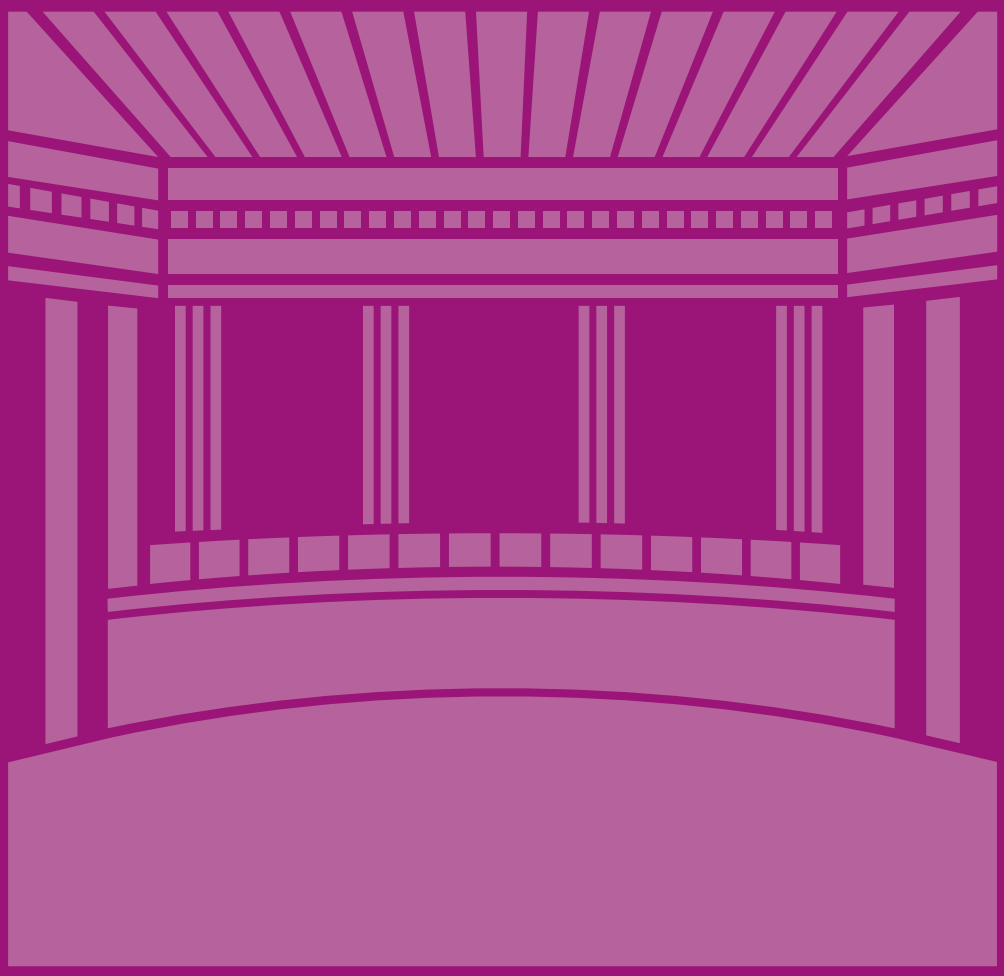
Constitutional Court of Austria

Activity Report 2025



VfGH
Verfassungsgerichtshof


VERFASSUNGSGERICHTSHOF
Verfassungsgerichtshof
VfGH

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Foreword

The year 2025 was another year of high workload. In comparison to previous years, the total number of cases in 2025 has fallen slightly. Nevertheless, the workload remained high, especially considering that again numerous complex cases had to be decided. With an average duration of proceedings of 97 days, the workload was handled very quickly again.

Since mid-2025, the bench of the Constitutional Court has once again been fully staffed. Two highly qualified new members have been appointed: Angela Julcher, who has already served as a substitute member of the Constitutional Court for ten years and is a justice at the Supreme Administrative Court, and Stefan Perner, professor of civil law at the Vienna University of Economics and Business.

The wide range of training opportunities available to legal clerks of the Constitutional Court continues to ensure that draft decisions can be prepared thoroughly. In the area of asylum and immigration law in particular, events such as the annual "Asyltag" (Asylum Day) facilitate the exchange of ideas among staff dealing with these issues.

In the reporting year, numerous important decisions were made on complex legal issues. Particularly noteworthy are the repeal of the ban on so-called "social egg freezing" and the granting of two challenges to non-binding referendums in Lower Austria and Carinthia on the construction and operation of wind turbines.

Numerous international and bilateral contacts were maintained and expanded during the reporting year. As the oldest constitutional court in the world, the Constitutional Court traditionally plays an important role in this regard. A detailed description of international activities and bilateral meetings with other constitutional courts, as well as a brief overview of the most important content, is included in this activity report.

Constitution Day is traditionally celebrated by the Constitutional Court on 1 October to mark the adoption of the Austrian Federal Constitution in 1920. In the reporting year, the celebration was attended by Federal President Van der Bellen and many other high-ranking guests. Angelika Nußberger, former Vice-President of the ECtHR and current Vice-President of the Constitutional Court of Bosnia and Herzegovina, a proven expert in human rights and international law, was the keynote speaker. Her speech is included in this report.

Fifty years ago, the Individual Application ("Individualantrag") was introduced as a new legal remedy enabling individuals to challenge the constitutionality of laws or regulations. To mark this occasion, a conference organised by the federal foundation "Forum Verfassung" and several universities was held on the premises of the Constitutional Court. In addition to an article by Martina Kofler-Schlögl on individual Applications, this year's activity report also includes an interview, this time with Barbara Stelzl-Marx, Chair of the Board of Trustees of the federal foundation "Forum Verfassung".

Prof. Christoph Grabenwarter
President of the Constitutional Court

Prof. Verena Madner
Vice-President of the Constitutional Court

I Factum est

meetings of plenary sessions

50

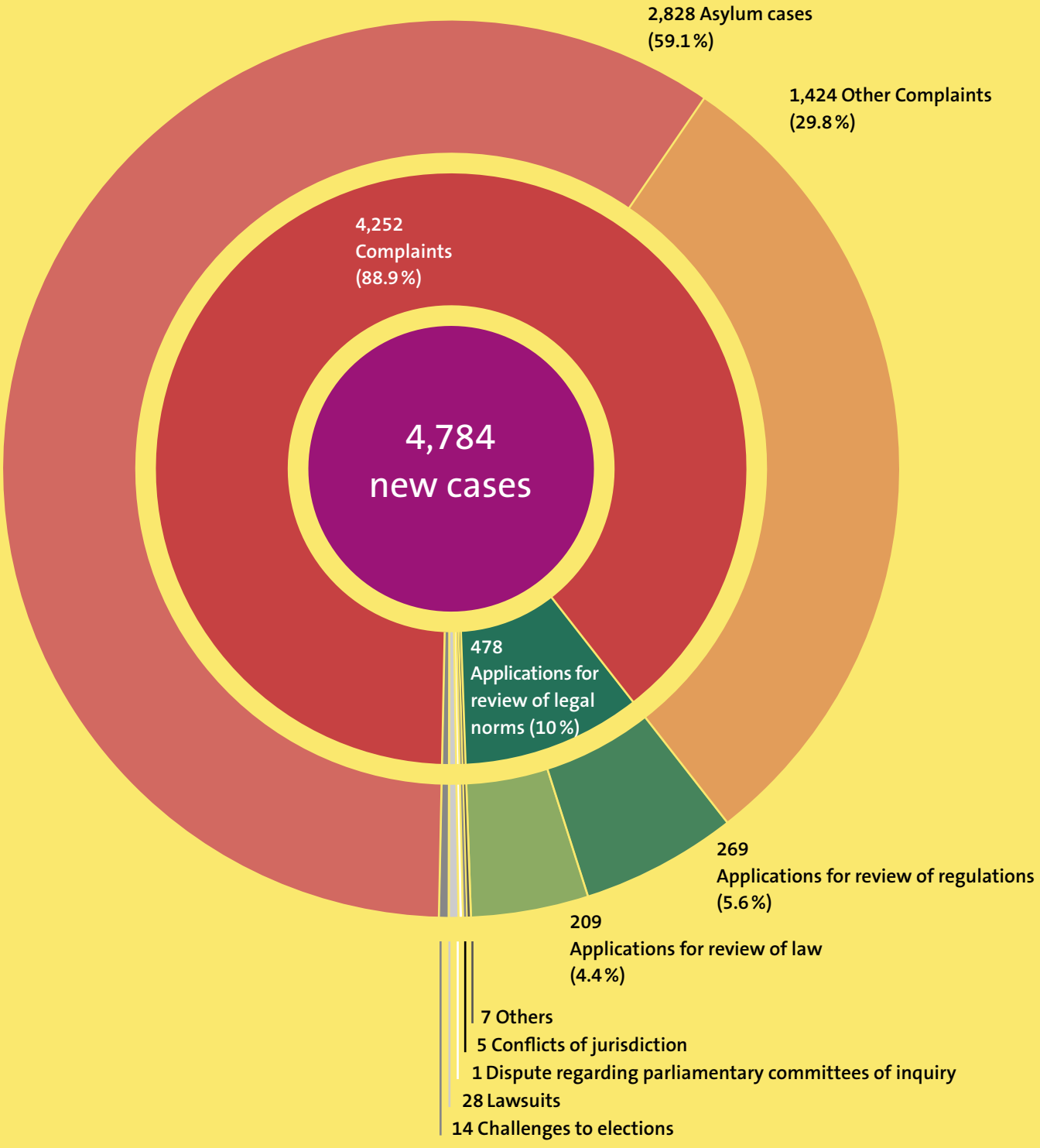
1 year

97 days
average duration of proceedings

2025 in Figures

The Constitutional Court may in particular be called upon to deal with

- Complaints against rulings by administrative tribunals (Art. 144 B-VG)
- Applications for review of laws, regulations and state treaties (Art. 139, 140, 140a B-VG)
- Lawsuits against territorial authorities on grounds of certain property claims (Art. 137 B-VG)
- Challenges to elections (Art. 141 B-VG)
- Disputes regarding parliamentary committees of inquiry (Art. 138b B-VG)



Personnel, Budget, Website

14
Members

28.57 %
Women

71.43 %
Men

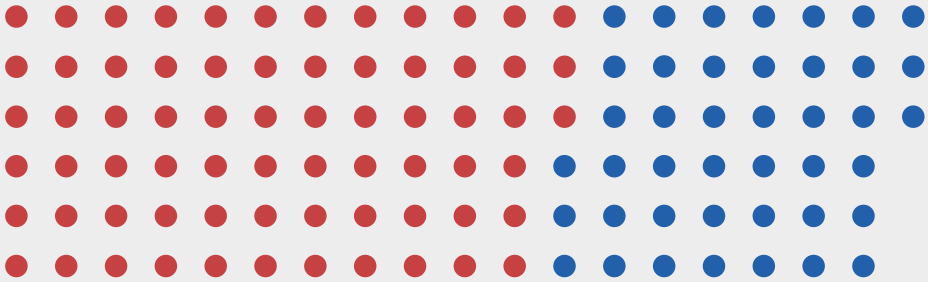
6
Substitute Members

20 %
Women

80 %
Men

vacant
(2nd half of 2025)

111
Employees



62.16 %
Women (69)

37.84 %
Men (42)

Budget 2025

€ 20.71 Mio.

Website 2025

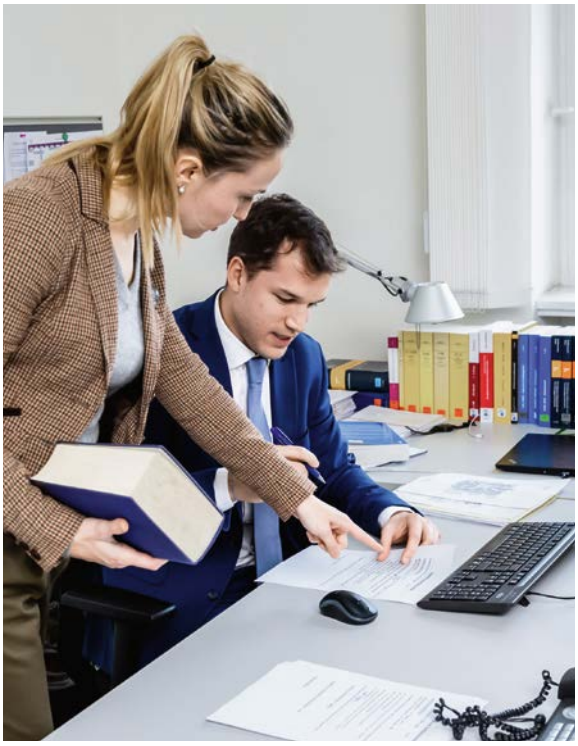
2.33 Mio.
total visits

12.35 Mio.
page impressions

Citizens' Service 2025

42
written submissions per month

195
telephone enquiries per month



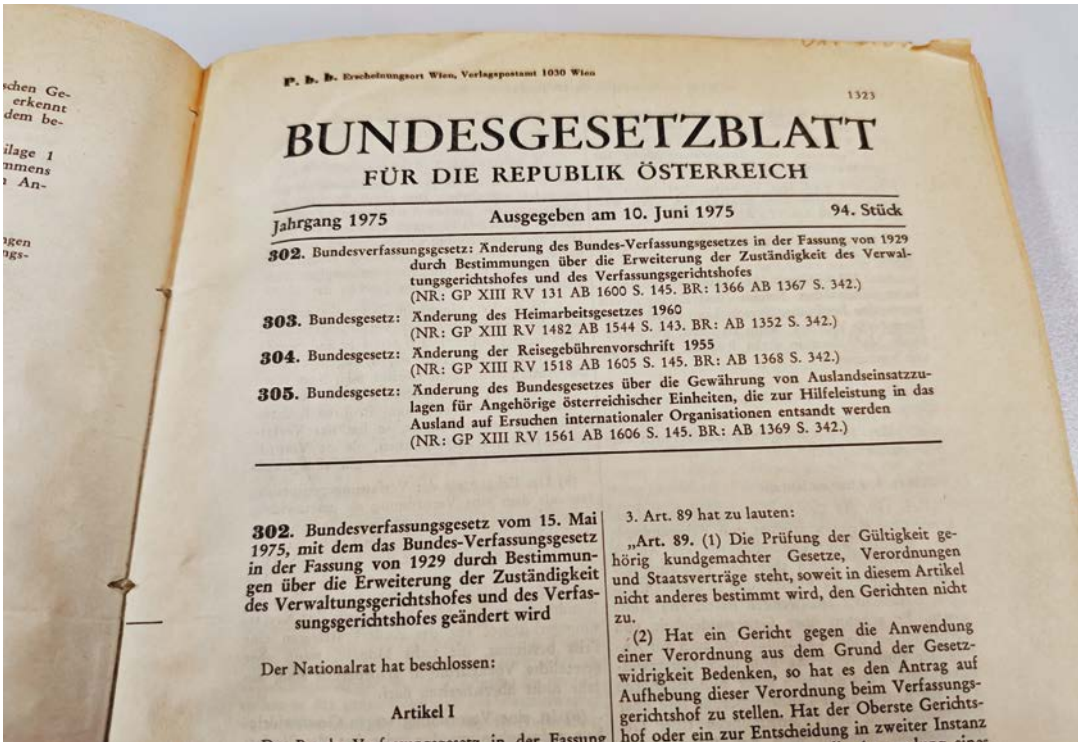
Interesting Facts: Individual Applications

Since the 1975 amendment to the Constitution (Federal Law Gazette 302/1975), i.e. for almost fifty years now, individual applications have supplemented the range of options available under Article 139(1) and Article 140(1) of the Constitution for initiating a procedure for the review of laws and regulations. For the first time, individuals themselves could bring concerns about legal norms directly to the Constitutional Court (VfGH). Although this unique feature was lost in 2015 with the introduction of the application by a party to a lawsuit ("Parteiantrag auf Normenkontrolle", Federal Law Gazette I 114/2013), direct access to the Constitutional Court, regardless of the specific case, has remained unique to this day.

