

Fragmentation of Legal Information Sources

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Legal practitioners need **legal sources** (laws, case law) and **legal information sources** (databases) to solve legal issues

→ Several levels must be taken into account:

- European Union
- national level
- state level
- municipalities

→ Fragmentation:

- of central importance: RIS (*Rechtsinformationssystem des Bundes*)
- but also many other legal information sources (different websites and platforms)

Some legal information sources

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General legal information sources

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	<i>RIS</i>	<i>OTHER PLATFORM</i>
Legislation	<ul style="list-style-type: none">➤ all federal laws➤ all state laws (some since 2014)➤ few laws of municipalities	<ul style="list-style-type: none">➤ many laws of municipalities on the municipalities' own websites
Case Law	<ul style="list-style-type: none">➤ all decisions of highest courts➤ all decisions of lower administrative courts➤ almost no decisions of district courts, regional courts and higher regional courts➤ decisions of some authorities (e.g. Data Protection Authority)	
Other Source		Examples: <ul style="list-style-type: none">➤ preparatory materials legislation (Parliament)➤ guidelines/ case law on tax matters (FinDok)➤ materials on social security issues (SozDok)➤ statements, interpretations, guidelines of authorities (e.g. FMA, BWB)

 <p>Gesamt: 2.095</p>	<h3>Municipalities</h3> <ul style="list-style-type: none">➤ have their own websites➤ larger municipalities publish official journals (Amtsblätter), also on their websites
	<h3>Labour Law</h3> <ul style="list-style-type: none">➤ https://www.wko.at/service/kollektivvertraege.html➤ publication of collective agreements on the website of the Austrian Chamber of Commerce
	<h3>Banking Law, Capital Markets Law</h3> <ul style="list-style-type: none">➤ Financial Market Authority: https://fma.gv.at➤ links to applicable provisions in RIS; links to EU law➤ guidelines of the FMA on certain issues; comments➤ company databases, investor warnings, changes to concessions, sanctions

 Bundeswettbewerbsbehörde	<h3>Competition Law, Antitrust Law</h3> <ul style="list-style-type: none">➤ Federal Competition Authority: https://bwb.gv.at➤ views on general competition law issues➤ publication of mergers
	<h3>Tax Law</h3> <ul style="list-style-type: none">➤ FinDok: https://findok.bmf.gv.at➤ financial documentation of the Ministry of Finance about tax and tariff-related questions, guidelines, decrees➤ FAQs on international tax law
	<h3>Edict Database (<i>Ediktsdatei</i>)</h3> <ul style="list-style-type: none">➤ https://edikte.justiz.gv.at➤ insolvency database; edicts of the land register courts and companies register courts➤ court auctions, involuntary administration➤ announcements (e.g. declarations of death); decisions of Cartel Court

 <p>österreichisches patentamt</p>	<h3>Intellectual Property Law</h3> <ul style="list-style-type: none">➤ Patent Authority: https://www.patentamt.at➤ announcements➤ trademark and design databases
 <p>RTR</p>	<h3>Telecommunications Law</h3> <ul style="list-style-type: none">➤ Regulatory Authority for Broadcasting and Telecom: https://www.rtr.at➤ edicts and announcements➤ decisions➤ consultation proceedings (in connection with telecommunications operators)
 <p>SV ÖSTERREICHISCHE SOZIALVERSICHERUNG</p>	<h3>Social Security Law</h3> <ul style="list-style-type: none">➤ SozDok: https://www.sozdok.at➤ documentation of the Austrian social security law➤ Austrian social security laws, related implementing regulations and international law➤ legislative preparatory works, court decisions, decrees



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🏠 > Services

Services

Neue digitale Amtsservices

Diese Dienste können Sie direkt hier auf oesterreich.gv.at nutzen:

Wohnsitzänderung An- und Abmeldung & Umzug der gemeldeten Wohnsitz	Schwangerschaft & Geburt Aufgabenliste anlegen und Erstaussstellung der Urkunden für Ihr Kind beantragen	Reisepass ablegen Sicheres Hinterlegen und automatische Erinnerung	Wahlkarte beantragen Dieses Service ist derzeit nicht verfügbar
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Weitere Services

Diese Services können Sie – wenn Sie schon bei oesterreich.gv.at eingeloggt sind – ohne nochmalige Identifizierung nutzen.

