

Evaluation of the judicial systems 2024 (data 2022)



Germany

Generated on : 30/09/2024 14:58

Reference data 2022 (01/01/2022 - 31/12/2022)

Start/end date of the data collection campaign : 15/03/2023 - 01/10/2023

Objective :

The CEPEJ decided, at its 39th plenary meeting, to launch the ninth evaluation cycle 2024, focused on 2022 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 46 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan).

The present questionnaire was developed 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, in service of the European citizens.

For better understanding of the questions it is necessary to consult the Explanatory note that gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, You can download the Explanatory note as a whole document on the CEPEJ website. In addition to the Explanatory note, there is also the User manual that is a technical document to help you navigate through this application for data collection.

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.

Instruction :

Explanatory note: <https://rm.coe.int/explanatory-note-2024-cycle-cepej-2023-2-en/1680aae30a>

Word version of the questionnaire - <https://rm.coe.int/evaluation-scheme-2024-cycle-cepej-2022-9rev1-en-30-march-2023/1680aae309>

CEPEJ COLLECT - User manual – you can download under Documentation tab

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)

[84 358 845]

Comments Number of inhabitants as of 31 December 2022

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

[46 020]

Comments The national accounts (published by the Federal Statistical Office) are revised in the summer of each year on the basis of newly available statistical information. These revisions usually concern the last four years. The revisions have been stronger than usual, especially from 2020 onwards. This is mainly due to the higher uncertainty in the estimates in the years affected by the Corona pandemic.

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

[56 334]

[] NA

Comments The figure represents the average gross annual salary of employees working in full time including special payments (without special payments: 50 805 EUR)

Special payments are any payments outside of the regular remuneration. Typical examples of such payments are Christmas bonuses/end-of-the-year bonuses, holiday bonuses, payments for jubilees, bonuses for the fulfilment of target agreements.

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

[]

Allow decimals : 5

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

Q 4: Genesis-Database, gross annual salaries, special payments

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, 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	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1 Investments in computerisation	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2 Maintenance of the IT equipment of courts	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Annual public budget allocated to training	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Other (please specify)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> 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	11 265 798 145 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 909 856 505 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> 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 federal states. The following federal states 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. Figures include all expenses that can be allocated to the courts (not limited to the operating budget) Brandenburg: The budget plan for 2022 was based on an assumption of greater expenditure. Furthermore, due to budget funds not being fully utilised in 2021, 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 separately for the courts since parts thereof are centrally estimated (e.g IT expenditure for the entire justice system including prisons and the senatorial authority, as well as training expenditure).

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. The total annual budget of the courts and public prosecution services does no longer include rent and operating costs for court buildings (since 2020) as well as costs for building investments (since 2022).

Nordrhein-Westfalen:

The state-owned properties are owned by the NRW construction and real estate company and are rented by the administrations. The justice budget therefore does not provide any funds for investments in new buildings.

The resources for the training and further training of employees are essentially centralized in the training and further training institutions and therefore cannot be distributed among the courts or the public prosecutor's offices.

Sachsen:

Without construction budget (investments and maintenance/management). Expenses from the Constitutional Court are not included. Expenses for pensions for civil servants and judges and survivors' pensions are not included. Contributions to the generation fund (= pension fund for civil servants and judges) are included. Approved budget: without remaining expenditure and without additional funds approved in the 2022 budget implementation.

Sachsen-Anhalt:

The expenses recorded include the management costs of the buildings and construction maintenance. All other budgetary data of the courts were taken into account, including: utility expenses, rent for court buildings.

Thüringen:

The budget legislator had planned expenditure cuts. Of those, €15 088 074 were attributable to the courts and public prosecutor's offices.

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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	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

Comments - 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:

[357]

[] NA

[] NAP

Comments

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

[5 189 002 649]

[] NA

[] NAP

Comments The annual income of court fees has risen in almost all respondent federal states. No special reason for this development could be identified. Two federal states could not provide an answer (like in previous cycles).

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)	721 034 370 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

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)	567 771 059 [] 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)	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> 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:

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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 (Legal aid does not include coverage of court fees)
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP (Legal aid does not include exemption from court fees)

Comments The replies were inconsistent:

1. Coverage of court fees: 4 federal states replied "NAP", 5 replied "yes", 6 replied "no"
2. Exemption from court fees: 2 federal states replied "NAP", 7 replied "yes", 6 replied "no"

One federal state has not replied yet. The Federal Ministry of Justice replied "no" and "no" with regard to the Federal Courts.

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: In the majority of the federal states, the budget of the courts cannot be separated from budget of the public prosecution. A few federal states that can make this distinction, can, however, not separate the training budget of the public prosecution services from the training budget of the whole judiciary.

Of the 16 federal states - 7 could not provide any data
- 8 have figures available

One federal state has not yet replied. The Federal Ministry of Justice can provide budget information for the Federal Public Prosecutor's office.

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 €	19 703 303 827 [] NA [] NAP	19 084 048 139 [] 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 federal states provided additional information:

Mecklenburg-Vorpommern:

The total annual budget of the courts and public prosecution services does no longer include rent and operating costs for court buildings (since 2020) as well as costs for building investments (since 2022).

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:

Excluding expenses for pensions and survivors' benefits.

Sachsen-Anhalt:

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 (inc. constitutional court), public prosecution offices, prisons, ministry and IT.

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	(X) Yes () No [] NAP

Comments

015-3. Other budgetary elements

	Included
Prison system	(X) Yes () No [] NAP
Probation services	(X) Yes () No [] NAP
High Judicial Council	() Yes () No [X] NAP
High Prosecutorial Council	() Yes () No [X] NAP
Constitutional court	() Yes (X) No [] NAP
Judicial management body	(X) Yes () No [] NAP
Service for legal representation of the State	() Yes (X) No [] NAP
Enforcement services	(X) Yes () No [] NAP
Notariat	() Yes (X) No [] NAP
Forensic services	() Yes (X) No [] NAP
Judicial protection of juveniles	() Yes (X) No [] NAP
Functioning of the Ministry of Justice	(X) Yes () No [] NAP
Refugees and asylum seekers services	() Yes (X) No [] NAP
Immigration Service	() Yes (X) No [] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	() Yes (X) No [] NAP
Other	(X) Yes () No [] NAP

If “Other”, please specify: Other: 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; judicial examination offices (responsible for the state examinations of law students); rehabilitation services

Constitutional courts: Included in the federal budget and the budgets of 5 federal states (not included in the budgets of the remaining 11 federal states).

Service for legal representation of the State: Included in the federal budget and the budgets of 6 federal states (not included in the budgets of the remaining 10 federal states)

Judicial protection of juveniles: Included in the budgets of 4 federal states

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

Sources: Information provided by the Federal Ministry of Justice and by the federal states, based on budgetary laws, budget plans, individual plans, budget accounts

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.

- Legal aid system before going to court:

According to the Act on Advisory Assistance and Representation for Citizens with a Low In-come (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 (2)). 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 defence” 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 defence counsel representing him or her upon request or ex officio, irrespective of his or her financial circumstances (Section 140 of the Code of Criminal Procedure, Section 68 of the Youth Courts Act). In a case of necessary defence the court or - in urgent cases - the public prosecutor will assign a defence counsel to the defendant upon his or her request prior to his or her interrogation. In proceedings against juveniles or young adults (not older than 20 years) this has to be done ex officio. Besides that, a defence counsel has to be appointed ex officio in cases of necessary defence, 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 Code of Criminal Procedure, Section 2 para 2 and Section 68a of the Youth Courts Act). The appointment of the defence counsel ends with the discontinuation or final conclusion of the criminal proceedings [Section 143 (1) of the Code of Criminal Procedure]. The defence 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. The imposition of costs and expenses on a convicted juvenile or young adult may be dispensed with by the Youth Court (Sections 74, 109 (2) of the Youth Courts Act). 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: Sections 114 ff of the Code of Civil Procedure (ZPO)

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
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Legal aid granted for other costs	() Yes () No [] NA [X] NAP	(X) Yes () No [] NA [] NAP
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Comments - If yes, please specify: Legal aid includes the expert and court costs as well as the costs of your own lawyer. According to Section 123 of the Code of Civil Procedure, the approval of legal aid has no influence on the obligation to reimburse the opponent for the costs incurred.