The 1975 amendment to the Constitution and the decision VfSlg. 8009/1977

The 1975 amendment to the Constitution was generally characterised by the expansion of constitutional jurisdiction, within the framework of which (as previously proposed in literature) the position of the individual was also strengthened, however without establishing a generally rejected popular complaint. The newly created legal protection instruments were, in principle, welcomed unanimously, and at the same time the literary discourse on the meaning of the wording of the constitutional statute was controversial. It remained unclear under which exact conditions individuals could make use of this newly granted possibility. The "ill-conceived linguistic formulation" (Kurt Ringhofer) and the "deficient wording" (Bernd-Christian Funk) resulting from the "hasty" (Bernhard Raschauer) reform process were denounced. Bernd-Christian Funk even spoke of a "half-finished product" in the style of the "established tradition of haphazard constitutional amendments".

The first individual applications were submitted on 1 July 1976, the day the 1975 amendment to the Constitution came into force. The Constitutional Court took one of these proceedings as an opportunity to provide initial clarification on the open questions. In its decision VfSlg. 8009/1977, the Court clarified the admissibility requirements for individual applications, thereby establishing a long tradition of rejections: In what have since become familiar words, the Constitutional Court stated that the legitimacy of an individual application requires the interference of the contested legal norm with an allegedly violated legal sphere of the applicant – which, the Court immediately clarifies, does not necessarily have to be guaranteed by constitutional law. Only those who are the addressees of the contested legal norm, or against whom it is directed, are entitled to contest it. The interference must be direct, i.e. caused by the legal norm itself in a material sense and not merely by its application. This is the case if the nature and extent of the interference are clearly defined by the legal norm, the legal sphere is currently affected and there is no other reasonable way to challenge the law or the regulation before the Constitutional Court. The Constitutional Court derived these principles, which sound self-evident today, primarily



P. b. b. Erscheinungsort Wien, Verlagspostamt 1030 Wien

1323

BUNDESGESETZBLATT

FÜR DIE REPUBLIK ÖSTERREICH

Jahrgang 1975 — Ausgegeben am 10. Juni 1975 — 94. Stück

302. Bundesverfassungsgesetz: Änderung des Bundes-Verfassungsgesetzes in der Fassung von 1929 durch Bestimmungen über die Erweiterung der Zuständigkeit des Verwaltungsgerichtshofes und des Verfassungsgerichtshofes
(NR: GP XIII RV 131 AB 1600 S. 145. BR: 1366 AB 1367 S. 342.)

303. Bundesgesetz: Änderung des Heimarbeitsgesetzes 1960
(NR: GP XIII RV 1482 AB 1544 S. 143. BR: AB 1352 S. 342.)

304. Bundesgesetz: Änderung der Reisegebührenvorschrift 1955
(NR: GP XIII RV 1518 AB 1605 S. 145. BR: AB 1368 S. 342.)

305. Bundesgesetz: Änderung des Bundesgesetzes über die Gewährung von Auslandseinsatzzulagen für Angehörige österreichischer Einheiten, die zur Hilfeleistung in das Ausland auf Ersuchen internationaler Organisationen entsandt werden
(NR: GP XIII RV 1561 AB 1606 S. 145. BR: AB 1369 S. 342.)

302. Bundesverfassungsgesetz vom 15. Mai 1975, mit dem das Bundes-Verfassungsgesetz in der Fassung von 1929 durch Bestimmungen über die Erweiterung der Zuständigkeit des Verwaltungsgerichtshofes und des Verfassungsgerichtshofes geändert wird

Der Nationalrat hat beschlossen:

Artikel I

3. Art. 89 hat zu lauten:

„Art. 89. (1) Die Prüfung der Gültigkeit gehörig kundgemachter Gesetze, Verordnungen und Staatsverträge steht, soweit in diesem Artikel nicht anderes bestimmt wird, den Gerichten nicht zu.

(2) Hat ein Gericht gegen die Anwendung einer Verordnung aus dem Grund der Gesetzwidrigkeit Bedenken, so hat es den Antrag auf Aufhebung dieser Verordnung beim Verfassungsgerichtshof zu stellen. Hat der Oberste Gerichtshof oder ein zur Entscheidung in zweiter Instanz

from the vague wording of the Constitution. The requirement of the absence of a reasonable alternative way – referred to in the literature as an invention of the Court – was succinctly justified with the "genesis" of the 1975 amendment to the Constitution.

This warrants closer examination: The 1975 amendment to the Constitution did not originate from the government bill assigned to it (which was RV 131 BlgNR 13. GP). The sole purpose of this bill was to establish a new supervisory body in the form of the Ombudsman's Office, a goal that, as is well known, the legislature did not achieve until the 1980s with Federal Law Gazette 350/1981. In the course of the deliberations of the (sub)committee in the National Council in Parliament, however, the proposed legislation was adapted to expand and improve existing legal protection mechanisms. At the end of the legislative process in 1975, the result was therefore completely different from what had been envisaged in the legislative initiative. However, this was preceded by a thought process that is not immediately apparent from the documentation of the legislative process. Conceptually, reference was made to two draft bills from 1967 (March and November drafts) by the Constitutional Service of the Federal Chancellery and to another draft (provisional draft) that was attached to a report by the Federal Government to the National Council in 1968. Although none of these drafts took the form of a government bill, the 1975 amendment to the Constitution is based on them. All three drafts contained proposals that differed slightly in wording and provided little explanation of the individual application. However, when viewed as a whole, it is clear that the individual application was only intended to supplement the system and should only be available where there was no other way to challenge a law or a regulation before the Constitutional Court. The aim was to expand the circle of those entitled to apply in the review procedure without counteracting the previous clear endeavour to keep it small in principle. This is because every challenge to a legal norm is accompanied by momentum of legal uncertainty, and every cassation is accompanied by manipulation of the will of the people as expressed in the legal norm. Although these thoughts were general in nature, they also explain the Constitutional Court's restrictive approach to the admissibility of individual applications from the outset, especially since the Court had already pointed out the risk of being overburdened.

The 1968 report also notes that the new construct of the individual application is based on the German constitutional complaint, insofar as it is also directed against general legal acts. Section 90 of the German Federal Constitutional Court Act is limited to the assertion of violations of fundamental rights and is formulated in even more diffuse terms than its Austrian counterpart. However, the German Federal Constitutional Court had already worked out in detail that only those who are currently and directly affected in their sphere of fundamental rights by the legal act itself and who have no reasonable alternative available to them can lodge a complaint. These criteria, in particular the absence of a reasonable alternative – which, incidentally, is also referred to in German

literature as an invention of the German Federal Constitutional Court – were thus also incorporated into Austrian case law. In both cases, a strict requirement of subsidiarity is derived from the vague wording of the provision.

The decision VfSlg. 8009/1977 set clear, immovable boundaries. From then on, many other applications met the same fate of rejection. The exceptional nature, the gap-filling function and the endeavour to avoid duplication in legal protection were continuously reflected in the case law of the Constitutional Court. The Court remained remarkably faithful to its fundamental line over the decades, but continued to develop its criteria within the system.

Legitimising concern

Thus, in the legal sphere, legitimising concern continues to exist primarily when the applicant is the addressee of the norm, while non-addressees are at best considered to be factually affected and their application would therefore be inadmissible (Constitutional Court 27 June 2023, G 106/2022; VfSlg. 20.520/2021). However, this principle is by no means applied apodictically. Even if the contested legal norm does not address or oppose specific persons in its wording, these persons may still be addressees according to the purpose and content of the norm. Legitimacy to file an application can therefore also be assumed (if the other requirements are met) if the legal act merely has an effect on a legally protected sphere, as it were. Otherwise, effective legal protection would sometimes depend on the coincidence of legislative design. In this sense, the Constitutional Court, referring to negative religious freedom, allowed an individual application of children and their parents, which challenged the obligation addressed exclusively to kindergarten operators to display crucifixes in the group rooms of kindergartens (VfSlg. 19.349/2011). Similarly, the blanket prohibition of assisted suicide addressed to third parties pursuant to Section 78 of the Criminal Code would have had the same effect as an order addressed to persons wishing to die, because it made it impossible for them to obtain the desired assistance from third parties in committing suicide (VfSlg. 20.433/2020); the (ultimately successful) individual application was admissible.

Current interference

With regard to the sometimes seemingly strict requirement of currency of the interference, the Constitutional Court has also shown a certain degree of flexibility over the years, based on the respective need for legal protection. In principle, the admissibility of an individual application requires a current interference with the applicant's legal sphere with regard to a specific life situation for which the incriminated norm has become effective. This applies both to the time of filing the application and to the time of the Constitutional Court's decision (Constitutional Court 16 September 2024, V 9/2024). Contesting "in advance" is therefore inadmissible in any case; however, it is also unreasonable to expect the applicant to wait until the legal remedy has become completely useless and ineffective. For example, the application of a woman who wanted to designate an undertaker of her choice during her lifetime was admissible, even though the contested Vienna Corpse and Burial Act merely regulated the subsequent treatment of her corpse. However, since it was not possible for the applicant to make arrangements for the handling of her body beyond the time of her death during her lifetime, the interference with her legal sphere was to be regarded as current (VfSlg. 19.904/2014). In its decision on assisted suicide, the Constitutional Court also considered an applicant who was not ill to be currently affected, as he too would have to be able to make arrangements for a self-determined end of life in good time in advance, i.e. while still in completely good health (VfSlg. 20.433/2020).

Only legal norms that are in force have effects that relate to the present. However, even here, the Constitutional Court allows for exceptions and recognises a legitimate current concern even before a legal norm comes into force if its future legal effects are certain and it would be unreasonable to wait. This is the case, for example, if the legal norm has advance effects and precautions would have to be taken in advance, for example in the form of reconstruction or further training (VfSlg. 19.352/2011, 20.065/2016). The same applies if there is a risk of losing an authorisation (VfSlg. 16.582/2002, see also VfSlg. 16.250/2001) or the demise of a legal entity (VfSlg. 19.894/2014). Even a legal norm that has already expired may, in exceptional cases, still have legal effects if the need for legal protection continues to exist (VfSlg. 10.820/1986). This principle recently became particularly relevant during the COVID-19 pandemic. The adaptive legal situation led to a series of short-term measures that were challenged but regularly expired before the Constitutional Court could rule on them. In order not to remove these legal acts from constitutional review or to refer those affected to the deliberate provocation of a penalty, the Constitutional Court recognised a continuing interest in legal protection even after the legal act had expired, provided that the legal act was still in force at least at the time of the application (fundamental VfSlg. 20.397/2020).

This is strikingly reminiscent of some successful complaints on points of law for violation of the right to one's lawful judge under Article 83(2) of the Constitution. For example, an administrative court had dismissed an appeal regarding a refused event permit on the grounds of lack of interest in legal protection after the end of the planned event period. However, the Constitutional Court held that this would have deprived the complainant of legal protection in general, especially since the decision could also be significant for future events. The administrative court had therefore wrongly refused to rule on the case (VfSlg. 20.461/2021). In this sense, the continued existence of legal interest in individual applications seems to be primarily due to the short-lived COVID legislation, in order to close gaps in legal protection that would have arisen from a chain of short-term legal acts. This ensures legal protection where it would otherwise not have been possible, in line with the purpose of the individual application. Apart from such special circumstances, however, the Constitutional Court continued to refrain from admitting individual applications against legal acts that were in force at the time the individual application was filed but not at the time of the decision on it (Constitutional Court 25 January 2024, V 32/2023; 28 February 2023, V 258/2022).

Subsidiary legal remedy

The individual application is conceived as a subsidiary legal remedy. If there is another way to bring concerns about a legal norm to the attention of the Constitutional Court, this route must be taken. If it is possible for the individual to initiate administrative or judicial proceedings in which the disputed norm is prejudicial, a complaint pursuant to Art. 144(1) second alternative of the Constitution or an application by a party to a lawsuit pursuant to Art. 139(1)(4) or Art. 140(1)(1)(d) of the Constitution shall be lodged. However, the criterion of (un)reasonableness offers considerable scope for interpretation, whereby it is in any case considered unreasonable to commit a criminal act in order to provoke a contestable penalty. However, if such a penalty has already been imposed without seeking recourse to the Constitutional Court, this also precludes a future individual application, even if the person punished continues to be affected in the same aspect in his or her legal sphere (Constitutional Court 25 February 2025, V 120/2024; 28 February 2020, G 287/2019; 18 February 2016, G 608/2015; VfSlg 11.315/1987). The Constitutional Court has already indicated a certain relaxation in this regard as, although it has rejected some applications, it has pointed out that little time has passed since the proceedings that constituted the detour. Between the lines, it is therefore suggested that an unused detour would only be a kind of time-out for a (not yet clearly defined) period of time (on criminal proceedings VfSlg. 11.505/1987; generally VfSlg. 12.754/1991, 16.666/2002, 19.610/2011).

