligence systems employed by public administrations?

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□ YES

√ **NO**

If so,

2.a. what type of implementation measures are these? (for example, legislative or soft law):

2.b. Is there an obligation for public administrations to inform the public or individuals about the use of AI systems?

2.c. Are any authorities or bodies responsible for developing general rules or standards for the use of artificial intelligence within public administrations?

3. What conditions must be met to ensure the legality of administrative procedures involving the use of artificial intelligence systems?

In particular:

3.a. Is the decision-making administration required to indicate the type of algorithmic system used and its principal characteristics?

3.b. At what stage of the procedure must the administration provide information about the use of an algorithmic system and its characteristics?

3.c. Does the interested party have the opportunity to comment on or challenge the use or operation of the AI system before the final decision is made?

4. Are specific areas of administrative law in your country subject to express authorisation for the use of administrative decisions based on artificial intelligence systems?

5. Are there specific areas of administrative law in which the use of artificial intelligence systems for issuing administrative decisions is expressly prohibited?

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B.II – Judicial review of automated administrative decisions

6. Does national case-law recognise the legality of automated administrative decisions?

√ YES

□ NO

Please explain if necessary:

If so:

6.a. What principles and conditions have been identified by national case-law as necessary for these decisions to be legally valid?

6.b. Have any limitations been identified with regard to the possibility of delegating the administration's decision-making power to algorithmic systems?

6.c. In particular, which of the following principles must be respected, according to national case-law, when adopting an automated administrative decision? (Please tick all that apply)

√ Principle of transparency
√ Principle of non-exclusivity of human intervention ('human in the loop')
√ Principle of non-discrimination
□ Principle of knowledge and comprehensibility of algorithmic functioning
√ Principle of attributing the decision to an authority vested with power
□ Other (please specify)

The Constitutional Court established the main principles for automated administrative decisions already in 1987. The court approved the issuing of automated administrative decisions if, on the one hand, "the legally prescribed form of the automatically generated decision leaves no doubt as to its legally binding nature."
On the other hand, the decision must be attributable to the relevant administrative authority and must have been initiated by the authority specified therein, even if the official representative is not expressly named (see case of 16 December 1987, VfSlg. 11.590/1987).
Similarly, the SAC, emphasised the principle of a "human in the loop" in case of fully automated decisions. Such decisions must also be approved by the relevant authority. However, a presupposed approval is sufficient if provided by the law (see case of 24 April 1986, 86/17/00720 and the example provided for at question B.I.1.1b).

7. Has national case-law ruled on the nature and legal classification of the algorithm or AI system used for administrative decision-making?

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No.

8. What are the limits of the judicial review that administrative judges can exercise over automated administrative decisions?

There are no limits of judicial review. Automated decisions must meet procedural and substantive requirements in the same way as traditional decisions. Guarantees as the right to be heard, reasoning and the right to legal protection must be complied with.

9. According to national case-law, is the right of access to the algorithmic process that led to the automated administrative decision recognised?

□ YES
√ **NO**

If so:
9.a. What information relating to the AI system (data, logic, key parameters) must be made available to the party concerned?

Part C
Administrative judges and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, in light of Regulation (EU) 2024/1689 (the 'AI Act') and other European Union standards and regulations, such as the GDPR, the DSA, the DMA, etc.

1. Does your country recognise, at constitutional level, principles that expressly refer to the use of artificial intelligence in the performance of judicial functions?

□ YES

√ **NO**

If so, please specify which ones

2. Has your country adopted or is it in the process of adopting national measures to implement Regulation (EU) 2024/1689 (the AI Act) concerning the use of artificial intelligence

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to support judicial decision-making, which is classified as a 'high-risk' activity (Annex III, point 8(a))?

□ YES

√ NO

If so:

2.a. What is the nature of these measures (legislative, regulatory, guidelines, soft-law instruments)?

2.b. For what purposes is the use of AI permitted? (Please tick all that apply)

□ Research and interpretation of the law

□ Research and assessment of the facts

□ Application of the law to a specific factual situation

□ Administrative activities that are purely ancillary (recital 61 of Regulation (EU) 2024/1689)

Please explain if necessary:

2.c. What measures are taken to ensure human oversight (Article 14 of Regulation (EU) 2024/1689)? In particular, under what conditions is the user able to ignore, cancel or override the result produced by the artificial intelligence system (Article 14(4)(d) of the AI Act), or to suspend or interrupt its use (Article 14(4)(d) of the AI Act)?

2.d. What regulatory measures have been adopted to ensure the transparency, accuracy and robustness of the artificial intelligence system used (Articles 13 and 15 of Regulation (EU) 2024/1689 – the AI Act)?

3. Are there any official forms of testing or use of artificial intelligence systems for decision-making or generating judicial decisions currently in place in your country?

□ YES

√ NO

Please explain if necessary:

If so:

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3.a What do they consist of?

3.b. What data sets are used?

3.c. Is the software used publicly owned or provided by private operators?

3.d. Have any biases been identified in its operation? If so, what kind?

4. Are measures planned in your country to ensure a sufficient level of artificial intelligence literacy specifically for judges (Article 4 of Regulation (EU) 2024/1689)?
□ YES

√ NO

If so:

4.a. What do these measures consist of?

4.b. Is specific training planned to prevent or limit the phenomenon known as 'automation bias' (Article 14(4)(b) of the AI Act)?

□ YES

√ NO

Please explain if necessary:

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5. Is the use of generative or agentic artificial intelligence systems permitted in your country to assist in the drafting of procedural documents or court decisions?

To help you understand the question better: **generative artificial intelligence (AI)** is a category of AI models which, thanks to machine learning and training on vast amounts of data, are capable of creating original content (text, images, videos, music, etc.). **Agentic AI** is described as a system capable of autonomously planning, making decisions and executing complex tasks with minimal human intervention to achieve a defined objective [source: OECD].

6. Has the national case law of your country addressed issues concerning the interpretation and application of EU Regulation 2024/1689?

□ YES

√ **NO**

Please explain if necessary:

6.a. If yes, which principles have been established?

7. Have national courts of your country submitted preliminary rulings to the Court of Justice of the European Union regarding EU Regulation 2024/1689?

□ YES

√ **NO**

Please explain if necessary:

7.a. If yes, which questions were referred? What answers has the Court of Justice of the European Union provided?

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