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	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
In criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
In other than criminal cases	[X] NA [] NAP	355 990 [] NA [] NAP	[X] NA [] NAP

Comments - Please specify when appropriate:

020-0. Please indicate the number of recipients of legal aid:

	Total	Cases brought to court	Cases not brought to court
TOTAL	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
In criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
In other than criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please specify when appropriate:

020-0-1. Are there statistical data disaggregated by gender in respect of recipients of legal aid?

() Yes

(X) No

Comments

020-0-2. If yes, please provide details on distribution by gender of recipients of legal aid:

	Total	Males	Females
Number of recipients of legal aid	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP

020-0-3. Is it possible to divide the number of recipients of legal aid per different categories of cases?

Yes

No

Comment: If yes, please specify for which categories of cases:

020-0-4. Are there situations where legal aid is automatically granted depending on categories of cases?

Yes

No

Comment: If yes, please specify: In criminal cases, the concept of “necessary defence” provides in certain cases for the accused to be provided with a defence counsel representing him or her upon request or ex officio, irrespective of his or her financial circumstances (Section 140 of the Code of Criminal Procedure, Section 68 of the Youth Courts Act). In Section 140 of the Code of Criminal Procedure the following cases are listed for mandatory defence:

(1) The assistance of defence counsel is mandatory if

1. it is expected that the main hearing at first instance will be held at a higher regional court, regional court or court with lay judges (Schöffengericht);
2. the accused is charged with a serious criminal offence;
3. the proceedings may result in an order prohibiting the exercise of a profession;
4. the accused is to be brought before a judge in accordance with section 115, 115a, 128 (1) or 129 for a decision concerning detention or provisional placement;
5. the accused is in an institution based on a judicial order or with the approval of a judge;
6. placement of the accused pursuant to section 81 is being considered for the purpose of preparing an opinion on his or her mental condition;
7. it is expected that proceedings for preventive detention will be conducted;
8. the previous defence counsel is excluded from participating in the proceedings by decision;
9. a lawyer has been assigned to the aggrieved person pursuant to section 397a and section 406h (3) and (4);
10. it appears necessary in order to safeguard the accused’s rights in the case of examination by a judge that defence counsel be involved owing to the significance of the examination;
11. the application for appointment is made by an accused person with a visual, hearing or speech impairment.

(2) The assistance of defence counsel is also mandatory if the assistance of defence counsel appears necessary owing to the severity of the offence, the severity of the anticipated legal consequence or owing to the difficult factual or legal situation, or if it is evident that the accused is unable to defend himself or herself.

Please refer also to answer to question 16.1.

In civil cases (including family cases), legal aid is not granted automatically.

020-0-5. How many of the recipients of legal aid are alleged victims of domestic violence?

	Total	Males	Females
Number of recipients of legal aid who are alleged victims of domestic violence	<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

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 decision on 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.

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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, a 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. Please refer also to answer to question 16.1.

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 Code of Criminal Procedure).

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 instalments) 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 subsistence 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. answer to question 29).

In criminal proceedings the concept of necessary defence applies (cf. answer question 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 specify 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:

- (X) 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 The first answer option (the judge(s) dealing with the main case) is correct for legal aid and the second answer options (another judge or official) is correct for advisory assistance. Since only one answer is possible, the first option was selected.

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	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No
in other than criminal cases	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No

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

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

Sources: Federal Statistical Office:
 Data report "civil courts", Data report "family courts"
 Data report "administrative courts"
 Data report "finance courts"
 Data report "social Courts"
 Data report "labour courts"
 Regarding question 23.:
 Section 115 of the Code of Civil Procedure (Zivilprozessordnung, ZPO), Sections 76 ff. 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 seqq. of the Code of Civil Procedure, section 1 of the Advisory Assistance Act, section 140 of the Code of Criminal Procedure
 Regarding question 27:
 Sections 80 ff. of the Act on Proceedings in Family Matters and in Matters of Non-contentions Jurisdiction (FamFG)

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 (federal law)	()
Case-law of the higher court/s	(X) https://www.rechtsprechung-im-internet.de (federal courts)	()
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	()

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 legislation and case-law of the federal states, register entries, publication of insolvency notices, compulsory auction schedules, interpreters and translators and legal service providers. All federal states confirmed that free of charge internet access to legal texts, case law of the higher courts and other documents are available. Some provided the following additional information.

Baden-Württemberg:

<http://www.landesrecht-bw.de> (legal texts); http://lrbw.juris.de/cgi-bin/laender_rechtsprechung/list.py?Gericht=bw (case law);

<http://justizportal.justiz-bw.de>, <https://www.justiz-bw.de> (judicial system);

<https://justizportal.justiz-bw.de/pb/Lde/Startseite/Service/Formulare+und+Hinweisblaetter> (other, e.g. downloadable forms and information on legal aid, witness statements, victim support, custodianship, consumer insolvency procedures, enforcement)

Bayern:

<https://www.gesetze-bayern.de> (legal texts and case law); <https://www.justiz.bayern.de/index.php> (judicial system);

<https://www.justiz.bayern.de/service/formulare> (other, e.g. downloadable forms concerning legal aid and consumer insolvency procedures)

Berlin:

<https://gesetze.berlin.de> (legal texts and case law); <https://www.berlin.de/sen/justiz> (judicial system); <https://www.berlin.de/gerichte/was-moechten-sie-erledigen> (other, e.g. downloadable forms and guidelines)

Brandenburg:

<https://mdj.brandenburg.de/mdj/de> (judicial system, other e.g. downloadable information leaflets)

Bremen:

www.transparenz.bremen.de; other: forms, admissions

Hessen:

www.lareda.hessenrecht.hessen.de (legal texts); www.rv.hessenrecht.hessen.de (case law); <https://justizministerium.hessen.de/Gerichte-Behoerden> (judicial system); www.justizministerium.hessen.de

Mecklenburg-Vorpommern:

www.landesrecht-mv.de (legal texts and case law); www.mv-justiz.de (judicial system)

Niedersachsen:

mj.niedersachsen.de/startseite (judicial system)

Nordrhein-Westfalen:

www.recht.nrw.de (legal texts), www.nrwe.de, www.vgh.nrw.de (case law);

www.justiz.nrw (other, e.g. downloadable forms and information leaflets)

Rheinland-Pfalz:

www.landesrecht.rlp.de (legal texts); www.jm.rlp.de (judicial system)

Saarland:

other: downloadable forms

Sachsen:

other: downloadable forms and information leaflets

Sachsen-Anhalt:

www.landesrecht.sachsen-anhalt.de (legal texts, case law); <https://justiz.sachsen-anhalt.de> (judicial system)

Schleswig-Holstein:

<http://www.gesetze-rechtsprechung.sh.juris.de/jportal/page/bsshoprod.psml> (legal texts); https://www.schleswig-holstein.de/DE/Fachinhalte/E/entscheidungssammlung_justiz/landesrechtsprechungsdatenbank.html (case law); https://www.schleswig-holstein.de/DE/justiz/gerichte-und-justizbehoerden/gerichte-und-justizbehoerden_node.html (judicial system)

Thüringen:

<https://landesrecht.thueringen.de> (legal texts and case law); <https://justiz.thueringen.de/themen/justiz> (judicial system);

<https://justiz.thueringen.de/service> (other, e.g. forms, information leaflets)

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

Comments - Please provide more information on these systems and specify how this assistance is provided:

https://www.bmj.de/DE/themen/wege_zum_recht/gerichtsverfahren/gerichte_staatsanwaltschaften/gerichte_staatsanwaltschaften.html

https://www.bmj.de/DE/themen/praevention_opferhilfe/praevention_opferhilfe_node.html

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 (§§ 158b (1) Sentence 3, 159 (4) Sentence 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 court proceedings, victim can also request to be heard separately from the perpetrator. 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?

