

Evaluation of the judicial systems (2020 - 2022)



Germany

Generated on : 30/09/2022 09:47

Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[83 155 031]

Comments

=



002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	511 713 000 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	780 397 000 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments According to a press release by the Federal Statistical Office, the rise in the amount of public expenditures in 2020 was mainly caused by measures taken in the context of the Corona pandemic (e.g. fast track economic aid for enterprises and hospitals)

=

003. Per capita GDP (in €) in current prices for the reference year

[40 027]

Comments

004. Average gross annual salary (in €) for the reference year

[52 464]

NA

Comments figure represents the average gross annual salary of employees working in full time

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering the questions in this part

Sources: Federal Statistical Office

Q 1: Genesis-Database, population status update (based on the 2011 census)

Q 2: subject-matter series 14 (tax and finance) series 2.

Q 3: subject-matter series 18 (national accounts), series 1.2 (calculation of the domestic product), table 1.4

Q 4: subject-matter series 16 (earnings and work costs) series 2.3

1.1.2 Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts,

in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	[X] NA [] NAP	[X] NA [] NAP
1. Annual public budget allocated to (gross) salaries	[X] NA [] NAP	[X] NA [] NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	[X] NA [] NAP	[X] NA [] NAP
2.1 Investments in computerisation	[X] NA [] NAP	[X] NA [] NAP
2.2 Maintenance of the IT equipment of courts	[X] NA [] NAP	[X] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	[X] NA [] NAP	[X] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	[X] NA [] NAP	[X] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	[X] NA [] NAP	[X] NA [] NAP
6. Annual public budget allocated to training	[X] NA [] NAP	[X] NA [] NAP
7. Other (please specify)	[X] NA [] NAP	[X] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: The budget of the courts cannot be separated from budget from the public prosecution.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	11 460 143 833 [] NA [] NAP	11 112 132 644 [] NA [] NAP

Total annual public budget allocated to all courts and legal aid together	[X] NA [] NAP	[X] NA [] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The "Total annual budget allocated to all courts and the public prosecution services" is the only figure that is available from the Federal Courts and all Länder. The following Länder submitted additional remarks regarding their budgets:

Baden-Württemberg:

The budget allocated to the public prosecution services cannot be separated from the budget allocated to all courts.

Bayern:

The budget of the public prosecution offices cannot be presented separately. The budget for legal aid can only be presented with regard to the courts of ordinary jurisdiction.

Brandenburg: The budget plan for 2019/2020 was based on an assumption of greater expenditure. Furthermore, due to budget funds not being fully utilised in 2019, reserves were used for personnel and administrative expenditure.

Bremen:

The total annual public budget allocated to all courts and public prosecution services cannot be presented either separately or jointly since parts thereof (IT expenditure for the entire justice system including prisons and the senatorial authority, as well as training expenditure) are centrally estimated.

Mecklenburg-Vorpommern:

The approved budget includes expenditure for the courts, the public prosecutor general and all public prosecution offices. The individual budgets cannot be shown separately.

Rhineland-Palatinate:

Under the system currently in place, the budgets allocated to courts and public prosecution offices cannot be shown separately. The expenditure shown therefore includes the expenditure for public prosecution offices. Saarland:

For the public prosecutor general and the public prosecution office, the only data shown separately are the estimates for the staffing and materials expenditure budget (i.e. not including statutory expenditure).

Saxony:

Expenditure for IT, basic and further training, maintenance and operating costs for buildings and facilities, internal court costs, public relations work, trans-regional cooperation etc. is centrally estimated, spent and managed for all parts of Saxony's justice system (courts, public prosecution offices, prisons, Justice Ministry, Central Office for Information Technology, Training Centre). Insofar as it is incurred by the courts and public prosecution offices, this type of expenditure cannot therefore be shown separately.

Thuringia:

excluding costs for maintenance and construction of court buildings.

=

008. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	() Yes, at the beginning of the procedure () Yes, at a later stage (X) No

for other than criminal cases

- Yes, at the beginning of the procedure
 Yes, at a later stage
 No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions? There are exceptions in place for counterclaims, for European small claims procedures (ESCP), for disputes about inventions made by an employee inasmuch as the courts have exclusive competence for patent disputes, and for actions for retrial of a case pursuant to section 580 number 8 of the Zivilprozessordnung (ZPO, Code of Civil Procedure). This applies to a counterclaim in light of its close ties to a court dispute already pending; in all other regards, particular reasons are given that relate to the proceedings. Further exceptions have been provided for if a petitioner has been granted legal aid for the costs of the proceedings, if the petitioner is entitled to a release from the obligation to pay fees, or if legitimate interests are given for bringing an action or defending against an action, but the petitioner is unable to make the advance payment or if the delay caused to the proceedings by the obligation to pay the fees in advance would result in damages that it is impossible to compensate, or only with difficulty.

008-1. Please briefly present the methodology of calculation of these court fees:

- In criminal proceedings, fees related to the proceedings will arise in an amount stipulated by law, while the amounts of fees charged in other court proceedings will be primarily oriented by the amount in dispute or the transaction value.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

- [324]
 NA
 NAP

Comments

009. Annual income of court fees received by the State (in €):

- [4 835 046 992]
 NA
 NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	716 540 066 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.1 for cases brought to court (court fees and/or legal representation)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The following Länder submitted additional comments:

Bayern:

The budget for legal aid can only be presented with regard to the courts of ordinary jurisdiction.

Brandenburg:

Expenditure is dependent on the number of court proceedings and the value of the subject matter, both of which are beyond the control of the judicial administration. The target is therefore based on a prognosis reached on the basis of how expenditure has developed in previous years, taking into account any possible changes to the law governing costs.

Hessen:

As regards questions 12 and 12.1, it should be noted that the amount indicated only refers to attorney fees paid within the framework of legal aid. No data can be provided regarding court costs paid within the framework of legal aid – especially regarding costs for experts or interpreters and witness compensation – as these data are not collected separately.

Niedersachsen:

As concerns the estimation of legal aid, no separation is made between criminal cases and cases other than criminal cases. It is not possible to differentiate between the areas of law in which legal aid was granted.

Sachsen:

Expenditure is dependent on the number of court proceedings and the value of the subject matter, both of which are beyond the control of the judicial administration. The target is therefore based on a prognosis reached on the basis of how expenditure has developed in previous years, taking into account any possible changes to the law governing costs.

Schleswig-Holstein:

In terms of legal aid, no target data can be provided since most jurisdictions include legal aid expenditure in the estimate of expenditure on legal matters, which is why it cannot be shown separately. The figure given here is therefore the amount of the implemented budget.

Thüringen:

The information provided with regard to questions 12 and 12.1 (non-litigious cases) refers to expenditure for legal advice and assistance.

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	590 356 319 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: The following Länder submitted additional comments:

Hessen:

As regards questions 12 and 12.1, it should be noted that the amount indicated only refers to attorney fees paid within the framework of legal aid. No data can be provided regarding court costs paid within the framework of legal aid – especially regarding costs for experts or interpreters and witness compensation – as these data are not collected separately.

Niedersachsen:

As concerns the estimation of legal aid, no separation is made between criminal cases and cases other than criminal cases. It is not possible to differentiate between the areas of law in which legal aid was granted.

Thüringen:

The information provided with regard to questions 12 and 12.1 (non-litigious cases) refers to expenditure for legal advice and assistance.

=

012-2. Does legal aid include:

	Legal aid includes:
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

=

012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments The replies from the Länder and Federal Courts were not consistent. The majority reported that legal aid budgets include the exemption of court fees.

=

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
13.1. Annual public budget allocated to training of public prosecution services	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The budget of the courts cannot be separated from budget of the public prosecution.

=

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
--	--	---	--

Ministry of Justice	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Other ministry	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Parliament	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Supreme Court	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
High Judicial Council	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Courts	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Inspection body	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify: Budgetary laws, budget plans, individual plans, budget accounts from the Länder

The answers submitted by the Länder and also by the Bund regarding the Federal Courts were not consistent. The answers given here are based on the the answers that were given by a majority of the sources and also the answers given last year.

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years’ budget costs	[X]	[X]
Special needs assessment	[X]	[X]
Number of judges/non judges’ staff	[X]	[]
Number of incoming cases	[X]	[]
Number of pending cases	[X]	[]
Number of resolved cases	[X]	[]
Other	[]	[]

[] NAP

Comments - If “Other”, please specify The answers submitted by the Länder and also by the Bund regarding the Federal Courts were not

consistent. The answers given here are based on the criteria that were named as "criteria used" and "main criteria" by a majority of the sources.

014-1. Who is entrusted with responsibilities related to the budget within a first instance court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Court President and/or judge(s)	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Head of court administration and/or non-judges	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Mixed body (judge(s) and non-judge(s))	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Other	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box: Bayern:

Labour and social courts: Exact responsibilities are set out in the business roster of each individual court.

Others: Budget management is usually the responsibility of civil servants of the higher intermediate service working in the court administration.

Administrative courts: Budget commissioners.

Brandenburg:

Information provided applicable where a budget commissioner is appointed who is not the head of the court.

Bremen:

The court management is usually supported by a budget officer. Hamburg:

Responsibility for budget planning, arbitration and allocation lies with the Authority for Justice and Equality as the competent ministerial office. This is done in close coordination with the courts. Budget evaluation and control is based on revenue and expenditure accounting by the Court of Audit and Parliament.

North Rhine-Westphalia:

Specially commissioned court staff.

Saxony:

A budget commissioner is appointed for each court in accordance with section 9 of the Saxon Budget Code (SäHO), unless the court president carries out this task him/herself. Individual budget-related tasks (see table above) can be transferred by the court president or budget commissioner to other court staff, regardless of their function, by including these in the roster allocating court business.

Saxony-Anhalt:

"Other" refers to authorising officers and budget managers within each court.

The answers submitted by the Länder and also by the Bund regarding the Federal Courts were not consistent. The answers given here are based on the answers that were given by a majority of the sources.

A2. Please indicate the sources for answering the questions in this part

Sources: Information provided by the Bund (regarding the Federal Courts) and the Länder based on the respective applicable Budgetary laws, budget plans, individual plans, budget accounts

1.1.3 Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	18 614 645 186 [] NA [] NAP	18 313 545 058 [] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The following Länder provided additional information:

Brandenburg:

The budget plan for 2019/2020 was based on an assumption of greater expenditure. The indicated budget includes Land and federal funds only.

Bremen:

Figures take account of expenditure in product plan justice as well as justice expenditure in product plan 96 (IT budget)

Actual expenditure over the financial year fell behind the approved funds.

Rheinland-Pfalz:

The figures quoted include the expenditure by the Ministry of Justice, the courts and public prosecutor's offices including the Constitutional Court of Rhineland-Palatinate, the prisons and the German Judicial Academy (Trier conference centre).

Sachsen:

Figures represent the judicial system budget as approved by the state parliament including building budget for the judiciary. The implemented budget may exceed the approved budget if funds that were not used in recent years can be provided. Reimbursements by third person are not deducted but the expenditures are shown as gross figures.

Sachsen-Anhalt:

In accordance with the Land Government's decision on the structuring of the Saxony-Anhalt Land Government and the remits of the various departments, the Ministry of Justice is also responsible for women's and equality policy. The corresponding budgetary resources are set down in section 11 (judicial budget). The judicial budget does not include expenditure for building maintenance.

Schleswig-Holstein:

The information shows the total expenditure of the Justice Ministry including expenditure on the Ministry itself, the prison service and the public prosecution offices.

Thüringen:

Information comprises all estimated/actual expenditure for courts, public prosecution offices, prisons, ministry (incl. Bar Examinations Office), and includes personnel, payments, procedural expenses, investment and IT. It does not include expenditure for building works and maintenance of Land-owned justice facilities or expenditure in the areas of migration and consumer protection.

015-2. Elements of the judicial system budget (Q6, Q7, Q12, Q13)

	Included
Courts	(X) Yes () No [] NAP
Legal aid	(X) Yes () No [] NAP

Public prosecution services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
------------------------------------	--

Comments

015-3. Other budgetary elements

	Included
Prison system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Probation services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
High Prosecutorial Council	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Constitutional court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Judicial management body	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
State advocacy	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Notariat	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Forensic services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Judicial protection of juveniles	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Refugees and asylum seekers services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Immigration Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Some police services (e.g. : transfer, investigation, prisoners' security)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

If "Other", please specify: Training centres for the administration of justice, such as the German Judicial Academy, the Northern German College for the Administration of Justice and educational / further training centres.

A3. Please indicate the sources for answering the questions in this part

Sources: Budgetary laws, budget plans, individual plans, budget accounts from the Länder.

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- The persons in charge of the administration and management of the courts at local level are a president or director, depending on the number of judges with the court.
He/She is appointed by the judicial administration and must be a judge.
If these functions are shared between two or more persons, the president or director does lead the court. Their tasks are articulated by agreement among themselves, when these tasks are exercised by judges. The work of the director of registry, who is a civil servant, is carried out under the authority and hierarchical control of the head of court.

Max characters value : 10 000

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- The Federal Prosecutor General's Office at the Federal Court of Justice, as the only Federal public prosecutor's office, is headed by the Federal Prosecutor General.
The Federal Prosecutor General is the highest-ranking public prosecutor in the federal service. The decision on the selection of an applicant for the office of the Federal Prosecutor General shall be made on the basis of Article 33 (2) of the Basic Law (Grundgesetz) and accordingly in accordance with the principle of best selection. The selection decision on the basis of the suitability, qualifications and professional performance of the applicants shall be made primarily on the basis of current performance appraisals. The selection decision is subject to judicial review. The Federal Prosecutor General is appointed by the Federal President on the proposal of the Federal Minister of Justice and Consumer Protection with the consent of the Federal Council (Bundesrat), Section 149 of the Courts Constitution Act (Gerichtsverfassungsgesetz, GVG). He is appointed for life and shall retire by operation of law upon reaching the age of 67 at the latest. As a political official (Section 54 para. 1 no. 5 of the Federal Civil Servants Act, Bundesbeamtengesetz), he must agree with the political objectives of the Federal Government in his area of responsibility. He may therefore be temporarily retired at

any time by the Federal President. A Permanent Deputy to the Public Prosecutor General (Ständiger Vertreter) and several Prosecutors General (Bundesanwälte), Senior Public Prosecutors General (Oberstaatsanwälte) and Public Prosecutors at the Federal Supreme Court are assigned to the Federal Prosecutor General and shall be subject to his supervision. The same shall apply to other employees of the Federal Prosecutor General's Office at the Federal Court of Justice.

The Federal Prosecutor General's Office at the Federal Court of Justice is structured hierarchically. As the head of the Office, the Federal Prosecutor General may influence the handling of all cases and proceedings by taking over the handling of the case himself or by replacing an officer (Section 145(1) GVG). In addition, he may issue instructions on the handling of cases in general or in individual cases (Section 147 no. 3 in conjunction with Section 146 GVG). The Federal Prosecutor General's Office at the Federal Court of Justice is part of the executive branch and thus subject to the supervision of the Federal Ministry of Justice and Consumer Protection (Section 147 no. 1 GVG). This means that the Federal Prosecutor General reports to the Federal Minister of Justice and Consumer Protection in certain cases. In addition, the Federal Ministry of Justice and Consumer Protection may, within narrow legal limits, issue instructions to the Federal Prosecutor General arising from the statutory provisions that also form the framework for the performance of duties by the Federal Prosecutor General.

The Federal Prosecutor General is organised as follows:

- a) The Prosecutors General, Senior Public Prosecutors General, and Public Prosecutors at the Federal Court of Justice are public officials who are appointed for life. They are subject to the general principles and rules of the civil service. Their prosecutorial activities are primarily governed by the special provisions of the Code of Criminal Procedure (Strafprozessordnung - StPO).
- b) The authority of the Federal Public Prosecutor General at the Federal Court of Justice has four directorates, which are subordinate to the Federal Public Prosecutor General at the Federal Court of Justice. The directorates are separated into divisions, which are led by a head of division, usually a Federal Public Prosecutor at the Federal Court of Justice, and which are subordinate to the respective director.

The Permanent Deputy to the Public Prosecutor General is the director of the directorate for international and European judicial cooperation, and is responsible for issues associated with the parliamentary right of query, questions of strategic and digital steering, as well as for personnel matters in the higher service (Directorate L).

The division for personnel matters of the higher services is allocated to Directorate L, which is responsible for all personnel matters involving the Federal Prosecutors General at the office of the Federal Prosecutor General at the Federal Court of Justice, Senior Prosecutors General, and Prosecutors General as well as those public prosecutors from the Länder seconded to the authority for a certain period. The duties of the division also include issuing approval for statements, monitoring of claims for moving expenses and separation allowances, as well as further training matters. The head of division is usually a Senior Public Prosecutor at the Federal Court of Justice.

(2) Three public prosecutors, as directors, are responsible for heading the two investigation directorates (Directorate ZS and Directorate TE) and the appeals directorate (Directorate R). They are the superiors of the and public officials in the public prosecutor's service. The position as Director is filled taking into account the relevant criteria of suitability, qualifications and professional achievements, upon recommendation by the head of the authority and following approval by the Federal Government, represented by the Federal Minister of Justice and Consumer Protection.

The Director-General ZS is also the superior authority to the head of administration. The head of administration carries the professional responsibility for the fields of personnel (beneath higher service), organisation, security matters of the staff, budget matters, as well as management of official properties including construction safety measures, and making available necessary personnel and material resources for an Internal Service that lives up to standards. The head of administration is also the superior of the employees in the administrative area, but also of all employees outside of the public prosecutor's service. The head of administration exercises his/her authority independently and also manages the budget made available annually by the legislature, to the extent that the budget authority does not lie with the directorate leadership or head of the authority due to firmly determined order or, in specific cases, due to an order issued by the directorate leadership or head of the authority.

In addition to the head of administration, a commissioner for the budget is appointed pursuant to section 9 of the Federal Budget Code, who performs the tasks described there; he or she is in particular responsible for compiling and implementing a budget plan which complies with statutory provisions, and is directly subordinate to the head of the authority. The positions of head of administration and commissioner for the budget are both allocated as service positions of the higher administrative service. Individuals who are to take on such functions are selected and appointed by the head of the authority. Personnel measures which become necessary in this context are

carried out by the Federal Ministry of Justice and Consumer Protection, which has professional and substantive supervision.

c) All staff members of the Federal Prosecutor General at the Federal Court of Justice act on behalf of the authority leadership; they issue regular reports to their heads of division, the directors and the head of the authority. The reports are presented within the scope of regular meetings and by way of lectures by the directors and/or the head of the authority.

Max characters value : 10 000

2. Access to justice and all courts

2.1. Legal Aid

2.1.1 Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

=

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- Legal aid system before going to court:

According to the Act on Advisory Assistance and Representation for Citizens with a Low Income (Advisory Assistance Act; Gesetz über Rechtsberatung und Vertretung für Bürger mit geringem Einkommen, Beratungshilfegesetz) persons seeking legal aid have access to advisory assistance for the exercise of rights outside court proceedings and in mandatory conciliation proceedings. Provisions to be met are as follows: litigants cannot mobilise the necessary resources due to their personal and economic circumstances (which is determined according to the standards set out for assistance with court costs under the provisions of the Code of Civil Procedure); there are no other possibilities for assistance, use of which can be expected from the litigant; use of advisory assistance does not seem frivolous (section 1 (1)).

Advisory assistance consists of advice and necessary representation in all legal matters except in criminal and regulatory offence laws in which only advice is granted (section 2 (1) and (3)). Advisory assistance is usually provided by attorneys (section 3). Litigants can apply for a certificate of eligibility at the local court; the application can also be made retroactively within four weeks of directly contacting a consultant (section 6). If legal aid is granted the person has to pay at most 15 Euro to the attorney. Special provisions apply for cross border disputes pursuant to Directive 2003/8/EC and in case of maintenance pursuant to Regulation (EC) No 4/2009. The concept of “necessary defense” provides that in all criminal cases in which accusations of considerable weight are involved, which are not merely simple in nature or in which the accused is particularly in need of protection, the accused shall be provided with a defense counsel representing him or her upon request or ex officio, irrespective of his or her financial circumstances (Section 140 of the Criminal Procedure Code). In a case of necessary defense the court or - in urgent cases - the public prosecutor will assign a

defense counsel to the defendant upon his or her request prior to his or her interrogation. A defense counsel has to be appointed ex officio in cases of necessary defense, if (1) the defendant is to be brought before a court for a decision on detention or provisional placement, (2) it becomes known that the accused, to whom the accusation of the crime has been opened, is in an institution on the basis of a judicial order or with judicial authorization, (3) it becomes apparent in the preliminary proceedings that the accused will not be able to defend himself or herself, in particular if the accused is questioned or confronted or if (4) he or she has been summoned to make a statement on the indictment (Section 141 of the Criminal Procedure Code). The appointment of the defense counsel ends with the discontinuation or final conclusion of the criminal proceedings [Section 143 (1) of the Criminal Code]. The defense counsel settles his fees with the state treasury. However, since his or her costs are part of the costs of the proceedings, the defendant must pay them as far as he or she is convicted and insofar as the defendant is acquitted, the state treasury must bear the costs and expenses of the proceedings.

Rules for witnesses and victims in criminal cases:

Especially vulnerable witnesses, e.g. children or handicapped persons, can - without proof of being financially needy - be assigned a lawyer free of charge by the court to assist them during an interview (“Zeugenbeistand”, section 68b (2) Code of Criminal Procedure). Victims of certain crimes, especially violent or sexual crimes, and also close relatives, spouses and partners of killed persons, who are entitled to be joint plaintiffs, can be assigned a lawyer without having to cover the expenses and without having to prove their financial need (see sections 397a and 406h (2) Code of Criminal Procedure). Victims of other crimes, who can also be joint plaintiffs, have the possibility to apply for legal aid as financial assistance if their income is too low to cover the costs fully or only in part and if they are unable to assert their own interests sufficiently or cannot be expected to do so (see section 397a (2), 406h (2) Code of Criminal Procedure).

Legal aid can also be granted to persons who claim compensation for damages or pain and suffering in the criminal proceedings in a so-called adhesion claim (“Adhäsionsklage”, see sections 403, 404 (5) Code of Criminal Procedure), if they are not able to cover the expenses (fully or in part) and their legal action offers sufficient expectation of success and is not wanton. The same applies to persons who act as private prosecutors to achieve a punishment of the perpetrator in cases where the prosecution has declined to pursue the offence due to a lack of public interest in the prosecution (“Privatklage”, see sections 374, 379 (3) Code of Criminal Procedure).

=

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2 Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	433 536 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Actual average duration	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: The duration of the proceedings depends, among other things, on when the evidence for the means test is submitted in full, whether a statement by the opposing party has to be considered and whether the court has to issue legal notices if necessary.

=

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: The assistance of defence counsel is necessary under certain conditions. In cases of necessary defence, defence counsel is appointed for an accused person who does not yet have defence counsel. The incomes and assets of the accused person are immaterial.

For victims of certain offences entitled to join the prosecution as a private accessory prosecutor (joint plaintiff), upon request, a lawyer shall be appointed as his or her counsel irrespective of the victim's financial situation. For other victims who are entitled to join the

prosecution as a private accessory prosecutor, legal aid is granted subject to the same provisions as apply in civil litigation (cf. answer to question 23) if he or she cannot sufficiently safeguard his own interests or if this cannot reasonably be expected of him or her (Section 397a of the Criminal Procedure Code).

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: The criteria for granting legal aid are determined by law, most importantly by the Code of Civil Procedure (Zivilprozessordnung - ZPO).

Any party who, due to their personal and economic circumstances, is unable to pay the costs of litigation (or who can pay them only in part or in instalments), will be granted assistance with the court costs upon filing a corresponding application, provided that the intended action or defence against an action has sufficient prospects of success and does not seem frivolous (section 114 ZPO).