The Constitutional Court also made it easier to file applications by relaxing the requirements for defining the extent of the contestation in applications in general and thus also for individual applications. An overly broad extent of contestation in an individual application no longer precludes its admissibility; rather, it is partially withdrawn or rejected (Constitutional Court 27 February 2025, G 168/2024). Rejections on these grounds (VfSlg. 19.198/2010) thus belong to the past, as do the countless contingent applications formulated as a precaution.

Despite the legal protection-friendly trends described above, the practice of admitting individual applications remains restrictive, in line with the principles formulated in the landmark decision VfSlg. 8009/1977. In addition, with Federal Law Gazette I 2013/114, the legislature created the possibility of (also) refusing to deal with an individual application without sufficient prospect of success. In 2024, 58 out of 70 individual applications were rejected as inadmissible, and in eight cases the Court made use of the possibility of declining the application. In 2025, out of a total of 71 applications, 43 were ruled inadmissible; moreover, in nine further cases the Court decided not to entertain the application. These figures clearly underline the nature of the individual application as a subsidiary legal remedy.

Univ.-Prof. Dr. Martina Kofler-Schlögl
Johannes Kepler University Linz,
Institute for Constitutional Law and
Political Science

II

The Justices

Verfassungsgerichtshof
VfGH
Verfassungsgerichtshof
Verfassungsgerichtshof
VfGH

The Constitutional Court

Composition

The Constitutional Court consists of the President, the Vice-President, twelve other Members and six Substitute Members, all of whom are appointed by the Federal President on the basis of proposals submitted by the Federal Government, the National Council or the Federal Council (the two Chambers of the Austrian Parliament). They resign from office in the year in which they reach the age of 70. Judicial independence is guaranteed to the Members of the Constitutional Court.

The Constitutional Court Justices are supported by a staff of 111 employees.

Judge Rapporteurs

Judge Rapporteurs are elected by the plenary of the Constitutional Court from among its members for a term of three years. Re-election is allowed.

During the reporting year, the Constitutional Court had 11 Judge Rapporteurs at its disposal, 10 from May onwards, including the Vice President. In 2025, Markus Achatz, Michael Mayrhofer and Sieglinde Gahleitner were re-elected as Judge Rapporteurs.

Change in the Composition

Claudia Kahr, appointed to the Constitutional Court by the Federal President in 1999 on the recommendation of the Federal Government, resigned from office at the end of April 2025. She served as a Judge Rapporteur for over 20 years.

Following the departure of Helmut Hörtenhuber at the end of the previous year, two positions as members of the Constitutional Court were vacant, to which Angela Julcher and Stefan Perner were appointed by resolutions of the Federal President on 4 June of the reporting year; the appointments were made on the recommendation of the Federal Government. The swearing-in ceremony by the President of the Constitutional Court took place on 10 June.

The Members and Substitute Members of the Constitutional (Second Half of 2025)

Members

Christoph Grabenwarter

Born in Bruck an der Mur in 1966, full professor at the Vienna University of Economics and Business, Member since 2005, Vice-President from 2018 to 2020, President since 2020. Appointed upon proposal of the Federal Government.

Verena Madner

Born in Linz in 1965, full professor at the Vienna University of Economics and Business, Vice-President since 2020. Appointed upon proposal of the Federal Government.

Johannes Schnizer

Born in Graz in 1959, former Senior Civil Servant of the Parliamentary Administration, Member since 2010. Appointed upon proposal of the Federal Government.

Markus Achatz

Born in Graz in 1960, full professor at Johannes Kepler University Linz, certified public accountant, Member since 2013. Appointed upon proposal of the National Council.

Christoph Herbst

Born in Vienna in 1960, attorney-at-law, full professor at Johannes Kepler University Linz, Member since 2011. Appointed upon proposal of the Federal Council.

Georg Lienbacher

Born in Hallein in 1961, full professor at the Vienna University of Economics and Business, Member since 2011. Appointed upon proposal of the Federal Government.

Michael Holoubek

Born in Vienna in 1962, full professor at the Vienna University of Economics and Business, Member since 2011. Appointed upon proposal of the National Council.

Sieglinde Gahleitner

Born in St. Veit im Mühlkreis in 1965, attorney-at-law, honorary professor, Member since 2010. Appointed upon proposal of the Federal Council.

Andreas Hauer

Born in Ybbs an der Donau in 1965, full professor at Johannes Kepler University in Linz, Member since 2018. Appointed upon proposal of the National Council.

Ingrid Siess-Scherz

Born in Vienna in 1965, former Senior Civil Servant of the Parliamentary Administration, Member since 2012. Appointed upon proposal of the Federal Government.

Michael Rami

Born in Vienna in 1968, attorney-at-law, Member since 2018. Appointed upon proposal of the Federal Council.

Angela Julcher

Born in Vienna in 1973, Justice of the Supreme Administrative Court, honorary professor, Substitute Member from 2015 to 2025, Member since 2025. Appointed upon proposal of the Federal Government.

Michael Mayrhofer

Born in Vienna in 1975, full professor at Johannes Kepler University Linz, Substitute Member 2021, Member since September 2021. Appointed upon proposal of the Federal Government.

Stefan Perner

Born in Vienna in 1980, full professor at the Vienna University of Economics and Business, Member since 2025. Appointed upon proposal of the Federal Government.

Substitute Members

Robert Schick

Born in Vienna in 1959,
former Presiding Justice of the Supreme Administrative Court, honorary professor,
Substitute Member since 1999.
Appointed upon proposal of the National Council.

Werner Suppan

Born in Klagenfurt in 1963,
attorney-at-law, Substitute Member since 2017.
Appointed upon proposal of the Federal Council.

Nikolaus Bachler

Born in Graz in 1967, Presiding Justice of the Supreme Administrative Court,
Substitute Member since 2009.
Appointed upon proposal of the Federal Government.

Daniel Ennöckl

Born in Linz in 1973, full professor at the University of Natural Resources and Life Sciences, Vienna,
Substitute Member since 2021.
Appointed upon proposal of the Federal Government.

Barbara Leitl-Staudinger

Born in Linz in 1974, full professor at Johannes Kepler University Linz,
Substitute Member since 2011.
Appointed upon proposal of the Federal Government.

For detailed CVs of the Members and Substitute Members, please refer to the website of the Constitutional Court:
https://www.vfgh.gv.at/verfassungsgerichtshof/verfassungsrichter/members.en.html
https://www.vfgh.gv.at/verfassungsgerichtshof/verfassungsrichter/substitute_members.en.html

Angela Julcher

Angela Julcher brings a double dose of experience to her role as a new member of the Constitutional Court: she served as a substitute member of the Constitutional Court since 2015, and with her appointment, a professional judge is once again represented on the panel.

Julcher was born in Vienna in 1973. After graduating from the Akademisches Gymnasium, she completed a degree in law in the minimum amount of time and earned her doctorate from the University of Vienna in 1999 with a dissertation titled “Die Menschenwürde als Rechtsbegriff und ihre Bedeutung im österreichischen Arbeitsrecht” (“Human dignity as a legal concept and its significance in Austrian labour law”).

Angela Julcher began her professional career as a research assistant at the Hans Kelsen Institute. She then worked in the same capacity and as a clerk at the Supreme Administrative Court, where she also completed her basic training in legal administration.

In 2003, she joined the Constitutional Service of the Federal Chancellery, marking her first professional orientation towards constitutional law. Julcher worked there until 2010, most recently as head of the Department for International Affairs and Other Administrative Matters. During this time, she began her academic publishing activities, focusing on social security law, administrative procedure, administrative jurisdiction and service law.

Her academic work led to several positions in legal associations and law journals. Angela Julcher also served as a member of the Independent Environmental Senate (Unabhängiger Umweltsenat) for almost five years. In 2017, she was appointed honorary professor of labour and social law at Paris Lodron University in Salzburg.

In 2011, Julcher was appointed justice at the Supreme Administrative Court. She has been serving as a justice there for 14 years now, handling cases in areas such as immigration law and, in particular, social security law, including unemployment insurance law.

Stefan Perner

With the appointment of Stefan Perner as a new member of the Constitutional Court, a university professor of civil law has rejoined the Constitutional Court for the first time in a long while. Perner was born in Vienna in 1980, where he graduated from the Gymnasium Krottenbachstraße.

After completing his military service, Perner studied law at the University of Vienna. Immediately after graduating, Perner took up a position as assistant to Prof. Attila Fenyves. He earned his doctorate in law with a dissertation titled “Gemeinschaftliche Forderungen. Eine Analyse der in § 890 Satz 2 ABGB vertypten Gläubigermehrheit” (“Joint claims. An analysis of the creditor majority typified in § 890 sentence 2 Austrian Civil Code”).

Perner’s assistantship and a research stay at the Max Planck Institute in Hamburg were followed in 2009 by a tenure track professorship at the Faculty of Law at University of Vienna and in 2011 by a semester as a visiting fellow at the University of Cambridge. In the same year, Stefan Perner was promoted to associate professor of civil law at the University of Vienna. In 2012, he habilitated with a thesis on “Grundfreiheiten, Grundrechte-Charta und Privatrecht” (“Fundamental Freedoms, Charter of Fundamental Rights and Private Law”) for the subjects of civil law, European law and insurance contract law.
In 2013, he was appointed Professor of Private Law at Alpen-Adria University Klagenfurt, followed by a professorship in civil law at Johannes Kepler University Linz from 2015 to 2018. Since then, Stefan Perner has also been a member of the University Council of Alpen-Adria University.

In 2018, Perner joined the Vienna University of Economics and Business as Professor of Civil and Corporate Law. He is the author of a standard textbook on civil law. Together with his co-author Martin Spitzer, Perner is editor-in-chief of the Austrian JuristInnen-Zeitung.

Perner is also a member of the protest committee of the Austrian Football League.

III

Case Law

A Summary of the Most Important Judgments and Decisions of 2025

A. Democracy and Parliamentarism

24 June 2025, V 99/2024
24 June 2025, W III 1/2024

Non-binding referendum on wind turbines in Waidhofen an der Thaya

Illegality of the regulation adopted by the municipal council of Waidhofen an der Thaya dated 23 January 2024 concerning the ordering of a non-binding referendum on the construction and operation of wind turbines in the municipal district.

Upholding of the challenge to this non-binding referendum.

The principle of the "purity" of elections and referendums requires that the substance of what is presented to voters be clear and unambiguous in order to prevent manipulation and avoid misunderstandings as far as possible. A sufficiently clear question is also necessary in order to be able to assess whether the subject of the vote complies with the legal requirements of Section 63 of the Lower Austrian Municipal Code 1973 (NÖ Gemeindeordnung 1973).

The question laid down by order of the municipal council of the town of Waidhofen an der Thaya was as follows: "Should the municipal council decide on the necessary measures within its own sphere of influence so that three to a maximum of five wind turbines can be erected and operated in the municipal area of Waidhofen an der Thaya (Predigtstuhl area)?"

The non-binding referendum took place on 10 March 2024, with 51.77% of the valid votes cast being "yes".

However, the wording of the question did not in any way indicate what the subject of the non-binding referendum was to be. Although the question refers to a specific project, it leaves open the question of what "necessary measures" are to be voted on in this context. The reference to a specific project, namely the creation of a wind farm, does not remove this ambiguity, because this type of project may require different measures, be it the creation of the spatial planning conditions for the implementation of the project, (financial) support for the project or the creation of the wind farm by the municipality itself.

The question put to the voters therefore violated the Lower Austrian Municipal Code 1973.

9 December 2025, V 218/2025
9 December2025, W III 1/2025

Non-binding referendum on wind turbines in Carinthia

Illegality of the Carinthian State Government's (Landesregierung) regulation of 15 October 2024 concerning the announcement of a non-binding referendum on the construction of wind turbines on mountains and alpine pastures.

Upholding of the challenge to this non-binding referendum.

The purpose of a non-binding referendum is to ascertain the will of the electorate on a specific issue. This purpose prohibits questions that attempt to steer the answer in a certain direction. Accordingly, the Carinthian Non-binding Referendum Act (Kärntner Volksbefragungsgesetz – K-VbefrG) expressly stipulates that the question put to the vote must be as short, factual and unambiguous as possible and must not contain any value judgments (Section 2[2] K-VbefrG).

The question laid down by order of the Carinthian state government (Landesregierung) was as follows: "Should the construction of further wind turbines on mountains and alpine pastures in Carinthia be prohibited by provincial law in order to protect Carinthia's nature (including the landscape)?" The non-binding referendum took place on 12 January 2025 and resulted in a majority of 51.55% in favour of a ban on further wind turbines on mountains and alpine pastures.

A ban on wind turbines "on mountains and alpine pastures" may serve to protect nature and the landscape, but it may also affect or even counteract other interests, such as the interest in a self-sufficient or regional energy supply. Emphasising only one of these interests in the question therefore steers the answer in a certain direction.

As the Constitutional Court emphasises, the question posed in a non-binding referendum is not the place to highlight one of several points of view in an inevitably judgmental manner.

The period between the ordering and the holding of the non-binding referendum is primarily intended for discussing the individual points of view.

The question put to the voters thus violated the Carinthian Non-binding Referendum Act.

9 December 2025, V 228/2025
9 December 2025, W III 2/2024

Non-binding referendum on the extension of the local railway in Salzburg

Illegality of the regulation issued by the Salzburg state government (Landesregierung) on 3 September 2024 concerning the ordering of a non-binding referendum on the extension of the local railway to Hallein (S-LINK).

Upholding of the challenge to this non-binding referendum.

Only matters relating to state administration may be the subject of a non-binding referendum under the Salzburg Non-binding Referendum Act (Salzburger Volksbefragungsgesetz). Non-binding referendums serve to directly ascertain the opinion of eligible voters on one or more specific questions relating to state administration (Section 2[2]). This purpose requires that the question submitted to the electorate for decision be formulated clearly and unambiguously in order to rule out misunderstandings as far as possible. The Salzburg Non-binding Referendum Act stipulates that the question put to the vote must be clearly worded and phrased in such a way that it can be answered with "yes" or "no" (Section 7[4]). The question laid down by regulation of the Salzburg state government (Landesregierung) was as follows: "Should the state (Land) of Salzburg work towards the extension of the local railway line to Hallein (S-LINK) as part of a mobility solution that also includes the 'Stiegl railway' and a trade fair/airport railway, in the interests of reducing traffic congestion?"