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

NAP

Comment In proceedings against juvenile offenders manifold special regulations are provided for by the Youth Courts Act : Jurisdiction of special youth courts combined with special youth public prosecutors; the judges and prosecutors are to have appropriate education skills and training, as well as experience in the education and upbringing of juveniles, furthermore, knowledge of the areas criminology, education and social education, as well as youth psychology. The youth court assistance service (not part of the justice but of the child and youth welfare services) shall be involved at all stages of the proceedings against a juvenile. It shall highlight the supervisory, social and other aspects that are significant with regard to the goals and tasks of youth welfare in proceedings before the youth courts. For this purpose, they shall support the participating authorities by researching into the personality, the development and the family, social and economic background of the juvenile, and shall make a statement with regard to any potential particular vulnerability, as well as to the measures that are to be taken. And it shall support the young person throughout the proceedings. - The application of juvenile criminal law is above all to counter renewed criminal offences on the part of a juvenile or young adult: In order to achieve this goal, the legal consequences, and with respect for the parental right of upbringing also the procedure, shall be orientated primarily in line with the educational concept. Juvenile criminal law provides for a differentiated set of sanctions and measures, esp. community-based ones. Many special provisions on juvenile proceedings (for example concerning legal assistance, detailed information adequate to age and personal development about legal rights and the proceedings, involvement of the holders of parental responsibility, pretrial detention), as also guaranteed by Dir (EU) 2026/800, pay respect to the vulnerability of young defendants.

In criminal 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). Audio-visual 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 affected 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 of the 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 of the Code of Criminal Procedure). If it is to be feared 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 of the 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 of the 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 person under 18 years of age to act in court proceedings 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"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <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"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comments - Please specify if you selected “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 persons under 18 years of age (“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.

Persons under 18 years of age as witnesses in criminal proceedings:

The taking of procedural actions in ones 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 proceedings there are no special age thresholds or other requirements apart from that the minor should be able to understand questions and give an answer. The answer has changed in comparison to the previous evaluation cycle due to a reassessment. The situation has not actually changed.

031-2. If a person under 18 years of age cannot act in court proceedings in his/her own name, who can represent him/her in judicial proceedings?

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

Comment The answers have changed in comparison to the previous evaluation cycle following a methodological reassessment. The situation has not actually changed.

Civil proceedings:

Exeptions from representation of minors by parents/legal guardian exist in several specific situations including: withdrawal of representation by decision of a family court, (temporary) legal incapacity of the parent/legal guardian, in proceedings regarding physical examination to determine biological parenthood, proceedings regarding certain legal transactions between the minor and direct relatives of the parent/legal guardian

In family courts, children are represented by a guardian ad litem in proceedings in parent and child matters to the extent necessary for representing the child's interests. Children may be represented by the Youth Welfare Office in matters concerning maintenance.

Criminal Proceedings:

The situation may be very different, depending on whether the minor is the defendant, a witness or other other party to the proceedings. Regarding minor defendants, representation rights of parents/legal guardians can be withdrawn by the youth court insofar as they are suspected of participating in the accused's misconduct. The court can also exclude the accused's parent or guardian from a hearing, for example if there is a fear of danger for the accused.

In these situations a compulsory defence counsel will be appointed.

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
- NAP

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 the offender is unknown
- Yes, but only if compensation could not be obtained from the offender
- Yes, in both situations
- No

Comment

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 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 dependent on the offenders being prosecuted. It is, rather, dependent 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

Comment - Please specify:

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

Yes

No

Comments 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 dependent on the offenders being prosecuted. It is, rather, dependent 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

Comment - Please specify:

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

Yes

No

Comments 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 dependent on the offenders being prosecuted. It is, rather, dependent 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).

034. Is there a regular monitoring (official studies, reports etc.) allowing the evaluation of 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 section 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 sections 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 sections 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 § no. 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 (temporarily) dispense with pressing charges and concurrently issue the direction to the accused to make a serious attempt to reach a mediated agreement with the aggrieved person, a so-called victim-offender mediation (section 153a (1) sentence 2 number 5 of the Code of Criminal Procedure). The aim is to thereby try 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). In case of a successful mediation, the offence can no longer be prosecuted as a less serious criminal offence. 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 has 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 a video-recording of a judicial interrogation pursuant to section 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 has to be ensured 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

NAP

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 notification 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 of compensation in the following circumstances:

	Number of requests for compensation	Number of compensations granted	Total amount of compensations granted (in €)
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
Excessive length of proceedings	<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
Non-execution of court decisions	<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

Wrongful arrest/detention	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g., the amount per day for unjustified detentions or convictions):

037-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

	Responsible authorities	Legal time limit
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
High Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

Comments

037-2. Are there statistical data disaggregated by gender concerning the number of:

	Existence of statistical data disaggregated by gender
Persons who initiate a case in other than criminal matters	<input type="checkbox"/> Yes - If yes, please specify for which categories of cases: [Comment] <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Victims recognised as such by the court	<input type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment] <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Perpetrators of criminal offences	<input checked="" type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment]Statistical data is disaggregated by a large number of criminal offences according to a comprehensive catalogue of offences. If a perpetrator has committed multiple offences, only the most serious offence is taken into account. <input type="checkbox"/> No <input type="checkbox"/> NA

037-3. Are there statistical data on the relation between the perpetrator of the criminal offence and the victim recognised by the court?

() Yes

(X) No

If yes, please specify:

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"/> 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 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"/> Annual
	<input type="checkbox"/> Other regular	<input type="checkbox"/> Other regular
	<input type="checkbox"/> Ad hoc	<input type="checkbox"/> Ad hoc

NA

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.

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.

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)	1 075 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	778 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.1 First instance courts of general jurisdiction - legal entities	753 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.2 Second instance courts of general jurisdiction - legal entities	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.3 Highest instance courts of general jurisdiction - legal entities	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2 Total number of specialised courts - legal entities	297 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 1.1 First instance courts include: 638 local courts, 115 regional courts

regional courts handle first as well as second instance cases. In 2022, regional courts registered 300 266 incoming first instance cases and 68 876 incoming second instance cases (civil and criminal matters). For further information see General Comment.

1.2 Second instance courts include: 24 higher regional courts

higher regional courts handle second and third instance cases as well as certain (few) first instance cases. Higher regional courts are the third and final instance with regard to criminal cases, that were originally initiated at the local courts. In 2022, higher regional courts

recorded 72 201 incoming second instance cases (excluding family matters) and 4 761 incoming third/last instance cases. For further information see General Comment.

1.3 Highest instance courts include: Federal Supreme Court

2. The total number of specialised courts includes administrative, labour, financial, and social courts as well as the Federal Patent Court.

Discrepancy in comparison to the 2022-2020 cycle:

regional courts were originally counted twice as first instance and second instance courts. Higher regional courts were counted as second instance courts. This was changed during the 2023-2021 cycle (EU-Scoreboard). The regional courts and higher regional courts are now placed according to the number of incoming cases as outlined in the explanatory note.

In previous cycles, the total number of specialised courts included 16 constitutional courts of the federal states as well as the Federal Constitutional Court. In the current cycle, these courts are no longer included as they are mostly seen as separate from the ordinary justice system (for further information please refer to the general comment).

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	245 <input type="checkbox"/> NA <input type="checkbox"/> NAP	52 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	108 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	51 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insurance and / or social welfare courts	68 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Juvenile courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised courts	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other specialised courts", please specify: Comments - If "Other specialised courts", please specify:

The category "other" covers:

18 finance courts (first instance)

Federal Patent Court and the Federal Finance Court (higher instances)

In previous cycles, other specialised courts included 16 constitutional courts of the federal states as well as the Federal Constitutional Court. In the current cycle, these courts are no longer included as they are mostly seen as separate from the ordinary justice system (for further information please refer to the general comment).

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 <input type="checkbox"/> NA <input type="checkbox"/> 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)	1 075 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

Sources: Federal Office of Justice, chart "Number of Federal and State Courts"

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)	20 863 <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
1. Number of first instance professional judges	16 215 <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

2. Number of second instance (court of appeal) professional judges	4 186 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of Supreme Court professional judges	462 [] NA [] NAP	295 [] NA [] NAP	167 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: 1. and 2.: Data was taken from the "staff-assignment statistic" of the federal states. 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 statistic does not distinguish between male and female judges. The "court-staff statistic" of the federal states on the other hand distinguishes between "total" and "female" but does not allow for a differentiation between the instances. According to the court-staff statistic as of 31 December 2022 there were 22 027 judges (FTE) in total, among them 10 813 female and 11 214 male.

3: Figures represent the number of judges at the Federal Courts in FTE as of 31 December 2022. The number of judges at the Federal Courts is published every second year (see General Comment).