Whether a party is fully or partially unable to pay the costs of litigation (or can only pay them in installments) must be determined in each case according to section 115 ZPO.

As a first step, the “income to be used” must be calculated. The term “income” comprises all earnings in money or in money’s worth. The law prescribes a number of deductions to be made from the income in determining the parties’ “income to be used” (e.g taxes, social security payments, costs for housing and heating, maintenance payments and, depending on the specific personal circumstances, certain percentages of the standard rate of necessary sub-sistence as determined by the Social Code). As a next step, monthly instalments are to be assessed in the amount of half of the income to be used. Where the amount of a monthly instalment is lower than 10 euros, the monthly instalments are waived. In other cases, a maximum of 48 monthly instalments are to be paid. The aforementioned provisions also apply to other than civil proceedings; in this respect, reference is made to the ZPO provisions from the respective codes of procedure (cf. question 29).

In criminal proceedings the concept of necessary defense applies (see question no. 16) which does not include a test of means.

Assistance for the exercise of rights outside court proceedings and in mandatory conciliation proceedings (advisory assistance) can be granted upon application according to the Advisory Assistance Act (Beratungshilfegesetz – BerHG) to litigants who cannot mobilise the necessary resources due to their personal and economic circumstances, provided there are no other means of assistance available and the use of advisory assistance does not seem frivolous. Litigants who are eligible to assistance with court costs without having to make a contribution to the costs are also eligible to advisory assistance.

023. If yes, please specify in the table:

Annual income value (for one person), (in €)	Assets value (for one person), (in €)
--	---------------------------------------

Full legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
 No

Comments - If yes, please explain the exact criteria for denying legal aid: Please refer to the answer to question 23. In accordance with section 114 (1), first sentence, of the Code of Civil Procedure (Zivilprozessordnung, ZPO), parties in need will be granted assistance with the court costs upon filing a corresponding application, provided that the action they intend to bring or their defence against an action that has been brought against them has sufficient prospects of success and does not seem frivolous. However, the requirements for determining the prospects of success cannot be excessive. In general, it must merely seem possible based on a summary examination of the factual and legal situation that the applicant can successfully pursue his case. The approval procedure is explicitly not designed for taking decisions on contentious legal matters. Furthermore, there is no mandatory taking of evidence on the facts relevant to a decision on the merits. In accordance with section 118 (2), second sentence, ZPO, no witnesses or experts are examined, unless it cannot be established by any other means whether or not the action brought by a party, or the defence against an action brought by others against it, holds out sufficient prospects of success and does not seem frivolous.

Legal aid system before going to court:

According to section 1 (1) Number 3 of the Advisory Assistance Act advisory assistance can be denied if the use of advisory assistance does seem frivolous. Section 1 (3) states that frivolity shall be deemed to exist if advisory assistance is claimed, although a litigant who does not claim advisory assistance would desist from obtaining legal advice or representation at his own cost, upon having judiciously assessed all circumstances of the legal matter. In assessing frivolity, the applicant's knowledge and abilities and his specific economic situation shall be taken into account.

025. Is the decision to grant or refuse legal aid taken by:

- the judge(s) dealing with the main case
 another judge or official
 an authority external to the court
 several authorities (court and external bodies)

Comments

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
 No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	(X) Yes () No
in other than criminal cases	(X) Yes () No

Comments - If no, please specify how legal costs are distributed:

B1. Please indicate the sources for answering the questions in this part

<p>Sources: Re question 20: Federal Statistical Office: Special publication series (Fachserie) 10, "Civil Courts", "Family Courts", "Administrative Courts", "Financial Courts", "Social Courts", "Labour Courts"</p> <p>Re question 23.: Section 115 of the Code of Civil Procedure (Zivilprozessordnung, ZPO), Sections 76 (1) of the Act on Proceedings in Family Matters and in Matters of Non-contentions Jurisdiction (FamFG), section 166 of the Code of Administrative Court Procedure (Verwaltungsgerichtsordnung, VwGO), section 73a of the Act on Social Court Procedure (Sozialgerichtsgesetz, SGG); section 142 of the Code of Finance Court Procedure (Finanzgerichtsordnung, FGO); sections 114 et seq. of the Code of Civil Procedure (https://www.gesetze-iminternet.de/zpo/index.html#BJNR005330950BJNE157201311) Section 1 of the Advisory Assistance Act (https://www.gesetze-im-internet.de/englisch_berathig/englisch_berathig.html#p0020)</p>
--

2.2. Court users and victims

2.2.1 Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, Judicial Council etc.) where general public may have free-of-charge access to the following:

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	(X) https://www.gesetze-im-internet.de https://justiz.de	()
Case-law of the higher court/s	(X) https://www.rechtsprechung-im-internet.de https://www.bundesverfassungsgericht.de	()
Information about the judicial system (organisation of courts, court proceedings, etc)	(X) https://www.bmj.de	()
Other documents (e.g. forms, downloadable forms, online registration forms)	(X) www.justiz.de/index.php	()

Comment - Please specify what documents and information are included in “Other documents” The website www.justiz.de provides nationwide access to online services that provide free information, e.g. with regard to register entries, publication of insolvency notices, compulsory auction schedules, interpreters and translators and legal service providers.

All Länder confirmed that free of charge internet access to legal texts, case law of the higher courts and other documents are available.

Some submitted additional information:

Baden-Württemberg: legal texts: <http://www.landesrecht-bw.de/jportal/page/bsbawueprod.psml>

case law: http://lrbw.juris.de/cgi-bin/laender_rechtsprechung/list.py?Gericht=bw&Art=en

other: <http://justizportal.justiz-bw.de>

Bayern:

legal texts and case law: <https://www.gesetze-bayern.de/>

other: bayern.de, www.lag.bayern.de, www.lsg.bayern.de

Berlin:

legal texts and case law: <https://www.berlin.de/sen/justiz/service/gesetze-und-verordnungen/>

other: <https://www.berlin.de/sen/justiz/>

Brandenburg:

legal texts: <https://www.landesrecht.brandenburg.de/dislservice/public/index.jsp>,

https://bravors.brandenburg.de/de/vorschriften_schnellsuche

case law: <http://www.rechtsprechung-im-internet.de/jportal/portal/page/bsjrsprod.psml>

other: <https://mdj.brandenburg.de/mdj/de/>

Bremen:

legal texts: <https://www.transparenz.bremen.de/>

case law: <https://beck-online.beck.de/>

other: websites of the respective authorities

Mecklenburg-Vorpommern:

legal texts and case law: www.landesrecht-mv.de

other: www.mv-justiz.de

Nordrhein-Westfalen:

legal texts: http://www.lexsoft.de/cgi-bin/lexsoft/justizportal_nrw.cgi

case law: www.nrwe.de, www.vgh.nrw.de other: https://www.justiz.nrw/BS/wege_justiz/index.php,

https://www.justiz.nrw/Gerichte_Behoerden/index.php

Sachsen:

legal texts: www.revosax.sachsen.de/

case law and other: www.justiz.sachsen.de

Thüringen:

legal texts and case law: <https://landesrecht.thueringen.de/bsth/search>

other: <https://justiz.thueringen.de/themen/justiz>

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?

Yes, always

No

Yes, only in some specific situations

Comment - If “Yes, only in some specific situations”, please specify:

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

Information system

General for citizens	<input checked="" type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input checked="" type="checkbox"/> Other <input type="checkbox"/> No
Specific for minors (child-friendly systems)	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. As law enforcement and the organisation of the courts are mainly in the responsibility of the federal states ("Länder"), the Länder have additional information systems. www.bmjv.de/DE/Service/GerichtsStAFinder/Gerichte_Staatsanwaltschaften_node.html
www.bmjv.de/DE/Themen/OpferschutzUndGewaltpraevention/OpferhilfeUndGewaltpraevention_node.html
www.hilfe-info.de/WebS/hilfeinfo/DE/Home/home_node.html
Leaflet "I am the victim of a crime. What are my rights?":
https://www.bmjv.de/SharedDocs/Downloads/DE/Themen/OpferhilfeUndGewaltpr%C3%A4vention/Opfermerkblatt/Opfermerkblatt_Englisch.html
Leaflet "Psychosocial Support in Criminal Trials - We are here to help":
https://www.bmjv.de/DE/Themen/OpferschutzUndGewaltpraevention/Prozessbegleitung/Merkblatt_Prozessbegleitung_Englisch.pdf;jsessionId=0FEB57499A8FD8F3A01D2A8B28A6B567.2_cid334?__blob=publicationFile&v=1

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of terrorism	(X) Yes () No	() Yes (X) No	() Yes (X) No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	() Yes (X) No
Ethnic minorities	() Yes (X) No	() Yes (X) No	() Yes (X) No
Persons with disabilities	() Yes (X) No	(X) Yes () No	() Yes (X) No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No

Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	(X) Yes () No
--	---------------------	---------------------	---------------------

Comments - If "Other vulnerable person" and/or "Other specific arrangements", please specify: Minors (who are not witnesses or victims): Where they do not have capacity to contract, children must be represented in court (e.g. by their parents). Under the law, children are entitled to legal aid. In parent and child matters concerning the child the court shall appoint a personally and professionally suitable guardian ad litem for minors to the extent necessary for representing the child's interests (section 158 (1) FamFG) . The guardian ad litem for minors shall determine the interests of the child and shall assert these in the court proceedings (Section 158b (1) Sentence 1 FamFG). He shall inform the child of the object, course, and potential result of the proceedings in a suitable manner. and accompany the child at the hearing (§§ 158 (1) sentence 3, 159 (4) Sentece 3 FamFG). Proceedings, discussions and hearings in family matters shall not be public (Section 170 (1) Sentence 1 of the Courts Constitution Act - Gerichtsverfassungsgesetz, GVG)."

There are similar provisions for people of full age, who are unable to take care of their affairs in whole or in part due to a mental illness or physical, mental or psychological handicap (Sections 271 ff. FamFG)

Victims of domestic violence may apply for special measures of the court in accordance with the Violence Protection Act (Gewaltschutzgesetz, GewSchG), such as a ban on coming close and the sole allocation of the joint dwelling. In accordance with section 184, second sentence, of the Courts Constitution Act (Gerichtsverfassungsgesetz, GVG), Sorbs may speak Sorbian in court. Section 186 of the Courts Constitution Act contains special provisions for hearing impaired or speech impaired persons for communication in court. setting forth that such persons are provided with communication aids (e.g. technical aids for oral and written communication or the assistance of a communication facilitator) throughout judicial proceedings. Section 191a of the Courts Constitution Act provides that a blind or visually impaired person may file pleadings and other documents with the court in a form that is perceptible to him or her. He or she may also request that pleadings and other documents of court proceedings are made accessible to him or her without barriers and that he or she is granted access to files without barriers. In the entire court proceedings, an interpreter must be called in - insofar as oral proceedings are held - if a party is unable to speak German (Section 185 (1) of the Courts Constitution Act). If all the parties present are able to communicate in a foreign language, the use of an interpreter may be dispensed with and the proceedings may be conducted in that foreign language (Section 185(2) of the Courts Constitution Act). For the entire criminal proceedings, the use of an interpreter or translator shall be free of charge for defendants, convicted persons as well as private accessory prosecutors who are not sufficiently proficient in German, insofar as this is necessary for the exercise of their procedural rights (Section 187 of the Courts Constitution Act). The entitlement to join criminal proceedings as private accessory prosecutor opens up the opportunity, pursuant to section 397a (1) of the Code of Criminal Procedure (Strafprozessordnung, StPO), to appoint counsel who is to provide assistance to the aggrieved person at no charge, as well as the right to be present, pursuant to section 406h (1), first sentence, of the Code of Criminal Procedure (StPO), during the course of the entire main proceedings of the trial. Other special arrangements of protection have been provided for by the Code of Criminal Procedure (StPO), such as the audio-visual transmission or recording of testimony during the main hearing (section 247a of the Code of Criminal Procedure (StPO)) or the removal of the defendant from the courtroom during an examination of a witness (who may be a victim) (section 247 of the Code of Criminal Procedure (StPO)). In addition, psychosocial assistance in proceedings (psychosoziale Prozessbegleitung) is embodied in law in order to allow victims of serious criminal offences to receive support before, during and after the main hearing. Child and juvenile victims will generally be legally entitled to free psychosocial assistance in proceedings. As regards other victims of violent or sexual offences, need for such psychosocial assistance will be determined on a case-by-case basis by the court. The latter was included within German law by implementing the Victims Rights Directive (EU) 2012/29 with the Third Act on Reforming the Laws Governing Victims' Rights (3. Opferrechtsreformgesetz).

As to minors see answer to next question 31-0.

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

- [X] Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- [X] Special room in court designated for child-friendly hearings
- [X] Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- [X] Special ways to communicate and explain meaning of court decisions
- [X] Interagency/multidisciplinary structure such as "Children's Houses"
- [X] Other, please specify In proceedings against juvenile manifold special regulations provided for by the Youth Courts

Comment Criminal proceedings:

In proceedings with minor victims the hearings, interrogations and other investigative actions concerning him or her must be conducted in a particularly expedited manner, insofar as this is necessary for the victim’s protection or to avoid loss of evidence, taking into account the personal circumstances of the witness and the nature and circumstances of the criminal act (section 48a paragraph 2 Code of Criminal Procedure). Audiovisual recordings of a victim’s testimony before a judge are obligatory in cases of sexual crimes regardless of the age of the victim. They can replace his or her testifying in the trial. If victims are minors, there is the possibility to use this procedure also in cases of crimes against life or personal freedom.

The examination of a witness outside the main hearing may also be effected in such a way that the witness is located somewhere other than the place where the person is being examined and the examination is simultaneously transmitted audio-visually to the place where the witness is located and to the examination room. This possibility offered by section 58b Code of Criminal Procedure is not only restricted to hearings of minors but applies to all witnesses.

Interviews of young persons under 18 during the trial are generally conducted only by the judge. All other participants with the right to ask questions must ask their questions via the judge (section 241a Code of Criminal Procedure).

When it is to be dreaded that having to testify in presence of the defendant will pose a grave disadvantage for the well-being of a minor witness, the court can decide that the defendant has to leave the courtroom as long as the witness is being interviewed (section 247 sentence 2 Code of Criminal Procedure).

When there are minor witnesses especially in cases of sexual crimes, crimes against life or human trafficking and the affected person applies for it, the public has to be excluded (section 171b paragraphs 2 and 3 Court Constitution Act).

Minors under the age of 18, who have been victims of sexual crimes or certain violent crimes are entitled to apply for a psychosocial assistant, who is appointed free of charge by the court.

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP
To be a witness	<input checked="" type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). Civil Procedure: Children are parties to their own affairs, but as a rule (for exceptions see Section 52 of the Code of Civil Procedure (ZPO)) they must be represented by their legal representatives in accordance with Section 51 (1) ZPO, unless they are - according to the rules of substantive law - exceptionally capable of business and therefore legal process. Section 455, Paragraph 1, Clause 1 ZPO stipulates that the legal representatives are to be heard as parties in the case of incapacitated persons - as well as legal persons. Conversely, this means that a child under the age of 16 can be named and heard as a witness in their own trial. An interrogation of the child assumes that the child is intellectually capable of making certain perceptions according to its age and development, to keep them in

mind, to understand relevant questions about these perceptions and to provide information about these perceptions. Parties under the age of 16 must therefore be named as witnesses if they are to contribute to the clarification and are able to testify. Family procedure: Children are generally represented by their legal representatives (section 9 (2) FamFG). If children have reached the age of 14, they are capable of proceeding (i.e. capable of acting without their parents) insofar as they assert a right to which they are entitled under civil law in proceedings concerning their person. Furthermore, children over the age of fourteen have their own right of appeal, independent of substantive law, in all matters concerning their person (section 60 FamFG). In child custody proceedings (e.g. parental custody, contact), the court must always hear the child in person, irrespective of his or her age, and obtain a personal impression of the child; this may only be dispensed with in strictly limited exceptional cases (section 159 (1), (2) FamFG). The hearing usually takes place without the presence of the legal representatives.

Criminal proceedings against juveniles: A juvenile as defendant (at least 14 years old) has the full capacity to take procedural actions in his/her own name. The same capacity goes with his/her parents/legal guardians.

Criminal Procedure:

The taking of procedural actions in one's own name requires that the respective person is grown-up (18 years or older). The decision to initiate a procedure is in the responsibility of the prosecution, but minors can report a crime they have witnessed or suffered regardless of age. Their parents or legal guardians may file the criminal complaint pursuant to section 77 paragraph 3 of the Criminal Code.

As to witnesses in criminal procedures there are no special age thresholds or other requirements apart from that the minor should be able to understand questions and give an answer.

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
Other representative (instead of parent/legal guardian)	<input type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP

Comment

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

- 14]
- NA

Criminal liability resulting in sentence of privation of liberty

[14]

[] NA

[] NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? Minors under the age of 14 are not criminally liable (Section 19 of the Criminal Code). Juvenile criminal law applies to juveniles who are at least 14 but not yet 18 years old if, at the time of the act, he or she has reached a level of moral and intellectual maturity sufficient to enable him to understand the wrongfulness of the act and to conduct himself in accordance with such understanding (Section 3 of the Youth Courts Act). It applies as well as to young adults between the ages of 18 and 21 if they were still equivalent to a juvenile in terms of their moral and mental development when the act was committed or if the act is a typical juvenile offence (Section 105 of the Youth Courts Act). Juvenile criminal law is based on the concept of education. Its main objective is not punishment but to avoid further delinquency of the young defendant. The court may select from a differentiated system of sanctions the sanction that promises the best success for rehabilitation according to the offender's personality and personal circumstances. If several sanctions promise the same success, the most lenient one has to be selected. Sanctions include educational measures, disciplinary measures and juvenile punishment, the latter being only an ultima ratio. The court selects from these sanctions, whereby the educational idea is decisive for its selection but sanctions must not exceed the individual guilt

032. Does your country allocate compensation for victims of offences?

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always
- No

Comment Compensation in accordance with the Act on Compensation for Victims of Violent Crime (Opferentschädigungsgesetz, OEG) is not contingent on the nature of the criminal offence. It is also not conditional on the offenders being prosecuted. It is, rather, conditional on a person having suffered harm to their health by an intentional, unlawful violent act within German state territory. Equally, surviving dependants of persons who died as a result of the health damage also have a right to benefits. Medical and healthcare benefits are provided, as are pensions to compensate for the health and economic consequences of the damage to health caused by the violent act, as well as benefits to ensure a person's livelihood. Pension payments are made if the damage to health is permanent and reaches a certain minimum level. Psychological damage is recognised as constituting health damage. Additionally, (restricted) benefits have also been provided since 1 July 2009 for damage caused by violent acts committed abroad. The criminal offences which are normally connected with an intentional, unlawful violent at-tack and can cause damage to health, for instance include grievous bodily harm, murder/intentional manslaughter, rape and sexual coercion. Also, deprivation of liberty may constitute a physical attack. According to the law, the following are deemed to be equivalent to a physical attack the intentional application of poison, the at least negligent bringing about of a risk to life and limb of another by virtue of a felony committed with means that pose a danger to the public (e.g. arson, explosives attack).

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences

[] NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

- Yes
- No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify:

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

Yes

No

Comments - If yes, please specify: -- Section 158 (3) sentence 1 of the Code of Criminal Procedure statutes the transmission of reports upon the request of the aggrieved persons: If an aggrieved person resident in Germany reports an offence committed in another Member State of the European Union, the public prosecution office shall - with the exception of the cases referred to in sentence 2 -, upon the request of the aggrieved person, transmit the report to the competent criminal prosecuting authority of the other Member State if the offence is not subject to German criminal law or if prosecution of the offence is dispensed with pursuant to section 153c subsection 1, sentence 1, number 1, also in conjunction with section 153f of the Code of Criminal Procedure. Prosecutors, like other public bodies, must observe the provisions of § 48a (31) of the Code of Criminal Procedure in criminal proceedings. Accordingly, in cases in which the witness is also the injured party, the negotiations, hearings and other investigative acts concerning him must always be carried out taking into account his particular need for protection. The personal circumstances of the witness and the nature and circumstances of the offence shall be taken into account. According to No. 19a of the Guidelines for Criminal and Fines Proceedings (RiStBV), the Public Prosecutor's Office must treat a victim witness who can be identified as being subject to considerable psychological stress with particular empathy and

consideration. In order to protect the privacy of the witness questions concerning facts which might dishonour the witness or concerning his / her previous convictions or concerning their personal sphere of life are to be asked only insofar as this is necessary (section 68a of the Code of Criminal Procedure). According to No. 173 RiStBV, public prosecutors ensure that injured persons or their heirs are informed as early as possible of the possibility of asserting claims for compensation pursuant to §§ 403 et seq. of the Code of Criminal Procedure. According to No. 174a RiStBV, they must also check whether victims of criminal offences have already been sufficiently informed of their rights and powers in accordance with their information claims under §§ 406i et seq. of the Code of Criminal Procedure and, if necessary, make up for them. If an injured party submits an application for the appointment of a lawyer as assistance during the investigation procedure, the public prosecutor's office must immediately forward this application to the court in accordance with § 174b RiStBV.

The public prosecution office carries out important functions for those injured by criminal offences within the framework of the criminal law confiscation of assets: - In the investigation procedure, the public prosecutor takes preliminary measures to prevent the hiding of incriminated assets and to secure confiscation (section 111b et seq of the Code of Criminal Procedure, section 73 et seq of the Criminal Code). According to section 111l of the Code of Criminal Procedure the public prosecution office shall give the aggrieved person notice of the enforcement of seizure or asset seizure and shall at the same time invite the aggrieved person to declare whether he/she wishes to claim the sum of money equal to the value of that which was obtained by virtue of the offence and the amount thereof. Movable property shall be surrendered to the aggrieved person who has been deprived of it by the offence (section 111n (2) of the Code of Criminal Procedure). - The public prosecution office is also responsible for the return transfer of retracted objects to the aggrieved person and the enforcement of the judicially ordered confiscation of assets (section 459h et seq of the Code of Criminal Procedure). The aggrieved person shall be given notification without delay upon the confiscation order becoming final (section 459i of the Code of Criminal Procedure). The objects confiscated pursuant to sections 73 et seq of the Criminal Code shall be returned to the aggrieved person. The proceeds generated by realization of the objects attached on the ground of asset seizure or a confiscation order shall be disbursed to the aggrieved person. In cases involving a less serious criminal offence and a minor degree of guilt, the public prosecution office may dispense with the preferment of public charges and concurrently issue the direction to the accused according to section 153a (1) sentence 2 number 5 of the Code of Criminal Procedure: making of a serious attempt to reach a mediated agreement with the aggrieved person (victim-offender mediation) thereby trying to make reparation for the offence, in full or to a predominant extent, or to strive therefor. The mediation is only carried out if the victim consents to it (section 155a of the Code of Criminal Procedure). Section 154c of the Code of Criminal Procedure regulates that the public prosecution office may dispense with prosecution of less serious criminal offences of victims of coercion or extortion or human trafficking (sections 240, 253 and 232 of the Criminal Code).

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

Yes

No

Comment - If yes, please specify: As stated above to question 31.0 in proceedings with minor victims the hearings, interrogations and other investigative actions concerning him or her have to be conducted in a particularly expedited manner under the conditions of section 48a (2) Code of Criminal Procedure. This obligation also applies to the prosecution. In the case of minor victims of criminal offences, the public prosecutor's office is to avoid repeated interrogations prior to the main hearing as far as possible in accordance with No. 19 (1) RiStBV. In addition, the Public Prosecutor's Office examines in accordance with No. 19 (2) RiStBV whether the video-recording of a judicial interrogation pursuant to § 58a of the Code of Criminal Procedure is indicated in the interlocutory proceedings and suggests, if necessary, such an interrogation and its recording. In this case, it is to ensure that the defence counsel and the accused have the opportunity to participate so that the necessary prerequisites for the use of the recording of the interrogation in the main trial are fulfilled.

