

Dispute Resolution in Austria
An Introduction

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Preface

The purpose of *Dispute Resolution in Austria: An Introduction* is to provide litigation and arbitration practitioners and in-house counsel alike with a detailed description of the Austrian procedural law governing both proceedings before Austrian domestic courts and arbitration proceedings.

Due to the popularity of Austria as a venue for arbitration and the fact that Austrian courts regularly decide on cases in which at least one side is foreign, the authors considered it necessary to provide an English-language portrayal of the Austrian legal situation, which will allow the reader to quickly get an overview of the Austrian practice of dispute resolution while nevertheless ensuring the required depth to fully understand the legal background of this practice.

This book is aimed at providing a practical approach to users of the Austrian law on dispute resolution. While it includes detailed references and depictions of the jurisprudence of Austrian courts and the opinions of Austrian academics, it is aimed at giving answers to foreign lawyers and in-house counsel who need straight-forward answers to questions that arise during proceedings in Austria.

The section on arbitration is based on sections 577ss ACCP which constitute the Austrian law on arbitration. However, the Austrian legislation is put into context with the international practice of arbitration. The chapter covers all relevant features of arbitration, including the conclusion of arbitration agreements and the pre-arbitration phase, the conduct of the proceedings and the rendering (and possible challenge) of an award.

The chapter on litigation by and large follows the chronological sequence in which court proceedings take place in Austria starting with a depiction of the structure of Austrian courts and their jurisdiction through the proceedings in first instance and possible appeals and the enforcement of judgments by Austrian courts. It also provides a tour d'horizon of the legal situation under European law. The authors would like to thank Ms. Eva Klingler, Mr. Thomas Herbst, Mr. Alexander Zojer and Ms. Katharina Windisch for their assistance with this book.