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

Yes

No

Comments

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

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

No specific reason required

Other reason, please specify:

Comments The situation differs among the federal states. All 16 federal states grant part-time work for child-care and elderly care or dependent persons care. The vast majority of the respondent federal states (15) grant part-time work without special reason (by mistake, this box was not checked during the last cycle). The majority of the respondent federal states (10) grant part-time work for the purposes of early retirement. A minority of 6 federal states grant part-time work explicitly for training. However, all but one of the remaining federal states grant part-time work without specific reason.

The box "other reason" was not checked this cycle, because the examples for "other reason" given by the respective federal states (doctorate, taking care of relatives or other close persons) can be allocated to "Elderly care or other dependent persons' care" and "Training".

046-1-3. If yes, what is the number of professional judges working part-time with reduced remuneration?

Total	Males	Females
-------	-------	---------

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

Comments The court-staff statistics of the federal states 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 and the higher regional courts handle first as well as second and last instance cases. The "staff assignment statistic" of the federal states assigns judges to instances, but does not distinguish between full-time and part-time staff. The number of judges working in part time at the federal courts ist unknown.

Judges working part-time according to the court staff statistic (total/male/female):

- 1) local courts 2513/383/2130
- 2) regional courts 1387/228/1159
- 3) higher regional courts 504/168/336
- 4) administrative courts 380/63/317
- 5) higher administrative courts 76/26/50
- 6) labour courts 181/42/139
- 7) higher labour courts 48/8/40
- 8) social courts 356/46/310
- 9) higher social courts 67/18/49
- 10) finance courts 62/14/48

046-1-4. Are there other possibilities (apart from part-time) for regular adjustment of working time or conditions with or without reduced remuneration?

	Adjustment of working time or conditions with or without reduced remuneration
Temporary reduction of the workload	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Temporary reduction of the working time / special leave	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other measures	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration?

Temporary reduction of the working time / special leave is possible in 13 federal states.

Special leave with remuneration can be granted for a fixed period of time for special occasions such as the death of a close family member, childbirth of a spouse or partner, illness of children, volunteer work according to regulations of the federal states. Special leave without remuneration may be granted within the framework of regulations of the federal states, if requirements of the office are not compromised.

046-1-5. If yes, please specify in which situation(s) these possibilities can be used?

- Child-care
- Elderly care or other dependant persons' care

- Training
- For the purposes of early retirement
- As part of induction process for new judges
- No specific reason required
- Other reason, please specify:
- NAP

Comments Special leave for childcare and elderly/dependent persons care is possible in the vast majority of the federal states. Regarding the other options, the answers were not consistent. Special leave is generally possible within the framework of the federal states' special leave regulations (see question 46-1-4 above).

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

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	20 863 <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	2 299 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
First instance	16 215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 554 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 204 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 602 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 855 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Second instance	4 186 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 501 <input type="checkbox"/> NA <input type="checkbox"/> NAP	569 <input type="checkbox"/> NA <input type="checkbox"/> NAP	783 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 333 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Supreme Court	462 <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	54 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

If "Other", please explain which types of cases: "Other" includes judges handling family cases and labour law cases. In previous cycles, this category also included judges handling cases at the financial and social courts. In accordance with the classification of cases used for question 91, these judges are now allocated to the category "administrative".

"First instance" and "Second instance": Data is taken from the "staff-assignment statistic" of the federal states. 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 statistic" 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 2022. It shows the number of judges (FTE) at the Federal Court of Justice (154) 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.

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047. Number of court presidents .

	Total	Males	Females
Total number of court presidents (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. Number of first instance court presidents	<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. Number of second instance (court of appeal) court presidents	<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. Number of Supreme Court presidents	<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 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full-time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If necessary, please provide comments to explain the answer provided: The answer was changed to NAP due to a reassessment of the situation. There are no judges who meet the criteria mentioned above (judges working in part-time are covered by question 46-1-3). Arbitrators do also not match the criteria, as they usually have a different main profession and their remuneration is stipulated by the parties to the arbitration process (often with referral to the Act on the Remuneration of Lawyers).

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.
- 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In full time equivalent	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments There were 123 126 non-professional judges as of 31 December 2020. This figure is taken from the newly established statistic on the topic of gender equality among honorary (unpaid) judges. In addition to the courts managed by the federal states, this figure also includes honorary judges in the federal courts. More recent figures are not yet available.

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

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)	52 999 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Rechtspfleger (or similar bodies) (see Explanatory Note)	8 370 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case preparation, assistance during the hearing, helping to draft the decisions)	27 367 [] 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)	6 848 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Technical staff	4 033 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Other non-judge staff	6 381 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If "Other non-judge staff", please specify: "Other non-judge staff" represents:

- staff on the basic level career track as far as not allocated to categories 1 - 4 (including motorpool staff, staff at court cashiers' offices, internal mail and file delivery service, maintenance etc.)

- staff in staff representation bodies, as representatives for staff with disabilities and as gender equality commissioners

Discrepancies of technical staff and other non-judge staff:

The categorisation of staff allocated to "other non-judge staff" was revised and corrected in comparison to previous cycles. Staff on unpaid leave for training purposes was removed. Reception and security services were formerly allocated to "other staff". In alignment with the Explanatory Note, reception and security services are now allocated to the category "technical staff". Other potentially "technical" staff such as motorpool or maintenance staff are not recorded separately in the "staff-assignment statistic" but only together with other lines of work as "staff at basic level career track together".

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)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Total non-judge staff working in courts at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] 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 While the staff-assignment statistic allocates judges to instances, non-judge staff is not allocated to instances.

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053. If there are Rechtspfleger (or similar bodies), 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 exact 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):

Comments - If "Other types of services", please specify: medical services, janitor services, canteens, letter and parcel service, office services, transport of files, supervision, training on workplace safety

The services quoted here are outsourced in the courts of some federal states. The situation is different from federal state to federal state and from court to court.

NA

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

Sources: Federal Office of Justice, staff-assignment statistic, court-staff statistic
Information submitted by the Federal Ministry of Justice and by the federal states

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.)

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	6 503 [] NA [] NAP	3 146 [] NA [] NAP	3 357 [] NA [] NAP
1. Number of prosecutors at first instance level	5 808 [] NA [] NAP	2 723 [] NA [] NAP	3 085 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	532 [] NA [] NAP	317 [] NA [] NAP	215 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	163 [] NA [] NAP	106 [] NA [] NAP	57 [] NA [] NAP

Comments - Please indicate any useful comment for interpreting the data above: 1.: Data is taken from the court staff statistic of the federal states and represents the number of public prosecutors (FTE) at the local and regional courts as of 31. December 2022
 2. Data is taken from the court staff statistic of the federal states and represents the number of public prosecutors (FTE) at the higher regional courts as of 31. December 2022
 3. Data ist taken from the court staff statistic and represents number of public prosecutors (FTE) at the Federal Court of Justice.

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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(s) part-time work can be granted? (multiple replies possible)

- Child-care
 Elderly care or other dependant persons' care
 Training
 For the purposes of early retirement
 No specific reason required
 Other reason, please specify:

Comments The situation differs among the federal states. All 15 respondent federal states grant part-time work for child-care and elderly care or dependent persons care (one federal state has not responded yet). The vast majority of the respondent federal states (14) grant part-time work without special reason (by mistake, this box was not checked during the last cycle). The majority of the respondent federal states (9) grant part-time work for the purposes of early retirement. A minority of 5 federal states grant part-time work explicitly for

training. However, all of the remaining federal states grant part-time work without specific reason.

The box "other reason" was not checked this cycle, because the examples for "other reason" given by the respective federal states (doctorate, taking care of relatives or other close persons) can be allocated to "Elderly care or other dependant persons' care" and "Training".

055-1-3. If yes, what is the number of prosecutors working part-time with reduced remuneration?

	Total	Males	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	1 101 <input type="checkbox"/> NA <input type="checkbox"/> NAP	104 <input type="checkbox"/> NA <input type="checkbox"/> NAP	997 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level	103 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP	76 <input 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 Figures represent 1. the number of public prosecutors working in part-time at the local courts and regional courts as of 31 December

2. the number of public prosecutors working in part time at the higher regional courts as of 31 December

Information on the remuneration of these public prosecutors and information on the number of public prosecutors working part time at the Federal Prosecutor General's office is not available.

055-1-4. Are there other possibilities (apart of part-time work) for regular adjustment of working time or conditions with or without reduced remuneration?