The non-binding referendum took place on 10 November 2024 and resulted in a majority of 53.32% against the extension of the local railway.

However, the question of whether the state (Land) of Salzburg should work towards extending the local railway does not reveal which, if any, matters are the subject of the non-binding referendum, or whether it is only a matter for the provincial administration or also for provincial legislation. The wording used in the question, "work towards the extension of the local railway line" also leaves open whether only private-sector action or also sovereign action – such as certain spatial planning measures or the accelerated implementation of approval procedures – is meant. This also leaves it unclear whether the question also covers "matters of individual enforcement", which cannot be made the subject of a non-binding referendum.

The question put to the voters thus violated the Salzburg Non-binding Referendum Act.

12 August 2025, UA 1/2025

Request for the establishment of an "Austrian People's Party (ÖVP) Abuse of Power Committee of Inquiry"

Dismissal of the challenge brought by 46 members of the National Council against the decision of the National Council's Rules of Procedure Committee, which declared the request to set up an "Austrian People's Party (ÖVP) Abuse of Power Committee of Inquiry" to be completely inadmissible.

Since 2015, a Parliamentary Committee of Inquiry (Parlamentarischer Untersuchungsausschuss) of the National Council can also be set up at the request of a quarter of the members of the National Council. The subject of the investigation can only be a specific completed process in the area of federal administration (Art. 53[2] of the Constitution [Bundes-Verfassungsgesetz, B-VG]).

If a request is made to set up a committee of inquiry, the Rules of Procedure Committee of the National Council must examine whether the constitutional requirements for setting up a committee of inquiry are met. If, on the basis of this examination, the Rules of Procedure Committee of the National Council considers the request for the establishment of a committee of inquiry or individual, precisely specified parts of the request to be inadmissible, it shall issue a resolution declaring the request to be wholly or partially inadmissible and stating the reasons for this.

The quarter of the members of the National Council supporting this request may challenge this decision of the National Council before the Constitutional Court on the grounds of illegality. In the event of a challenge, the Constitutional Court shall only examine the alleged illegality of this decision of the Rules of Procedure Committee of the National Council.

The subject of the investigation proposed by the Freedom Party of Austria (FPÖ) members of parliament was: "Suspicion of inappropriate or purely party-political influence by department heads, employees of their political offices and (senior) officials of the Federal Chancellery (BKA), the Federal Ministry of the Interior (BMI) and the Federal Ministry of Justice (BMJ), by supreme administrative bodies and by natural or legal persons associated with the Austrian People's Party (ÖVP) in the period from 7 January 2020 to 20 May 2025 on the performance of tasks by the authorities subordinate to the aforementioned departments, in particular on criminal justice and security authorities, as well as on the independent media."

This request for a committee of inquiry also included a proposal to divide the subject of the inquiry into three areas of evidence: investigations into the death of Christian Pilnacek, the actions of the authorities at gatherings against COVID-19 measures, and state measures against "citizens critical of the government and its measures".

The Rules of Procedure Committee of the National Council, with the votes of the Austrian People's Party (ÖVP), the Social Democratic Party of Austria (SPÖ) and The New Austria and Liberal Forum (NEOS), declared the request of the Freedom Party of Austria (FPÖ) "entirely inadmissible" because the subject of the investigation did not comply with constitutional requirements. It is inadmissible to combine unrelated issues into one subject of investigation. Above all, there is insufficient connection between the "Pilnacek case" and the COVID-19 measures to allow them to be considered a single process. Furthermore, the subject of the investigation is not sufficiently defined.

With these statements, the Rules of Procedure Committee has sufficiently justified that the request of the Freedom Party of Austria (FPÖ) members of parliament does not meet the constitutional requirements:

First, the Rules of Procedure Committee has clearly explained that the proposed subject of the investigation does not refer to any identifiable event. Rather, the subject of the investigation covers the entire administration of certain federal ministries and their subordinate authorities. The added phrase "suspicion of inappropriate or party-political influence" is not sufficient to specify the subject matter of the inquiry in concrete terms.

Although the subject matter of the inquiry may require the investigation of various areas of federal administration in order to identify systematic patterns, it is imperative that a specific process be sufficiently specified as the subject matter of the inquiry. The statements of the Rules of Procedure Committee are also correct in that the topics of evidence cited in the request do not have sufficient substantive connection, but are merely to be regarded as loosely linked to each other and to the subject matter of the inquiry. However, if the subject matter of the inquiry as such does not contain a sufficiently determinable and definable process, even specifically named topics of evidence cannot lead to the constitutionality of a subject matter of inquiry. The challenge to the decision by which the Rules of Procedure Committee had declared the request for establishment of the Committee of Inquiry inadmissible was therefore dismissed as unfounded.

B. Freedom of Information and Broadcasting

24 June 2025, E 4624/2024

ORF contribution

Dismissal of an appeal against the setting of the ORF contribution (ORF-Beitrag), a mandatory fee that support's the Austrian Broadcasting Corporation (Österreichischer Rundfunk – ORF).

Since 1 January 2024, the ORF contribution has been payable instead of a programme fee to finance the ORF. This fee is intended to ensure that the ORF fulfils its public service remit. The amount of this contribution must be set at a level that allows the public service mandate to be fulfilled on the basis of economical, efficient and appropriate management (Section 31[2] of the ORF Act [ORF-Gesetz]).

The collection of this financial contribution is governed by the ORF Contribution Act 2024 (ORF Beitragsgesetz 2024), which provides for a contribution obligation in both the private and business sectors. In the private sector, the ORF contribution is payable monthly for every address in Austria where at least one adult is registered as having their main residence. The "ORF-Beitrags Service GmbH" is entrusted with the collection of the contribution as a licensed company.

These regulations do not raise any constitutional concerns:

According to the Federal Constitutional Act Guaranteeing the Independence of Broadcasting ("Bundesverfassungsgesetz über die Sicherung der Unabhängigkeit des Rundfunks"), the legislator must regulate broadcasting in such a way that freedom of public discourse is comprehensively guaranteed by means of broadcasting. It is in the interest of society as a whole that broadcasting fulfils its special democratic and cultural role. The fulfilment of this role enables potential users to access the ORF's publicly available services at any time and from any location – typically at their own place of residence.

The legislator therefore does not violate the principle of equality when it links the possibility of using the ORF's services to a contribution that is linked to households with a main residence in Austria and also covers the business sector. Nor does the principle of equality require that the fee be linked to actual consumption of the services; in the context of a participation-oriented, equitable distribution of burdens, the only thing that matters is that those liable to pay the fee have the opportunity to use the public service (provided by the ORF). This opportunity is also available to those who do not own a television or radio set, because the ORF's services are broadcast throughout the federal territory and communication technology is so advanced that those liable to pay the fee can access the services with little effort.

Finally, there are no constitutional concerns about the ORF contribution being collected by the ORF-Beitrags Service GmbH. When sovereign tasks are transferred to an outsourced legal entity, certain constitutional requirements apply. According to the Constitutional Court, these requirements have been met: the outsourcing is objective and efficient, and the management of the ORF-Beitrags Service GmbH is bound by the instructions of the Federal Minister of Finance when collecting the ORF contribution.

The complaint of a contributor who had argued that it was contrary to the principle of equality for households that do not use ORF content to be financially burdened by the ORF contribution in the same way as those that do use ORF services was therefore dismissed as unfounded.

As a large number of complaints against the ORF licence fee were to be expected, the Constitutional Court triggered the mechanism for a so-called "mass proceeding" in accordance with Section 86a of the Constitutional Court Act 1953 (Verfassungsgerichtshofgesetz 1953 – VfGG) in March 2025 (see announcement in Federal Law Gazette II 49/2025). This suspended all proceedings already pending before the Federal Administrative Court in this matter. With the announcement of the Constitutional Court's decision of 24 June 2025 in the Federal Law Gazette (Federal Law Gazette II 153/2025), this suspension ended and the proceedings pending before the Federal Administrative Court could continue.

6 October 2025, G 127/2024 et al.

Reduction and cancellation of allowances at the Austrian Broadcasting Corporation (ORF)

Dismissal of applications to repeal Section 50(11) of the ORF Act (ORF-Gesetz) as amended by Federal Law Gazette I 112/2023.

In connection with the new regulations on the financing of the Austrian Broadcasting Corporation (ORF), the legislator deemed it necessary to provide for savings at the ORF. To this end, labour law measures were also stipulated in the ORF Act that are intended to lead to such savings; including, among other things, the provision that housing, family and child allowances granted on the basis of employment relationships with the ORF will be halved from 1 January 2024 and abolished entirely from 1 January 2025, provided that this does not reduce the total monthly remuneration by more than 10% (Section 50[11] ORF Act). These reductions are to be made regardless of whether such entitlements are based on individual agreements or collective agreements.

The Constitutional Court has no constitutional objections to these provisions. The reduction of remuneration agreed in collective agreements does interfere with the fundamental right to freedom of association guaranteed by Article 11(1) of the ECHR. This freedom protects the right to conduct collective bargaining negotiations and conclude collective agreements; if the legislature interferes with this collective bargaining autonomy, it must observe the restrictions of Article 11(2) ECHR, i.e. the interference must serve a public interest specified therein and be proportionate.

The contested provision meets these requirements. The savings associated with the reduction and elimination of allowances are intended to ensure adequate funding for the services to be provided by ORF in fulfilment of its public service mandate, and they are also proportionate, especially since the reductions are capped at 10% of total remuneration.

As part of a comprehensive package of measures comprising various structural measures to reduce costs in the medium term, these reductions do not violate the principle of equality; in particular, they do not constitute an unconstitutional special sacrifice on the part of the employees concerned. The applications for judicial review filed by ORF employees were therefore dismissed as unfounded.

7 October 2025, G 26/2025

Information about data on school locations

Declaration of unconstitutionality of Section 21(5) of the Education Documentation Act 2020 (Bildungsdokumentationsgesetz 2020 – BilDokG 2020), Federal Law Gazette I 20/2021.

The BilDokG 2020 stipulates that all schools, Boards of Educations for the Länder and the responsible federal minister must process data on the school system using automated means and forward it to Statistics Austria for statistical analysis. Persons who process such data are obliged to maintain confidentiality; pursuant to Section 21(5) BilDokG 2020, these persons are also not authorised to publish school location-related data, even in aggregated form, or to respond to corresponding requests for information.

The provision in Section 21(5) of the BilDokG 2020 is aimed in particular at taking the best possible account of the public interest in ensuring that school operations at the school location are not impaired and proceed in an orderly manner. In addition, it is intended to prevent adverse consequences for individual school locations and to ensure adequate data protection for smaller school locations. However, this provision also covers data that does not allow any conclusions to be drawn about individuals or that has no connection to individuals at all. This contradicts the right to freedom of information under Article 10 of the ECHR: such a far-reaching, absolute prohibition on disclosure as stipulated in Section 21(5) BilDokG 2020 is likely to make journalistic activity disproportionately difficult or even impossible. The legislator should rather have been required to enable a balance to be struck between legitimate confidentiality interests and the requirements of journalistic practice.

Section 21(5) BilDokG 2020, Federal Law Gazette I 20/2021, which was no longer in force at the time of the Constitutional Court's decision, therefore violated the right to freedom of information.

7 October 2025, G 62/2025

Information about data from the register of beneficial owners

Declaration of unconstitutionality of Section 10(1)(1) of the Beneficial Owners Register Act (Wirtschaftliche Eigentümer Registergesetz – WiEReG) as amended by Federal Law Gazette I 97/2023.

Pursuant to Section 10 WiEReG, organisations and natural persons – including journalists – may request data on certain legal entities if they can demonstrate a legitimate interest. Among other things, a legitimate interest exists when journalists are conducting research in connection with money laundering, terrorist financing or the circumvention of international sanctions. However, the right of access is limited to certain data listed in Section 10(1) WiEReG.

This restriction interferes with the constitutionally guaranteed fundamental right to freedom of information under Article 10 of the ECHR; it would therefore only be permissible if it is necessary and proportionate to protect the rights of others. However, this is only the case if the information in question is of overriding interest to the legal entity or its beneficial owner in terms of confidentiality.

The disputed restriction of the right of access also included historical data and information on whether the beneficial owner had been identified and verified by a professional representative (solicitor or notary) or whether the owner could not be identified. This information primarily provides information on the quality of the data available in the register. It is therefore not necessary to exclude journalists from access in order to prevent a disproportionate impairment of the legitimate interests of the legal entity or its beneficial owner. Section 10(1)(1) WiEReG as amended by Federal Law Gazette I 97/2023 therefore violated the right to freedom of information.

C. Security and Criminal Law

24 June 2025, G 152/2024

Obligation to provide social services as an administrative penalty

Dismissal of an application for the repeal of Section 27(4) of the Styrian Youth Act (Steiermärkisches Jugendgesetz – StJG 2013), as amended by Provincial Law Gazette 69/2018.

Under the Styrian Youth Act, young people who breach a provision of this Act may be required, as a punishment or part of a punishment, to perform social services, in particular by assisting in the youth, health and disability sectors, in elderly care or in animal welfare facilities.

This provision does not violate the constitutional prohibition of forced or compulsory labour:

According to Article 4(2) of the ECHR, no one shall be required to perform forced or compulsory labour. According to the case law of the ECtHR and the Constitutional Court, forced or compulsory labour is any type of work or service that is required of a person under threat of punishment and for which they have not voluntarily made themselves available, if the work is "unfair or oppressive or involves avoidable hardship".

The purpose of the relevant provision of the Styrian Youth Act is to make young people who have broken the rules aware of the importance of social responsibility. The obligation to perform social services is a suitable alternative to fines in view of the purpose of the punishment for young people, not least because, unlike fines, such an obligation has an equitable social impact.

The obligation to perform social services is clearly limited by the Styrian Youth Act in terms of both content and time (maximum 36 hours). As an administrative penalty, a young person may only be required to perform services that are appropriate to their stage of development and that are neither unfair nor oppressive nor associated with avoidable hardship. Overall, such an obligation to perform social services under the Youth Act does not therefore fall under the prohibition of forced or compulsory labour.

The application by the Administrative Court of Styria to repeal this provision was therefore dismissed as unfounded.