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

Comment - If necessary, please specify: Section 171 of the Code of Criminal Procedure states that if the Public Prosecutor's Office does not act on a request to bring a public action, or if, after the investigation has been concluded, it decides to terminate the proceedings, it shall give the applicant a written notice stating the reasons of the decision. If the applicant is at the same time the aggrieved person, he/she has to be informed of the possibility of challenge and of the deadline provided for this (section 172 (1) of the Code of Criminal Procedure) (section 171, first and second sentence, of the Code of Criminal Procedure). If the applicant is at the same time the aggrieved person, he/she has a right to complain against the notice in accordance with section 171 of the Code of Criminal Procedure within two weeks of notification to the superior official at the public prosecution office (section 172 (1), second sentence, of the Code of Criminal Procedure). The applicant can request a court ruling (proceedings to enforce an action) against the rejection notice of the superior official of the public prosecution office, within one month of the notification. He/she is to be informed of this and of the formal requirements of this request ; the deadline does not run if the information has not been provided (section 172 (2), first and second sentences, of the Code of Criminal Procedure). The Higher Regional Court has jurisdiction to rule on the application (section 172 (4), first sentence, of the Code of Criminal Procedure). The application against the rejection notice is not admissible if the proceedings refer exclusively to a criminal offence which can be pursued by the aggrieved person by means of a private action, or if the public prosecution office has refrained from prosecuting the offence for reasons of discretionary prosecution (for instance in accordance with section 153 et seqq. of the Code of Criminal Procedure and section 45 of the Youth Courts Act [Jugendgerichtsgesetz, JGG]).

037. Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Excessive length of proceedings	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Non-execution of court decisions	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Wrongful arrest	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Wrongful conviction	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Other	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): According to the Act on Legal Redress for Excessive Length of Court Proceedings and of Criminal Investigation Proceedings (Gesetz über den Rechtsschutz bei überlangen Gerichtsverfahren und strafrechtlichen Ermittlungsverfahren) a person affected may file a complaint about undue delay (censure of delay) to the court seized of the case if proceedings seem unreasonably long. Subsequently, the person affected may bring a court action claiming compensation. The claim may be brought even before completion of the main proceedings. Adequate compensation is granted for pecuniary and non-pecuniary disadvantages.

In criminal proceedings, the passage of time between the offence and the conviction, as well as the length of the proceedings, must also be taken into account and compensated ex officio by the court and the public prosecutor's office in favour of the accused. Depending on the extent of the delay and the disadvantages suffered by the accused as a result, compensation may be provided by a ruling that a quantified part of the sentence imposed is already deemed to have been enforced (this will be stated in the operative part of the judgment). In individual cases, it may suffice – even at the investigation stage by the public prosecutor's office – to discontinue proceedings (e.g. pursuant to Sections 153, 153a or 154 of the German Code of Criminal Procedure [Strafprozessordnung – StPO]), to dispense with

imposing a penalty (Section 60 of the German Criminal Code [Strafgesetzbuch – StGB]) or, in the event of minor delays, to establish in the grounds of the judgment that the proceedings have been delayed in breach of the rule of law. In extreme cases, undue delay may constitute a procedural impediment that requires the court to terminate proceedings. If compensation has been provided in the criminal proceeding, except for compensation for material damage, the accused has received sufficient redress and is not further entitled to compensation in accordance with the Act on Legal Redress for Excessive Length of Court Proceedings and of Criminal Investigation Proceedings.

If parties to a legal dispute suffer damage due to the excessive length of court proceedings, a compensation claim may also ensue under Section 839 of the German Civil Code (Bürgerliches Gesetzbuch – BGB) in conjunction with Article 34 of the German Basic Law (Grundgesetz – GG). A claim under these provisions requires that an official intentionally or negligently breaches the official duty incumbent upon him in relation to a third party. If the official breaches his duties in a judicial decision in a legal matter, then the state is only liable if the breach of duty consists in a criminal offence. This limitation does not apply if the official refuses or delays the exercise of his duty. However, the manner in which a judge conducts the legal proceedings may only be examined for its justifiability due to the constitutional principle of judicial independence.

If the official responsible for the execution of the court decision has delayed compulsory enforcement intentionally or negligently and in breach of his official duty, a compensation claim may ensue under Section 839 of the German Civil Code in conjunction with Article 34 of the German Basic Law.

A claim may also exist under Section 839 of the German Civil Code in conjunction with Article 34 of the German Basic Law in cases of wrongful arrest if the official responsible intentionally or negligently breaches the official duty. Decisions by the judge responsible for matters of custody, as well as discretionary decisions by the public prosecution office in criminal investigation proceedings, may, however, only be examined for their justifiability.

In the case of a wrongful conviction a state liability claim requires that the judge responsible intentionally or negligently breaches the official duty in such a way that the breach of duty consists in a criminal offence.

Anyone who has suffered damage from a criminal conviction is compensated by the Treasury if the conviction is quashed or reduced in reopened proceedings or otherwise in criminal proceedings after having become final and binding (Section 1(1) of the Act on Compensation for Criminal Prosecution Measures [Gesetz über die Entschädigung für Strafverfolgungsmaßnahmen – StrEG]). The same applies if a measure of correction and prevention or an ancillary measure has been ordered without a conviction (Section 1(2) of the Act on Compensation for Criminal Prosecution Measures). In cases of acquittal, discontinuation of the proceedings or refusal to initiate the main proceedings, Section 2(1) of the Act on Compensation for Criminal Prosecution Measures provides for compensation for the damage suffered inter alia due to the execution of remand detention or temporary arrest. Where the proceedings are discontinued in accordance with a discretionary provision, compensation may be granted ex bono (Section 3 of the Act on Compensation for Criminal Prosecution Measures).

The subject of the compensation is the property damage caused by the criminal prosecution measure. In cases of deprivation of liberty on the basis of a court ruling, this can also be immaterial damage (section 7(1) of the Act on Compensation for Criminal Prosecution Measures). The current immaterial compensation is €25 75 for each day of deprivation of liberty commenced

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

	National level	Court level
Surveys for judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Surveys for lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for minors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the general public	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: Baden-Württemberg
A large number of courts in Baden-Württemberg have conducted "customer satisfaction surveys" in the past. All of these courts commissioned and carried out those surveys on their own initiative. The results of customer satisfaction surveys are published regularly under the list of projects available on the intranet of the Ministry of Justice and Migration.

Bayern
Staff surveys are carried out at the Bavarian courts and public prosecution offices every six years as part of a regular audit; in addition to the latter, stand-alone staff surveys are largely carried out three years after the most recent regular audit.

Sachsen
Follow-up surveys are conducted within the remit of Dresden Higher Regional Court as part of the "Local and Regional Courts in Comparison" project, as well as at Leipzig Social Court.

Saxony-Anhalt
Confidential internal satisfaction surveys are carried out on a discretionary basis by the court/prosecution offices as part of ongoing quality management programmes.

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

() Yes, please specify:

(X) No

Comment - If you have additional comments please specify: Most judicial statistics do not include any data on the gender of court users, persons who initiate a case, accused persons, etc..

The criminal prosecution statistics that contains data on the number of convicted persons distinguishes between "total" and "male". The statistics of the Courts in Family-Matters collects data on the gender of the involved parties with regard to cases concerning the dissolution of civil partnerships and maintenance obligations.

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Higher court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Ministry of Justice	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: NA as to the number of complaints and the annual compensation amounts granted.

If there are fears that a judge is biased, the judge may be recused by lodging an objection under section 42 of the Code of Civil Procedure (Zivilprozessordnung, ZPO). The motion to recuse a judge must be filed with the court at which the judge is a member; it may be made orally to be recorded by the court registry. The grounds for the recusal must be substantiated; the party may not be permitted to issue an affidavit. In order to substantiate the challenge, reference may be made to the testimony of the challenged judge. The challenged judge must make an official statement concerning the grounds for the recusal. The court at which the judge is a member must rule on the motion

to recuse him/her, without that judge being involved in the decision.

Pursuant to section 198 of the Courts Constitution Act (Gerichtsverfassungsgesetz, GVG), whoever as the result of the unreasonable length of a set of court proceedings experiences a disadvantage as a participant in those proceedings must be given reasonable compensation. The reasonableness of the length of proceedings is assessed in the light of the circumstances of the particular case concerned, in particular the complexity thereof, the importance of what was at stake in the case, and the conduct of the participants and of third persons therein. A court action to enforce a claim under subsection (1) may be brought at the earliest six months after the filing of the censure of delay. This provision in its' current form was introduced by the Act on Legal Regress for Excessive Length of Court Proceedings and of Criminal Investigation Proceedings (Gesetz über den Rechtsschutz bei überlangen Gerichtsverfahren und strafrechtlichen Ermittlungsverfahren).

A report on the application of said act (Erfahrungsbericht über die Anwendung des Gesetzes über den Rechtsschutz bei überlangen Gerichtsverfahren und strafrechtlichen Ermittlungsverfahren) provides information on case rates and the outcome of proceedings (Official Record of the German Parliament 18/2950, Reporting period: December 3, 2011 to December 31, 2013: <https://rewis.io/bundestag/drucksache/bt-drucksache-182950>).

3. Organisation of the court system

3.1. Courts

3.1.1 Number of courts

042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	1 092 [] NA [] NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	778 [] NA [] NAP
1.1 First instance courts of general jurisdiction - legal entities	753 [] NA [] NAP
1.2 Second instance courts of general jurisdiction - legal entities	139 [] NA [] NAP
1.3 Highest instance courts of general jurisdiction - legal entities	25 [] NA [] NAP
2 Total number of specialised courts - legal entities	314 [] NA [] NAP

Comments 1.1 First instance courts include: 638 Local Courts, 115 Regional Courts

1.2 Second instance courts include: 115 Regional Courts, 24 Higher Regional Courts

1.3 Highest instance courts include: 24 Higher Regional Courts, Federal Supreme Court

The vertical consistency is not fulfilled, since the 115 Regional Courts appear as "First instance courts" (1.1) as well as "Second instance courts" (1.2) and 24 Higher Regional Courts appear as "Second Instance Courts"(1.2) as well as "Highest Instance Courts" (1.3).

For further information please consult the General Comment.

The total number of specialised courts includes 16 Constitutional Courts of the Länder.

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	245 [] NA [] NAP	69 [] NA [] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP	[] NA [X] NAP
Labour courts	108 [] NA [] NAP	18 [] NA [] NAP
Family courts	[] NA [X] NAP	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP	[] NA [X] NAP
Administrative courts	51 [] NA [] NAP	15 [] NA [] NAP
Insurance and / or social welfare courts	68 [] NA [] NAP	14 [] NA [] NAP
Military courts	[] NA [X] NAP	[] NA [X] NAP
Juvenile courts	[] NA [X] NAP	[] NA [X] NAP
Other specialised courts	18 [] NA [] NAP	22 [] NA [] NAP

Comments - If “Other specialised courts”, please specify: The category “other” covers:

18 Finance Courts (first instance)

16 Constitutional Courts of the Länder, the Federal Constitutional Court, Federal Patent Court, Federal Labour Court, Federal Administrative Court, Federal Social Court and the Federal Finance Court (higher instances)

With regard to the Constitutional Courts please see General Comment Q 42.

044. Number of courts - geographic locations.

	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	998 [] NA [] NAP
All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	1 092 [] NA [] NAP

Comments

=

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
A small claim	638 [] NA [] NAP
An employment dismissal	108 [] NA [] NAP
A robbery	753 [] NA [] NAP
An insolvency case	192 [] NA [] NAP

Comments

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

(X) Yes

() No

Comments - If not, please give your definition of a small claim: Claims up to EUR 600 are regarded as "small claims" (section 495a of the Code of Civil Procedure [Zivilprozessordnung, ZPO]).

045-2. Please indicate the value in € of a small claim:

[600]

Comments see section 495a of the Code of Civil Procedure [Zivilprozessordnung, ZPO]

C. Please indicate the sources for answering the questions in this part

Sources: Q 42 - 45: chart "Number of Federal and State Courts" (https://www.bmjv.de/SharedDocs/Downloads/DE/PDF/Anzahl_der_Gerichte_des_Bundes_und_der_Laender.html) number of insolvency departments at the Local Courts taken from www.justiz.de

3.2. Court staff

3.2.1 Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	20 793 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of first instance professional judges	16 207 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of second instance (court of appeal) professional judges	4 125 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of Supreme Court professional judges	461 [] NA [] NAP	304 [] NA [] NAP	157 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: 46.1 and 46.2: Data is taken from the "staff-assignment statistics" of the Länder. It is derived from a complex calculation key as an annual average value of the actual personnel deployed (for example, excluding employees who were not present more than 20 working days during a quarter for reasons other than holiday and/or training). The staff-assignment statistics do not distinguish between male and female judges. The "regular" court-staff statistics of the Länder distinguish between "total" and "female" but do not allow for a differentiation between the instances. According to the regular court-staff statistics as of 31 December 2020 there were 21,944 judges in total, 10,418 female and 11,526 male (full-time equivalents)

46.3: Figures represent the number of judges at the Federal Courts in full time equivalents as of 31 December 2020.

"Pact for the Rule of Law" (Pakt für den Rechtsstaat):

The federal level and the Länder on 31 January 2019 agreed on a 'Pact for the Rule of Law'. The pact foresees additional funding of EUR 220 million from the federal level for the Länder to create 2000 additional posts for judges and prosecutors, including the necessary administrative staff by 31 December 2021. In addition, the federal level is creating 24 additional posts at the Federal Court of Justice and 71 posts at the Prosecutor General of the Federal Court of Justice. New posts that were created after the beginning of 2017 are included into the count.

A joint report by the Federal Government and the Länder on the state of implementation of the pact was presented on 10 June 2021. The report concluded that the implementation has well progressed, noting in particular that over 2 700 post for judges and prosecutors have been created so far, with 2 500 being filled.

These numbers will not be reflected directly in the data given above, because the figures represent the average value of the actual personnel deployed during the reference year (in full-time equivalents).

It should also be noted that one of goals of the 'Pact for the Rule of Law' is to address the challenges related to the upcoming wave of retirements of judges and public prosecutors.

=

046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

(X) Yes

() No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify:for example doctorate or taking care of relatives or other close persons

Without reason

Comments

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Data is taken from the court-staff statistics of the Länder that does not distinguish between first and second instance but only between court types. Most notably, the Regional Courts are first as well as second instance courts.

Percentage of judges working part-time (total/male/female) - at the Local Courts: 26/4/22 - at the Labour Courts, Social Courts, Administrative Courts and Finance Courts: 19/3/16

- at the Regional Courts: 20/3/17

- at the Higher Regional Courts: 22/8/14 - at the Higher Administrative Courts, Higher Labour Courts and Higher Social Courts: 14/4/10

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

Less than 50%

50 – 60%

60 - 80%

More than 80%

NA

NAP

Comments All the above mentioned percentages of worktime are possible, depending on the specific situation and the agreement with the employer. Since only one reply is possible, "NAP" was selected, because there is not standard percentage of part-time work.

=

046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	20 793 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	2 305 [] NA [] NAP	[X] NA [] NAP
First instance	16 207 [] NA [] NAP	5 511 [] NA [] NAP	4 125 [] NA [] NAP	1 909 [] NA [] NAP	4 663 [] NA [] NAP
Second instance	4 125 [] NA [] NAP	1 467 [] NA [] NAP	564 [] NA [] NAP	345 [] NA [] NAP	1 749 [] NA [] NAP
Supreme court	461 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	52 [] NA [] NAP	[X] NA [] NAP

If "Other", please explain which types of cases: "Other" includes: family cases (at the Local and Higher Regional Courts), cases at the Labour Courts, Social courts, Finance courts

"First instance" and "Second instance": Data is taken from the "staff-assignment statistics" of the Länder. It is derived from a complex calculation key as an annual average value of the actual personnel deployed (for example, excluding employees who were not present more than 20 working days during a quarter for reasons other than holiday and/or training).

"Supreme Court": the figures are taken from the court-staff statistics and represent the number (FTE) of judges at the Federal Courts (Federal Court of Justice, Federal Patent Court, Federal Administrative Court, Federal Finance Court, Federal Labour Court, Federal Social Court, Federal Constitutional Court, Military Disciplinary Courts) as of 31. December 2020. The statistic shows the number of judges (FTE) at the Federal Court of Justice (152) but includes no information on their assignment to civil or criminal cases. According to the website of the Federal Court of Justice, there are currently 114 judges (headcount) assigned to the civil panels and 47 to the criminal panels.

Slight horizontal and vertical inconsistencies are caused by rounding.

=

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of first instance court presidents	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of second instance (court of appeal) court presidents	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of Supreme Court presidents	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments see General Comment

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible, on 31 December of the reference year):

	Figure
Gross figure	[X] NA [] NAP
In full-time equivalent	[X] NA [] NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

() Yes If yes, please give specifications on the types of cases and an estimate in percentage.

(X) No

[] NAP

Comments

049. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):

	Figure
Gross figure	122 733 [] NA [] NAP
In full time equivalent	[X] NA [] NAP

Comments The figure given is the number of non-professional judges as of 31 December 2019. It is taken from the newly established statistics on the topic of gender equality among honorary (unsalaried) judges. In addition to the courts managed by the Länder, this figure also includes honorary judges in the federal courts. The number of non-professional judges as of 31 December 2020 could not yet be determined but will most likely be available by the end of January 2022.

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage / mixed bench
Criminal cases (severe)	()	()	(X)
Criminal cases (misdemeanour and/or minor)	()	()	(X)
Family law cases	()	(X)	()
Labour law cases	()	()	(X)
Social law cases	()	()	(X)

Commercial law cases	()	()	(X)
Insolvency cases	()	(X)	()
Other civil cases	()	()	(X)

[] NAP

Comments - If "Other civil cases", please specify: Administrative law cases, finance law cases, in matters subject to the laws governing agriculture, as well as in the Notarsenat, a senate of the court responsible for matters involving notaries, and in the Anwaltsgerichtshof (appellate instance of the disciplinary court for lawyers (Anwaltsgericht)).

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. If yes, for which type(s) of case(s)?

[] Criminal cases

[] Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[] NA

[X] NAP

Comments

=

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	54 107 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	8 642 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	28 071 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	6 785 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Technical staff	2 220 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other non-judge staff	8 389 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other non-judge staff", please specify: These figures denote the number of staff (full-time equivalent) who are:

- granted unpaid leave for training/further-training purposes,
- released to work in staff representation bodies, as representatives for staff with disabilities, and as gender equality commissioners,
- employed in a special facility,
- employed as reception/security staff,
- employed by the court switchboard,
- motorpool staff,
- cleaners and other non-salaried personnel

052-1. Number of non-judge staff by instance (if possible, on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled).

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Total non-judge staff working in courts at first instance level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Total non-judge staff working in courts at Supreme Court level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Unlike in the case of judges (question 46), non-judge staff are not allocated to individual instances in the staff-assignment statistics of the Länder.

=

053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields they have a role:

- Legal aid
- Family cases

- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): In certain Länder, the fields of building cleaning, medical services, janitor services and security are outsourced to external firms.

Comments In certain Länder, the fields of building cleaning, medical services, janitor services and security are outsourced to external firms.

C1. Please indicate the sources for answering the questions in this part

Sources: Federal Office of Justice, staff-assignment statistics, court-staff statistics
 Information submitted by the Federal Ministry of Justice and by the Länder

3.3. Public prosecution

3.3.1 Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).

Total	Males	Females

Total number of prosecutors (1 + 2 + 3)	6 197 [] NA [] NAP	3 062 [] NA [] NAP	3 135 [] NA [] NAP
1. Number of prosecutors at first instance level	5 562 [] NA [] NAP	2 667 [] NA [] NAP	2 895 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	492 [] NA [] NAP	308 [] NA [] NAP	184 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	143 [] NA [] NAP	87 [] NA [] NAP	56 [] NA [] NAP

Comments - Please indicate any useful comment for interpreting the data above: Figures represent full-time equivalents as of 31. December 2020

"Pact for the Rule of Law" (Pakt für den Rechtsstaat):

The federal level and the Länder on 31 January 2019 agreed on a 'Pact for the Rule of Law'. The pact foresees additional funding of EUR 220 million from the federal level for the Länder to create 2000 additional posts for judges and prosecutors, including the necessary administrative staff by 31 December 2021. In addition, the federal level is creating 24 additional posts at the Federal Court of Justice and 71 posts at the Prosecutor General of the Federal Court of Justice. New posts that were created after the beginning of 2017 are included into the count.

A joint report by the Federal Government and the Länder on the state of implementation of the pact was presented on 10 June 2021. The report concluded that the implementation has well progressed, noting in particular that over 2 700 post for judges and prosecutors have been created so far, with 2 500 being filled.

It should be noted that one of goals of the 'Pact for the Rule of Law' is to address the challenges related to the upcoming wave of retirements of judges and public prosecutors.

=

055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

Yes

No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify:for example doctorate or taking care of relatives or other close persons

Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

Total (%)	Male (%)	Females (%)

Total (1 + 2 + 3) (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. At first instance level (%)	17 [] NA [] NAP	2 [] NA [] NAP	15 [] NA [] NAP
2. At second instance (court of appeal) level (%)	16 [] NA [] NAP	4 [] NA [] NAP	12 [] NA [] NAP
3. At Supreme Court level (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- () Less than 50%
- () 50 - 60%
- () 60 - 80%
- () More than 80%
- [] NA
- [X] NAP

Comments All the above mentioned percentages of worktime are possible, depending on the specific situation and the agreement with the employer. Since only one reply is possible, "NAP" was selected, because there is not standard percentage of part-time work.

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	140 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of heads of prosecution offices at first instance level	115 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	24 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of heads of prosecution offices at Supreme Court level	1 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Please provide any useful comment for interpreting the data above: There are no statistics specifically on the number of the heads of public prosecution offices. The figures were calculated based on the number of public prosecution offices (115 public prosecution offices at the Regional Courts, 24 prosecutor general's offices at the Higher Regional Courts, 1 Federal Prosecutor General's office at the Federal Court of Justice). Generally, each public prosecution office has one head but there might be cases in which two persons working in part time share the position or in which one person (temporarily) is the head of two public prosecution offices.

057. Do other persons have similar duties to those of public prosecutors?

- (X) Yes

() No

Comments - If yes, please specify their titles and functions:

057-1. Please specify their number (in full-time equivalent):

[1 025]

[] NA

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

() Yes

(X) No

[] NAP

Comments The number cited concerns exclusively associate public prosecutors (or officials of the public prosecution office) at a local court (Amtsanwälte). This figure as well reflects job shares (not a number of heads). Besides these associate public prosecutors, there are trainee jurists, civil parties to criminal proceedings, and revenue authorities. However, their number is not known (NA) and therefore was not included in the answer to question 57.

Officials of the public prosecution office:

The office of the public prosecution office at the Local Courts can also be exercised by officials of the public prosecution office with a right of audience before the local courts (section 142 (2) of the Courts Constitution Act). The jurisdiction of the officials of the public prosecution office does not encompass preparing public charges in local court proceedings in criminal matters falling under the jurisdiction of courts other than the local courts. In accordance with the Order regarding the Organisation and Service Operations of the Public Prosecution Offices (Anordnung über Organisation und Dienstbetrieb der Staatsanwaltschaft, OrgStA) issued by some Land administrations of justice, officials of the public prosecution office are only assigned criminal matters in which the criminal court judge rules, and then only the criminal matters designated in a list. Trainee jurists:

Responsibility may be assigned to trainee jurists for discharging the duties of an official of the public prosecution office with a right of audience before the local courts and, in an individual case, for discharging the duties of a public prosecutor under the latter's supervision (section 142 (3) of the Courts Constitution Act).

Civil party to criminal proceedings:

Under certain preconditions, some criminal offences can be prosecuted by aggrieved persons by means of a private charge without needing to first call on the public prosecution office. A private charge can also be filed by someone who is entitled to file a request to prosecute in addition to or in place of the aggrieved person.