	Adjustment of working time or conditions with or without reduced remuneration
Temporary reduction of the workload	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Temporary reduction of the working time / special leave	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other measures	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration?

Temporary reduction of the working time / special leave is possible in 14 federal states (two federal states have not or not yet responded to this question).

Special leave with remuneration can be granted for a fixed period of time for special occasions such as the death of a close family member, childbirth of a spouse or partner, illness of children, volunteer work according to regulations of the federal states. Special leave without remuneration may be granted within the framework of regulations of the federal states, if requirements of the office are not compromised.

055-1-5 . If yes, please specify in which situation(s) these possibilities can be used?

Child-care

- Elderly care or other dependant persons' care
- Training
- For the purposes of early retirement
- As part of induction process for new prosecutors
- No specific reason required
- Other reason, please specify:
- NAP

Comments Special leave for childcare and Elderly care is possible in the vast majority of the federal states. Regarding the other options, the answers were not consistent. Special leave is generally possible within the framework of the federal states' special leave regulations (see question 55-1-4 above).

056. Number of heads of prosecution offices.

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

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. In your judicial system, do other persons have similar duties to those of public prosecutors?

- Yes
- No

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

057-1. If yes, please provide the number (in full-time equivalent):

- 1 039]
- NA

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

- Yes
- No

Comments

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 Of the respondent 15 federal states, 9 reported that there are prosecutors trained in the areas of domestic violence and sexual violence specifically for minor victims.

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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	12 372 [] NA	3 106 [] NA	9 266 [] NA

Comment – please describe which categories of staff you have included in your reply: Figures include official solicitors ("Amtsanwälte") referred to in question 57.

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

Sources: Federal Office of Justice: Court staff statistics Information provided by the federal states and the Federal Ministry of Justice
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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	(X) Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Bundesgleichstellungsgesetz - BGleiG), for provisions of the federal see comment	()
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 federal 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 federal 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 federal see comment	()

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Most provisions stipulate that in cases of equal aptitude, qualifications and achievements, women are to be given priority, if they are under-represented in the respective field or line of career.

Baden-Württemberg: Equal Opportunities Act (Chancengleichheitsgesetz-ChancenG); Bayern: Act to Promote Equality of Women and Men (Bayrisches Gleichstellungsgesetz - BayGIG), Equal Opportunities Strategy 2016-2021 of the Ministry of the Interior, General Act on Equal Treatment;

Berlin: Land Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Brandenburg: Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Bremen: Act on Gender Equality (Landesgleichstellungsgesetz)

Hamburg: Hamburg Gender Equality Act (Hamburgisches Gleichstellungsgesetz - Hmb-GleiG); Hessen: Equal Rights Act (Hessisches Gleichstellungsgesetz - "HGIG")

Mecklenburg-Vorpommern: Basic Law for the Federal Republic of Germany, Article 33 section 2 (Eliminating under-representation as a criterion in aptitude comparisons)

Niedersachsen: Act on Gender Equality (Niedersächsisches Gleichstellungsgesetz – NGG); Nordrhein-Westfalen: Act on Gender Equality (Landesgleichstellungsgesetz, LGG), Public Service Act (Landesbeamtengesetz, LBG);

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

Sachsen-Anhalt: Women Support Act (Frauenfördergesetz - 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) Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Bundesgleichstellungsgesetz - BGleiG), for provisions of the federal see comment	()
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 federal 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 federal 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 federal see comment	()

Comments - If the situation changed since the reference year or you have additional comments, please specify: Most provisions stipulate that in cases of equal aptitude, qualifications and achievements, women are to be given priority, if they are under-represented in the respective field or line of career.

Baden-Württemberg: Equal Opportunities Act (Chancengleichheitsgesetz-ChancenG); Bayern: Act to Promote Equality of Women and Men (Bayrisches Gleichstellungsgesetz - BayGIG), Equal Opportunities Strategy 2016-2021 of the Ministry of the Interior, General Act on Equal Treatment;

Berlin: Land Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Brandenburg: Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Bremen: Act on Gender Equality (Landesgleichstellungsgesetz)

Hamburg: Hamburg Gender Equality Act (Hamburgisches Gleichstellungsgesetz - Hmb-GleiG); Hessen: Equal Rights Act (Hessisches Gleichstellungsgesetz - "HGIG")

Mecklenburg-Vorpommern: Basic Law for the Federal Republic of Germany, Article 33 section 2 (Eliminating under-representation as a criterion in aptitude comparisons)

Niedersachsen: Act on Gender Equality (Niedersächsisches Gleichstellungsgesetz – NGG); Nordrhein-Westfalen: Act on Gender Equality (Landesgleichstellungsgesetz, LGG), Public Service Act (Landesbeamten-gesetz, LBG);

Rheinland-Pfalz: 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)

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

	Yes / No
Court president	<input checked="" type="checkbox"/> Yes If “yes”, please specify:[Comment]Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Bundesgleichstellungsgesetz - BGleiG), for provisions of the federal see comment <input type="checkbox"/> No
Head of prosecution services	<input checked="" type="checkbox"/> Yes If “yes”, please specify:[Comment]Act on Equality between Women and Men in the Federal Administration and in Federal Enterprises and Courts (Bundesgleichstellungsgesetz - BGleiG), for provisions of the federal see comment <input type="checkbox"/> No

Comments Most provisions stipulate that in cases of equal aptitude, qualifications and achievements, women are to be given priority, if they are under-represented in the respective field or line of career.

Baden-Württemberg: Equal Opportunities Act (Chancengleichheitsgesetz-ChancenG); Bayern: Act to Promote Equality of Women and Men (Bayrisches Gleichstellungsgesetz - BayGIG), Equal Opportunities Strategy 2016-2021 of the Ministry of the Interior, General Act on Equal Treatment;

Berlin: Land Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Brandenburg: Act on Gender Equality (Landesgleichstellungsgesetz - LGG); Bremen: Act on Gender Equality (Landesgleichstellungsgesetz)

Hamburg: Hamburg Gender Equality Act (Hamburgisches Gleichstellungsgesetz - Hmb-GleiG); Hessen: Equal Rights Act (Hessisches Gleichstellungsgesetz - "HGIG")

Mecklenburg-Vorpommern: Basic Law for the Federal Republic of Germany, Article 33 section 2 (Eliminating under-representation as a criterion in aptitude comparisons)

Niedersachsen: Act on Gender Equality (Niedersächsisches Gleichstellungsgesetz – NGG); Nordrhein-Westfalen: Act on Gender Equality (Landesgleichstellungsgesetz, LGG), Public Service Act (Landesbeamtengesetz, LBG); Rheinland-Pfalz: Act on Gender Equality (Landesgleichstellungsgesetz, LGG); Saarland: Act on Gender Equality (Landesgleichstellungsgesetz – LGG); Sachsen-Anhalt: Women Support Act (Frauenfördergesetz - FrFG); Schleswig-Holstein: Act on Gender Equality (Gleichstellungsgesetz, GstG SH)


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

 03.1 Anlage 1 zum Datenblatt _Gleichstellung_ - FFP.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? On the federal level, there is no overarching document on gender equality that applies specifically to the judiciary. The Federal Government has issued a gender equality strategy stating 9 basic goals (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. The federal gender equality strategy has not changed sinnce the last evaluation cycle.

There are gender equality acts in place in the federal states as well as on the federal level (see Q061-2 and 061-3). These acts 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.

Out of 16 federal states, 9 reported that documents on gender equality specifically with respect to the judiciary exist. Two federal states provided additional information:

Bayern: Gender Equality Concept (Gleichstellungskonzept) of the Ministry of Justice

Sachsen Anhalt: Plan for the Support of Women (Frauenförderplan) of the Ministry of Justice (see attachment in german language)

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 - Please specify the status of this person/institution and if it has a consultative function or if its opinions/decisions have legal consequences: The function of the equal opportunities officer is regulated by the different laws on gender equality that exist in each

federal state and at the federal level. Specifics of the function may differ among the federal states. However, here is a general description of the most significant points:

The equal opportunities officer is a female employee who is part of the authority 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. She is not bound by instructions and receives the personnel and material resources needed to fulfil her tasks. The equal opportunities officer reports directly to the management of the respective authority and has a direct right of recitation. She has a right of initiative for measures aimed at advancing the career development of women. She can voice her opinion on issues related to equal rights for men and women, the compatibility of family, care and career. She can hold consultation hours during the work 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. The equal opportunities officer does not have a formal right of veto against personnel decisions.