24 September 2025, E 118/2025

Demonstration "Solidarity with Palestine"

Dismissal of the appeal against the ban on the "Vigil in Solidarity with Palestine" assembly.

On 8 October 2023, the Vienna Provincial Police Directorate was notified of the "Vigil in Solidarity with Palestine" assembly to be held on 11 October 2023 at Stephansplatz in Vienna. After the authorities received information that this assembly had been announced on social media in connection with the slogan "Free Palestine From The River To The Sea", they banned the assembly; the Administrative Court of Vienna upheld this decision.

The ban on the assembly did not violate the Assembly Act 1953 (Versammlungsgesetz 1953) in conjunction with Article 11 of the ECHR:

The slogan in question can have various meanings. However, one of these is that it calls for the (violent) expulsion of the Jewish population from the area between the River Jordan and the Mediterranean Sea. The slogan is also used in this sense by the terrorist organisation Hamas, which was significantly involved in the terrorist attack in Israel on 7 October 2023. The assembly was also supposed to take place shortly after this terrorist attack.

Under these circumstances, the Administrative Court of Vienna was right to assume that the purpose of the assembly would have contravened criminal law – namely the prohibition of condoning terrorist offences (Section 282a of the Criminal Code [Strafgesetzbuch – StGB]) and incitement (Section 283 of the Criminal Code) – and that the assembly would have endangered public safety. The appeal against the ban on this assembly was therefore dismissed as unfounded.

D. Social and Tax Law

11 March 2025, G 63/2024
11 March 2025, G 197/2024

Social assistance for third-country nationals with a right of residence

Repeal as unconstitutional of Section 5(4)(6) of the Lower Austrian Social Assistance Implementation Act (NÖ Sozialhilfe-Ausführungsgesetz – NÖ SH-AG) as amended by Provincial Law Gazette 69/2022 and Section 5(2) of the Vienna Basic Benefit Act (Wiener Mindestsicherungsgesetz – WMG) as amended by Provincial Law Gazette 39/2021. The repeal shall enter into force at the end of 31 March 2026.

According to the Federal Act on Principles for Social Assistance Act (Sozialhilfe-Grundsatzgesetz – SH-GG), third-country nationals without asylum rights are entitled to social assistance if they have been residing permanently and legally in Austria for at least five years; possession of a specific residence permit is not relevant in this regard.

When enacting implementing legislation for the SH-GG, the state legislator is in principle free to list the residence permits that are relevant for entitlement to social assistance. However, the WMG, which was enacted in implementation of the SH-GG, stipulated that third-country nationals are only entitled to social assistance if they have a permanent residence permit "Daueraufenthalt – EU" (permanent residence – EU). As a result, the WMG meant that foreigners who only had a temporary residence permit (such as a "Red-White-Red Card Plus") but were permanently settled and had been residing in Austria for at least five years were excluded from social assistance benefits. This violated the SH-GG, which links entitlement to social assistance exclusively to permanent residence, but not to a specific residence permit.

The restriction contained in the WMG limiting the group of eligible persons to holders of certain residence permits was therefore repealed as unconstitutional, as was a comparable provision in the NÖ SH-AG.

7 October 2025, E 1630/2024

Child Maintenance payments under income tax law

Dismissal of an appeal against the non-consideration of child maintenance payments in the assessment of income tax.

Since the decision VfSlg. 12.940/1991, it can be assumed that maintenance payments to children are not merely a matter of private lifestyle or personal risk, but that the fulfilment of child maintenance obligations is also in the public interest. In view of the different tax capacities of persons liable for child maintenance and persons not liable for child maintenance, the principle of equality prohibits the burden of these costs from being borne entirely by the persons liable for child maintenance. Rather, the principle of equality requires that child maintenance payments be taken into account in an appropriate manner for tax purposes and that, in effect, at least half of the income required to cover the maintenance of children remain tax-free.
This does not mean that child mainte-

nance expenses must be tax-deductible; rather, the required relief can also be achieved through tax deductions and (the crediting of) transfer payments.

The family support system created in income tax law by the 2018 Annual Tax Act (Jahressteuergesetz 2018) meets these requirements:

In a significant number of cases, half of the child maintenance is already tax-deductible through the so-called Family Bonus Plus ("Familienbonus Plus", a tax deduction that directly reduces parents' income tax) and the child maintenance deduction (a tax credit for maintenance payments). For the remaining cases, it must first be taken into account that not only a small part of half of the child maintenance burden is covered. The "shortfall" that increases with rising income corresponds to a flat-rate deductible linked to the level of income, which is in line with the principles of the system for exceptional costs.

If the Family Bonus Plus (for children up to the age of 18) is claimed in full, the child maintenance burden is completely covered, taking into account a reasonable additional burden for high incomes. From a constitutional point of view, it is therefore not necessary to offset transfer payments granted for the child (such as family allowance) against the statutory child maintenance in order to provide the person liable for child maintenance with a corresponding reduction of their child maintenance obligations.

If the person liable for child maintenance is only entitled to half of the Family Bonus Plus, no tax relief can be granted above a certain income level. In this case, the ordinary courts must examine whether it is constitutionally required to take into account the tax burden incurred in comparison to the full Family Bonus Plus when assessing the amount of maintenance.

The Constitutional Court also has no objections to the Family Bonus Plus being granted at a lower rate for children aged 19 and over. In doing so, the legislator is expressing a lower level of responsibility on the part of the general public for financing the tax relief of child maintenance obligations; from a constitutional point of view, this cannot be opposed in view of the potential self-sufficiency of the child maintenance creditors.

The complaint of a taxpayer who claimed that his fundamental rights had been violated by the legal prohibition on deducting child maintenance payments for family members was therefore dismissed as unfounded.

E. Civil Law

27 February 2025, G 168/2024

"First-client principle" for residential tenancy agreements

Dismissal of an application to repeal Section 17a of the Brokerage Act (Maklergesetz), as amended by Federal Law Gazette I 24/2023.

Since 2023, the contractual partner who first commissioned an estate agent to broker a residential tenancy agreement has been required to pay the commission (Section 17a of the Brokerage Act). In practice, this is usually the landlord. Agreements that violate this rule to the detriment of the person seeking accommodation are invalid and punishable by law.

The Constitutional Court has no constitutional concerns in this regard:

This rule pursues the legitimate goal of providing financial relief, particularly to tenants with low or medium incomes. In this regard, Section 17a of the Brokerage Act take account of the actual conditions of the property market: as a rule, it is the landlord who approaches an estate agent with a mandate to act as an intermediary for a specific rental property. On average, it can also be assumed that the landlord derives greater benefit from the estate agent's brokerage activities than the person seeking accomodation. The legislator has therefore not exceeded its margin of appreciation, which is particularly wide in housing law; Section 17a of the Brokerage Act does not violate the principle of equality, nor does it constitute a disproportionate interference with the landlord's property rights.

The application filed by the owner of an apartment building against this provision was therefore dismissed as unfounded.

24 June 2025, G 170/2024 et al.

Indexation clauses in rental agreements

Dismissal of an application for the repeal of Section 6(2)(4) of the Consumer Protection Act (Konsumentenschutzgesetz – KSchG), Federal Law Gazette 140/1979.

According to Section 6(2)(4) of the Consumer Protection Act, indexation clauses in contracts (for services to be provided within two months of the conclusion of the contract) are invalid unless the landlord proves that this clause was negotiated in detail. According to decisions of the Supreme Court of Justice, this provision also applies to continuing obligations and thus also to rental agreements between landlords and tenants. Therefore, a landlord, who wishes to have the option of increasing the agreed rent within two months of the conclusion of the rental agreement, must negotiate this in detail with the tenant. It is not sufficient for such a clause to be included only in the landlord's general terms and conditions or in a pre-printed contract form.

If a change in rent is not agreed individually, the indexation clause is invalid not only for the first two months after conclusion of the contract, but in its entirety, according to decisions of the Supreme Court of Justice. The landlord therefore loses the possibility of adjusting the rent to inflation in a rental agreement with a tenant.

The applicant real estate companies were affected by corresponding repayment claims in civil court proceedings. The Constitutional Court agreed with these companies that Section 6(2)(4) of the Consumer Protection Act interferes with the landlord's right of ownership. However, this provision serves legitimate objectives of consumer protection that are in the public interest and is not disproportionate.

A landlord or entrepreneur generally has the opportunity to predict price developments within the next two months after the conclusion of the contract. Their interest in value preservation is therefore less important for this period than the consumer's interest in not having to pay a higher price during this period. It is also not unconstitutional for a prohibited indexation clause to become completely invalid. This legal consequence is in line with the objective of deterring entrepreneurs from using such clauses and is justified by the typically weaker position of consumers in contract negotiations.

The applications were therefore dismissed as unfounded.

6 October 2025, G 52/2024

Retrieval and storage of oocytes without medical indication

Repeal as unconstitutional of Section 2b(1) of the Federal Act on Reproductive Medicine (Fortpflanzungsmedizingesetz – FMedG) as amended by Federal Law Gazette I 35/2015. The repeal shall enter into force at the end of 31 March 2027.

According to the FMedG, sperm, eggs and testicular and ovarian tissue may be retrieved and stored for future medically assisted reproduction "if a physical condition or its treatment in accordance with the state of medical science and experience poses a serious risk that pregnancy can no longer be achieved through sexual intercourse" (Section 2b[1]).

This ban on the retrieval of oocytes without medical indication ("social egg freezing"), which applies without exception, violates Article 8 of the ECHR.

The desire to have children and therefore to use a natural or medically assisted method of reproduction is part of private life and is protected by Article 8 of the ECHR. This fundamental right may only be restricted if it is necessary, for example, to protect health or morals or for the protection of the rights and freedoms of others.

Certain forms of artificial reproduction can cause ethical and moral problems, such as the exploitation of a woman's fertility or the creation of unusual personal relationships. However, these problems do not arise in the case of "egg freezing" for subsequent in vitro fertilisation with the germ cells of spouses, registered partners or life partners.

Health risks that may arise from the retrieval of oocytes for subsequent in vitro fertilisation can in turn be mitigated by less drastic means than an outright ban on social egg freezing.

Finally, this ban cannot be justified on the grounds that it is intended to prevent pressure on women to postpone their desire to have children due to social or professional expectations. The freedom to decide on the manner of reproduction, which is protected by Article 8 of the ECHR, means that women themselves must also be able to decide on the retrieval and storage of oocytes on their own responsibility. The fact that this decision-making process may be subject to various external influences, such as social or professional pressures, which cannot be completely ruled out even by legal regulations, does not justify an across-the-board ban.

Section 2b(1) of the FMedG was therefore repealed as unconstitutional.

The legislator may provide for accompanying measures for "social egg freezing", such as regulations on advertising. The legislator has a margin of appreciation in this regard. Under certain circumstances – this question was not needed to be examined in detail by the Constitutional Court – legal precautions (such as information and counselling requirements and age limits) may not only be constitutionally permissible, but also necessary in order to enable women to make a free decision and to rule out particularly risky situations from a health perspective.

Finally, the legislator is not obliged to treat medically indicated retrieval of oocytes (which is already permitted) and "social egg freezing" in exactly the same way from a legal perspective: for example, a differentiated regulation of the woman's age at the time of the retrieval of oocytes may be justified in order to enable retrieval for medical reasons, such as premature menopause.

The decision was widely reported in the media

18 December 2025, E 1297/2025

Transgender identity in civil status law

Granting of an application against the refusal to delete the gender entry in the Central Civil Register (Zentrales Personenstandsregister).

It is in line with current scientific knowledge to distinguish between intersexuality (differences of sex development) and transidentity (transsexuality, gender dysphoria, transgender, gender incongruence), whereby transidentity is characterised by the fact that a person is clearly assigned to one sex genetically and/or anatomically or hormonally, but feels that this sex is an incorrect or inadequate description or rejects any form of gender assignment and categorisation.

Article 8 of the ECHR also guarantees transgender individuals the right to have their individual gender identity respected under civil status law and, accordingly, the right not to have to accept a binary gender assignment. A legal obligation to enter a designation of gender in the Central Civil Register that contradicts the gender identity of transgender persons therefore constitutes an interference with these persons' right to individual gender identity, which is protected by Article 8(1) of the ECHR.

There is also no apparent reason of sufficient weight to justify a rigid restriction to a binary gender entry. Even if corresponding changes in civil status law have an impact on other areas of the legal system and may trigger a need for adjustment there, these possible adjustments do not involve such difficulties that the interests of public order would outweigh the interests of the persons concerned in having their gender identity recognised. Whether a restriction of the rights of transgender persons guaranteed by Article 8 of the ECHR is necessary in individual areas of the legal system in a democratic society must be assessed separately for each area of law.

The provisions of the Civil Status Act 2013 (Personenstandsgesetz 2013) must therefore be understood in the context of Article 8 of the ECHR to mean that transgender persons have the option of not stating their gender for legitimate reasons. The civil status authority must examine whether a case of transidentity exists. In doing so, the authority must assess, taking into account the principle of material truth, whether the applicant suffers from gender incongruence due to a serious discrepancy between their perceived gender identity and the gender entered in the official records.

As a result, the Consitutional Court decided not to repeal any provision of the Civil Status Act 2013 as unconstitutional, but allowed the constitutional complaint since the decision of the Administrative Court of Vienna had been based on an interpretation violating the applicant's right to respect for private life.

F. Economic and Environmental Law

24 June 2025, G 112/2024

Tobacco licence transfer

Dismissal of an application for the repeal of provisions of the Federal Tobacco Monopoly Act 1996 (Tabakmonopolgesetz – TabMG 1996).

Pursuant to Section 3 TabMG 1996, the administration of the state monopoly on tobacco products is the responsibility of "Monopolverwaltung GmbH", which is wholly owned by the federal government and administered by the Federal Minister of Finance. The tasks of Monopolverwaltung GmbH include determining the number of licences for tobacco shops and awarding these licences by concluding licence agreements.

The Constitutional Court has no constitutional objections to the fact that the federal tobacco monopoly is not exercised in a sovereign manner but under private law. Neither the nature and content of the tasks regulated in the TabMG 1996 nor reasons of legal protection give rise to an obligation on the part of the legislator to organise the administration of the federal tobacco monopoly in a sovereign manner.