Mein Postkorb	Meldebestätigung	Meldeauskunft	Strafregisterbescheinigung
Aktuelle Volksbegehren	Brutto-Netto-Rechner (inkl. Familienbonus Plus)	Justiz Formulare	Wohnsitz Abmeldung
Pendlerrechner	Geburtsanzeige / Todesanzeige	Zentrales Waffenregister	



Unternehmensservice Portal Themen Services Behörden Formulare 🔍 🧑

🏠 > Online-Verfahren

Online-Verfahren

- E-Government-Anwendungen über Single-Sign-On im USP
- E-Government-Anwendungen ohne Single-Sign-On
- E-Government-Anwendungen – Weitere Informationen

Folgende Anwendungen sind in das USP eingebunden und können nach Anmeldung im USP direkt aufgerufen werden (Kundmachung gemäß § 4 Abs 1 Unternehmensserviceportalgesetz – USP-G):

E-Government-Anwendungen über Single-Sign-On im USP	Zuständige Stelle
E-Government-Anwendungen des Bundesministeriums für Digitalisierung und Wirtschaftsstandort	
eGründung für Einzelunternehmen	BM für Digitalisierung und Wirtschaftsstandort
Elektronisches Postfach – MeinPostkorb	BM für Digitalisierung und Wirtschaftsstandort
Elektronische Standortverlegung	BM für Digitalisierung und Wirtschaftsstandort
E-Government-Anwendungen des Bundesministeriums für Finanzen	
FinanzOnline	BM für Finanzen



- ✓ regional planning laws
- ✓ land use plan
- ✓ land development plan

Regional planning is a state power.

Each state has its own regional planning laws, which are available in RIS.

The land use plan (*Flächenwidmungsplan*) and the land development plan (*Bebauungsplan*) are decrees of the municipalities.

Some, but not all of them are available online; others can only be inspected at the respective municipal office.

Sometimes, the publication of a new land-development plan is announced on the municipality's website.

Example: Building Law



- ✓ **building laws**
- ✓ **construction regulations**
- ✓ **case law**
- ✓ **announcements of public hearings**

Building law is within the powers of the states. The implementation is the responsibility of municipalities.

Laws and decrees pertaining to construction regulations (ÖNORMEN, guidelines of the Austrian Institute for Building Technology (*OIB, Österreichisches Institut für Bautechnik*)) are not available in RIS; some are available on other websites.

Decisions of highest courts and regional administrative courts are available in RIS. However, only selected decisions of lower civil courts are available online.

Many decisions of public bodies, such as building authorities are not publicly available.

Announcements of public hearings concerning business facilities are published on the website of the municipality or administrative authority of the district (*Bezirksverwaltungsbehörde*)

In addition, we need to consider the level of the European Union:

- EU law is available on the EUR-Lex platform
- EU case law can be accessed on Curia, the ECJ's platform



EUR-Lex



In addition, guidelines of other European institutions may be relevant for the interpretation of the provisions:

- Guidelines of the European Banking Authority (EBA) e.g., Guidelines on ICT and security risk management
- Guidelines, recommendations, best practices the European Data Protection Board (EDPB), e.g., Guidelines on consent under GDPR
- Guidelines and technical standards of the European Securities and Markets Authority (ESMA), e.g., MAR Guideline on delay in the disclosure of inside information



European Data Protection Board



European Securities and Markets Authority

- RIS comprises large part of Austrian legal sources
- Access to additional legal information (e.g. municipalities, certain case law etc.) is fragmented or not available electronically
- The same is true for materials necessary for the interpretation of legal sources (e.g. guidelines on tax issues etc.)
- Fragmentation also results from the need to consider (directly applicable) EU law and EU case law

Much of the information is available online (e.g. on different websites in HTML or Pdf), but we need a central access point to make it easier to find and search the sources.