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 opportunities officer

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

have been already implemented (please specify) : The federal states have reported numerous different measures that have already been taken or are in process of being implemented. For example:

- creation and development of concepts for the promotion of equality
- mentoring programs for female employees
- surveys among female employees on the topic of "women in leadership positions" and a subsequent working group to evaluate the survey results.
- Expansion of possibilities for leave of absence as well as flexible work and part-time work, including in management positions
- measures against discrimination of part-time workers in the appraisal system
- expansion of gender-specific personnel statistics (for example regarding appraisal results)
- inclusion of employees on parental leave in trainings
- improvement of the compatibility of family and career through management trainings and expansion of child-care possibilities

are planned (please specify) : The measures mentioned above are ongoing.

Comments - If the situation changed since reference year, please specify in the comments. The measures mentioned above are ongoing.

NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible gender 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
- the fourth report is expected to be published in 2025 The vast majority of the federal states reported, that there are no evaluation studies. In Bayern and Sachsen-Anhalt evaluation studies on gender equality are includes in the gender equality concepts, that exist in both federal states.

3.5. Use of information technologies in courts

3.5.1 Governance

ICT STRATEGY

062-01. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?

- Yes
- No

Comments Out of 16 federal states, 11 reported that there is an overall ICT strategy for the judicial system. The Federal Ministry of Justice confirmed the existence of an ICT strategy for the federal courts.

062-02. If there is an overall ICT strategy in the judicial system, who was involved in the process of its definition?

- Judges (Judicial council)
- Prosecutors (Prosecutorial or judicial council)
- Ministry of justice
- Lawyers (bar association)

- Notaries (association of notaries)
- Enforcement agents (association of enforcement agents)
- Other (please specify)
- NA
- NAP

Comments The Ministry of Justice was involved the definition process in the majority (11) of the federal states and on the federal level. Judges and public prosecutors were involved on the federal level, but only in a minority (6) of the federal states. Two federal states reported the involvement of the Ministry of the Interior and of the central IT-offices for the judiciary.

LEGISLATION

062-03. Does a national legislation/regulation of ICT in the judicial system exist?

- Yes
- No

Comments

062-04. If yes, how is this legislation/regulation of ICT in the judicial system structured?

- Relevant norms are included in the general e-government legislation/regulation
- Relevant norms are included in specific legislation/regulation only for the judicial system
- Relevant texts are included in dedicated technical documents/specifications
- Other, please specify
- NA

Comment - If more than one of the proposed models exist in your country, please select them all and explain the details Due to the federal structure of the justice system, the details differ from federal state to federal state. Out of 16 federal states, 9 reported that relevant norms are included in the general e-government legislation, 13 reported that relevant norms are included in specific legislation and 8 reported that relevant texts are included in technical documents. On the federal level relevant norms are included in specific legislation and technical documents. With regard to legislation, relevant norms are included in the various codes of procedure on the federal level as well as in special provisions on ICT in the judiciary that exist in some federal states.

NA

IMPACT OF IMPLEMENTATION OF ICT SYSTEMS

062-05. Have you already organised audits/evaluations/assessments of the impact of the implementation of the ICT system?

- Yes
- No

Comments No audits have been conducted on the federal level and in the majority of the federal states. However, a minority of the federal states reported, that audits of the implementation of the ICT system have been conducted. Those audits were mostly conducted internally in the last 2 years.

062-06. If these audits/evaluations/assessments were already organised, please specify their modalities:

Format	Last conducted audit

ICT Governance	<input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
Security and risk management	<input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
Impact on efficiency and quality of the business processes and workflow	<input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
Impact on human resources (number, workload, wellbeing)	<input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
Other, please specify in comments	<input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA

Comment - If you have selected other area, please provide details. Please also add details on the content of the last organised evaluation.

062-07. If these audits/evaluations/assessments were organised in the last 5 years, how did you apply their recommendations/results?

- Update applications
- Define new ICT projects/modules
- Adjust legislation
- Adjust working processes
- Withdraw/stop use of a module/application
- Reporting purpose only
- Other, please specify

NA
 NAP

3.5.2 Electronic case processing

ELECTRONIC SUBMISSION OF CASES

062-08. If it is possible to submit a case to a court electronically, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA

Comments Out of 16 federal states, 2 could not provide data on deployment rates and 7 could not provide data on usage rates. The deployment and usage rates indicated here reflect the situation as it was reported by the majority of the federal states that were able to provide data. However, reports on usage rates submitted by the federal states range widely between 0% and 100%.

062-09. If it is possible to submit a case to a court electronically, please specify the modalities:

Electronic or paper	Possible to be submitted electronically by:	Data integration
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Civil	<input checked="" type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input checked="" type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA

Comments "Other": experts, authorities (including public prosecution in criminal matters)

The answers represent the situation as it was reported by the majority of the federal states. However, the answers given by the different federal states are not consistent. For example, a few federal states reported that paper submission is still possible and at the same time not

possible anymore. Others reported, that data are electronically transferred and also manually re-entered.

SENDING ELECTRONIC DOCUMENTS TO COURT



062-10. If it is possible to send case-related documents to the courts electronically, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA

Comments Out of 16 federal states, 2 could not provide data on deployment rates and 7 could not provide data on usage rates. The deployment and usage rates indicated here reflect the situation as it was reported by the majority of the federal states that were able to provide data. However, reports on usage rates submitted by the federal states range widely between 0% and 95% (0% and 50% in criminal matters). One federal state reported, that electronic delivery is not possible in criminal matters.

062-11. If it is possible to send electronically case related documents to the courts, please specify the modalities:

Electronic or paper	Possible to be submitted electronically by:	Data integration
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Civil	<input checked="" type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA

Comment - If you have selected the option “Documents sent by another person/institution”, please specify details. "Other": experts, authorities (including public prosecution and police in criminal matters), associations, parties

The answers represent the situation as it was reported by the majority of the federal states. However, the answers given by the different federal states are not consistent. For example, a few federal states reported that paper submission is still possible and at the same time not possible anymore. Others reported, that data are electronically transferred and also manually re-entered.

ELECTRONIC NOTIFICATIONS

062-12. If it is possible for courts to send electronic notifications, what are the deployment and

usage rates?

	Deployment rate	Usage rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA

Comments Out of 16 federal states, 2 could not provide data on deployment rates and 7 could not provide data on usage rates. The deployment and usage rates indicated here reflect the situation as it was reported by the majority of the federal states that were able to provide data. However, reports on usage rates submitted by the federal states range widely between 0% and 95% (0% and 75% in criminal matters). One federal state reported, that electronic delivery is not possible in criminal matters.

062-13. If it is possible for courts to send electronic notifications, please specify the modalities:

Electronic or paper	Type of notification	Data integration

<p>Civil</p>	<p><input checked="" type="checkbox"/> Paper notification is still possible</p> <p><input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)</p> <p><input type="checkbox"/> Double notification (paper notification must accompany the electronic one)</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> Notifications sent by the court to the lawyer</p> <p><input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer</p> <p><input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts</p> <p><input checked="" type="checkbox"/> Notifications sent to other persons/institutions</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> The electronic notification is generated from the CMS</p> <p><input type="checkbox"/> The electronic notification is manually generated</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p>
<p>Administrative</p>	<p><input checked="" type="checkbox"/> Paper notification is still possible</p> <p><input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)</p> <p><input type="checkbox"/> Double notification (paper notification must accompany the electronic one)</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> Notifications sent by the court to the lawyer</p> <p><input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer</p> <p><input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts</p> <p><input checked="" type="checkbox"/> Notifications sent to other persons/institutions</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> The electronic notification is generated from the CMS</p> <p><input type="checkbox"/> The electronic notification is manually generated</p> <p><input type="checkbox"/> NAP – electronic notifications are not possible</p> <p><input type="checkbox"/> NA</p>

Criminal	<input checked="" type="checkbox"/> Paper notification is still possible	<input checked="" type="checkbox"/> Notifications sent by the court to the lawyer	<input checked="" type="checkbox"/> The electronic notification is generated from the CMS
	<input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)	<input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer	<input type="checkbox"/> The electronic notification is manually generated
	<input type="checkbox"/> Double notification (paper notification must accompany the electronic one)	<input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts	<input type="checkbox"/> NAP – electronic notifications are not possible
	<input type="checkbox"/> NAP – electronic notifications are not possible	<input checked="" type="checkbox"/> Notifications sent to other persons/institutions	<input type="checkbox"/> NAP – electronic notifications are not possible
	<input type="checkbox"/> NA	<input type="checkbox"/> NAP – electronic notifications are not possible	<input type="checkbox"/> NA

Comment - If you have selected the option “Notifications sent to other persons/institutions”, please specify details. "Other":authorities (including public prosecution in criminal matters), parties

The answers represent the situation as it was reported by the majority of the federal states. However, the answers given by the different federal states are not consistent. For example, a few federal states reported that paper submission is still possible and at the same time not possible anymore. Others reported, that data are electronically transferred and also manually re-entered.