The administration of the tobacco monopoly by Monopolverwaltung GmbH is nevertheless to be regarded as state administration. In this activity, Monopolverwaltung GmbH has a specific close relationship with the federal government, both organisationally and functionally. However, the outsourcing of the administration of the tobacco monopoly complies with the constitutional requirements for the entrusting of state tasks to independent legal entities.

According to Section 36 of the TabMG 1996, the exercise of the licence under the licence agreement is a highly personal right that cannot be transferred. This is in line with the socio-political objective of the law, which is to secure a regular income for people in need of assistance. It is objectively justified to limit the claims arising from the licence agreement to the generation of regular income, but not to provide for a right to compensation for the value of the business in the event of the transfer of the tobacco shop.

The application by the owner of a tobacco shop against several provisions of the TabMG 1996, in particular Sections 3 and 36, was therefore dismissed as unfounded.

6 October 2025, G 216/2024

Compulsory Rail Transport of waste

Dismissal of an application to repeal provisions of the Waste Management Act 2002 (Abfallwirtschaftsgesetz 2002 – AWG 2002) as amended by Federal Law Gazette I 200/2021.

Since 2023, waste transports with a total weight of more than ten tonnes and a transport distance of more than 300 km (since 2024: 200 km) must be carried out either by rail or by another means of transport with equivalent or lower pollutant or greenhouse gas potential (e.g. fuel cell or electric motor drive).

The Constitutional Court has no constitutional objections to this obligation:

The aforementioned regulation in question does interfere with the right to engage in a gainful occupation. However, the prescribed shift of waste transport to rail is suitable for achieving objectives of health, environmental and climate protection that are in the public interest. Even if this measure alone is not sufficient to reduce greenhouse gas emissions to the extent required overall, a potential saving of 10,000 tonnes of CO_2 equivalents can be estimated.

In an area such as climate protection the legislator has various options at its disposal to pursue the desired regulatory objectives.

Nor does it violate the principle of equality that the transport provision currently only applies to waste; rather, it is within the legislator's wide margin of appreciation to introduce climate protection measures gradually. Finally, the obligation to use rail transport only applies to the extent that the railways can provide the necessary capacity; it therefore presupposes that rail transport services are available at economically reasonable conditions.

The application submitted by several industrial companies to have this obligation lifted was therefore dismissed as unfounded.

10 December 2025, E 2597/2025

Care hire industry with passenger cars

Dismissal of appeals against the imposition of administrative penalties under the Occasional Transport Act 1996 (Gelegenheitsverkehrs-Gesetz 1996 – GelverkG) as amended by Federal Law Gazette I 83/2019.

Until the amendment Federal Law Gazette I 83/2019, the GelverkG distinguished between the car hire industry and the taxi industry in the commercial transport of passengers by car. The rental car industry included the transport of a certain group of persons on the basis of special orders, while in the taxi industry, any, mostly shorter journeys were ordered in person or by telephone as required.

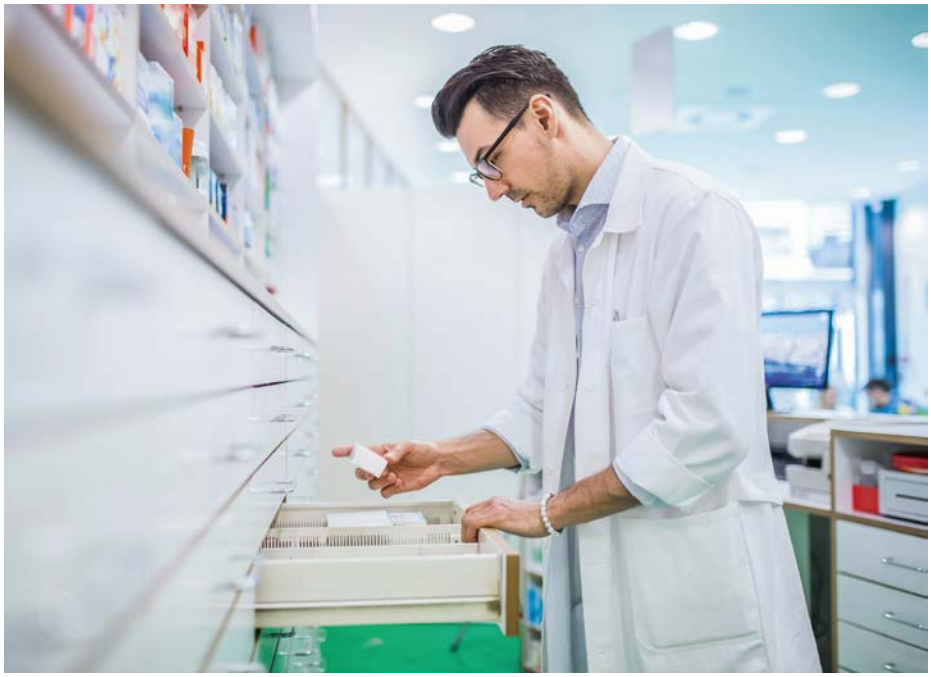
Since the 2019 amendment, the car rental industry can only be operated as a "passenger transport industry with car taxis"; licences for the car rental industry may no longer be issued since May 2019.

The Constitutional Court has no constitutional concerns about this new regulation:

In view of the similarity of the activities in the hire car and taxi industries, it is within the legislator's margin of appreciation to introduce a uniform licensing regime for the commercial transport of passengers by car. Incidentally, the requirements for granting a corresponding trade licence (concession) were already essentially the same for both trades. The more detailed operating regulations to be issued by decree of the state governor (Landeshauptmann) can also be designed in such a way that the specific nature of certain journeys can be taken into account.

It is also not contrary to the principle of equality that drivers who were previously employed in the rental car industry must now have a taxi driver's licence – and thus knowledge of the local area and the tariffs applicable in the respective states (Länder) – even if these drivers may continue to carry out exclusively pre-booked journeys.

The appeals lodged against several penalty decisions were therefore dismissed as unfounded.



18 December 2025, G 105/2025

Monitoring system for stored medicines

Dismissal of an application for the repeal of provisions of the Federal Act on Measures to Ensure the Availability of Medicinal Products (Bundesgesetz über Maßnahmen zur Sicherstellung der Verfügbarkeit von Arzneimitteln – MSVAG) as amended by Federal Law Gazette I 38/2025.

Under the MSVAG, since 1 January 2026, wholesale distributors of medicinal products have been required to provide the Federal Minister of Health, the Federal Office for Safety in Health Care and the Umbrella Organisation of Social Security Institutions with daily data on stored medicinal products and active ingredients via an electronic interface.

The Constitutional Court has no constitutional objections to this provision:

The monitoring system aims to enable the early detection of supply bottlenecks for medicinal products. Monitoring should also make it possible to monitor the effectiveness of the infrastructure security contribution introduced in 2023 for wholesale distributors of medicinal products.

Finally, the monitoring system should contribute to the general health policy management of the supply of medicinal products.

The objective of this regulation, namely to ensure a secure supply of medicines, is in the public interest. The Constitutional Court also has no objections to the fact that only full-range wholesalers of medicines, but not other wholesalers, are obliged to participate in the monitoring system, as only full-range wholesalers are in a position to ensure the supply of medicines in a specific area. It is therefore not unreasonable and does not violate the principle of equality to exclude other wholesalers from the monitoring system. Since full-service pharmaceutical wholesalers supply pharmacies with around 80% of their medicines, monitoring these wholesalers alone provides a reliable overview of the availability of medicines and is sufficient to identify supply bottlenecks at an early stage.

Nor can the legislator be opposed if it assumes that daily reporting of stock levels is necessary in order to identify shortages at an early stage. It is also within the legislator's margin of appreciation to base these reports on all types of medicinal products and active ingredients for the sake of simplicity, without distinguishing between medicines that are more or less "relevant to supply". An application filed by several pharmaceutical wholesalers against this regulation was therefore dismissed as unfounded.

IV

Events and International Relations

History of Events 2025

27 January 2025

Politics & Education: Panel discussion with young people at the Concordia Press Club

President Grabenwarter, together with the President of the Austrian Court of Audit, Margit Kraker, answered questions from interested young people.

28 January 2025

Awarding of the Constitution Prize by the Federal Foundation "Forum Verfassung"

The 2025 Constitution Prize was awarded to Prof. Peter Pernthaler and the democracy workshops run by "Missing Link" at Caritas Vienna. The award ceremony took place at the Constitutional Court. Prof. Pernthaler was able to accept the science prize in person on 3 February in Innsbruck.

30 and 31 January 2025

Conference of the Institute for Administrative Law at Johannes Kepler University Linz

President Grabenwarter and Ms Julia Schmoll gave a lecture on "National Constitutional Law under the Influence of the Fundamental Rights of the European Union" as part of the constitutional law discussions.

31 January 2025

Solemn Hearing of the ECtHR in Strasbourg

Justice Siess-Scherz attended the ceremonial opening of the judicial year.

4 February 2025

Lecture to the Tyrolean Law Society

President Grabenwarter gave a lecture in Innsbruck on "Administrative Courts and Constitutional Jurisdiction – Current Developments in the Case Law of the Constitutional Court". The same topic was also discussed two days later at a working meeting with the staff of the Constitutional Service of the Tyrolean Provincial Government.

16 to 18 February 2025

Visit by the Italian Constitutional Court to Vienna

Continuing the long-standing bilateral contacts, a high-ranking delegation from the Italian Constitutional Court, led by President Giovanni Amoroso, visited Vienna. The two topics scheduled for technical discussion were introduced with short presentations. Following the keynote speeches by the two Vice-Presidents, Francesco Viganò and Luca Antonini, Justice Dr Herbst gave a presentation on the recent case law of the Constitutional Court on assisted suicide, as he had done at the last meeting in Rome. President Grabenwarter and Justice Emanuela Navarretta addressed the European and Constitutional law issues surrounding border controls in the Schengen area.

28 February 2025

Preparatory conference of the Conference of European Constitutional Courts (CECC) in Tirana

President Grabenwarter took part in the presidents' round table to prepare for the 20th CECC Congress. The application for membership of the Kosovar Constitutional Court in the CECC was discussed again and finally approved. In addition, the theme for the 2027 Congress and the necessary organisational and financial steps for preparing the Congress were decided.

12 March 2025

Conference of the Venice Commission on the occasion of its 35th anniversary in Venice

On 12 March 2025, a conference entitled "Lessons Learned and Learning Lessons: The Venice Commission's Experience in Elaborating Transnationally Valid Constitutional Standards" was held at the Palazzo Ferro Fini to mark the 35th anniversary of the Venice Commission. President Grabenwarter gave a presentation on "Constitutional Courts as Guarantors of Separation of Power".

4 April 2025

Study Visit by a delegation of judges from Thailand

Secretary General Frank welcomed the delegation led by the Vice-President of the Thai Supreme Court, Prakob Leenapaesanant.

4 April 2025

Anniversary celebrations making the 40th anniversary of the Constitutional Court of Belgium in Brussels

President Grabenwarter attended the celebrations marking the 40th anniversary of the Belgian Constitutional Court.

15 April 2025

Visit by State Secretary Pröll to the Constitutional Court

President Grabenwarter welcomed Alexander Pröll, State Secretary in the Federal Chancellery for Digitalisation, Constitution, Public Service, Coordination and the Fight against Anti-Semitism, to a meeting at the Constitutional Court.

24. and 25 April 2025

International Conference "The Role of Constitutional Courts in Ensuring the Resilience of Common European Values in Face of Contemporary Challenges" in Riga

Justice Lienbacher took part in the conference on current challenges to democracy and the rule of law, organised as part of a joint project between the EU and the Council of Europe.

29 April 2025

Lecture by Prof. Aurore Gaillet at the Constitutional Court

In an event organised jointly with the Vienna University of Economics and Business, Prof. Aurore Gaillet (University of Toulouse Capitole) gave a lecture at the Constitutional Court on "The French Conseil Constitutionnel (1958–2025) – An Assessment with Comparative Law Comments".

6 May 2025

Visit by the Governor of Salzburg to the Constitutional Court

President Grabenwarter and Vice-President Madner welcomed Governor of Salzburg Haslauer to the Constitutional Court for talks on the occasion of Salzburg's chairmanship of the Federal Council and the Conference of State Governors (Landeshauptleutekonferenz).

15 May 2025

Ceremony marking the 150th anniversary of the Federal Supreme Court of Switzerland

President Grabenwarter attended the ceremony in Lausanne.

20 May 2025

Meeting of the presidents of four constitutional courts in Bratislava

President Grabenwarter accepted an invitation from Ivan Fiačan, President of the Slovak Constitutional Court, to attend the meeting, which was also attended by the presidents of the constitutional courts of Czechia and Slovenia. The participants discussed issues relating to electoral jurisdiction and current challenges posed by new media, as well as the task of constitutional courts to make decisions that are understandable and transparent to the public.

20 May 2025

Conference marking the 30th anniversary of the Moldovan Constitutional Court

The Constitutional Court was represented at this conference by Mr Böckle, who gave a short presentation on the topic of "Actual Challenges for the Constitutional Court of Austria".

25 and 26 May 2025

Visit by the Belgian Constitutional Court to Vienna

President Grabenwarter, Vice-President Madner and Justices Herbst and Siess-Scherz, as well as Substitute Member Bachler, took part in the expert discussions with a high-ranking delegation from the Belgian Constitutional Court. The Belgian delegation, led by Presidents Luc Lavrysen and Pierre Nihoul, included Constitutional Court judges Danny Pieters and Kattrin Jadin. The talks focused on the role of European law in the jurisprudence of constitutional courts and on issues of asylum and migration.

27 May 2025

Study visit by a delegation of judges from the Constitutional Court of the Republic of Kosovo

President Grabenwarter, Vice-President Madner, Secretary General Frank, Hon.-Prof. Pauser and Mr Böckle welcomed the delegation led by the President of the Kosovar Constitutional Court, Nexhmi Rexhepi. The visit focused on issues relating to the working methods of the Constitutional Court, the implementation of its decisions and its public relations work.

28 May 2025

Working meeting with ambassadors at the Constitutional Court

President Grabenwarter gave a keynote speech and held a working meeting with the ambassadors of the EU Member States, which was moderated by the Polish Ambassador, Wladyslaw Kosiniak-Kamysz.

10 June 2025

Swearing-in ceremony for Angela Julcher and Stefan Perner

Angela Julcher and Stefan Perner were sworn in by President Grabenwarter in a ceremony attended by their families and friends, as well as members and staff of the Court.