Revenue authorities:

Tasks comparable to those of the public prosecution office are performed by the revenue authorities in the fiscal criminal proceedings: If the revenue authority conducts the investigation independently in accordance with section 386 (2) of the Fiscal Code (Abgabenordnung, AO), it has the same rights and obligations as the public prosecutor's office has in an investigation (section 399 (1) of the Fiscal Code).

059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

	-
Domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Sexual violence	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> Yes, specifically for minor victims
	<input type="checkbox"/> No
	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP

Comments - If yes, please specify Prosecutors trained in the areas of domestic violence and sexual violence specifically for minor victims exist in some but not all Länder.

=

060. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 52 (in full-time equivalent and for posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	12 204 <input type="checkbox"/> NA	3 143 <input type="checkbox"/> NA	9 061 <input type="checkbox"/> NA

Comments This figure includes:

- The number of associate prosecutors (i.e. officials of the public prosecution office with a right of audience only before the Local Courts – in German: "Amtsanwälte" – see question 57), the staff at the public prosecution offices and associate prosecutors' offices based at the Regional Courts as well as the staff at the public prosecution offices based at the Higher Regional Courts (full-time equivalent staff as of 31. December 2020)
- The staff (207 in total, 135 female) at the Office of the Federal Prosecutor General (headcount as of 31. December 2020).

C2. Please indicate the sources for answering the questions in this part

Sources: Federal Office of Justice, personnel overviews, staffing numbers

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	<input checked="" type="checkbox"/> Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Bundesgleichstellungsgesetz - BGleiG), for provisions of the Länder see comment	<input type="checkbox"/>

prosecutors	(X) Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Bundesgleichstellungsgesetz - BGleiG), for provisions of the Länder see comment	()
non-judge staff	(X) Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Bundesgleichstellungsgesetz - BGleiG), for provisions of the Länder see comment	()
lawyers	()	(X)
notaries	()	(X)
enforcement agents	(X) Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Bundesgleichstellungsgesetz - BGleiG), for provisions of the Länder see comment	()

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Baden-Württemberg: Equal Opportunities Act (Chancengleichheitsgesetz-ChancenG); Bayern: the Bavarian State Ministry of Justice's 2018 Equal Opportunities Strategy, Bavarian Act to Promote Equality of Women and Men (Bayrisches Gleichstellungsgesetz - BayGIG) and Equal Opportunities Strategy 2016-2021 of the Bavarian Ministry of the Interior, for Sport and Integration
Berlin: Land Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Brandenburg: Land Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Hamburg: Hamburg Gender Equality Act (Hamburgisches Gleichstellungsgesetz - Hmb-GleiG); Hessen: Equal Rights Act of the state Hesse (Hessisches Gleichstellungsgesetz - "HGIG")
Niedersachsen: Land Act on Equality (Niedersächsisches Gleichstellungsgesetz – NGG); Nordrhein-Westfalen: North-Rhine Westphalian Act on Gender Equality (Landesgleichstellungsgesetz, LGG)
Rheinland-Pfalz: Land Act on Gender Equality (Landesgleichstellungsgesetz, LGG); Saarland: Act on Gender Equality (Landesgleichstellungsgesetz – LGG)
Sachsen-Anhalt: Women Support Act (Frauenförderungsgesetz - FrFG)
Schleswig-Holstein: Act on Gender Equality (Gleichstellungsgesetz, GstG SH)

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

Yes, please specify	No
----------------------------	-----------

judges	(X) § 8 Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts, for provisions of the Länder see comment	()
prosecutors	(X) § 8 Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts, for provisions of the Länder see comment	()
non-judge staff	(X) § 8 Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts, for provisions of the Länder see comment	()
lawyers	()	(X)
notaries	()	(X)
enforcement agents	(X) § 8 Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts, for provisions of the Länder see comment	()

Comments - If the situation changed since the reference year or you have additional comments, please specify: Baden-Württemberg: Equal Opportunities Act (Chancengleichheitsgesetz-ChancenG); Bayern: the Bavarian State Ministry of Justice's 2018 Equal Opportunities Strategy, Bavarian Act to Promote Equality of Women and Men (Bayrisches Gleichstellungsgesetz - BayGIG) and Equal Opportunities Strategy 2016-2021 of the Bavarian Ministry of the Interior, for Sport and Integration; Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG;

Berlin: § 8 Land Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Brandenburg: Land Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Hamburg: Hamburg Gender Equality Act (Hamburgisches Gleichstellungsgesetz - Hmb-GleiG); Hessen: Art. 5 et seq. Equal Rights Act of the state Hesse (Hessisches Gleichstellungsgesetz - "HGIG")

Mecklenburg-Vorpommern: Eliminating under-representation as a criterion in aptitude comparisons pursuant to Article 33 para. 2 GG;

Niedersachsen: possibility of preferential appointment of the under-represented gender in cases of equal aptitude, qualifications and professional achievements (sections 12, 13 of the Niedersächsisches Gleichstellungsgesetz – NGG); Nordrhein-Westfalen: pursuant to section 7 (1), first sentence, of the North-Rhine Westphalian Act on Gender Equality (Landesgleichstellungsgesetz, LGG) in conjunction with section 14 (2) of the Land Civil Servants Act (Landesbeamten-gesetz, LBG), women are to be given priority for posts by which a civil service employment relationship or judicial tenure is established, in the event of equal aptitude, qualifications and professional achievements if, within the purview of the appointing authority, there are fewer women than men holding positions within the band proceeding from the same starting grade within the envisaged career bracket, unless reasons specific to an individual male candidate tilt the balance in his favour;

Rheinland-Pfalz: § 8 (4) Land Act on Gender Equality (Landesgleichstellungsgesetz, LGG); Saarland: Act on Gender Equality (Landesgleichstellungsgesetz – LGG)

Sachsen-Anhalt: § 4 Women Support Act (Frauenfördergesetz - FrFG)

Schleswig-Holstein: Pursuant to section 4 of the Act on Gender Equality of 13 December 1994 (Gleichstellungsgesetz, GstG SH), in cases of equal aptitude, qualifications and achievements women are to be given priority, if women are under-represented

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

	Yes / No
Court president	(X) Yes If “yes”, please specify:[Comment]the provisions named under Q061-3 apply to court presidents () No
Head of prosecution services	(X) Yes If “yes”, please specify:[Comment]the provisions named under Q061-3 apply to the head of prosecution () No

Comments


3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

() Yes

(X) No

Attachments

 gleichstellungsstrategie-der-bundesregierung-data.pdf

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us? The Federal Government has issued a gender equality strategy stating 9 basic goals (unfortunately only available in German - see attachment). The goals include strengthening gender equality in public administration, especially regarding leadership positions. Eventhough "public administration" includes the judiciary, there are no statements specifically with regard to the judiciary.

There are gender equality acts in place in the Länder as well as on the Federal Level (see Q061-2 and 061-3), that include comprehensive provisions for the promotion of gender equality in public administration. Again, public administration includes the judiciary, but there are no specific provisions for the judiciary.

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
The recruitment of judges	(X) Equal opportunities officer	()
The promotion of judges	(X) Equal opportunities officer	()
The recruitment of prosecutors	(X) Equal opportunities officer	()

The promotion of prosecutors	(X) Equal opportunities officer	()
The recruitment of non-judge staff	(X) Equal opportunities officer	()
The promotion of non-judge staff	(X) Equal opportunities officer	()

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments:

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) Federal Courts:

Sections 19 to 36 of the Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Federal Act on Gender Equality) of 24 April 2015 (Federal Law Gazette I, p. 642, 643), as last amended by Article of the Act of 23 December 2016 (Federal Law Gazette I, p. 3191).

Baden-Württemberg:

Section 15 of the Act to Establish Equal Opportunities for Women and Men in the Public Service in Baden-Württemberg (ChancenG) of 23 February 2016.

Bayern:

Bavarian Act on the Equal Treatment of Women and Men [Bayerisches Gleichstellungsgesetz - BayGIG] of 24 May 1996 (GVBl. p. 186), BayRS 2039-1-A

Berlin:

Section 16 of the Land Act on Gender Equality (LGG) as amended on 18 November 2010* (women's representative)

Brandenburg:

Section 19a and section 22 (1) no. 1 of the Act on Gender Equality (LGG) of the Land of Brandenburg:

Bremen:

NA

Hamburg: Sections 18 - 21 of the Hamburg Act on the Equal Treatment of Men and Women in the Public Service (HmbGleiG) of 2 December 2014

Hessen: Section 15 HGIG, a state law provision entered into force on January 1 2016. It stipulates the appointment of a women's and equal opportunities commissioner in (public) offices with more than 50 public servants. It inter alia applies to the Ministry of Justice of Hesse

Mecklenburg-Vorpommern:

Act on the Equal Treatment of Men and Women in the Public Service of the Land of Mecklenburg-West Pomerania – Equal Treatment Act (GIG M-V of 11.07.2016 – GVOBl. M-V 2016, p. 550).

Niedersachsen:

Sections 18 to 24 of the Act on Gender Equality (Niedersächsisches Gleichberechtigungsgesetz

(NGG) Nordrhein-Westfalen:

Section 15 et seqq. of the Land Equal Treatment (LGG) Act of 9 November 1999 primarily concerns the appointment, official status, duties, rights and potential remedies of the equal opportunities officers.

Rheinland-Pfalz:

Sections 18 to 30 of the Land Equal Treatment Act (LGG) of 22 December 2015 (GVBl. 2015, p. 505) sets out rules on, inter alia, the recruitment procedure, terms of office, duties and participation rights of the equal opportunities officers who work in the agencies.

Saarland:

Sections 21 to 25 of the Saarland Act on Gender Equality (LGG)

Sachsen: The recruitment, legal status, duties, competences and rights of the women's officers are regulated in sections 18 to 22 of the Act on the Advancement of Women (Frauenförderungsgesetz-FrFG).

Sachsen-Anhalt: Sections 15 to 19 of the Act on the Advancement of Women (Frauenfördergesetz – FrFG)

Schleswig-Holstein: Sections 18 et seqq. of the Act on the Equal Treatment of Women in the Public Service (Gleichstellungsgesetz - GstG) of 13 December 1994 (GVOBl. Schl.-H. p. 562), recently amended by the Act of 11 December 2014 (GVOBl. Schl.-H. p. 464).

Thüringen:

Sections 15 to 21 of the Act on Equality (Thüringer Gleichstellungsgesetz – GleichstG)

[] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) Federal Courts:

According to § 24 of the Federal Act on Gender Equality the equal opportunities officer is a member of the personnel management and reports directly to the head of the agency. The equal opportunities officer is not bound by instructions in the discharge of her duties.

Baden-Württemberg:

The equal opportunities officer is a female employee who is part of the agency in which she will exercise her function. The agency management must relieve the equal opportunities officer from her other official obligations to the necessary extent. The equal opportunities officer may only be relocated, transferred or seconded against her will if this is unavoidable for urgent organizational reasons – particularly considering her role as equal opportunities officer. She is not bound by instructions in the discharge of her duties, and receives the personnel and material resources needed to fulfil her tasks.

Bayern:

Bavarian Act on Gender Equality

Article 16 – Legal status

(1) Equal opportunities officers report directly to the head of their agency or to his or her permanent deputy. In top-level Länder authorities and intermediate authorities they may also report to the head of the administration or personnel department; non-academic staff in higher education institutions may report to the head of the university or college administration or to the head of the personnel department.

(2) Equal opportunities officers, employee representatives and agencies collaborate on a basis of trust. Equal opportunities officers participate in regular meetings between the agency and employee representatives.

(3) Equal opportunities officers are not bound by instructions in the discharge of their duties. Performance appraisals of this role are carried out only on application from the equal opportunities officer.

(4) Equal opportunities officers may contact other equal opportunities officers and the Bavarian Governments Womens Commissioners without going through the official channels, they may consult with them and share information, unless this involves the transmission of personal data without the data subjects consent.

(5) Equal opportunities officers may not be prevented from discharging their duties, nor may they be discriminated against or favoured in relation to their work; the same applies in regard to their professional development. Notwithstanding the different nature of their tasks, they have the same personal legal status, in particular the same protection against dismissal, transferral and secondment, as members of the staff council.

(6) Equal opportunities officers are to be relieved of other official duties if and to the extent that this is necessary for the proper discharge of their duties, due consideration having been given to the nature and size of the agency. This includes professional development insofar as it concerns know-how which is required in the discharge of their duties; appropriate account is thereby to be taken of official interests. Release from other official duties in accordance with the first and second sentences is not to lead to any change in remuneration or salary.

(7) Equal opportunities officers are to be provided with the staff and material resources which are necessary and appropriate to the

discharge of their duties. This includes being assigned a deputy equal opportunities officer.

Berlin:

The women's representatives are independent.

Brandenburg:

The Land equal opportunities officer is appointed by the Land government and reports in an administrative sense to the ministry responsible for matters of equality. The equal opportunities officer of the Ministry of Justice is appointed by the Ministry of Justice and reports to the Ministry of Justice. Neither are bound by instructions in the discharge of their duties.

Bremen: NA

Hamburg:

§ 19 HmbGleiG: directly assigned to the management of the service, do not belong to staff council, independent authority ("The equality commissioners are directly assigned to the management of the service. They may not belong to the staff council. They are not bound by instructions in the exercise of the tasks and rights with which they have been assigned.")

Hessen:

The women's and equal opportunities commissioner, who must be a woman, is directly allocated to the unit management. Her responsibilities and competences are part of her official duties in the respective office. To the extent of her activity as women's and equal opportunities commissioner she is independent.

Mecklenburg-Vorpommern:

Act on Gender Equality

Section 19 – Legal status

- (1) Equal opportunities officers continue to be a member of their agency in this role. They report directly to the head of their agency. The agency and equal opportunities officer hold two meetings per year to discuss to what extent the objectives set out in this Act have been achieved. Equal opportunities officers are obliged to maintain secrecy in respect of the personal circumstances of employees and other confidential matters in the agency, even beyond the end of their term of office.
- (2) Equal opportunities officers are not bound by instructions in the discharge of their duties and performance appraisals of this role are therefore not carried out.
- (3) Equal opportunities officers may not be prevented from discharging their duties. The duties of an equal opportunities officer take priority over other work. Equal opportunities officers may not be discriminated against on account of their work either in general terms or in regard to their professional development. The provisions of the Staff Representation Act concerning the protection of staff council members in respect of dismissal, transferral and secondment apply *mutatis mutandis*.
- (4) Equal opportunities officers are to be provided with the requisite rooms and material resources. Equal opportunities officers are to be released from other official duties to the extent that this is necessary for the proper discharge of their duties, due consideration having been given to the nature and size of the agency. The working time of equal opportunities officers in agencies with between 150 and 300 employees is to be reduced by at least one quarter of their regular hours, in agencies with more than 300 employees by at least half of their regular hours. Equal opportunities officers in agencies with more than 600 employees are to be released in full from their working time. Equal opportunities officers in state education authorities are to be released from at least one quarter of their position. Equal opportunities officers responsible for state schools in a top-level Land authority are to be released in full from their position. In all other respects, the provisions of the Staff Representation Act on the release of members of the staff council apply *mutatis mutandis*.
- (5) Equal opportunities officers are entitled to take part in specific continuing professional development insofar as the courses are deemed relevant to the discharge of their duties.
- (6) Equal opportunities officers in the agencies referred to in section 2 may cooperate with one another. They may turn directly and without going through the official channels to other equal opportunities officers and to the ministry responsible for gender equality.
- (7) The Working Group of Equal Opportunities Officers of the Land Administration comprises one member for each department of the Land Government. The equal opportunities officers in the offices of the President of the Land Parliament have observer status. The Working Group represents its members by way of a hearing in matters of general importance which go beyond the remit of a top-level Land authority. The equal opportunities officers of each government department reach agreement, on the initiative of the equal opportunities officers of the top-level Land authorities, on one member to represent them in the Working Group. Should they be unable to reach agreement, the representative is to be chosen by secret ballot. The rights of the equal opportunities officers are not affected thereby.

(8) When deputising for equal opportunities officers, deputies have the same rights and duties as equal opportunities officers. Subsections (1) to (6), with the exception of the rules on the equal opportunities officer's release in accordance with the third to sixth sentences of subsection (4), apply mutatis mutandis to deputies.

(9) Equal opportunities officers may hold office hours and call annual meetings of the agency's employees.

Niedersachsen:

The Equal Opportunities Officer is an independent member of the administration.

Nordrhein-Westfalen:

Pursuant to section 16 (1) LGG, the equal opportunities officer performs her tasks as a member of the agency's administrative department. In so doing, she is not bound by technical instructions and can determine in particular the priority of her individual tasks. A conflict of interests with her other official duties should be avoided.

Rheinland-Pfalz:

The equal opportunities officer is part of the administrative department. She is directly subordinate in the exercise of her duties to the agency management (section 20 (1) sentence 1 LGG). In the exercise of her office, she is not bound by technical instructions and may not be obstructed (section 20 (2) LGG). Furthermore, she may not be disadvantaged or favoured on account of her office. This applies in particular to her career development. She is protected from termination, transfer, secondment, relocation and assignment in the same way as members of the body representing staff (section 20 (3) LGG).

Saarland:

NA

Sachsen:

Pursuant to section 18 SächsFFG, the women's officer at the Saxony Ministry of Justice is a representative of the employer. She is appointed by the State Secretary. The women's officer is part of the administrative department. She reports directly to the agency management. The women's officer is not bound by instructions in the discharge of her duties.

Sachsen-Anhalt:

The full-time equal opportunities officer is an employee of the Ministry for Justice and Equality. Pursuant to section 14 of the Act on the Advancement of Women (FrFG) of the Land of Saxony-Anhalt, the Land Administrative Office and every supreme Land authority with more than 300 employees in its remit is required to appoint a full-time equal opportunities officer. There are full-time equal opportunities officers in the State Chancellery, the Ministries, the Land parliament and the Land Administrative Office. As a staff unit, they are directly subordinate to the agency management. They aim to ensure the equal treatment of female and male employees in the administrative sector. In particular, this includes improving the professional situation and career development, as well as promoting the compatibility of family and work for women and men. Their tasks and rights are set out in section 15 FrFG.

Schleswig-Holstein:

Act on Equality for Women in the Public Service (Act on Gender Equality) of 13 December 1994 (Schleswig-Holstein Gazette of Acts and Ordinances p. 562), as last amended by the Act of 11 December 2014 (Schleswig-Holstein Gazette of Acts and Ordinances p. 464)
Section 21 – Equal opportunities officers not bound by technical instructions

(1) Equal opportunities officers are not bound by technical instructions in the discharge of their duties and exercise of their rights under this Act. A performance appraisal in this role is, therefore, to be conducted only on application.

(2) Equal opportunities officers may contact other equal opportunities officers and the Schleswig-Holstein Ministry of Social Affairs, Health, Science and Gender Equality without going through the official channels, they may consult with them and share information, unless personal data is being transmitted. The rules on the obligation of secrecy and official secrecy remain unaffected. Thüringen:

The council for judicial appointments and the prosecutors' central staff council are made up of judges and public prosecutors. They are free in their deliberations and voting decisions and are not subject to the right to issue instructions. There are no statistics pertaining to equal opportunities officers. The equal opportunities officer in each prison is not subject to the right to issue instructions, and turns directly to the prison governor as head of agency should any issues arise.

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. to block a decision or allow an appeal) Federal Courts:

The possibilities of participation and the right of objection of the equal opportunities officer are given in section 32 to 35 of the Federal Act on Gender Equality. For example, according to section 32 of the Federal Act on Gender Equality the equal opportunities officer has different possibilities of participation, e.g. she shall be entitled and obliged to bring matters directly before the head of the agency, has a right of initiative in respect of all matters which are subject to her participation (cf. section 25 subsection 1 and section 27 subsection 1 of the Federal Act on Gender Equality). Furthermore the equal opportunities officer shall have a right of objection vis-à-vis the head of the agency (section 33 Federal Act on Gender Equality) and may bring the matter before the administrative court (section 34 Federal Act on Gender Equality). Concerning settling issues of fundamental significance, in particular as regards interpreting this Act, the equal opportunities officer and her deputies may turn directly to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (section 35 Federal Act on Gender Equality).

Baden-Württemberg:

The equal opportunities officer reports directly to the agency management and has a direct right of recitation. She is to be fully trained at an early stage to the extent required to properly exercise her duties and rights of participation. All of the documents and information necessary for this must be given to her early on. She has a right of initiative for measures aimed at advancing the career development of women. She can also voice her opinion on substantive issues related to equal rights for men and women, the career development of women, and the compatibility of family, care and career. In addition, she can hold consultation hours during the working day, and can convene a meeting of the agency's female employees. When filling job vacancies, the equal opportunities officer can participate in interviews and discussions related to the staff selection process. The agency must include the equal opportunities officer at an early stage in decisions on every staff appointment and promotion. She must be informed of all data relevant to the decision and must receive the necessary application documents at an early stage. This includes application documents from male applicants who meet the requirements of the available position or office. The equal opportunities officer may only access data from personnel files if the persons concerned have provided their consent. The equal opportunities officer does not have a formal right of veto against personnel decisions.

Bayern:

Bavarian Act on Gender Equality

Article 17 – Tasks

- (1) Equal opportunities officers are tasked with promoting and monitoring enforcement of this Act and of the Equal Opportunities Strategy and with supporting the latter's implementation. In addition, equal opportunities officers are tasked with promoting implementation of this Act, on their own initiative, and with improving the situation of women as well as women's and men's ability to reconcile work and family life.
- (2) Insofar as they are competent, equal opportunities officers are involved in all matters in their area of responsibility which may be of fundamental relevance to gender equality, the reconciliation of work and family life, and equal opportunities.
- (3) The tasks of equal opportunities officers also include advising others on matters of gender equality and supporting individual employees on a case-by-case basis. Employees may contact equal opportunities officers directly.

Article 18 – Rights and duties

- (1) Equal opportunities officers are entitled to bring matters directly before the head of the agency; they are supported by the head of the agency in the discharge of their duties. Equal opportunities officers may turn directly to the Bavarian Data Protection Commissioner.
- (2) Equal opportunities officers must be provided with comprehensive information in good time in order to be able to discharge their duties, in the case of personnel matters at the latest at the same time as a participatory procedure in personnel representation matters is initiated. They are to be given the requisite documentation at an early stage as well as any information they request.
- (3) Equal opportunities officers are to be involved at an early stage in important projects which are of relevance to gender equality. They are to be involved in personnel matters on application from those concerned; equal opportunities officers are, further, to be involved on application if they submit sufficient evidence that the objectives of this Act are not being achieved. They are entitled to participate in job interviews only on application from those concerned. They may inspect personnel files only with the consent of

those concerned.

(4) Equal opportunities officers, their deputies and employees assigned to them in the discharge of their duties are obliged to maintain secrecy regarding personal data and other confidential matters, even beyond the end of their term of office. The first sentence applies mutatis mutandis to points of contact within the meaning of Article 15 para. 2.

(5) The rights and duties of the staff council remain unaffected.

(6) Equal opportunities officers may organise information events and engage in other educational work in consultation with the agency.

(7) Equal opportunities officers may not engage in party politics in the exercise of their office.

Article 19 – Right of complaint

(1) In the event of a violation of this Act, the Equal Treatment Strategy or of other provisions on the equal treatment of women and men, equal opportunities officers are entitled to lodge a complaint. A time limit of ten working days following the equal opportunities officer's notification must be observed in respect of submission of the complaint.

(2) The head of the agency or of the office acting on its behalf decides on the complaint. It shall postpone the measure complained of and its implementation until such decision is taken. If it deems the complaint to be well-founded, the measure and its consequences must be corrected, as far as possible, and account taken of the results of the complaint in the case of recurrence. If it deems the complaint to be ill-founded, grounds for dismissing the complaint must be given.

(3) The complaints procedure does not require any particular form.