CONSULTATION OF A CASE ONLINE

062-14. If it is possible for external users to consult a case online, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> 95-100 %	<input type="checkbox"/> 95-100 %
	<input type="checkbox"/> 75-95 %	<input type="checkbox"/> 75-95 %
	<input type="checkbox"/> 50-75 %	<input type="checkbox"/> 50-75 %
	<input type="checkbox"/> 25-50 %	<input type="checkbox"/> 25-50 %
	<input checked="" type="checkbox"/> 1-25 %	<input checked="" type="checkbox"/> 1-25 %
	<input type="checkbox"/> 0 %	<input type="checkbox"/> 0 %
	<input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA

Comments Out of 16 federal states, 2 could not provide data on deployment rates and 4 could not provide data on usage rates. The deployment and usage rates indicated here reflect the situation as it was reported by the majority of the federal states that were able to provide data. However, reports on deployment and usage rates submitted by the federal states range widely. 7 federal states reported, that electronic consultation is not possible in criminal matters (4 in civil and 3 administrative matters).

062-15. If it is possible for external users to consult a case online, please specify the modalities:

	Content	Access	Consultation format
Civil	<input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input checked="" type="checkbox"/> Notifications <input type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input checked="" type="checkbox"/> Notifications <input type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input type="checkbox"/> Notifications <input type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA

Comment - If you have selected the option "Other", please specify details. "Other" access: experts, authorities

"Other" consultation format: special web portal for online consultation, PDF-file

The answers represent the situation as it was reported by the majority of the federal states. Online-consultation in criminal matters is not possible in 7 federal states (4 in civil and 3 in administrative cases).

REMOTE HEARINGS

062-16. If it is possible to organise remote hearings what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA

Comments Out of 16 federal states, 3 could not provide data on deployment rates and 6 could not provide data on usage rates. The deployment and usage rates indicated here reflect the situation as it was reported by the majority of the federal states that were able to provide data. However, reports on deployment and usage rates submitted by the federal states range widely. 8 federal states reported, that remote hearings are not possible in criminal matters.

062-17. If it is possible to organise remote hearings, please specify the functionalities and modalities:

Functionalities	Modalities

<p>Civil</p>	<p><input type="checkbox"/> Dedicated tool specially designed for the use by courts</p> <p><input checked="" type="checkbox"/> Publicly available tools used by courts</p> <p><input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers</p> <p><input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion)</p> <p><input type="checkbox"/> Tools for simultaneous interpretation</p> <p><input type="checkbox"/> Tools for automatic subtitling (speech-to-text)</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> Agreement of the parties is needed</p> <p><input type="checkbox"/> The judge can impose a remote hearing</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p>
<p>Administrative</p>	<p><input type="checkbox"/> Dedicated tool specially designed for the use by courts</p> <p><input checked="" type="checkbox"/> Publicly available tools used by courts</p> <p><input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers</p> <p><input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion)</p> <p><input type="checkbox"/> Tools for simultaneous interpretation</p> <p><input type="checkbox"/> Tools for automatic subtitling (speech-to-text)</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> Agreement of the parties is needed</p> <p><input type="checkbox"/> The judge can impose a remote hearing</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p>

Criminal	<input type="checkbox"/> Dedicated tool specially designed for the use by courts <input type="checkbox"/> Publicly available tools used by courts <input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers <input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion) <input type="checkbox"/> Tools for simultaneous interpretation <input type="checkbox"/> Tools for automatic subtitling (speech-to-text) <input checked="" type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> Agreement of the parties is needed <input type="checkbox"/> The judge can impose a remote hearing <input checked="" type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA
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Comments The answers represent the situation as it was reported by the majority of the federal states.

ELECTRONIC ARCHIVES

062-18. If electronic archives of cases exist, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA

Criminal	() 95-100 %	() 95-100 %
	() 75-95 %	() 75-95 %
	() 50-75 %	() 50-75 %
	() 25-50 %	() 25-50 %
	() 1-25 %	() 1-25 %
	() 0 %	() 0 %
	(X) NAP - electronic archives do not exist	(X) NAP - electronic archives do not exist
	[] NA	[] NA

Comments Out of 16 federal states, 8 reported that electronic archives do not exist in civil matters (10 in administrative matters and 11 in criminal matters).

062-19. If an electronic archive of cases exists, please specify the modalities:

	Electronic or paper
Civil	<input type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA

Comments

3.5.3 Tools

CASE MANAGEMENT SYSTEMS (CMS)

062-20. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA

Comments The answers represent the situation as it was reported by the majority of the federal states. Out of 16 federal states, one reported that there is no CMS in use in administrative and criminal matters.

062-21. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

Functionalities

<p>Civil</p>	<p><input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases</p> <p><input checked="" type="checkbox"/> Active case management dashboard</p> <p><input type="checkbox"/> Random allocation of cases</p> <p><input type="checkbox"/> Case weighting</p> <p><input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number)</p> <p><input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court</p> <p><input type="checkbox"/> Anonymisation of decisions to be published</p> <p><input type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register)</p> <p><input checked="" type="checkbox"/> Access to closed/resolved cases</p> <p><input checked="" type="checkbox"/> Advanced search engine</p> <p><input checked="" type="checkbox"/> Protected log files</p> <p><input checked="" type="checkbox"/> Electronic signature</p> <p><input type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – CMS does not exist</p> <p><input type="checkbox"/> NA</p>
<p>Administrative</p>	<p><input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases</p> <p><input checked="" type="checkbox"/> Active case management dashboard</p> <p><input type="checkbox"/> Random allocation of cases</p> <p><input type="checkbox"/> Case weighting</p> <p><input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number)</p> <p><input type="checkbox"/> Electronic transfer of a case to another instance/court</p> <p><input type="checkbox"/> Anonymisation of decisions to be published</p> <p><input type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register)</p> <p><input checked="" type="checkbox"/> Access to closed/resolved cases</p> <p><input checked="" type="checkbox"/> Advanced search engine</p> <p><input checked="" type="checkbox"/> Protected log files</p> <p><input checked="" type="checkbox"/> Electronic signature</p> <p><input type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – CMS does not exist</p> <p><input type="checkbox"/> NA</p>

Comment - If you have selected the option “Other special functionality”, because of its importance please specify details. The answers represent the situation as it was reported by the majority of the federal states.

062-22. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

	Functionalities
Criminal	<input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases <input checked="" type="checkbox"/> Active case management dashboard <input type="checkbox"/> Random allocation of cases <input type="checkbox"/> Case weighting <input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number) <input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court <input type="checkbox"/> Anonymisation of decisions to be published <input checked="" type="checkbox"/> Interoperability with prosecution system <input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register) <input checked="" type="checkbox"/> Access to closed/resolved cases <input type="checkbox"/> Advanced search engine <input type="checkbox"/> Protected log files <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – CMS does not exist <input type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, please specify the details. The answers represent the situation as it was reported by the majority of the federal states.

WRITING ASSISTANCE TOOLS

062-23. If writing assistance tools exist in courts, what are their deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA

Administrative	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA

Comments The responses of the federal states were not consistent. Deployment rate:

The majority of the respondent federal states reported a deployment rate of 95 - 100% (civil, administrative and criminal). However, a small minority including one large federal state reported lower deployment rates. Usage rate:

The majority of the respondent federal states reported a usage rate of 95 - 100% (civil, administrative and criminal). However, a minority including one large federal state reported lower usage rates. Three federal states answered "NA".

One federal state has not yet replied.