16 to 18 June 2025

Conference marking the 35th anniversary of the Kyrgyz Constitutional Court

At the event, Mr Böckle represented the Constitutional Court with a speech on "The Impact of the European Court of Human Rights Decisions on the Case Law of the Constitutional Court of Austria".

24 June 2025

Visit by a Chinese delegation to the Constitutional Court

Secretary General Frank welcomed the Chinese delegation from the Hubei Provincial People's Procuratorate, a regional law enforcement agency in the People's Republic of China, led by Deputy Chief Prosecutor Liang Li.

30 June 2025

Ceremony marking the 50th anniversary of the Institute for Federalism

In his speech in Innsbruck, President Grabenwarter spoke about "Constitutional Jurisdiction in the Federal State" and explained key lines of jurisprudence relating to the federal principle of the Federal Constitution.

1 and 2 July 2025

Bilateral meeting with the Federal Constitutional Court in Karlsruhe

President Grabenwarter, Vice-President Madner and six Justices of the Constitutional Court (Gahleitner, Hauer, Siess-Scherz, Mayrhofer, Julcher and Perner) met with their German counterparts in Karlsruhe to discuss "Current Challenges for Democracy", "Broadcasting Law" and "EU Law and the ECHR in Recent Case Law".

18 September 2025

Conference of Austrian Assistants in Public Law in Graz

President Grabenwarter gave the opening speech at the 15th Conference of Austrian Assistants in Public Law on the topic of "The Democratic Constitutional State – Preservation, Probation, Reinforcement".

26 and 27 September 2025

Constitution in Dialogue

Together with the Federal Foundation "Forum Verfassung", the Constitutional Court organised a programme for the public for the second time, which included guided tours of the court building, school workshops, talks with members of the Constitutional Court and an exhibition providing information about the constitution and the Constitutional Court. Numerous employees of the court were involved in the preparation and implementation of the programme.

1 October 2025

Constitution day

At this year's Constitution Day, Prof. Nußberger, former judge and Vice-President of the European Court of Human Rights and Vice-President of the Constitutional Court of Bosnia and Herzegovina, gave the keynote speech on "International Law and International Standards in Times of Geopolitics" (→ p. 50).

11 October 2025

Ceremony marking the 35th anniversary of the Venice Commission

President Grabenwarter attended a conference at the Doge's Palace in Venice and a ceremony marking the 35th anniversary of the Venice Commission.

17 October 2025

Conference of legal clerks of the Constitutional Court in Klagenfurt

The 10th Conference of legal clerks of the Constitutional Court took place in Klagenfurt on the topic of "Current Constitutional Challenges". President Grabenwarter welcomed the approximately 110 participants and Vice-President Madner gave a presentation on "Climate and the Constitution".

22 October 2025

35th European Congress of Ethnic Groups in Klagenfurt

President Grabenwarter delivered the keynote speech at the 35th European Congress of Ethnic Groups on the topic of "Minority Protection and the Constitution", in which he focused primarily on the legal basis in the Austrian State Treaty and the Ethnic Groups Act (Volksgruppengesetz), as well as on the jurisprudence of the Constitutional Court on minority protection.

23 October 2025

Professional exchange with judges from the Ukrainian Constitutional Court in Vienna

Vice-President Madner welcomed a delegation of judges from the Ukrainian Constitutional Court to the Constitutional Court. Secretary General Frank gave a presentation as part of the professional exchange organised by the German Society for International Cooperation (GIZ) for the project "Strengthening Ukraine's EU Alignment in the Rule of Law".

27 October 2025

Symposium "Administrative Law in Transition" on the occasion of Justice Hauer's 60th birthday at Johannes Kepler University in Linz

President Grabenwarter, Justice Mayrhofer and Substitute Member Leitl-Staudinger gave presentations at this symposium in honour of Justice Hauer.

28 to 31 October 2025

6th Congress of the World Conference on Constitutional Justice (WCCJ)

The 6th Congress of the WCCJ on the topic of "Human Rights of Future Generations" took place in Madrid, with President Grabenwarter and Vice-President Madner in attendance. The Constitutional Court was elected (until 2027) as Europe's representative to the World Conference Bureau. Numerous bilateral contacts were cultivated on the sidelines of the congress.

7 November 2025

Study Visit to Vienna by research assistants from the Constitutional Court of Moldova

Secretary General Frank, Mr Schön, Mr Böckle and Ms Störck organised a study visit for 18 employees of the Constitutional Court of Moldova, with presentations on their respective areas of work.

9 and 10 November 2025

Bilateral meeting with the Croatian Constitutional Court in Vienna

A bilateral meeting with the Croatian Constitutional Court took place at the Constitutional Court. President Grabenwarter and Vice-President Arlović gave introductory presentations on the protection of minorities, while President Staničić and Justice Perner introduced presentations into a discussion on the topic of "Civil Law and the Constitution".

11 November 2025

Asylum Day

Mr Schön, Ms Lais and eight legal clerks of the Constitutional Court took part in Asylum Day, which was held at the Federal Administrative Court this year. Ms Bauer moderated a working group on the topic of family reunification.

24 November 2025

Lecture by Federal Constitutional Court Judge Prof. Langenfeld at the Constitutional Court

Prof. Langenfeld gave a lecture to an interested audience of experts on the topic of "Plurality of Levels of Protection and Diverging Values in the European Court System – Perspectives for the Protection of Fundamental Rights".

25 November 2025

Bilateral meeting with the Czech Constitutional Court in Brno

President Grabenwarter, Vice-President Madner and Justices Lienbacher, Holoubek, Siess-Scherz, Julcher and Perner took part in the bilateral meeting with the Czech Constitutional Court in Brno. Following introductory presentations by President Baxa and President Grabenwarter, the two constitutional courts discussed their case law on topics such as assisted suicide, reproductive medicine and same-sex marriage. Another focus of the working meeting was the relationship between civil law and the constitution, with particular emphasis on the different ways of bringing a case before the constitutional court in the two countries. Justice Perner and Vice-President Ronovksá gave short presentations on this topic.

27 November 2025

15th anniversary of the Advisory Panel in Strasbourg

On 27 November, President Grabenwarter participated online in the anniversary conference marking the 15th anniversary of the Advisory Panel and gave a presentation on the topic of "Looking Ahead: Enhancing the Election Procedure and the Advisory Panel's Evolving Role".

International Exchange

Professional exchange and institutional contacts continued at national and international level during the reporting year. The "History of Events" (→ p. 42) provides a complete overview of the activities of the Constitutional Court, while only a few events in which members of the Constitutional Court participated can be highlighted below:

The continuation of the discussions with the Italian Constitutional Court took place in Vienna in February, following discussions in Rome in spring 2023 on the case law of the two constitutional courts on the subject of assisted suicide. The two Vice-Presidents of the Italian Constitutional Court, Francesco Viganò and Luca Antonini, reported on the new case law on assisted suicide in Italy. The Italian Constitutional Court had initially postponed its decision for a year and drafted precise guidelines for the legislature, which, however, failed to act. Justice Herbst addressed this issue from an Austrian perspective. He reported on the second decision on assisted suicide from December 2024 (G 229/2023), in which the Constitutional Court largely considered the new legal framework of the Federal Act on the declaration of voluntary dying (Sterbeverfügungsgesetz – StVfG) to be constitutional. The second topic, "Border controls in the Schengen area", was introduced by presentations from President Grabenwarter and Italian constitutional judge Navarretta.

At the end of February, the preparatory conference for the 20th Congress of the Conference of the European Constitutional Courts (CECC) took place in Tirana, which will be held in spring 2027 under the chairmanship of the Constitutional Court of Albania. President Grabenwarter took part in the so-called Presidents' Round Table, at which it was also decided to admit the Constitutional Court of Kosovo as a member of the CECC. The theme of the next congress was set as "Freedom of expression – fake news/false reports as a threat to democracy".

In May, a delegation from the Belgian Constitutional Court visited the Constitutional Court, officially continuing a bilateral exchange that had already taken place on the sidelines of international meetings. The Belgian Constitutional Court works in three languages, Dutch, French and German, and the delegation included both Presidents Lavrysen and Nihoul, as well as German-speaking Constitutional Court judge Jadin. The technical discussions focused in particular on the role of European law in the case law of the constitutional courts, especially the practice of referring cases to the ECJ, as well as the topic of asylum and migration. The introductory presentations on "The role of the ECHR and EU law in the case law of the Belgian Constitutional Court and the Austrian Constitutional Court" were given by President Lavrysen and Vice-President Madner. The second topic of the working meeting, "Case law on asylum and migration", was introduced with short presentations by Justice Siess-Scherz and Belgian constitutional judge Jadin.

Also at the end of May, a meeting of the ambassadors of the EU Member States was held at the Constitutional Court, to which Ambassador Kosiniak-Kamysz invited representatives of Poland, which held the Presidency of the Council of the EU at the time. President Grabenwarter gave a keynote speech in English on democracy, the rule of law and the role of constitutional courts. This was followed by a lively discussion with the participants. Shortly after their appointment, the two new members of the Constitutional Court travelled to Karlsruhe at the beginning of July as part of an eight-member delegation to continue the biennial expert discussions with the German Federal Constitutional Court. The judges

discussed “Current Challenges to Democracy”, the jurisprudence of the two constitutional courts on broadcasting law, and the topic of “EU Law and the ECHR in Recent Case Law”.

The Sixth Congress of the World Conference on Constitutional Justice (WCCJ) took place in Madrid at the end of October and dealt with the topic of “Human Rights of Future Generations”. In preparation, all constitutional courts answered questions about their jurisprudence in this area, which were summarised in a general report. The Constitutional Court was also elected as Europe’s representative for a period of three years to the office of the World Conference, which will prepare the next congress, to be held in Egypt in 2028.

After a long break, the bilateral exchange with the Constitutional Court of Croatia in Vienna was also resumed. President Grabenwarter and Vice-President Arlović gave introductory presentations on the protection of minorities, with the Austrian perspective focusing in particular on Article 7 of the Austrian State Treaty and the jurisprudence of the Constitutional Court on this issue. The recently appointed President Staničić and Justice Perner addressed the topic of “Civil Law and the Constitution” in their presentations.

The last bilateral meeting in the reporting year took place at the end of November in Brno with the Constitutional Court of the Czech Republic. Due to the pandemic, there had been a long break since the last professional exchange. The Czech Constitutional Court, together with the Austrian Constitutional Court, is one of the oldest constitutional courts in the world and also held the presidency of the Conference of European Constitutional Courts (CECC) from 2018 to 2021. During the working meeting, the case law of the two constitutional courts on topics such as assisted suicide, reproductive medicine and same-sex marriage was discussed. Another focus of the working meeting was the relationship between civil law and the constitution, with the discussion centring in particular on the different ways of accessing the constitutional court in both countries.

Constitution Day 2025: Speech

Angelika Nußberger

Full Professor of Constitutional Law, Public International Law and Comparative Law and Director of the Academy for European Human Rights Protection at the University of Cologne, Vice-President at the Constitutional Court of Bosnia and Herzegovina

International Law and International Standards in Times of Geopolitics

As a native of Munich, it is not only an honour for me, but also a personal pleasure to be able to deliver the commemorative address on Constitution Day here today in the courtroom of the historic Austrian Constitutional Court. I would like to express my sincere gratitude to President Christoph Grabenwarter for his invitation.

When I was a child, I was always told that the only difference between Austria and Bavaria was that the mountain peaks were higher and that there was 'Salzburger Nockerl' and 'Sachertorte'. Vienna always struck me as the magnificent imperial version of Munich. And while working with Ms. Kucsko-Stadlmayer at the European Court of Human Rights, I noticed how similar our legal thinking and reasoning is. I am very happy to be here with you in Vienna; I feel "a weng wia dahoim" (a little bit at home).

I was free to choose the topic. I would like to reflect with you on international law and international standards in times of geopolitics, as it seems to me that these issues are of crucial importance for the future of the "world as we know it". It is important to take a close look.

I. Turning points

1. Status quo

"No matter which court you turn to, you will not get justice. ... And the civilian population is caught in a geopolitical web to which it has contributed in no way."

This statement by a Pakistani minister in April 2025, in response to India's threat to cut off Pakistan's water supply in retaliation for a terrorist attack in the Kashmir border region, shows that the most valuable commodity in international relations, trust, has been lost. According to Ahmad Irfan Aslam, neither the Security Council, nor the General Assembly, nor the International Court of Justice would be able to deliver justice. Even if one of these institutions were to take a decision to protect Pakistan, it would have no consequences.

Such political sighs of despair are not surprising at a time when daily negative news seems to prove that state actors have nothing to fear in terms of consequences for violations of international law. Russia's war of aggression in Ukraine has been going on for three and a half years without a single day of silence from the guns, Israel is conducting a ground offensive in Gaza City, even though more than a million people cannot flee and serious violations of international humanitarian law cannot be prevented. The violence has moved closer to Europe, with Russian drones flying deep into Polish territory, Ursula von der Leyen's plane experiencing navigation problems, and the destruction of undersea cables in the Baltic Sea almost becoming a trivial matter.

2. Status quo ante

a. First turning point – the Atlantic Charter

When we cannot respond to news that is not only depressing but devastating, we try to console ourselves with the thought that things could be even worse; when it comes to looking into the abyss, there are no limits to our imagination. And, indeed, there have been even darker times than the present.
Let me draw your attention to August 14, 1941, a day in the sorrowful 20th century when the "scourge of war", as the

preamble to the UN Charter states, brought "untold sorrow upon mankind." Why was the situation so particularly desperate at this particular moment? The Wehrmacht, together with the Italian fascists, had occupied almost all of Europe and was rapidly advancing into Soviet territory. It was impossible to predict that the Allies would be able to turn the tide and win the war.

It was at this very moment that Winston Churchill and Franklin D. Roosevelt met on a secret mission in the middle of the Atlantic and summarized the foundations of the new world order in eight brief points: There should be no territorial gains; territorial changes should reflect the wishes of the people and be in accordance with the right of self-determination of peoples; trade barriers should be reduced; economic cooperation between states should promote social progress; people should be able to live free from want and fear; and freedom of the seas should be guaranteed. Disarmament was both a promise and a goal.