Berlin:

The women's officers have a right to information, the right to access files and the right to put forward their opinion.

Brandenburg:

The Land equal opportunities officer acts in an advisory capacity only. The equal opportunities officer of the Ministry of Justice has a comprehensive right to information. She can object to measures planned by the Ministry and thereby initiate a review process. She also has the right to seek a finding before the court that the Land Equal Rights Act has been violated.

Bremen:

NA

Hamburg:

Section 21 HmbGleiG: right to information and possibility of statement, possibility to participate in personnel selection interviews, right to complaint, right to suggest measures to achieve gender equality ("The equal opportunities officers are to be immediately and comprehensively informed of all pending personnel, social and organisational measures relating to the equal treatment of men and women and the compatibility of gainful employment and family work; they must be afforded the opportunity to give their opinion on these measures. They are authorised to participate in discussions regarding staff selection. Should the equality opportunities officers consider a planned measure to be incompatible with this Act, they can raise an objection to this measure (...) with the agency management. If an objection is raised on time, the agency must check the objections and, if necessary, come to a new decision. The measure may only be enacted if a decision dismissing the objection has been justified to the equal opportunities officer in writing. The equal opportunities officer can propose measures aimed at ensuring the equal treatment of women and men and improving the compatibility of family and career at the agency. The agency shall review the proposals and disclose the results to the equality opportunities officers in writing.")

Hessen:

The women's and equal opportunities commissioner has the right to be involved in all personal, organisational and social measures early on. She has the opportunity to participate in staff council meetings. Apart from this information and consultative function she has a right to object, if she considers a measure not to be in compliance with the Equal Rights Act of the state Hesse (HGIG). If the objection is not redressed, she has the right to bring an action to the administrative court.

Mecklenburg-Vorpommern:

Act on Gender Equality

Section 18 – Tasks

(1) In each agency in which a staff committee, a council of judges or a council of public prosecutors is to be elected, the female employees shall elect an equal opportunities officer and a deputy to be appointed by the agency. The equal opportunities officers support the agency in regard to matters concerning gender equality and women's and men's ability to reconcile work, family life and

care work. They provide advice on enforcing this Act and other provisions governing gender equality. In addition, they promote implementation of this Act on their own initiative and act as a point of contact for employees. More specifically, their tasks include: 1. participation in all personnel, organisational and social measures taken in their agency which concern gender equality, women's and men's ability to reconcile work, family life and care work, and protection against sexual harassment in the workplace; 2. advising and supporting all employees in respect of their professional promotion, overcoming discrimination, and issues around the reconciliation of work, family life and care work; and 3. supporting implementation of the General Act on Equal Treatment as regards protecting against gender discrimination and sexual harassment within the agency.

(2) More specifically, personnel measures include: 1. preparations for and decisions on job announcements, recruitment, secondment and redeployment for more than three months, transferrals, continuing professional development, promotions and premature terminations of employment; 2. the preparation and achievement of target agreements (section 5); 3. the introduction and implementation of supporting measures (section 6); and 4. the procedure for appointing committee members (section 17).

(3) Equal opportunities officers are to be involved at an early stage. Involvement at an early stage is deemed to be where equal opportunities officers are involved from the start of the agency's decision-making process and are thus still able to influence the respective decision or measure.

(4) Equal opportunities officers are to be notified without delay and comprehensively in regard to their involvement and the discharge of their duties. They are to be given the requisite documents, including application papers and comparative overviews, as early as possible in the process and provided with any information they request. Within the remit of their statutory duties they are entitled to inspect those parts of personnel files which are of relevance to the respective decision. Equal opportunities officers may inspect the full personnel files only with the consent of the person concerned.

(5) Where a superior agency is responsible for taking decisions within the meaning of subsection (1) on behalf of subordinate agencies, the superior agency involves the subordinate agency's equal opportunities officer. Equal opportunities officers in state education authorities involve the equal opportunities officer in the relevant state school regarding which the competent state education authority is to take a decision. Equal opportunities officers responsible for state schools at the level of the top-level Land authority involve the equal opportunities officers in the agency for which the competent top-level Land authority is to take a decision.

(6) Equal opportunities officers at the level of the highest service authority and at the level of the Police President in the Land police force together appoint coordinators. These involve the competent statutory equal opportunities officers in their coordination work.

(7) Equal opportunities officers are not involved in procedures concerning the commencement and termination of the official or employment relationships of election officials and of the public officials referred to in section 37 of the Mecklenburg-Western Pomeranian Civil Service Act and comparable employees.

Section 20 – Right of complaint

(1) In the event of a violation of this Act, other gender equality provisions or the target agreements referred to in section 5, equal opportunities officers may lodge a complaint about the measure in writing within ten working days following notification thereof. The same applies if the agency fails to involve the equal opportunities officer after learning of the measure. If the measure cannot be postponed, the agency may reduce the time limit to five working days. The agency must then take a new decision on the measure. Implementation of the measure is to be suspended until the new decision is taken. The agency notifies the equal opportunities officer in writing of its substantive decision and includes grounds for the decision.

(2) Equal opportunities officers may submit a decision on a complaint which they believe to be erroneous to the superior agency for a decision after notifying the head of the agency in good time. The fifth sentence of subsection (1) applies *mutatis mutandis*.

(3) Equal opportunities officers may, within ten working days, submit a complaint to the ministry responsible for gender equality regarding a decision on a complaint taken by a top-level Land authority. The second sentence of subsection (1) applies *mutatis mutandis*. In urgent cases, the latter shall, within five working days, submit a proposal for a decision to the top-level Land authority. The fifth sentence of subsection (1) applies *mutatis mutandis*. The top-level Land authority takes the final decision. In derogation therefrom, the equal opportunities officer in the administration of the Land Parliament shall submit a proposal for a decision to the President of the Land Parliament, after consulting with the ministry responsible for gender equality. The time limits set out in the first to third sentences apply *mutatis mutandis*.

(4) Where the equal opportunities officer complains that a corporation, institution or foundation under public law which is only subject to the supervision of the Land has violated this Act and the head of the agency does not remedy the complaint, the head of the agency shall submit the complaint to the board or to a comparable executive body for a decision. Should this body likewise not remedy the

complaint, the equal opportunities officer may notify the competent supervisory authority. The latter shall involve the ministry responsible for gender equality matters, which shall give a statement. The supervisory authority gives the final decision on the complaint.

Niedersachsen:

Unbound action, exchange of information with the Department, right to information

Nordrhein-Westfalen:

Pursuant to section 17 (1) LGG, the equal opportunities officer supports and advises the agency and participates in the implementation of the Land Equal Rights Act and all other provisions and measures affecting – or potentially affecting – the equal treatment of men and women. This applies in particular to personnel measures including job advertisements, selection procedures and interviews. If the equal opportunities officer is not involved in the measure, or is not involved in the measure on time, then the measure will be unlawful according to section 18 (3) first sentence LGG.

Rheinland-Pfalz:

The equal opportunities officer has the right to participate in all social, organisational and personnel measures relating to

1. equal treatment of men and women or
2. the compatibility of career and family or
3. the protection of female employees from harassment and sexual harassment in the workplace.

The agency must inform the equal opportunities officer of all measures in which the equal opportunities officer has the right to participate. It must inform the equal opportunities officer in a timely and comprehensive manner which enables her to perform her duties and exercise her rights. This includes providing the equal opportunities officer with all of the required documents. Personnel files should only be provided to the equal opportunities officer if the employees in question have already provided written consent. For staff appointments, promotions and upgrades to higher pay bands, the equal opportunities officer must be involved before the staff representation body or the body representing staff with disabilities. All documents related to the application and selection process must be provided to the equal opportunities officer if she requests them. She can participate in all interviews. If the agency submits a written opinion to another agency, the contents of which concern the equality issues mentioned in section 24 (1) LGG, then the equal opportunities officer can also add her own opinion. The equality opportunities officer can object to a measure taken by the agency if the measure is incompatible with this Act or with other provisions concerning the equal treatment of women and men. This also applies when the equal opportunities officer is not involved in a particular measure or is not informed of a measure in time (section 29 (1) LGG).

Saarland:

Section 23 LGG (tasks and rights of women's officers) and section 24 LGG (right to object)

Sachsen:

The women's officer monitors the implementation of the Act on the Advancement of Women. She has the right of initiative. She must be informed of and involved in the relevant procedures at an early stage. She can raise objections with the agency management to violations of SächsFFG or other equality provisions, section 22 SächsFFG. She does not have any additional powers.

Sachsen-Anhalt:

The full-time equal opportunities officers contribute to the implementation of the Act on the Advancement of Women. They work with the Central Office for Women's Policy of the Land of Saxony-Anhalt in matters relating to the Act's objectives. As staff units they are directly subordinated to the agency's management. They must be informed comprehensively and on time of all personnel, social and organisational measures and must be involved in the process upon their request. They are not bound by any technical orders or instructions in the discharge of their duties. Equal opportunities officers are to be given the documents needed to carry out their tasks if they so request. All necessary information from personnel files must be provided to them. If their rights are not observed, if formal requirements are not complied with, or if the objectives for advancement plans for women are not adhered to, equal opportunities officers may raise an objection – with suspensive effect – vis-à-vis the agency management. The objection must be discussed once again, and a final decision made, within a period of two weeks. For more details, we refer to section 15 FrFG.

Schleswig-Holstein:

Act on Equality for Women in the Public Service (Act on Gender Equality) of 13 December 1994 (Schleswig-Holstein Gazette of Acts and Ordinances p. 562), as last amended by the Act of 11 December 2014 (Schleswig-Holstein Gazette of Acts and Ordinances p. 464)
Section 19 – Tasks and rights of equal opportunities officers in technical matters

(1) Within the context of their agency's respective technical responsibility, equal opportunities officers are to be involved in all matters in their area of responsibility which may have an impact on equality for women. (2) Agencies are to involve equal opportunities officers at such an early stage that account can be taken of their initiatives, suggestions, concerns or other statements. Equal opportunities officers may inspect those documents which are necessary in the discharge of their duties. They are to be given the requisite information. Equal opportunities officers may take part in discussions, meetings and conferences insofar as they concern matters which may have an impact on equality for women.

Section 20 – Tasks and rights of equal opportunities officers in personnel matters

(1) Equal opportunities officers are tasked with working towards achieving equality for women, in particular compliance with this Act, in all personnel, social and organisational matters. In their dealings with one another, equal opportunities officers and employees need not go through the official channels.

(2) More specifically, equal opportunities officers are to be involved in job advertisements, recruitment, promotions and upgrades, terminations of employment and dismissals, as well as early retirements, including preparations therefor. Section 19 (2) applies mutatis mutandis. Insofar as necessary in the discharge of their duties, equal opportunities officers are also to be granted inspection of personnel files. Equal opportunities officers are entitled to take part in job interviews and selection procedures unless these are conducted by a body whose composition is regulated by law. They are entitled to vote if the personnel decision is taken by vote by a body whose composition is not regulated by law.

(3) The head of the agency must keep the equal opportunities officer informed about the employment structure within the agency, in particular in areas in which women are under-represented as defined in sections 3 to 5. Equal opportunities officers are entitled to provide employees and applicants for whose personnel matters the agency is responsible with information about its employment structure.

Section 22 – Right of objection (1) If, in the opinion of an equal opportunities officer, the agency has violated sections 3 to 8, 12 or 13, section 15 (1) or section 16, the equal opportunities officer may file an objection. She may inform employees or applicants that an objection has been filed.

(2) If the equal opportunities officer files an objection with a top-level Land authority, then the measure may only be continued upon the express instruction of the head of the agency in consultation with the Schleswig-Holstein Ministry of Social Affairs, Health, Science and Gender Equality; responsibility for the final decision lies with the competent top-level Land authority.

(3) If the equal opportunities officer in an agency in the subordinate Land administration objects to a planned personnel decision and if the head of the agency does not join the objection, a decision is to be obtained from that agency which exercises administrative supervision as the competent superior Land authority. The latter's equal opportunities officer is to be involved. If the superior agency is a top-level Land authority, then subsection (2) applies mutatis mutandis. In the case of a three-tier administrative structure, the head of the superior agency shall obtain a decision from the top-level Land authority if he or she is not of the same opinion as the equal opportunities officer; subsection (2) applies mutatis mutandis.

(4) If the equal opportunities officer of a corporation under public law without territorial sovereignty, of a public-sector institution or foundation with legal status subject to the supervision of the Land files an objection and the head of the agency does not join the objection, then the equal opportunities officer may inform the competent supervisory authority. The supervisory authority's equal opportunities officer is to be involved.

Thüringen:

With regard to the rights of equal opportunities officers, we refer to sections 19 to 21 of the Thuringia Act on the Equal Treatment of Men and Women.

As for the rights of the council for judicial appointments and the prosecutors' central staff council, we would refer to section 49 of the Judiciary Act of Thuringia, which in its current version reads as follows:

(1) If the council for judicial appointments submits an opinion contradicting the measure intended by the minister responsible for the judiciary, then an oral discussion of the matter must take place between the minister or his permanent deputy and the council for judicial appointments with the aim of reaching an agreement. The agreement discussions must take place within four weeks of the opinion's receipt by the council for judicial appointments.

(2) If the oral discussion does not lead to an agreement, a decision shall be made by the minister responsible for the judiciary.

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	(X)	()
in public prosecution services (prosecutors)	(X)	()
for courts' non-judge staff	(X)	()

Comments - Please specify the details of this person/institution, in particular its titles and function: Equal Opportunity/Gender Equality Officers

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment to different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the workspace	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) : Bayern:

Measures are continuously being implemented to improve gender equality in the public service in Bavaria. Under the Bavarian Act on Gender Equality, these measures must, for instance, be documented, updated and evaluated in Gender Equality Strategies.

Brandenburg:

Establishment of a specific, low-threshold training program for female future executives involving mentorships.

Sachsen-Anhalt:

Training/publications on gender equality in relation to evaluations

are planned (please specify) : NA

Comments - If the situation changed since reference year, please specify in the comments. NA

NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify:
- Appointment to the position of court president, please specify:
- Appointment to the position of head of prosecution services, please specify:
- Promotion procedures and access to the functions of responsibility, please specify:
- Other studies, please specify: Gender Equality Reports of the Federal Government (Gleichstellungsberichte der Bundesregierung)

NAP

Comments - Please specify also the reference documents. The Gender Equality Reports of the Federal Government are reports on the equality of men and women that are researched and compiled by an expert commission once every legislative period. So far, there are three Gender Equality Reports with different central themes:

- the first report was issued in 2011 and focused on equality in education and professional life
- the second report was issued in 2017 and focused further on the lifetime perspectives of men and women regarding topics such as gender-pay-gap and gender-care-gap
- the third report was issued in 2021 and focused on gender quality with regard to digitalisation

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

Organisation

IT policies and strategies	<input type="checkbox"/> Defined and coordinated at national level by one institution <input checked="" type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other
IT Governance	<input type="checkbox"/> Governed at national level by one institution <input checked="" type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): By national structure is meant: -E-Justice-Council (E-Justice-Rat)
 -Joint Commission of the Federal and States governments for the Information Technology in the Judiciary (Bund-Länder-Kommission für Informationstechnik in der Justiz)

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - please also describe in case of “other alternatives”

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- Yes
- No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

- Yes
- No

Comments (please specify in particular if national frameworks of information security exist):

065-6. Is the protection of personal data managed by courts ensured at legislative level?

- Yes
- No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

- Yes
- Non

Comments

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Criminal	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	(X) Yes () No
Administrative	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - if it exists in other matters please specify 3rd instance judgements as of 2010 are available free online and in open data. Link with ECHR case law is being planned.

062-6. Is there a computerised national record centralising all criminal convictions?

- (X) Yes
- () No

Comments

062-6-1. If yes, please specify the following information:

- [X] Linkage with other European records of the same nature
- [X] Content directly available through computerised means for judges and/or prosecutors
- [X] Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

- (X) Yes
- () No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

Availability rate

<p>Civil and/or commercial</p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p>Criminal</p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p>Administrative</p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>

062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

<p>Availability of simple dictation tools</p>	<p>Availability of multiple speakers recording tools</p>	<p>Voice recognition feature</p>
---	--	----------------------------------

Civil and/or commercial	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input checked="" type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input checked="" type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input checked="" type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If it exists in other matters please specify:

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Business registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
--------------------------	---	---	---	---

Comment – if it exists in other matters please specify:

Budgetary and financial monitoring

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Justice expenses management	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Since "Other" was answered with "NA" by most of the Länder, Tool deployment rate, consolidated data and system communicating were also answered "NA".

Information on "other" budgetary and financial management systems submitted by Baden Württemberg:

Justice budget and budget calculation, medium term fiscal planning

Deployment rate: 100%, System communicating with other ministries: yes

Other tools of courts management

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify The answers to questions 64-2 and 64.2.1 also apply for judicial proceedings on regulatory offences.

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments In criminal proceedings the court's decision whether the defendant is assigned a defense counsel may be issued electronically and served to the public prosecutor's office and to lawyers electronically. The defendant may be served electronically, provided he or she has expressly consented to the electronic transmission of documents (Section 37 para. 1 of the Criminal Code in conjunction with Section 174 para. 3 sentence 2 of the Code of Civil Procedure).

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means?

(a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

(X) Yes

() No

Comments Use of information technologies for improving the quality of the communication between courts and professionals

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	[X]	[]	[X]	[] SMS [] E-mail [X] Specific computer application [] Other	[X]
Criminal	[X]	[]	[X]	[] SMS [] E-mail [X] Specific computer application [] Other	[X]
Administrative	[X]	[]	[X]	[] SMS [] E-mail [X] Specific computer application [] Other	[X]

Comments

Use of information technologies for improving the quality of the communication between courts and professionals

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for

Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
----------------------	---	--------------------------

Enforcement agents (as defined in Q169 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Judicial police services	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

064-9. Are there online processing systems of specialised litigation (small claim litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)?

Yes

No

Comments – Please describe the system that exists. Online processing systems are not available in criminal proceedings.

Automated processing systems are used in summary proceedings for payment orders. Section 688 paragraph 1 and 2 of the Code of Civil Procedure states for which claims the proceedings are generally admissible: Section 688

Admissibility

(1) Upon corresponding application being made by the claimant regarding a claim concerning the payment of a specific amount of money in Euros, a payment order is to be issued.

(2) No summary proceedings for a payment order may be brought:

1. For claims that an entrepreneur has under an agreement pursuant to sections 491 to 509 of the Civil Code (Bürgerliches Gesetzbuch, BGB), if the effective annual rate of interest to be provided for in accordance with section 492 (2) of the Civil Code is in excess, by more than twelve (12) percentage points, of the base rate of interest, pursuant to section 247 of the Civil Code, applicable at the time the agreement is concluded;

2. Where the assertion of the claim is dependent on consideration, performance of which is as yet outstanding;

3. Where the payment order would have to be served by publication of a notice.

The summary proceedings for a payment order have the purpose to quicken and facilitate the enforcement of monetary claims. For a payment order to be issued by the court, claimants must submit an application. The application must amongst others include the following information: the designation of the parties, the designation of the court where the application is filed as well as the designation of the claim. After a summary examination of the application, the court issues an order for payment and sends it out to the respondent. The respondent may lodge an opposition in writing against the claim or a part thereof in which case the summary proceedings for a payment

order end and both parties can apply for court proceedings. Should the respondent not object within two weeks, the court issues a writ of execution at the claimants' request. The respondent may file a protest against the writ of execution. Should a protest be filed, the court delivering the writ of execution shall transfer the dispute to the court that has been designated.

In the event of automatic processing systems being used, Sections 703b and 703c of the Code of Civil Procedure regulate special provisions that guide the automatic processing of the petition. Section 703b

Special regulations for automatic processing

(1) In the event of automatic processing systems being used, orders, rulings, execution copies, and court certificates of enforceability will be furnished with the court seal; no signature is required.

(2) The Federal Minister of Justice is authorised to provide for the course of proceedings such provision being subject to approval by the Bundesrat and being made by statutory instrument, insofar as this is required to ensure uniform automatic processing of the summary proceedings for a payment order (progress schedule for the proceedings).

Section 703c

Forms; introduction of automatic processing

(1) The Federal Minister of Justice is authorised to introduce forms in the interests of simplifying the summary proceedings for a payment order and in order to protect the party being laid claim to, such forms being subject to approval by the Bundesrat and being made by statutory instrument. Different forms may be introduced for:

1. Summary proceedings for a payment order performed by courts using automatic processing systems;
2. Summary proceedings for a payment order performed by courts that do not use automatic processing systems;
3. Summary proceedings for a payment order in which the payment order is to be served abroad;
4. Summary proceedings for a payment order in which the payment order is to be served in accordance with Article 32 of the Supplementary Agreement amending the NATO Status of Forces Agreement of 3 August 1959 (published in the Federal Law Gazette (Bundesgesetzblatt, BGBl.) 1961 II page 1183, citation on page 1218).

(2) Insofar as forms have been introduced pursuant to subsection (1) for petitions and declarations filed by the parties, the parties to the dispute must use them.

(3) The Land governments shall determine the point in time, by statutory instrument, at which the automatic processing system for the summary proceedings for a payment order is to be introduced at any given local court (Amtsgericht, AG); they may confer the authorisation upon the Land departments of justice by statutory instrument

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees' transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments Videoconferences are supposed to facilitate the proceedings for all parties, regarding time and travel. Parties can request participation via videoconference while the court may also mandate a videoconference. They can be held in accordance with Section 128a of the Code of Civil Procedure:

(1) The court may permit the parties, their attorneys-in-fact, and advisers, upon their filing a corresponding application or ex officio, to stay at another location in the course of a hearing for oral argument, and to take actions in the proceedings from there. In this event, the images and sound of the hearing shall be broadcast in real time to this location and to the courtroom. (2) The court may permit a witness, an expert, or a party to the dispute, upon a corresponding application having been filed, to stay at another location in the course of an examination. The images and sound of the examination shall be broadcast in real time to this location and to the courtroom. Should permission have been granted, pursuant to subsection (1), first sentence, for parties, attorneys-in-fact and advisers to stay at a different location, the images and sound of the examination shall be broadcast also to that location.

(3) The broadcast images and sound will not be recorded. Decisions given pursuant to subsection (1), first sentence, and subsection (2), first sentence, are incontestable.

There are appropriate legal regulations in Section 102a of the Code of Administrative Court Procedure for judicial administrative proceedings. Criminal Cases:

Videoconferencing may be used in the investigation stage for examinations of the defendant and witnesses [Sections 58a, 58b and 136 (6) of the Criminal Procedure Code]. In cases of possible pretrial detention the oral hearing for the review of detention may be conducted via videoconferencing if the defendant has waived the right to be present at the hearing or unless great distance or sickness of the defendant or other insurmountable obstacles prevent his being brought to the hearing [Section 118a (2) of the Criminal Procedure Code].

During the main trial it may be used for examinations of experts and of certain witnesses [Sections 247 (1) and 247a of the Criminal Procedure Code] as well as of interpreters [Section 185 (1a) of the Criminal Procedure Code].

If the defendant is released from the obligation to appear at the main hearing the court may conduct the examination of the defendant on the charges outside the main hearing via videoconferencing [Section 233 (1) of the Criminal Procedure Code].

The court may conduct certain oral hearings of the convicted person prior to certain decisions on the execution of a sentence [Section 462 (2) of the Criminal Procedure Code] via videoconferencing. The same applies to hearings prior to court decisions on measures regulating individual matters in the field of execution of imprisonment or of execution of measures of reform and prevention involving deprivation of liberty [Section 115 (1a) of the Federal Prison Act].

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

(X) Yes

() No

Comments

064-11-1. If yes, please specify the following information:

Tool deployment rate	Type of recording	Specific legislative framework
----------------------	-------------------	--------------------------------

Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users Criminal: To the utilisation of electronic evidence and to blockchain technologies the general rules on the admissibility of evidence apply

3.6. Performance and evaluation

3.6.1 National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	() Yes (X) No
within the public prosecution services	() Yes (X) No

Comments Due to judicial independence, there are no national level quality standards.

3.6.2 Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

(X) Yes

() No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments Scarcely half of the Länder answered that quality indicators have been defined for backlogs, a few reported that quality indicators for costs, number of appeals, appeal ratio, clearance rate or disposition time have also been defined.

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

(X) Yes

() No

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments Just over half of the Länder answered that quality indicators have been defined for backlogs, a few reported that quality indicators for satisfaction of users, costs, clearance rate or disposition time have also been defined.

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

- Yes
- No

Comments

073-0. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If “Less frequent” or “More frequent”, please specify:

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

- Yes
- No

Comments

073-2. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

Yes

No

Comments

073-4. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Yes

No

Comments

073-6. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

=

079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):

Comments

3.6.3 Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):statistics on the nature of resolution (e.g. in civil cases: dealt with by contentious judgment/by acknowledgement/by settlement, etc.), number of main-trial days, participation of interpreters and experts

Comments The monitoring activities mentioned unter "other" were reported only by some of the Länder.

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff

- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments A few Länder answered that they have also been monitoring productivity and costs.

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments The majority, but not all of the Länder have reported to monitor pending cases and backlogs.

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	()	(X)
within the public prosecution services	()	(X)

Comments

3.6.4 Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

(X) Yes (please indicate the name and the address of this institution):Federal Statistical Office, Wiesbaden (www.destatis.de), rechtspflegestatistik@destatis.de

() No

Comments Federal Statistical Office, Wiesbaden (www.destatis.de), rechtspflegestatistik@destatis.de

080-1. Are the statistics on the functioning of each court published?

- (X) Yes, on the internet
- () No, only internally (on an intranet website)
- () No

Comments

=

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution): Federal Statistical Office, Wiesbaden (www.destatis.de),
rechtspflegestatistik@destatis.de

No

Comments Federal Statistical Office, Wiesbaden (www.destatis.de), rechtspflegestatistik@destatis.de

080-3. Are the statistics on the functioning of each public prosecution service published?

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): Bayern:
Finance Courts and administrative courts are required to prepare an activity report

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

=

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

- Internet
- Intranet (internal) website
- Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

- Yes
- No

Comments - If yes, please specify:

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

- Yes
- No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

- Yes
- No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

NAP

Comments There are no quantitative performance targets for each judge

114. Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments Eventhough the majority of Länder reported that they have no system of qualitative assessment in place, a few reported that they do.

114-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

=

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Yes

No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public Prosecutorial Council

Head of the organisational unit or hierarchically superior public prosecutor

Other (please specify):

NAP

Comments There are no quantitative performance targets for each public prosecutor

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments

120-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

C4. Please indicate the sources for answering the questions in this part

Sources: The data are based on information of the Bund and the Länder.

4. Fair trial

4.1. Principles

4.1.1 Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

[]

[X] NA

[] NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

(X) Yes

() No

Comments - Please could you briefly specify:

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

[X] NA

Comments

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

[X] For civil procedures (non-enforcement)

[X] For civil procedures (timeframe)

[X] For criminal procedures (timeframe)

[] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Yes

No

NAP

Comments

D1. Please indicate the sources for answering the questions in this part

Sources: The procedure of effectively refusing a judge is regulated in sections 41 to 49 ZPO. Other rules of procedure refer to these provisions (e.g. section 6 (1) sentence 1 FamFG, section 54 (1) VwGO)

Question 85: For criminal cases Sections 24, 25, 26 of the Criminal Procedure Code provide the procedure for challenging a judge.

4.2. Timeframe of proceedings

4.2.1 General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify: Civil matters:

e.g. arrest and injunction in accordance with sections 916 to 945 of the Code of Civil Procedure (see general comments)

Family matters:

The procedure of Interlocutory Orders; regulated in Sections 49 to 57 FamFG.

Administrative cases:

Emergency rulings in the injunction proceedings

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify: Civil matters:

Proceedings in accordance with section 495a of the Code of Civil Procedure with a value at dispute of up to € 600 (see general comments)

Proceedings for small claims in accordance with Regulation (EC) No 861/2007.

Family cases: According to § 249 ff. FamFG upon application, maintenance for a minor child who does not live together in one household with the parent against whom the claim of maintenance is asserted may be established through a simplified proceeding to the extent the maintenance prior to consideration of payments pursuant to section 1612b or section 1612c of the Civil Code does not exceed 1.2 times the minimum maintenance pursuant to section 1612a (1) of the Civil Code.

Criminal cases:

Proceedings with penal orders (see general comments)

Administrative cases:

The court can rule by court order without an oral hearing if the case does not show any particular difficulties and the facts are clarified (section 84 of the Code of Administrative Court Procedure - see general comments).

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

Comments - If yes, please specify:

4.2.2 Case flow management – first instance



091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	753 054 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 219 203 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 196 562 <input type="checkbox"/> NA <input type="checkbox"/> NAP	776 359 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	2 299 376 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	5 550 420 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	1 806 827 <input type="checkbox"/> NA <input type="checkbox"/> NAP	140 297 <input type="checkbox"/> NA <input type="checkbox"/> NAP	89 367 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 861 202 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	806 128 <input type="checkbox"/> NA <input type="checkbox"/> NAP	582 323 <input type="checkbox"/> NA <input type="checkbox"/> NAP	640 706 <input type="checkbox"/> NA <input type="checkbox"/> NAP	748 038 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	453 757 <input type="checkbox"/> NA <input type="checkbox"/> NAP	933 856 <input type="checkbox"/> NA <input type="checkbox"/> NAP	942 192 <input type="checkbox"/> NA <input type="checkbox"/> NAP	450 720 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments There is no special reason explaining the slight decrease in the number of incoming administrative law cases.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. NAP

093. Please indicate the case categories included in the category "other cases":

<ul style="list-style-type: none"> . -Local Court family cases -guardianship and curator cases at the family court -custodianship cases -curator cases at the custodianship court -proceedings regarding judgments and orders at the labour court
--

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	[X] NA [] NAP	[X] NA [] NAP	1 166 493 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	247 214 [] NA [] NAP	640 143 [] NA [] NAP	628 662 [] NA [] NAP	258 492 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	109 040 [] NA [] NAP	390 866 [] NA [] NAP	381 932 [] NA [] NAP	117 953 [] NA [] NAP	[X] NA [] NAP
3. Other criminal cases	[X] NA [] NAP	[X] NA [] NAP	155 899 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify



4.2.3 Case flow management – second instance

097. Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	84 306 [] NA [] NAP	108 810 [] NA [] NAP	111 956 [] NA [] NAP	81 223 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative law cases	58 217 [] NA [] NAP	45 059 [] NA [] NAP	48 058 [] NA [] NAP	55 197 [] NA [] NAP	[X] NA [] NAP
4. Other cases	19 483 [] NA [] NAP	40 385 [] NA [] NAP	40 418 [] NA [] NAP	19 826 [] NA [] NAP	[X] NA [] NAP

Comments - If "Other cases" please specify family cases at Higher Regional Courts, appeal and complaint proceedings at Regional Labour Courts

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	[X] NA [] NAP	[X] NA [] NAP	58 412 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	20 987 [] NA [] NAP	45 005 [] NA [] NAP	45 169 [] NA [] NAP	20 807 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	1 614 [] NA [] NAP	12 760 [] NA [] NAP	13 118 [] NA [] NAP	1 246 [] NA [] NAP	[X] NA [] NAP

3. Other cases	<input type="checkbox"/> NA	<input type="checkbox"/> NA	125	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. complaints in regulatory fining proceedings at the Higher Regional Courts (according to Section 80 of the Act on Regulatory Offences), objections in regulatory fining proceedings according to the Competition Act

4.2.4 Case flow management – Supreme Court

099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	9 292 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 472 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 413 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 351 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

2.3. Other non-litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	3 649 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 729 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 086 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 292 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	1 231 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 938 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 173 <input type="checkbox"/> NA <input type="checkbox"/> NAP	995 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases", please specify

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

(X) Yes, please indicate the number of cases closed by this procedure: NA

() No

Comments number of cases are not available

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	784 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 984 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 110 <input type="checkbox"/> NA <input type="checkbox"/> NAP	658 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Other criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If "Other criminal cases", please specify It is not possible to differentiate between "severe criminal cases" and "minor criminal cases" (NA). The total number of cases means the number of appeals on points of law, including referrals and regulatory offences pursuant to the Act on Regulatory Offences (OWiG) as well as regulatory offences pursuant to the Act Against Restraints of Competition (GWB) and the Energy Act (EnBW) before the criminal panels (including antitrust panel).

4.2.5 Case flow management and timeframes – specific cases

101. Number of specific litigious cases received and processed by first instance courts.

Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
-----------------------------------	----------------	----------------	-----------------------------------	-------------------------------

Litigious divorce cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	163 435 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	198 766 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	92 999 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	250 154 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	5 078 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	761 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Business insolvencies: due to the Corona crisis, the duty to file an insolvency petition was suspended until 31 December 2020;
Consumer insolvencies: in the last quarter of 2020 a new law on the discharge of residual debt was passed. The new law aims to facilitate a financial restart after an insolvency proceeding: it is possible that a number of consumers decided to file for insolvency at a later point in anticipation of the new law.



=

101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	122 170 <input type="checkbox"/> NA <input type="checkbox"/> NAP	145 071 <input type="checkbox"/> NA <input type="checkbox"/> NAP	52 056 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-court procedures relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	178 779 <input type="checkbox"/> NA <input type="checkbox"/> NAP	84 701 <input type="checkbox"/> NA <input type="checkbox"/> NAP	124 336 <input type="checkbox"/> NA <input type="checkbox"/> NAP	139 195 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	19 063 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Court cases relating to asylum seekers: There was an exceptionally high number of asylum applications during the years of 2015 and 2016 (745 545 applications in 2016 compared to 122 170 applications in 2020), resulting also in an increase of court cases relating to asylum seekers, especially in 2016 and 2017. The number of asylum applications and court cases relating to asylum seekers has been decreasing ever since.

101-1. Could you briefly describe the system in your country dealing with legal remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. Asylum seekers can avail themselves of judicial protection against a notice of rejection from the public authorities, both in proceedings on the merits and, if necessary, in proceedings for provisional court relief (interim relief): They can bring an action before the Administrative Court (first instance) in proceedings on the merits. Judgments by the Administrative Court in asylum cases that dismiss an action as manifestly inadmissible or manifestly unfounded are incontestable (section 78 subsection (1), first and second sentences, of the Asylum Act [Asylgesetz, AsylG]). To contest other judgments by the Administrative Court, it is possible to file a request for appeal to the Administrative Court, pursuant to section 78 subsection (2) and subsection (4), first sentence, AsylG. The request is decided on by the Higher Administrative Court (second instance) in a court order (section 78 subsection (5), first sentence, AsylG). If such a request is rejected by the Higher Administrative Court, the judgment handed down by the Administrative Court is final (section 78 subsection (5), second sentence, AsylG). If the Higher Administrative Court grants the request for appeal, the application procedure is continued in the form of appellate proceedings before the Higher Administrative Court (section 78 subsection (5), third sentence, AsylG). To contest an appellate judgment by a Higher Administrative Court, an appeal on points of law may be filed to the Federal Administrative Court (supreme federal court, third instance) – if this has been admitted by the Higher Administrative Court, or by the Federal Administrative Court in response to a complaint against non-admission (section 132 subsection (1) of the Code of Administrative Court Procedure, [Verwaltungsgerichtsordnung, VwGO]). First-instance judgments of the Administrative Court in asylum cases may be contested (with the exception of qualified dismissals of actions within the meaning of section 78 subsection (1) AsylG) by filing an appeal on points of law in lieu of an appeal on facts and law" [Sprungrevision] with the Federal Administrative Court in accordance with section 134 VwGO. A requirement for this is that the appeal on points of law in lieu of an appeal on facts and law" is admitted by the Administrative Court in the judgment or on request by order, and that the plaintiff and defendant agree to the submission in writing.

In certain cases, in particular where an asylum application has been rejected as inadmissible or manifestly unfounded, the action before the Administrative Court does not have a suspensive effect; the asylum seeker bringing the action is still enforceably required to leave the Federal territory. In such cases, the asylum seeker can request the Administrative Court to grant interim relief in the form of an order recognising the suspensive effect of the action, in accordance with section 80 subsection (5) VwGO (cf. section 36 subsection (3), first sentence, AsylG, section 34a subsection (2), first sentence, AsylG). The Administrative Court decides on the request by order. Until the Administrative Court has reached its decision, the applicant may not be deported (cf. section 36 subsection (3), eighth sentence, AsylG and section 34a subsection (2), second sentence, AsylG). In certain cases, interim relief is governed by section 123 VwGO (for example in inadmissible follow-up asylum proceedings where no new deportation decision is issued). No ordinary legal remedy is available against a decision by the Administrative Court in summary proceedings (cf. section 80 AsylG). Administrative court proceedings relating to (general) law concerning foreigners are governed primarily – in the main case and in interim relief – by the general provisions of the VwGO: If a foreigner wishes to contest a measure by the foreigners authority (for example an order terminating residence), he may bring an action before the Administrative Court. If the measure taken by the authority is an administrative act (such as an expulsion pursuant to section 53 of the Residence Act [Aufenthaltsgesetz]), then as a rule (administrative) appeal proceedings must be conducted before the action is brought, provided this is not ruled out by (Land) statute (cf. section 68 subsection (1) VwGO). To contest the Administrative Court's judgment, an appeal on fact and law may be filed to the Higher Administrative Court, if such an appeal is admitted by the Administrative Court in its judgment or by the Higher Administrative Court on application (see section 124 subsection (1) VwGO). To contest an appellate judgment by the Higher Administrative Court, an appeal on points of law only may be filed to the Federal Administrative Court (under the preconditions enumerated in section 132 VwGO), if the Higher Administrative Court, or the Federal Administrative Court in response to a complaint against non-admission, has admitted it (section 132 subsection (1) VwGO). Judgments of the Administrative Court may be contested in an "immediate appeal on law in lieu of an appeal on facts and law" to the Federal Administrative Court, if this is agreed upon in writing by the claimant and the defendant, and admitted by the Administrative Court (section 134 subsection (1) VwGO). If necessary, interim court relief may be available on request in accordance with sections 80, 123 VwGO.

101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	[X] NA [] NAP	[X] NA [] NAP	2 662 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Child pornography	[X] NA [] NAP	[X] NA [] NAP	3 215 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: see General Comment
The following criminal offences listed in the General Comment are not included in the figures above, because they were introduced to the German Criminal Code in 2021:

- section 176b
- section 176e
- section 184l

The figures listed above include offences according to former section 184d Criminal Code (Making pornographic content available through broadcasting or telemedia services; accessing child or youth pornographic content via telemedia). The provision was cancelled in November 2020, transferring its contents regarding child and youth pornography to sections 184b and 184c Criminal Code.

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the investigation phase in criminal cases as well as enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	_____ Max numeric value allowed : 100 9 [] NA [] NAP	208 [] NA [] NAP	262 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Litigious divorce cases	_____ Max numeric value allowed : 100 2 [] NA [] NAP	307 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Employment dismissal cases	_____ Max numeric value allowed : 100 3 [] NA [] NAP	85 [] NA [] NAP	237 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP

Insolvency cases	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery cases	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide cases	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. The family court has exclusive jurisdiction for marriage cases and other family cases. The family court is a department of the Local Court.

Anyone wishing to bring a marriage case to court, that is anyone wishing to divorce, must be represented by a lawyer. Also the respondent needs representation by lawyer if motions are to be lodged. As a rule, the spouses are to pay half the court costs of the divorce case and the ancillary cases; plus, each spouse pays their own legal costs.

It is possible to apply for legal aid. Spouses wishing to divorce can reduce the costs of the proceedings by the respondent agreeing to the divorce for the record of the court registry or in the oral hearing without appointing a lawyer.

The family court deliberates on the divorce application and the ancillary cases to the divorce made pending in good time together, and also rules on them as a matter of principle at the same time (comprehensive divorce proceedings). The divorce is hence as a rule not to be issued until clarity has been reached regarding all the ancillary cases. The purpose of the comprehensive divorce proceedings is to ensure for those concerned that nothing remains unresolved or uncertain after the divorce. The advantage of this is that those concerned are informed of all the consequences entailed by the divorce, particularly of the economic consequences. This is particularly significant for the economically weaker spouse, given that their rights are to be safeguarded before the divorce is granted. By virtue of the fact that all proceedings are placed in the hands of one single judge and dealt with at the same time, the family court also obtains a more profound insight into the situation of the marriage and the family and is able to help to bring about proper, coordinated rulings. Aspects that are deliberated on and ruled on by the family court in the comprehensive divorce proceedings include: pension settlement cases, maintenance cases, spousal home and budget cases, as well as property cases and parent-and-child cases.

In order to agree on an arrangement covering only the ancillary effects of the divorce, mediation proceedings offer an alternative to court proceedings. Mediation seeks to reach an agreed resolution of the conflict over ancillary matters with the aid of a neutral person who is not called on to make a decision – the mediator. Mediation is particularly well suited to take into account the situation and interests of the persons concerned, because their autonomy plays a more central role in mediation proceedings than it does in court proceedings. A mediation proceeding may therefore lead to results which are more readily accepted, and is generally a more sustainable option. Results can include, for example, contractual agreements on maintenance, assets, property, on parental responsibility or on access to the children. In divorce proceedings, the court can order that the spouses attend, either individually or together, an information meeting, free of charge, about mediation or another possible form of extra-judicial conflict resolution for pending ancillary matters with a person or provider designated by the court, and that they submit confirmation of their attendance. If such a meeting leads to a mediation proceeding, the court proceeding will be interrupted. If the attempt to reach a friendly settlement

is made by a judge designated for that purpose and having no decision-making power in the matter (conciliation judge), he or she can apply all methods of conflict resolution including mediation. The divorce itself cannot be the subject of a conciliation hearing, because the granting of a divorce is subject to requirements that cannot be fulfilled by the parties themselves.

104. How is the length of proceedings calculated for the six case categories of question 102?

Please give a description of the calculation method.

. The judicial business statistics include in each case the day of the receipt of the proceedings and the date on which they are dealt with, recorded in the DD.MM.YYYY format.

On the basis of this information, the duration of the proceedings is calculated as follows:

duration of proceedings = 1 + [date on which processed (number of days + (number of months * 30) + (year * 360)) - [date of receipt (number of days + (number of months * 30) + (year * 360))]

4.2.6 Case flow management – public prosecution

105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

[X] to conduct or supervise police investigation

[X] to conduct investigations

[X] when necessary, to request investigation measures from the judge

[X] to charge

[X] to present the case in court

[X] to propose a sentence to the judge

[X] to appeal

[X] to supervise the enforcement procedure

[X] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

[X] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

[X] other significant powers (please specify): Other: to conduct or supervise police investigation; to conduct investigations •to conduct investigations: Unless otherwise provided by law (for instance in accordance with section 153 and section 153a of the Code of Criminal Procedure), the public prosecution office is obliged to intervene with regard to all prosecutable criminal offences provided that there are sufficient factual indications (section 152 (2) of the Code of Criminal Procedure). As soon as the public prosecution office receives knowledge of a criminal offence through a criminal information or by other means, it must investigate the facts for its decision on whether public charges are to be preferred (section 160 (1) of the Code of Criminal Procedure). To this end, the public prosecution office is entitled to demand information from all authorities and to carry out investigations of any kind, either itself or to have them performed by the authorities and officers of the police service unless other statutory provisions particularly regulate their powers. The public prosecutor shall ascertain not only incriminating but also exonerating circumstances, and shall ensure that evidence, the loss of which is to be feared, is taken (section 160 (2) of the Code of Criminal Procedure). •to conduct or supervise police investigation: The authorities and officers of the police service are obliged to comply with requests or applications from the public prosecution office, and in this case are entitled to obtain

information from all authorities (section 161 (1) of the Code of Criminal Procedure). •when necessary, to request investigation measures from the judge: If the public prosecution office considers it to be necessary for the court to carry out investigation measures, it makes an application prior to lodging of the public charge to the Local Court in the district in which it or its branch office making the application is located. If, additionally, it considers it to be necessary to issue an arrest or custody order, it can, regardless of section 125 and section 126a, lodge such a motion with the court referred to in sentence 1 (section 162 (1) sentences 1 and 2 of the Code of Criminal Procedure). After preferment of public charges, the court seized of the matter shall be the competent court (section 162 (3) sentence 1 of the Code of Criminal Procedure). •to charge It is the public prosecution office which is called on to prefer public charges (section 152 (1) of the Code of Criminal Procedure). The written charge, which the public prosecution office has to present to the court which has jurisdiction for the main hearing, contains the application to open the main proceedings. The files are presented to the court (section 199 (2) of the Code of Criminal Procedure) with the written charge. •to present the case in the court: During the main hearing the public prosecutor has to read out the charges, may ask questions and file applications and finally presents his arguments in the closing speech. •to discontinue a case without requiring a judicial decision: In accordance with section 153 (1) sentence 2 of the Code of Criminal Procedure (dispensing with prosecution of petty offences), section 153c of the Code of Criminal Procedure (non-prosecution of offences committed abroad), section 153d of the Code of Criminal Procedure (dispensing with court action on political grounds) and section 153f of the Code of Criminal Procedure (dispensing with prosecution of criminal offences under the Code of Crimes against International Law), the public prosecution office can discontinue the proceedings without a court ruling. The same applies in accordance with section 154 (1) of the Code of Criminal Procedure with minor secondary criminal offences, and in accordance with section 154a (1) sentence 1 of the Code of Criminal Procedure with individual severable parts of an offence or some of several violations of the law committed as a result of the same offence if these are not particularly significant in addition to a penalty or measure of reform and prevention that is anticipated or has already been imposed with binding effect. Moreover, the public prosecution office may dispense with preferment of public charges if the accused is extradited to a foreign government because of the offence or is transferred out of the area of application of the Code of Criminal Procedure (section 154d (1) and (2) of the Code of Criminal Procedure). The same applies if he/she is to be extradited to a foreign government or transferred to an international criminal court of jus-tice because of another offence and the penalty or the measure of re-form and prevention which might be the result of the domestic prosecution is negligible in comparison to the penalty or measure of reform and prevention which has been imposed on him with binding effect abroad or which he may expect to be imposed abroad (section 154d (2) of the Code of Criminal Procedure). If coercion or extortion (sections 240 and 253 of the Criminal Code) was committed by threats to reveal a criminal offence, the public prosecution office may dispense with prosecuting the offence, the disclosure of which was threatened, unless expiation is imperative because of the seriousness of the offence (section 154c (1) of the Code of Criminal Procedure). If the victim of coercion or extortion (sections 240 and 253 of the Criminal Code) files charges in respect thereof (section 158) and if as a result a misdemeanour committed by the victim comes to light, the public prosecution office may dispense with prosecution of the misdemeanour unless expiation is imperative because of the seriousness of the offence (section 154c (2) of the Code of Criminal Procedure). If the preferring of public charges for a misdemeanour depends on the evaluation of a question which must be determined according to civil law or administrative law, the public prosecution office may set a time limit to decide the question in civil proceedings or in administrative court proceedings. The person who reported the criminal offence shall be notified there-of. After this time limit has expired without any result, the public prosecution office may terminate the proceedings (section 154d of the Code of Criminal Procedure). Public charges are not to be preferred for an erroneous suspicion or insult (sections 164 and 185 to 188 of the Criminal Code) as long as criminal or disciplinary proceedings are pending for the reported or alleged offence (section 154e (1) of the Code of Criminal Procedure). If the absence of the accused or some other personal impediment prevents the opening or conduct of the main proceedings for a considerable time, and if public charges have not yet been preferred, the public prosecution office may provisionally terminate the proceedings after it has clarified the facts so far as possible and secured the evidence so far as necessary (section 154f of the Code of Criminal Procedure). In accordance with section 45 (1) of the Youth Courts Act (Jugendgerichtsgesetz – JGG), section 153 of the Code of Criminal Procedure is also applicable in criminal proceedings against juveniles (14 to under 18 years old at the time of the offence). Section 153 of the Code of Criminal Procedure applies either directly or via section 45 (1) of the Youth Courts Act to young adults (18 to under 21 years old at the time of the offence) if juvenile criminal law applies to them. The other possibilities of ending the proceedings stated above are, by contrast, generally applicable in proceedings against juveniles and young adults (cf. section 2 (2) of the Youth Courts Act). •to supervise the enforcement procedure: The final judgment has to be executed by the public prosecution office (exception: under juvenile criminal law not the public prosecution office but the youth court judge is head of enforcement; section 82 of the Youth Courts Act).