This agreement, which went down in history as the "Atlantic Charter", together with the UN Charter adopted four years later, after the end of World War II in 1945, and the Universal Declaration of Human Rights of 1948 (UDHR), ushered in a genuine turning point, probably the most important in the 20th century, which was rich in turning points. For it defined concisely, clearly, and succinctly the pillars on which international law should henceforth rest; the UN Charter and the UDHR further developed the peace order laid out in the Atlantic Charter and the idea that all people should be able to live without "fear and want", and secured them institutionally.

b. Second turning point – the fall of the Berlin Wall

With the fall of the Berlin Wall on November 9, 1989, the fundamental constellations of the international system changed for the first time in such a way that these legal ideas, developed in the mid-20th century, were given a real chance to play a lasting role as regulatory factors. Wars could, if not prevented, at least be brought before the courts in some cases, such as the European Court of Human Rights' rulings on Chechnya or the criminal convictions of some of those responsible for the genocide in Srebrenica or the genocide in Rwanda. The Security Council was not particularly effective in its work, but it was a forum for dialogue and debate that could be called upon and was called upon. Individual rights became the focus of international interest and found universal or quasi-universal approval, with up to 193 states ratifying individual treaties such as the Convention on the Rights of the Child. Human rights became the benchmark for domestic and foreign policy. Interstate cooperation and interdependence became a matter of course, and the rule of law and democracy were recognized worldwide as fundamental constitutional principles. The hopes of the authors of the Atlantic Charter seemed to have been fulfilled, and Kant's idea of "eternal peace" seemed to be within reach. But the period of great hope – in retrospect, one might say, of great illusion – did not last very long.

«In a multipolar, interest-dominated world order, international law falls by the wayside, with various options available for this to happen.»

c. Third turning point – the beginning of Russia's war of aggression

With the turning point of February 24, 2022, the basic coordinates of the international legal system were changed once again. February 24, 2022 was followed by October 7, 2023, with Hamas' bloody attack on Israeli civilians and the subsequent Gaza war, whose victims were equally civilians. January 20, 2025, the start of US President Donald Trump's second term in office, can also be considered a turning point, so that a new order can now be seen in contrasted with an old one.

II. Old and new order

1. Multipolarity

"The world has entered a phase of revolutionary turmoil that is fundamental in nature. New centers of development are emerging that represent the majority – the majority! – of global society. They are ready to articulate and defend their interests, and they see multipolarity as an opportunity to consolidate their sovereignty, i.e., to achieve true freedom, a historical perspective, their right to independent, creative, autonomous development, a harmonious process." This quote is from Vladimir Putin's speech on September 30, 2022, on the annexation of the four Ukrainian territories of Donetsk, Luhansk, Zaporizhzhia and Kherson. The annexed territories are still not completely under Russian control. But the vision of a multipolar legal order in which interests are "not only expressed but also protected" and which can thus be classified as "geopolitics" has become reality.

a. Formation of new centers

At first glance, the characterization of the new world order as "multipolar" is by no means revolutionary, but rather describes the obvious, underpinned by a multitude of images, such as those of the meeting of the heads of state and government of the BRICS countries in South Africa in 2022, at which the five representatives of the world's most populous countries, China, India, Brazil, South Africa, and Russia celebrated their solidarity before the eyes of the world, or the images of the meeting of the members of the Shanghai Cooperation Organization, in which the states of Eurasia see their future. It is also becoming increasingly difficult to deny that a wedge is being driven between the United States of America and Europe and that here, too, we are talking about different poles in the multipolar system.

b. Formation of new antagonisms

A new tone is being set with a clear commitment to "interests," "sovereignty" and "independent forms of development". All these terms sound less threatening and are by no means new, but the associated unvarnished rhetoric of wanting to assert one's own interests suggests a return to times when people thought in terms of friend and foe, as Carl Schmitt did, and the political question was not what one "may" do, but what one "can" do. Against this backdrop, multipolarity based on different interests can be seen as a counter-model to universalism based on shared values.

In a multipolar, interest-dominated world order, international law falls by the wayside, with various options available for this to happen.

c. Dealing with international legal norms

The first option is to ignore international law completely, as if it never existed or was at best a philanthropic fantasy; this attitude is behind statements such as "I want to have Greenland 'or' ... think of how beautiful [Canada] would be without that artificial line running right through it. Somebody drew it many years ago with a ruler, just a line." Or even: "the U.S. will take over the Gaza Strip and we will do a job with it, too".

A second option is to look for ways and means to remain law-abiding without having to comply with international law, for example, when a binding international arrest warrant is not considered binding and legal arguments are sought instead or when the ultra vires actions of international institutions are invoked to justify the non-implementation of binding judgments, as in the case of Poland in the crisis of the rule of law under the P.I.S. government.

A third option is to interpret the rules of international law "creatively" and claim that they mean the opposite. Thus, "war" can be understood as "peace" and "attack" as "defense". An illustration of this is Putin's speech delivered at 6 a.m. on February 24, 2022, immediately before the military intervention, which the Russian ambassador sent to the Secretary-General of the United Nations as an annex to the declaration under Article 51 of the UN Charter:

"Today's events have nothing to do with our desire to harm the interests of Ukraine and the Ukrainian people. Rather, it is about protecting Russia itself from those who have taken Ukraine hostage and are trying to use it to fight against our country and its people.

I repeat: our actions are in self-defense against the dangers that threaten us and against an even greater misfortune than what is happening today."

The fourth option can be described as "pick and choose"; you pick what suits you and ignore what conflicts with your own interests. This selection also involves delegitimizing the rules that are not selected. In this context, one could refer to the discourse on "national sovereignty" or "constitutional identity", according to which states, despite Article 27 of the Vienna Convention on the Law of Treaties (VCLT), refuse in individual cases to implement judgments of international courts because they are not in accordance with the fundamental principles of national constitutional law.

And the fifth option – opposed to all other options – is the dynamic development of treaties aimed at the telos of sustainable peacekeeping and increasingly better human rights protection. International law norms are not taken for what they are, but for what they should be. For example, there are only two exceptions to the prohibition of violence under the UN Charter: the right to self-defense and collective action based on a Security Council resolution, but not "humanitarian intervention"; nor does the Charter mention "preemptive self-defense". To cite another example, there is no mention in the text of the extraterritorial application of human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR); rather, Article 2(1) of the ICCPR states that the obligations of the state party extend to all "persons within its territory and subject to its jurisdiction"; Nevertheless, the actions of the states

parties outside their territory are also measured against the standards of the treaty. States have included hardly any explicit provisions in binding treaties on particularly controversial issues that have now been stylised as part of a culture war, such as the scope of human rights for refugees and asylum seekers, the human rights of sexual minorities, or human rights in the face of environmental disasters and climate change. For example, neither the ICCPR nor the ECHR includes a right to asylum; the UDHR only contains a right to "seek and enjoy asylum from persecution in other countries", but not to be granted it; moreover, rights are excluded "in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations." The Geneva Refugee Convention contains similar grounds for exclusion. As far as can be seen, only the EU Charter of Fundamental Rights explicitly mentions "sexual orientation" as a forbidden criterion in its prohibition of discrimination in Article 21. There are also no treaties on the scope of individual rights when it comes to environmental pollution and the climate crisis.

However, reasoned responses to the human rights issues associated with these topics have been developed in consistent case law by regional human rights courts and in the rulings of international expert bodies, supported by arguments based on the rules of interpretation of the VCLT.

This acquis, which has been widely regarded as established and is based on the progress clauses in the preambles to the treaties, is now being contradicted, whether in court practice or in the adoption of customary international law. Political statements such as the declaration by nine member states of the Council of Europe on the case law of the ECtHR on the issue of migration or sovereignty clauses newly incorporated into constitutions to safeguard certain "traditional values", as recently demonstrated by the example of Slovakia, testify to a new dissent. Particularly in the field of human rights protection, there is no longer agreement on how far the "further development of human rights and fundamental freedoms" called for in the preambles should go.

However, the fact that consensus cannot be taken for granted in a multipolar world, not only on details but also on fundamental values, is demonstrated once again by a quote from Putin's speech on the war of aggression:

"We hear from all sides: the West defends the rules-based order. What rules? Who has ever seen them? Who laid them down? Listen: this is all chatter, pure deception, double, even triple standards! Made for idiots!"

2. Deficits in the international legal order

The dispute over the "rules-based order" of the 21st century is caused by a mixture of "bad will and neglect" and "good will and hope" in dealing with international law, which ultimately leads to deep uncertainty, as it is increasingly unclear which norms and standards states actually feel committed by and which they acknowledge as universal.

Added to this is the inadequacy of the rules of international law themselves, and, as we are currently experiencing painfully, this is also the case when it comes to fundamental issues.

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Three examples:

Firstly, there is the obvious deficit in the UN Charter's peacekeeping law, namely that the five member states with veto powers on the Security Council not only decide on their own behalf, but can also veto on their own behalf. This contradicts the principle of sovereign equality of the members of the United Nations in a way that undermines the peacekeeping system as such.

On the other hand, current international law does not allow for a "deal" of land for peace. If a state were willing to cede territory in order to silence the guns due to its military inferiority, such a "peace treaty" would not only violate jus cogens under international law, but would also be null and void under Article 52 of the VCLT. This is logical and good; it is not possible to legally ensure something that violates jus cogens. But what is the alternative offered by international law if the attacking, militarily superior state is not prepared to give up its demands for territorial gains? It is difficult to advise on how to find a solution that is compatible with international law.

A third major problem is the limited justiciability of international humanitarian law. Since, in most cases – due to a lack of submission to the general jurisdiction of the ICJ – only the accusation of genocide can be brought before a court on the basis of the Genocide Convention ratified by all UN member states, but not other war crimes and crimes against humanity, the picture is distorted. Just because a state cannot be accused of genocide does not mean that it is acting in accordance with international law. Violations of humanitarian law are not given sufficient weight due to the widespread lack of justiciability.

It is obvious that it is precisely these three shortcomings that make it difficult to find a solution to current wars under international law.

III. Prospects for a "defensive international law" in the 21st century

I admit that this assessment of international law and international standards in times of geopolitics is extremely negative. But I have not yet reached the end of my address. Rather, it is now necessary to respond to the negative developments that could call into question the significance of international law in a multipolar order with a big "but." First of all, acknowledging shortcomings and problems is like a diagnosis in medicine: it is the beginning, not the end. The diagnosis serves to develop a suitable therapy that will lead to improvement.

Second, despite all the negative developments, the situation is not as gloomy as it may seem. Here are five reasons why:

Firstly, although the extreme voices questioning international law are influential, they have ultimately remained isolated. Statements on territorial claims have not become the norm, but have instead led to diplomatic, yet clear, counterarguments, as befits the context; the international community has been made aware of the red lines on all sides. Even treaty terminations such as Russia's withdrawal/expulsion from the European Convention on Human Rights and Israel and the US's withdrawal from the Human Rights Council, whereby the US – as the first state ever to do so – also objected to the application of the Universal Periodic Review, did not


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lead to a domino effect; even critical states did not follow suit. The same applies to withdrawal from international organizations; for example, the US withdrawal from the World Health Organization has not been followed by a single other country.

Secondly, even if the Security Council is not fulfilling its role satisfactorily, the General Assembly has repeatedly taken crucial decisions by a very large majority, such as the condemnation of the Russian invasion of Ukraine on March 2, 2022, by a majority of 141 out of 181 votes, and the condemnation of the annexation of the Ukrainian territories of Donetsk, Luhansk, Zaporizhzhia, and Kherson with 143 out of 183 votes, the commitment to a two-state solution in the Gaza conflict with 142 out of 164 votes. The ICJ's climate opinion was also requested with 104 votes. It is true that in these cases, not only the negative votes but also the abstentions must be taken into account. Nevertheless, these resolutions and motions show that international law continues to be accepted as a benchmark.

Thirdly, the international community did not leave Russia's breach of international law through its war of aggression unanswered, but countered it with its own sacrifices, particularly economic ones. If there had been doubts about the conformity of Ukraine's actions with international law, this would certainly have been different. And this is also what makes the situation in the Gaza war so much more difficult, as the conflict began with an attack by the terrorist organization Hamas that violated international law, but is now being disputed over the scope of Israel's actions originally covered by the right of self-defense and, in particular, over compliance with international humanitarian law and the prohibition of genocide.

Fourthly, the case law of international courts is also showing progress. The climate opinion of the ICJ makes it clear that legal answers can be given to pressing questions. And the large number of complaints and applications to international and regional courts, in particular the ICJ and the ECtHR, demonstrates the continuing trust in these courts; even if there is criticism in individual cases, "Strasbourg" and "The Hague" have become abbreviations for answers to political questions based on international law.

And fifthly, the international legal system and compliance with standards are also supported in the long term by national constitutional courts, which take up and follow case law and use it as an unalterable point of reference. This is particularly true of Austria, which sets an example due to the special hierarchical position accorded to the ECHR in the system of norms. Individual disagreements between national constitutional courts and European or international courts should not obscure the fact that cooperation and dialogue between the courts continues to function well despite all odds.

It is important to note that all the positive developments in international law reveal that globalisation cannot be reversed and that, even in a multipolar system guided by different interests, it cannot be denied that all states and actors depend on each other.

This means that not everything is bad. Even in times of geopolitics, international law is not powerless. The central question, however, is what needs to be done to counter negative developments in a committed and effective manner. Here, we can distinguish between the voices of the pessimists and the optimists – those who shrug their shoulders and admit that ultimately nothing can be done when those who wilfullly take an axe to the system are in the decisive positions and hold all the strings; it is impossible to prevent the system from being weakened from within and destroyed from without. The optimists, on the other hand, argue that lessons can be learned from mistakes; ultimately, there is hope that we will emerge from the crisis stronger than before.

Nevertheless, despite all the differences of opinion, there should be consensus that, similar to a "defensive democracy", we also need a "defensive international law", a "militant international law" that can preserve itself and find an effective response to those who resort to the system to erode and undermine it.

Against this backdrop, it seems appropriate to focus on the essentials, on the pillars of the system. However, we must not define what is essential too narrowly. Our acquis, which we have enshrined in international law, human rights, the rule of law, and democracy, is part of this, even if we have to make concessions in a multipolar world and cannot demand everything that we regard as a shared bond for Europe on a universal level. The Atlantic Charter sums up what is internationally indispensable, and the UN Charter and the UDHR develop this further. If we continue to think along these lines, it should also be possible to live peacefully in a multipolar world characterised by different geopolitical interests.

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