Comments This year for the first time the option "when necessary, to request investigation measures from the judge" has been checked.

This is for the sake of completeness, not because of a change in the law. In order to protect the rights of the accused, particularly coercive measures under criminal procedure may only be ordered by a court. The public prosecutor must therefore apply for a court order of certain measures in advance (e.g. a search warrant or undercover measures).

106. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: In general the public prosecutor does not have a role in insolvency cases. However, if the debtor is accused of having committed a criminal offense and the proceeds of the offense are seizable but insufficient to satisfy the claims of the victims, the public prosecution office may have a right to file for insolvency (Section 111i para (2) of the Code of Criminal Procedure). Whether the insolvency proceedings are to be opened or not, lies in the competence of the court. Section 111i of the Code of Criminal Procedure has also be taken into account in the enforcement of the ordered confiscation especially concerning the compensation procedure (sections 459h, 459m, 459n of the Code of Criminal Procedure).

107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
1.Pending cases on 1 Jan. ref. year	731 988 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	4 984 552 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	5 004 542 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	2 682 373 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	1 457 907 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	1 213 206 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.4 Discontinued for other reasons	11 260 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	161 653 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.3.Cases closed by the public prosecutor for other reasons	1 199 972 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.4.Cases brought to court	960 544 <input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Pending cases on 31 Dec. ref. year

711 530

 NA NAP

Comments 3.2 Concluded by a penalty or a measure imposed or negotiated by the public prosecutor:

The number represents the the cases that were discontinued in accordance with Section 153a of the Code of Criminal Procedure ("Non-prosecution subject to imposition of conditions and directions")

These cases would also fit into the category "discontinued for reasons of opportunity" (3.1.3) but were allocated to 3.2 here.

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Before the main trial	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
During the main trial	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

109. Do the figures provided in Q107 include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering the questions in this part

Sources: Federal Office of Justice: Local Court case-load overviews

Federal Statistical Office:

Subject-matter series 10, series 2.1 (civil courts)

Subject-matter series 10, series 2.2 (family courts)

Subject-matter series 10, series 2.3 (criminal courts)

Subject-matter series 10, series 2.4 (administrative courts)

Subject-matter series 10, series 2.5 (fiscal courts)

Subject-matter series 10, series 2.6 (public prosecution offices)

Subject-matter series 10, series 2.7 (social courts)

Subject-matter series 10, series 2.8 (labour courts)

Subject-matter series 10, series 3 (criminal prosecution)

5. Career of judges and public prosecutors**5.1. Recruitment and promotion**

5.1.1 Recruitment and promotion of judges

110. How are judges recruited?

- [X] mainly through a competitive exam (open competition)
- [] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- [] a combination of both (competitive exam and working experience)
- [X] other (please specify):see comment

Comments This year the option "a combination of both" was not checked due to the responses from the Länder. While 2018 one Land checked this box, it was not checked by any of the Länder this year. Altogether, "mainly through competitive exam" and "other" are the options that describe the situation best.

Finance Courts: Baden-Württemberg: The prerequisite for working as a judge at a finance court is relevant professional experience (in particular as a civil servant of the tax administration, lawyer or judge in another jurisdiction or public prosecutor). Bayern: The posts in the finance courts are not occupied externally. Especially well-suited civil servants of the tax administration are selected to work as a judge in a finance court after an unspecified period spent working in the administration. There is hence no special appointment procedure.

Labour and Social Courts:

Bayern:

Open posts in the labour and social courts are primarily occupied with civil-servants from the area of responsibility of the Land Ministry of Family, Labour and Social Matters who are designated to work in labour and social jurisdiction. External applicants will be taken into consideration in rare cases.

111. Authority(ies) responsible for recruitment - are judges initially/at the beginning of their career recruited and nominated by:

- [X] An authority made up of judges only
- [X] An authority made up of non-judges only
- [X] An authority/authorities made up of judges and non-judges
- [] Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: Bayern:

civil and criminal courts (ordinary jurisdiction): State Ministry of Justice

Labour and social courts: State Ministry of Family, Labour and Social Matters together with the respective court president. Administrative jurisdiction: hiring by the State Ministry of the Interior, appointment as a judge with the consent of the president of the respective administrative court (= 2 interviews).

Brandenburg:

Ministry of Justice, right of proposal by the president of the Brandenburg Higher Regional Court for the courts of ordinary jurisdiction. The election is carried out by the Judicial Election Committee (judges and non-judges).

Berlin:

Senator for Justice and Judicial Election Committee (judges and non-judges).

Bremen:

Senator for Justice and Constitution, preparation by the president of the higher regional court.

Hamburg:

Judicial Election Committee (judges and non-judges)

Hessen:

Ministry of Justice with the approval of the Judicial Election Committee (judges and non-judges).

Niedersachsen:

Ministry of Justice, Selection Commission with representatives of the intermediate authorities.

Nordrhein-Westfalen:

president of the Higher Administrative Court,
 president of the Higher Regional Court,
 president of the Higher Social Court,
 president of the Finance Court,
 president of the Higher Labour Court
 depending on the position in question
 Rheinland-Pfalz:

Ministry of Justice, judges who are on a temporary secondment in the Ministry of Justice have a right of co-determination in personnel selection.

Sachsen-Anhalt:

Ministry of Justice, in agreement with the president of the respective high court.

Schleswig-Holstein:

Ministry of Justice

111-1. How many members compose this authority?

	Total	Male	Female
Members	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members? The composition of the authorities that recruit and appoint judges differs among the Länder and also among the different kinds of courts, ranging from 1 person (e.g. court president) to as many as 24 persons (Hamburg Judicial Election Committee). Not all Länder could provide information on the number of members.

Where Judicial Election Committees are in place, the provisions on the proposal of their members also differ among the the Länder.

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments – please specify which body is competent to decide on appeal? Land Ministries of Justice, administrative courts

112. Is the same authority (Q111) competent for the promotion of judges?

Yes

No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination): see General Comment

113-1. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)

Years of experience

Professional skills (and/or qualitative performance)

- Performance (quantitative)
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):
see General Comment

5.1.2 Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)
- Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if “mixed model” or “other”, please specify. The public prosecutor's office occupies a special position in the German state organization. Together with the courts, it performs the task of administering justice. Despite its integration into the judiciary, however, the public prosecutor's office belongs to the executive branch, which is subject to parliamentary control. The principle of democracy implies that, as a rule, any subdivision of the Executive, including public prosecutors, must be integrated into a chain of instructions with the responsible minister at the top of the chain (i.e. in case of public prosecutors: the respective ministry of justice). However, the right to issue instructions is strictly limited by law.

115-1. Does the law or other regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify:

115-2. If you answered “Yes” to Q115-1, are there exceptions provided by the law/regulations?

- Yes
- No

Comments - Please describe these exceptions:

115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other

Comments - If “Other”, please specify:

115-4. What form these instructions may take?

- Oral instruction
- Oral instruction with written confirmation
- Written instruction
- Other
- NAP

Comments - If "Other", please specify:

115-5. In that case, are the instructions:

- Issued seeking prior advice from the competent public prosecutor
- Mandatory
- Reasoned
- Recorded in the case file
- Other
- NAP

Comments - If "Other", please specify:

115-6. What is the frequency of this type of instructions:

- Exceptional
- Occasional
- Frequent
- Systematic
- NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):transfers from other areas of responsibility

Comments This year the option "other" was checked in accordance with the answers of the Länder

117. Authority(ies) responsible for recruitment - Are public prosecutors initially/at the beginning of their career recruited by:

- An authority composed of public prosecutors only

- An authority composed of non-public prosecutors only
- An authority composed of public prosecutors and non-public prosecutors
- Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: Baden-Württemberg:

Ministry of Justice, director of public prosecution Bayern:

Ministry of Justice

Bremen:

director of public prosecution, representative of the senator of justice, gender equality officer, staff council, handicapped employees representative

Hamburg:

Judicial Election Committee (recruitment as a judge on approbation)

Mecklenburg-Vorpommern:

Ministry of Justice

Niedersachsen:

Recruitment and appointments are done by the Minister of Justice, in some cases in cooperation with a committee for the selection of judges, a gender equality officer and the general prosecutors' offices.

Nordrhein-Westfalen: General public prosecutor

Sachsen:

Ministry of Justice, staff council

117-1. How many members compose this authority?

	Total	Male	Female
Members	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members? The composition of the authorities that recruit and appoint public prosecutors differs among the Länder, ranging from 1 person (e.g. Minister of Justice) to as many as 24 persons (Hamburg Judicial Election Committee). Not all Länder could provide information on the number of members.

Where Judicial Election Committees are in place, the provisions on the proposal of their members also differ among the the Länder.

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments - Please specify which body is competent to decide on appeal? see Q111-2

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): Promotion post advertised, selection among the applicants on the basis of current assessments and report from the general prosecutors' offices on occupation of the post.

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): see General Comment

5.1.3Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes, please indicate the compulsory retirement age:65 - 67
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred to another court without his/her consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards):see comment
- No

Comments Section 30 of the German Judiciary Act stipulates the following: "Transfer and discharge from office (1) A judge for life or for a specified term can only be transferred to another office or discharged from office without his own written consent 1. in judicial impeachment proceedings (Article 98 paragraphs 2 and 5 of the Basic Law), 2. in formal disciplinary proceedings, 3. in the interests of the administration of justice (section 31), 4. on changes being made in the organisation of the courts (section 32). (2) Save in the case of subsection (1) number 4, a transfer or discharge from office can only be ordered on the strength of a judicial decision that has entered into final and binding effect."

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

- Yes, duration of the probation period (in years):max. 5
- No

Comments The duration of the probation period can be between 3 and 5 years depending on the Land and in some cases also on the kind of court.

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65-67

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: "The service relationship of a public prosecutor ends for instance on a criminal judgment gaining legal force by means of which the public prosecutor has been sentenced to at least one year's imprisonment because of an intentional criminal offence (section 41 (1) of the Act on Federal Civil Servants [Bundesbeamtengesetz – BBG] and section."

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):max. 5

No

Comments The duration of the probation period can be between 3 and 5 years depending on the Land.

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

126-1. Is it renewable?

Yes

No

NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources: The German Judiciary Act and Judiciary Acts of the Länder

5.2. Training

5.2.1 Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in a court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on ethics	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on child-friendly justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments In-service training for management functions, on ethics and on child friendly justice are obligatory in a few Länder.

128. Frequency of the in-service training of judges:

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: General in-service training is offered regularly in all Länder, with regard to the other options a few Länder stated that these were offered occasional.

5.2.2 Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on ethics	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on child-friendly justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments General in-service training, in-service training for specialised functions, on ethics and on child-friendly justice are obligatory in a few Länder.

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training for management functions (e.g. Head of prosecution office, manager)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in office	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: General in-service training is offered regularly in all Länder, with regard to the other options a few Länder stated that these were offered occasional.

5.2.3 Training institutions

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for both judges and prosecutors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Institution(s) for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Institution(s) for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. They receive academic training at the universities, decentralised compulsory initial training at the Regional Courts (Landgerichte), and additionally benefit from a wide offer of voluntary training which is well received.

5.2.4 Number of trainings

131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. For judges	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. For prosecutors	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. For other non-judge staff	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. For other non-prosecutor staff	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Training for other professionals	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. About half of the Länder could provide data regarding the number of training courses available and delivered while the other half could not provide any relevant data.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	[X] NA [] NAP	[X] NA [] NAP
Judges	[X] NA [] NAP	[X] NA [] NAP
Prosecutors	[X] NA [] NAP	[X] NA [] NAP

Non-judge staff	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-prosecutor staff	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other professionals	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments About half of the Länder could provide data regarding the number of participants of the training courses while the other half could not provide any relevant data.

5.3.Practice of the profession

5.3.1Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	52 928 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 117 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	90 670 <input type="checkbox"/> NA <input type="checkbox"/> NAP	61 253 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	52 928 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 117 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	90 670 <input type="checkbox"/> NA <input type="checkbox"/> NAP	61 253 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Data represents average base-salaries of judges and public prosecutors according to the remuneration laws ("Besoldungsgesetze") of the Länder. Judges and public prosecutors may be entitled to additional payments depending on - their individual familial situation (married/partnership, children)

- position and function at the court (eg. judges with administrative tasks)

The conditions and amount of any additional payments are determined by the remuneration laws of the Länder.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Special pension	(X) Yes () No	(X) Yes () No
Housing	() Yes (X) No	() Yes (X) No
Other financial benefit	(X) Yes () No	(X) Yes () No

Comments

134. If “other financial benefit”, please specify:

. Unlike contracted employees, judges and public prosecutors acquire pension claims in accordance with the Civil Service Benefits Act (Beamtenversorgungsgesetz) and are not included in the statutory pensions insurance scheme.

Other financial benefit: Unlike contracted employees, judges and public prosecutors acquire a right to claim assistance with medical expenses and are not required to join the statutory health insurance scheme. Furthermore, married judges and prosecutors receive family allowances, and those with children receive child allowances.

[] NAP

=

135. Can judges combine their work with any of the following functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	(X) Yes () No	(X) Yes () No
Consultant	(X) Yes () No	(X) Yes () No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	(X) Yes () No	(X) Yes () No
Mediator	(X) Yes () No	(X) Yes () No
Other function	(X) Yes () No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. see General Comment

With regard to political function and mediator a few Länder answered "without remuneration"

137. Can public prosecutors combine their work with any of the following functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	(X) Yes () No	(X) Yes () No
Consultant	(X) Yes () No	(X) Yes () No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	(X) Yes () No	(X) Yes () No
Mediator	(X) Yes () No	(X) Yes () No
Other function	(X) Yes () No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify: see General Comment

With regard to political function and mediator a few Länder answered "without remuneration"

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

() Yes

(X) No

Comments - If yes, please specify the conditions and if possible the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

(X) Yes

() No

Comments

138-1. If yes, who are the members of this institution/body?

() Only judges

() Judges and other legal professionals

(X) Other, please specify: see comment

Comments Following evaluation reports by GRECO (Group of States against Corruption), the Federal Ministry of Justice published a compendium on ethical and professional conduct of judges and prosecutors. Moreover, a presidium is established at each court which

determines the composition of the adjudicating bodies, appoints the investigating judges, regulates representation and allocates court business.

138-2. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments

138-4. If yes, who are the members of this institution/body?

Only prosecutors

Prosecutors and other legal professionals

Other, please specify:see comment

Comments Following evaluation reports by GRECO (Group of States against Corruption), the Federal Ministry of Justice published a compendium on ethical and professional conduct of judges and prosecutors.

138-5. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

5.4. Disciplinary procedures

5.4.1 Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Parliament

Executive power (please specify):see comment

Other (please specify):see comment

This is not possible

Comments Executive power:

The executive power authorized to initiate disciplinary proceedings can be the head of the immediate superior authority which can in some cases also be the Ministry of Justice.

Other:

Citizens can lodge a supervisory complaint, which may lead to the initiation of disciplinary proceedings. The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies possible):

Citizens

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

Public prosecutorial Council (High Judicial Council)

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Professional body

Executive power (please specify):see comment

Other (please specify):see comment

This is not possible

Comments executive power:

The head of the immediate superior authority which can in some cases also be the Ministry of Justice.

other:

Citizens can lodge a supervisory complaint, which may lead to the initiation of disciplinary proceedings. The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

142. Which authority has disciplinary power over judges? (multiple replies possible)

Court

Higher Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):see Comment

Other (please specify):see comment

Comments executive powers:

The bodies empowered to initiate disciplinary proceedings (see above) can impose a reprimand by means of a disciplinary order. All further disciplinary measures (including fines, reduction of remuneration, demotion, removal from judicial office) first and foremost require the lodging of a disciplinary action by the Ministry of Justice, on which the judicial service courts then rule.

other:

The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

143. Which authority has disciplinary power over public prosecutors? (multiple replies possible)

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):see comment
- Other (please specify):see comment

Comments Disciplinary power lies partly with the bodies also empowered to initiate disciplinary proceedings (including reprimand, fines, reduction in salary [only by the Ministry of Justice], in some cases – after the disciplinary action has been lodged by the Ministry of Justice – in the judicial service courts (including demotion, removal from the civil service)

The highest disciplinary authority – as a part of the executive – is the Ministry of Justice.

5.4.2 Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify: Violation of the duty to provide truthfull information toward the employer

These figures were provided by the Länder of Baden-Württemberg, Bayern, Brandenburg, Hamburg, Mecklenburg-Vorpommern, Nordrhein-Westfahlen, Rheinland-Pfalz, Sachsen, Sachsen-Anhalt and Schleswig-Holstein. Other Länder could not provide any relevant data.

145. Number of sanctions pronounced during the reference year against judges and public

prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. - discontinuation of the disciplinary proceeding

These figures were provided by the Länder of Baden-Württemberg, Mecklenburg-Vorpommern, Nordrhein-Westfalen, Rheinland-Pfalz, Sachsen, and Schleswig-Holstein. Other Länder could not provide any relevant data. This means that some of the Länder who had data on the number of disciplinary proceedings available, could not provide data on the number of sanctions.

E3. Please indicate the sources for answering the questions in this part

Sources: Information acquired by the Länder through analysis of the respective case files, inquiries to the respective courts/court presidents/ directors of public prosecution

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	165 680 <input type="checkbox"/> NA	106 214 <input type="checkbox"/> NA	59 466 <input type="checkbox"/> NA

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No ()

Comments See the general comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[] NA

[] NAP

Comments

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	(<input type="checkbox"/>) Yes always (<input checked="" type="checkbox"/>) Yes in some cases (<input type="checkbox"/>) No <input type="checkbox"/> NAP	(<input type="checkbox"/>) Yes always (<input checked="" type="checkbox"/>) Yes in some cases (<input type="checkbox"/>) No <input type="checkbox"/> NAP	(<input checked="" type="checkbox"/>) Yes always (<input type="checkbox"/>) Yes in some cases (<input type="checkbox"/>) No <input type="checkbox"/> NAP
Dismissal cases	(<input type="checkbox"/>) Yes always (<input type="checkbox"/>) Yes in some cases (<input checked="" type="checkbox"/>) No <input type="checkbox"/> NAP	(<input type="checkbox"/>) Yes always (<input type="checkbox"/>) Yes in some cases (<input checked="" type="checkbox"/>) No <input type="checkbox"/> NAP	(<input type="checkbox"/>) Yes always (<input type="checkbox"/>) Yes in some cases (<input checked="" type="checkbox"/>) No <input type="checkbox"/> NAP
Criminal cases – Defendant	(<input type="checkbox"/>) Yes always (<input type="checkbox"/>) Yes in some cases (<input checked="" type="checkbox"/>) No <input type="checkbox"/> NAP	(<input type="checkbox"/>) Yes always (<input type="checkbox"/>) Yes in some cases (<input checked="" type="checkbox"/>) No <input type="checkbox"/> NAP	(<input type="checkbox"/>) Yes always (<input type="checkbox"/>) Yes in some cases (<input checked="" type="checkbox"/>) No <input type="checkbox"/> NAP

Criminal cases – Victim	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: Civil cases:

According to the Code of Civil Procedure (Zivilprozessordnung – ZPO) parties must be represented by an attorney in disputes before the Regional Courts, Higher Regional Courts and the Federal Court of Justice. Attorneys may represent themselves (section 78 ZPO).

Family Matters

According to the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (FamFG) parties must be represented by an attorney in marital matters and in ancillary proceedings as well as in independent family dispute matters. In disputes before the Federal Court of justice, participants must always be represented by an attorney. Dismissal cases:

In disputes before the Higher Labour Courts and the Federal Labour Court, the parties must be represented by a counsel (an attorney, a trade union representative or an employers' association representative).

Criminal cases:

According to the Code of Criminal Procedure (Strafprozessordnung – StPO) a defense counsel has to be appointed ex officio in cases of mandatory defense. The law names the cases of mandatory defence (e.g. the main hearing at first instance is held at the higher regional court or at the regional court, the accused is charged with a serious criminal offence, proceedings for preventive detention are conducted, a visually, a hearing or speech impaired defendant requests the appointment, very serious legal consequence are expected; section 140 StPO) However, the defendant's right to defend himself remains unaffected. Administrative cases:

According to the Code of Administrative Court Procedure (Verwaltungsgerichtsordnung – VwGO), the parties must be represented by an attorney before the Federal Administrative Court and the Higher Administrative Court except in legal aid proceedings (section 67 VwGO).

Regarding Social and Fiscal Jurisdiction, representation by an attorney is mandatory in proceedings before the Federal Social Court and Federal Fiscal Court.

149-0. If other than lawyers may represent a client in court, please specify who:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Family member	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Self-representation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Trade union	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): Civil cases

According to the Code of Civil Procedure (Zivilprozessordnung – ZPO) the parties may pursue the legal dispute themselves to the extent representation by attorneys is not mandated (see Q149). They may have themselves represented by counsel as attorneys-in-fact. Those could be lawyers, family members, consumer associations and employees among others (section 79 ZPO)

Family Matters

The Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (FamFG) law explicitly lists the cases in which

representation by an attorney is not required (e.g proceedings on interlocutory orders, agreement to a divorce, withdrawal of an application for divorce, proceedings on legal aid; section 114 FamFG).

Dismissal Cases

According to the Labour Court Act (Arbeitsgerichtsgesetz - ArbGG), parties may conduct the legal dispute themselves in proceedings before first instance Labour Courts. They may have themselves represented by counsel as attorneys-in-fact. Those could be lawyers, family members, trade union representatives and representatives of employers' and employees' associations among others (section 11 ArbGG). Regarding higher instances see Q149.

Criminal Cases

According to the Code of Criminal Procedure (Strafprozessordnung – StPO) lawyers and professors of law at German institutions of higher education may be appointed as defence counsel. Other persons may be engaged only with the approval of the court (section 138 StPO).

Administrative cases:

According to the Code of Administrative Court Procedure (Verwaltungsgerichtsordnung – VwGO), the parties may represent themselves before the courts of first instance. They may have themselves represented by counsel as attorneys-in-fact. Those could be lawyers, family members, tax consultants, trade unions, associations or employees among others (section 67 VwGO)

Regarding Social and Fiscal Jurisdiction, the parties may represent themselves before the Social Courts, Higher Social Courts (section 73 of the Social Courts Act) and Fiscal Courts (section 62 of the Fiscal Court Procedure).

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

Notarial activity

Arbitration / mediation

Proxy / representation

Property manager

Real estate agent

Other law activities (please specify):The lawyer is adviser and representative in all legal matters (section 3 (1) of the Federal Regulations for Practising Lawyers (Bundesrechtsanwaltsordnung, BRAO). Inasmuch as particular prerequisites exist pursuant to other legislation that govern the provision of legal services, these must also be observed by lawyers. In particular, lawyers may pursue notarial activities only if they have been appointed as a notary in accordance with the stipulations of the Federal Regulations for Notaries (Bundesnotarordnung, BNotO) (so-called lawyers commissioned as notaries (Anwaltsnotar) and must do so in the premises of the combined law firm / notarial office (Anwaltsnotariat)).

Comments

149-2. What are the statuses for exercising the profession of lawyer?

Self-employed lawyer

Staff lawyer

In-house lawyer

Comments

150. Is the lawyer profession organised through:

a national bar association

a regional bar association

a local bar association

Comments

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

Yes

No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees: To qualify as a lawyer the First and the Second State Exam have to be passed.

152. Is there a mandatory general in-service professional training system for lawyers?

Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify: Lawyers with special expertise and experience in certain areas of the law can obtain the title specialised lawyer (Fachanwalt). The requirements are set out in §section 43c of the Bundesrechtsanwaltsordnung and the Fachanwaltsordnung

F1. Please indicate the sources for answering the questions in this part

Sources: The data are based on information of the Bund

https://www.brak.de/w/files/04_fuer_journalisten/statistiken/2021/2021_brak-mg_statistik.pdf

6.1.2 Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes, laws provide rules

- Yes, standards of the bar association provide rules
- No, neither laws nor bar association standards provide rules

Comments

6.1.3 Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

- Yes
- No

Comments - If yes, what are the quality criteria used? Bundesrechtsanwaltsordnung:

A lawyer has to be independent, has a duty to observe professional secrecy, must not behave with lack of objectivity, may not represent conflicting interests, must exercise the requisite care in handling any assets entrusted to him/her and has a duty to engage in continuing professional development, section 43a Bundesrechtsanwaltsordnung.

Rules of Professional Practice (Berufsordnung für Rechtsanwälte)

A lawyer has the duty to work on a case in a timely manner and shall inform his client promptly about any events and measures taken which are relevant to the progress of the matter; client inquiries shall be answered promptly (section 11 Rules of Professional Practice)

158. If yes, who is responsible for formulating these quality standards:

- the bar association
- the Parliament
- other (please specify):

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify: The Council of the Bar can, on application, mediate between members of the Bar and their clients in cases of dispute; this includes the power to make conciliation proposals (section 73 (2) noNr. 3 Bundesrechtsanwaltsordnung)

The German Federal Bar has established an independent body for conciliation in disputes between members of the Bars and their clients (section 191f Bundesrechtsanwaltsordnung).

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

Number of disciplinary proceedings

Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Court related mediation and other alternative Dispute Resolution

7.1. Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

- Before/instead of going to court
- Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding
- No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

- Yes
- No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Labour cases including employment dismissals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Consumer cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

- Yes
- No
- NAP

Comments - If yes, please specify (only one or both options)::

=



166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Family cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Labour cases including employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source:

=

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify): All forms of out-of court conflict resolution are possible as a matter of principle.

Comments See the general comments

G1. Please indicate the sources for answering the questions in this part

Source: Federal Ministry of Justice and Consumer Protection

8. Enforcement of court decisions

8.1. Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	4 998 [] NA	[X] NA	[X] NA
1. Private professionals under the authority (control) of public authorities	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	4 998 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Judges	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If other, please specify their status and competences: The number of enforcement agents includes the number of court bailiffs, prison officers and the number of senior judicial officers working in coercive execution at the local Courts

Judicial officers enjoy professional independence in performing their tasks and in their rulings in the same way as judges, also see General Comment

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify:

171. Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes, please indicate the age of retirement: the retirement age varies among the Länder
- No, please specify the duration of the appointment:

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The exceptions are regulated in the law

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	(X) Yes () No	(X) Yes () No
Date of birth	(X) Yes () No	(X) Yes () No
Civil status	(X) Yes () No	(X) Yes () No
Cohabitant	() Yes (X) No	() Yes (X) No
Employer	(X) Yes () No	() Yes (X) No
Motor vehicle	(X) Yes () No	() Yes (X) No
Movable property	(X) Yes () No	() Yes (X) No
Immovable property	(X) Yes () No	() Yes (X) No
Bank account	(X) Yes () No	() Yes (X) No
Other enforcement proceedings underway	() Yes (X) No	() Yes (X) No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	(X) Yes () No	(X) Yes () No
Other	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Preventive seizure of movable tangible properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP

Seizure of immovable properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of immovable properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizures of boats and ships	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of aircrafts	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Seizure of electronic assets (e.g cryptocurrency)	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Sale of shares	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments "Other": e. g. the surrender of specific movable objects, elimination of the debtor's resistance in enforcement proceedings, enforcement of family court decisions

171-3. Apart from the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immovable property
- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments The enforcement proceedings and tasks of the enforcement agent are regulated by law. Judges are not allowed to delegate performing tasks to the enforcement agents. Therefore, the option "Performing tasks assigned by judges" was not checked.

Other: see Q171-2

8.1.3 Training and ICT

172-1. Is there a system of mandatory general continuous training for enforcement agents?

Yes

No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

Yes

No

Comments - If yes, please specify:

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

Yes

No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

Yes

No

Comments

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

Yes

No

Comments - Please explain: Investigations and the procedures are accelerated. But there is more information to process. And the types of measures are changing.

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

Yes

No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

- The debtor
- The creditor
- Other – please specify

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
- No

Comments

H0. Please indicate the sources for answering the questions in this part

Source: Information provided by the Federal Ministry of Justice
 Q 169: Federal Office of Justice, staffing overviews of ordinary courts and the public prosecution offices, 2020

8.1.5 Organisation of profession and efficiency of enforcement services



177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
- No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

- professional body
- judge
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments The enforcement agents are civil servants of the states. The states are responsible for supervising and monitoring.

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

- Yes
- No

Comments - If yes, please specify: Compulsory enforcement against the Federation or the States for a monetary claim must be announced to the authority and, in certain cases, to the Minister of Finance 4 weeks before enforcement begins (section 882a of the Code of Civil Procedure.

182. Is there a system for monitoring how the enforcement procedure is conducted by the

enforcement agent?

Yes

No

Comments - If yes, please specify: Enforcement agents are subject to the supervision of the authority to which they belong. The review of an enforcement measure takes place in the appeal procedure.

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

unethical behaviour of enforcement agent

other (please specify): All the complaints listed are likely to arise in practice. However, there is no current statistical material on the number of complaints in each case.

Comments

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to serve and/or notify the decision to the parties who live in the city where the court sits (one option only):

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify):

NA

Comments While the majority of the Länder estimated the timeframe to be between 1 and 5 days, 2 Länder answered "between 6 and 10 days". A small number of Länder could not give an estimate.

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and

for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: - unauthorised data retrieval from the resident register

These figures were provided by the Länder Bayern, Berlin, Nordrhein-Westfalen, Rheinland-Pfalz and Sachsen. Other Länder could not provide any relevant data.

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: - reduction of salaries

These figures were provided by the Länder Baden-Württemberg, Bayern, Niedersachsen and Nordrhein-Westfalen. Other Länder could not provide any relevant data.

H1. Please indicate the sources for answering the questions in this part

Source: Information acquired by the Länder through inquiries to courts and other authorities

8.2. Execution of decisions in criminal matters

8.2.1 Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple replies possible)

- Judge
 Public prosecutor
 Prison and Probation Services
 Enforcement agent
 Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). In criminal proceedings against adults, the public prosecution office is responsible for the execution of judgments (Section 451 of the Criminal Procedure Code). In juvenile proceedings, the youth court judge is the head of enforcement (Section 82 of the Youth Courts Act; for the relevant age limits see at question 105).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
 No

Comments

191. If yes, what is the recovery rate?

- 80-100%
 50-79%
 less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1 Number, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	6 912 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 478 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 434 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Private professionals (without control from public authorities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Holders of public offices appointed by the State	6 912 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 478 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 434 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Civil servants (paid by the State)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure: Notaries hold a public office. They are appointed by the Ministry of Justice of the respective state ("Land"), cf. sec. 12 Federal Code for Notaries

192-1. What are the access conditions to the profession of notary (multiple replies possible):

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify):

Comments

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:70
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: dismissal as a disciplinary sanction

9.1.2 Activities/scope of competences

194. What kind of activities do notaries perform (multiple options possible):

	Please select one option
Authentication	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Certification of signatures	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legalisation of signatures / Apostille	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legality control of documents	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Public auctions	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other (for example collect taxes, run registers etc.)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities. Non-contentious judicial procedures performed by notaries are proceedings in property distribution matters in cases where there is more than one heir, applications for inheritance certificates and applications for child adoptions

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Protection of vulnerable persons
- Other

Comments

9.1.3 ICT, organisation of the profession and training

194-3. Do notaries use specialised ICT systems in their activity?

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify) Transparency Register, Central Register of Lasting Powers, Central Register of Wills
- None

Comments

194-5. Are there registries/ registry infrastructures run by the notaries?

Yes

No

Comments - If yes, please specify: The German Federal Chamber of Notaries runs the Central Register of Lasting Powers and the Central Register of Wills.

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP
Business registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP
Civil status/ Population registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Succession / Family law registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Any other registry (please specify)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP
None	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP

Comments

194-7. What ICT tools are used by notaries in their relations with clients?

Videoconferencing (e.g. digital advice)

Digital act

Digital identification

Digital archiving

Other, please specify

None

Comments

194-8. Who is responsible to run the digital archives?

Notariat / Professional body

Other public authority

Another entity (please specify)

Comments Digital archiving is not used (see question 194-7)

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

professional body

court

Ministry of Justice

public prosecutor

other (please specify):

Comments This year for the first time the option “professional body” has been validated. This is for the sake of completeness. Section 92 of the Federal Code for Notaries (Bundesnotarordnung - BNotO) names the supervisory authorities with regard to notaries. Even though the professional bodies (notary chambers) are not mentioned in this provision, they exercise supervisory functions. According to section 67 BNotO they have to ensure that notaries practice their profession lawfully and diligently. According to section 75 BNotO they can issue warnings in cases of light breaches of official duties.

196-1. Is there a system of general continuous training for all notaries?

Yes

No

Comments

196-2. Do notaries have training on:

	Yes	No
European law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities: The Federal and the Regional Chambers of Notaries as well as the Deutsche Notarverein (German Association on Notaries) and the Deutsche Anwaltsinstitut (German Institute of Attorneys) offer a variety of traditional courses, e-learning-courses and webinars covering the following fields of European law relating to notaries: Anti-money-laundering law, private international law, company law. Courses and webinars centering the law of another member state covered mainly the field of succession law and family law

II. Please indicate the sources for answering the questions in this part

Sources: <https://www.notar.de/der-notar/statistik>; written statement of the Federal Chamber of Notaries

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1 Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments

199. Number of registered court interpreters:

[25 264]

NA

NAP

Comments Data retrieved 22. November 2021

Data for 2020 is not available since there are no statistics on the number of court interpreters. Only their current number can be retrieved from the website <http://www.justiz-dolmetscher.de>

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam):

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters

Comments For the first time the option “Yes, for recruitment and/or appointment for a specific term of office” has been validated. This is not because of a change of law but for the sake of completeness. The answer to question 201 was given in the past with respect to the possibility that the court may entrust the interpretation to a suitable person on an ad hoc basis even if he or she is not generally sworn-in as an interpreter. This person must then be sworn-in beforehand by the court for the specific assignment. But according to the fact that in Germany the general swearing-in of interpreters is currently governed by state law, as stated in the box to question 200, there is also a possibility for regional or higher regional courts of swearing-in interpreters for a limited period of time. For example, the state interpreter laws sometimes provide for a time limit on the swearing-in for the period in which the interpreter has a branch office or residence in the respective state. The sworn interpreters are also registered in the nationwide interpreter and translator database, which is open to public inspection. Judges can therefore select an interpreter on the basis of the interpreter and translator database and assign him or her in specific proceedings. So both options are correct.

J1. Please indicate the sources for answering the questions in this part

Sources: <http://www.justiz-dolmetscher.de>

11. Judicial experts

11.1. Profession of judicial expert

11.1.1 Status of judicial experts

202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):

Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

Experts appointed by the court or other authority independent of the parties

Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case. Civil Cases: The court decides on the selection of experts for the taking of evidence "according to due discretion", Section 404 (1) sentence 1 of the Code of Civil Procedure (ZPO). It must commission a person who, in its opinion, has the necessary expertise to answer the disputed factual questions. If there is a publicly appointed expert for this, this is to be appointed with priority (Section 404 (2) ZPO). A publicly appointed expert has certified expertise and has proven regular training in his field. If the parties or those involved in the proceedings agree on a specific person as an expert, the court must also comply with this agreement (cf. Section 404 (5) ZPO).

Administrative proceedings and finance proceedings: These regulations apply accordingly to administrative proceedings and finance proceedings (section 98 of the Code of Administrative Court Procedure and section 82 of the Code of Finance Court Procedure) In Proceedings under the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (FamFG) the above provisions shall also apply (section 30 (1) FamFG).

Criminal Cases: The above mentioned rules basically apply in criminal proceedings as well. Pursuant to Section 73 of the Criminal Procedure Code the judge (or in the investigation stage the public prosecutor) selects the experts to be consulted and determines their number. The expert chosen has to be a person who is personally and professionally suitable. If experts are publicly appointed for certain kinds of opinions, other persons are to be selected only if this is required by special circumstances. In order to find a suitable expert, the judge (or public prosecutor) may also request proposals from the professional organization or the authority in whose field of activity the question to be examined falls (cf. Number 70 (2) of the Guidelines for Criminal Proceedings and Administrative Fine Proceedings).

202-1. Are there lists or any other form of official registration for judicial experts?

Yes

No

Comments Civil Cases: Different entities (such as chambers of craftsmen, doctors or architects publish lists of publicly appointed experts – there is not "one official list" coordinated by the federation – and courts and parties may rely on these lists as supporting tools.

Criminal Cases: Judges and public prosecutors may also consult the mentioned lists of publicly appointed experts as supporting tools. In addition, Number 70 (3) of the Guidelines for Criminal Proceedings and Administrative Fine Proceedings recommends that the courts and public prosecution offices maintain lists of proven experts for the most important areas so that the procedure is not delayed by the selection of experts.

202-1-1. If yes, at which level is the list established (multiple replies possible):

- national
- administrative district or federal entity
- judicial district
- other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?):

202-1-2. Are these lists publicly available?

- Yes, available on the internet
- Yes
- No

Comments

202-2. Which authority is competent for the registration of judicial experts?

- Ministry of justice
- Courts
- Administrative body
- Independent body (association of judicial experts)
- Other

Comments - Please also specify the registration criteria: There is no official registration for judicial experts (see Q 202-1 General Comment)

The designation "expert" is not legally protected in Germany. The public appointment certifies that an expert is particularly qualified in a specific field following an examination procedure. In addition, publicly appointed experts are sworn to act independently and impartially. They are also examined to determine whether they are trustworthy and have personal integrity. Publicly appointed experts are under the supervision of the appointing body commissioned by the state (e.g. the chambers of architects, chambers of crafts, chambers of industry and commerce, chambers of engineers, chambers of agriculture).

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long
- No

Comments There are no lists or databases of registered judicial experts.

202-4. Can an expert who is not on the list or not registered be appointed in a case?

- Yes
- No

Comment - If yes, please specify in which cases: see comment Q 202

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	() Yes (X) No
Continuous training	() Yes (X) No

Comments

203-2. If yes, does this training concern:

- judicial proceedings
- the profession of expert
- other

Comments There is no obligatory training (see 203-1)

204. Is the function of judicial experts regulated by legal norms?

- Yes
- No

Comments The remuneration of experts has been provided for by law (Act on the Remuneration of Experts, Interpreters and Translators as well as the Compensation of Honorary Judges, Witnesses and Third Parties, Justizvergütungs- und -entschädigungsgesetz, JVEG).

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

- Yes
- No

Comments - If yes, please specify: The Act Amending the Law on Judicial Experts (Gesetz zur Änderung des Sachverständigenrechts) entered into force in the autumn of 2016. It introduced new legal rules for judicial experts. In particular, under the new rules the expert is obligated to examine without undue delay whether there are reasons that seem apt to justify a lack of confidence in his impartiality. The expert has to inform the court of such reasons without undue delay (section 407a paragraph 2 of the Code of Civil Procedure).

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	[X] NA [] NAP

1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Defined by the court/judge	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Freely agreed between expert and the parties	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If other, please specify: The remuneration of experts has been provided for by law (Act on the Remuneration of Experts, Interpreters and Translators as well as the Compensation of Honorary Judges, Witnesses and Third Parties, Justizvergütungs- und –entschädigungsgesetz, JVEG). It is permissible to conclude fee agreements with experts who are involved on a recurrent basis. The amount of the remuneration agreed may not exceed the amount of the remuneration provided for by said Act. These agreements are made with the authorities of the federal states (e.g. a state ministry of justice) with the relevant experts.

206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Quality of expertise	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If yes, please specify, and provide details in case there are possible sanctions: Deadlines are set by the court: If it is ordered that the report be submitted in writing, the court shall set a period for the expert within which he is to transmit his signed report (§ 411 (1) Code of Civil Procedure). , Section 73 (1) Sentence 2 Criminal Procedure Code). If the experts fail to observe the time limit, an administrative fine may – after a warning and the setting of an extension to the time limit has been issued - be imposed on him or her (Section 77 (2) Criminal Procedure Code). In case of the non-appearance or refusal of an expert obliged to render expert opinion, he or she shall be charged with the costs caused by his non-appearance or refusal and an administrative fine shall be imposed on him or her at the same time (Section 77 (1) Criminal Procedure Code).

Quality: see comment 202

207-1. Does the judge or another body control the progress of the expertise?

Yes

No

If yes, please specify: Should an expert obligated to submit the report fail to meet the deadline imposed on him, a coercive fine may be levied against him. A warning that a coercive fine may be levied must have been previously issued, with a period of grace being set in the warning. Should the deadline be missed in repeated instances, the coercive fine may be levied once again in the same manner (§ 411 (2) Code of Civil Procedure), . Section 77 (2) Criminal Procedure Code).

207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: The data are based on information of the Bund and the Länder

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: no foreseen reforms

208-2. Budget

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: no foreseen reforms

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In a separate amendment to the FamFG and the German Real Estate Registry Act (Grundbuchordnung – GBO) German legislators have further strengthened the role of notaries in the process of updating entries into court-based public registries, such as the Land and Commercial Registries, with the objective of maintaining the public faith in said registries. Henceforth, notaries are explicitly obligated to submit to legal review any declaration of the participants in proceedings, thus supporting further eligibility of the proposed entry.

The Act on the Further Development of the Code of Criminal Procedure and the Amendment of Other Provisions of 25 June 2021, which came into force on 1 July 2021, included certain simplifications for the use of electronic case files in criminal matters. Further simplifications are planned for the next legislation period starting this fall. A group of experts appointed by the Federal Ministry of Justice and Consumer Protection on the documentation of the main criminal trial has examined the possibilities of a reform allowing the documentation of the content of the main trial to improve the establishment of the truth in criminal proceedings and submitted its report on 1 July 2021. At present, the content of the main trial is only recorded before local courts. Before regional and higher regional courts only essential formalities are recorded.

However, as the current legislative period will end this fall, reforms for the next legislative period may not be predicted with certainty.

208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: On 2 June 2017, the "Act to Adjust the Environmental Appeals Act and other Provisions to

Requirements under European and International Law" entered into force. This new legislation significantly extends the possibilities for recognised environmental associations to bring court actions concerning environmental law.

The Act on the Further Development of the Code of Criminal Procedure and the Amendment of Other Provisions expanded the defendant's right to be informed about his right to counsel. The obligations of the police, the public prosecutor and the judge to inform the defendant about his right to counsel previously existed only at the beginning of the first interrogation prior to the main hearing and now applies to all subsequent interrogations. This amendment is also in line with the concept of Article 9 of Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. Moreover, the time limit for stating grounds for appeal on law (Revisionsbegründungsfrist) in criminal proceedings which was previously one month has been extended for particularly complex proceedings and now depends on the time it takes for the courts to issue their judgments and may last up to three months. The possibility to grant access to electronic case files was extended so that documents and files may also be transmitted via a secure method of transmission (in addition to making the file available for retrieval on a platform).

It is planned to review the existing form requirements in criminal proceedings (e.g. for requests to prosecute) with a view to possible simplifications and electronic communication methods in the next legislative period. However, as the current legislative period will end this fall, reforms for the next legislative period may not be predicted with certainty.

208-5. High Judicial Council

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: no foreseen reforms

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: Requirements for family judges and guardian ad litem for minors were regulated by law and thus made more concrete and binding.

208-7. Gender balance

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: no foreseen reforms

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: no foreseen reforms

208-10. Mediation and other Alternative Dispute Resolution

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: no foreseen reforms

208-11. Fight against crime

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: It Is planned to review the law on criminal procedure with a view to possible simplifications during the main trial, amongst others to reduce the duration of criminal proceedings, in particular with regard to major proceedings in complex cases, and to modernise the conduct of criminal proceedings in certain respects. Furthermore, in the examination of a federal-state working group on this issue, plans are emerging to focus the measure of placement in addiction treatment facility of addicted offenders (compare Section 64 following of the German Criminal Code) – which is often imposed alongside a prison sentence – more strongly on those actually in need of treatment. However, as the current legislative period will end this fall, reforms for the next legislative period may not be predicted with certainty.

208-12. Prison system

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: no foreseen reforms

208-13. Child friendly justice

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: At the federal level, standards for a child-friendly justice system are currently being developed in a specially established committee. Child-friendly justice means a justice system that guarantees compliance with and effective implementation of all children's rights in accordance with the UN Convention on the Rights of the Child at the highest possible level, such as the right to life and personal development, the primacy of the best interests of the child, the right to participation and protection against discrimination.

Further development and expansion of the "Minimum requirements for the quality of expert reports in the law of parent and child" as a basis for action for courts and experts, as a guideline for a scientifically sound expert report and as a reliable basis for decision-making for the family court.

Implement during year of reference +1: The duties of the family court to hear the child in person and the duties of a guardian ad litem for minors were expanded (sections 158b (1), 159 FamFG). In family court proceedings that are particularly sensitive to fundamental rights, a guardian ad litem for minors must now always be appointed and special procedural rules apply in appeal proceedings (sections 158 (2), 68 (5) FamFG)

208-14. Domestic violence

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In section 1 of the Protection against Violence Act (GewSchG), "sexual self-determination" was included in the circle of protected objects in 2021. This gives the victim access to protective measures under this law in the event of a violation, such as a prohibition on approaching the victim. In addition, in the same year the range of punishment for violations of violence protection orders was increased from up to one to up to 2 years (section 4 GewschG).

208-15. New information and communication technologies

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: As of 1 January 2018, almost all federal and state courts have to provide for the possibility to receive documents electronically if the sender complies with certain requirements set out by the law, e.g. security standards. At the same time lawyers, notaries, bailiffs and public authorities are obliged to open a channel of electronic communication set out by the law so that they can receive electronic documents sent by the courts. More professional participants of court proceedings will have the same obligation from 1 January 2023 and 1 January 2024. The technical framework conditions are set out in the Electronic Legal Relations Regulation

(ERVV) of 24 November 2017. Furthermore, the rules for serving court decisions and other documents through bailiffs have been adjusted for those cases in which documents are only send electronically. From 1 January 2022 lawyers and authorities and from 1 January 2026 more professional participants of court proceedings will be required to send documents to the court only electronically . Digitalization: It is provided by law in all main codes of procedure that courts for all new cases will have to keep files electronically as of 1 January 2026. Prior to this, files may be kept electronically. Regulations governing the technical and organisational framework for the exchange of electronic files and documents, as well as access to files, have already been set into force and further regulations will be prepared as necessary.

The Act on the Further Development of the Code of Criminal Procedure and the Amendment of Other Provisions of 25 June 2021, which came into force on 1 July 2021, included certain simplifications for the use of electronic case files in criminal matters. Further simplifications are planned for the next legislation period starting this fall. However, as the current legislative period will end this fall, reforms for the next legislative period may not be predicted with certainty

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: no forseen reforms