062-24. If writing assistance tools exist in courts, please describe their functionalities:

	Functionalities
Civil	<input checked="" type="checkbox"/> Templates <input checked="" type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input checked="" type="checkbox"/> Speech-to-text <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> Templates <input checked="" type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input checked="" type="checkbox"/> Speech-to-text <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA

Criminal	<input checked="" type="checkbox"/> Templates <input checked="" type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input checked="" type="checkbox"/> Speech-to-text <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA
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Comment - If you have selected the option “Other special functionality”, please specify the details. One federal reported the following additional functionalities: automatically generated follow-up letters, testing of automatically suggested decision in mass lawsuits using AI, testing of extraction of metadata for pre-filling of the decision

RECORDING OF COURT HEARINGS

062-25. If a tool to record court hearings exists, what are the deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA

Comments Criminal:

Two federal states reported a deployment and usage rate of 1 - 25%

062-26. If a tool to record court hearings exist, please specify its functionalities:

	Functionalities
Civil	<input type="checkbox"/> Audio recording <input type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> Audio recording <input type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> Audio recording <input type="checkbox"/> Video recording <input type="checkbox"/> Systematic recording for all hearings <input type="checkbox"/> Automatically indexed recording <input type="checkbox"/> Automatic transcript from recording <input type="checkbox"/> Possibility to request a copy of the recording <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – there is no tool for recording hearings <input type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, please specify the details. In the minority of the federal states that have a tool for recording hearings, functionalities include audio and video recording.

DATABASE OF COURT DECISIONS

062-27. If there is a national database of court decisions, please provide the percentage of the

decisions published at each instance.

	Percentage of 1st instance decisions published	Percentage of 2nd instance decisions published	Percentage of Supreme court decisions published
Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input type="checkbox"/> NA

Comments The answers regarding first and second instance decisions represent the situation as it was reported by the majority of the federal states. Out of 16 federal states, 8 could not provide an estimate on the percentage of first and second instance decisions published (6 in the case of administrative matters).

Data regarding the percentage of supreme court decisions published refers to decisions of the federal courts and was provided by the Federal Ministry of Justice.

062-28. If there is a national database of court decisions, please specify the modalities in publishing these decisions:

1st instance	2nd instance	Supreme court

Civil	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input type="checkbox"/> NA

- If you have selected the option “Other” because the court decisions are published online in some other way then the presented modalities, please describe. The answers regarding first and second instance decisions represent the situation as it was reported by the majority of the federal states. Data regarding supreme court decisions published refers to decisions of the federal courts and was provided by the Federal Ministry of Justice.

062-29. If there is a database of court decisions at national level, what are the functionalities of this database?

Functionalities

<p>Civil</p>	<p> <input type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input checked="" type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Machine-readable content <input checked="" type="checkbox"/> Structured content <input checked="" type="checkbox"/> Metadata <input checked="" type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA </p>
<p>Administrative</p>	<p> <input type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input checked="" type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Machine-readable content <input checked="" type="checkbox"/> Structured content <input checked="" type="checkbox"/> Metadata <input checked="" type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA </p>
<p>Criminal</p>	<p> <input type="checkbox"/> Automatic anonymisation <input checked="" type="checkbox"/> Manual anonymisation <input checked="" type="checkbox"/> Free public online access <input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input checked="" type="checkbox"/> Open data <input checked="" type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Machine-readable content <input checked="" type="checkbox"/> Structured content <input checked="" type="checkbox"/> Metadata <input checked="" type="checkbox"/> European Case Law Identifier (ECLI) <input checked="" type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input type="checkbox"/> NA </p>

Comment - If you have selected the option “Other special functionality”, please specify the details. - Notification Service (RSS Feed)
 - HTTPS encryption
 - Low-threshold feedback form

The answers represent the situation as it was reported by the Federal Ministry of Justice regarding the database for supreme court decisions. The majority of the federal states reported the existence of the following functions: manual anonymisation, free public online access, advanced search engine, metadata, European Case Law Identifier

STATISTICAL TOOLS

062-30. If there are statistical tools for analysing court case data, what is their deployment rate?

	Deployment rate
Civil	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA

Comments The answers represent the situation as it was reported by the majority of the federal states. Out of 16 federal states, two could not provide any data.

062-31. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

Functionalities	Data available for statistical analysis
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<p>Civil</p>	<p><input checked="" type="checkbox"/> Integration/connection with the CMS</p> <p><input type="checkbox"/> Business intelligence software</p> <p><input checked="" type="checkbox"/> Generation of predefined statistical reports</p> <p><input type="checkbox"/> Generation of customised statistical reports</p> <p><input type="checkbox"/> Internal page and/or dashboard</p> <p><input type="checkbox"/> External page with statistics (public website)</p> <p><input type="checkbox"/> Real-time data availability</p> <p><input type="checkbox"/> Automatic consolidation of data at the national level</p> <p><input type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – there are no statistical tools</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending)</p> <p><input checked="" type="checkbox"/> Age of a pending case</p> <p><input checked="" type="checkbox"/> Length of proceedings</p> <p><input checked="" type="checkbox"/> Number of hearings</p> <p><input checked="" type="checkbox"/> Cases per judge</p> <p><input type="checkbox"/> Case weights</p> <p><input type="checkbox"/> Number of parties in a case</p> <p><input type="checkbox"/> Indicator of appeal</p> <p><input type="checkbox"/> Result of the appeal</p> <p><input type="checkbox"/> NAP– there are no statistical tools</p> <p><input type="checkbox"/> NA</p>
<p>Administrative</p>	<p><input checked="" type="checkbox"/> Integration/connection with the CMS</p> <p><input type="checkbox"/> Business intelligence software</p> <p><input type="checkbox"/> Generation of predefined statistical reports</p> <p><input type="checkbox"/> Generation of customised statistical reports</p> <p><input type="checkbox"/> Internal page and/or dashboard</p> <p><input type="checkbox"/> External page with statistics (public website)</p> <p><input type="checkbox"/> Real-time data availability</p> <p><input type="checkbox"/> Automatic consolidation of data at the national level</p> <p><input type="checkbox"/> Other special functionality, please specify</p> <p><input type="checkbox"/> NAP – there are no statistical tools</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending)</p> <p><input checked="" type="checkbox"/> Age of a pending case</p> <p><input checked="" type="checkbox"/> Length of proceedings</p> <p><input type="checkbox"/> Number of hearings</p> <p><input type="checkbox"/> Cases per judge</p> <p><input type="checkbox"/> Case weights</p> <p><input type="checkbox"/> Number of parties in a case</p> <p><input type="checkbox"/> Indicator of appeal</p> <p><input type="checkbox"/> Result of the appeal</p> <p><input type="checkbox"/> NAP– there are no statistical tools</p> <p><input type="checkbox"/> NA</p>

Criminal	<input checked="" type="checkbox"/> Integration/connection with the CMS <input type="checkbox"/> Business intelligence software <input checked="" type="checkbox"/> Generation of predefined statistical reports <input type="checkbox"/> Generation of customised statistical reports <input type="checkbox"/> Internal page and/or dashboard <input type="checkbox"/> External page with statistics (public website) <input type="checkbox"/> Real-time data availability <input type="checkbox"/> Automatic consolidation of data at the national level <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there are no statistical tools <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending) <input checked="" type="checkbox"/> Age of a pending case <input checked="" type="checkbox"/> Length of proceedings <input checked="" type="checkbox"/> Number of hearings <input checked="" type="checkbox"/> Cases per judge <input type="checkbox"/> Case weights <input type="checkbox"/> Number of parties in a case <input type="checkbox"/> Indicator of appeal <input type="checkbox"/> Result of the appeal <input type="checkbox"/> NAP– there are no statistical tools <input type="checkbox"/> NA
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Comment - If you have selected the option “Other special functionality”, please specify the details The answers represent the situation as it was reported by the majority of the federal states.

OTHER TOOLS

062-32. Is there any application for online court-related dispute resolution?

- Yes
 No

Comments The answer represents the situation as it was reported by the majority of the federal states.

062-33. If yes, is there a maximum value over which online court-related dispute resolution cannot be organised?

- Yes, please specify the maximum value
- No

Comments

062-34. If yes, can the online court-related dispute resolution be used in the following areas?

- Small claim litigation
 Undisputed claim
 Payment order
 Misdemeanour criminal cases
 Enforcement of civil cases
 Other, please specify

Comment: Please describe the existing online procedures:

062-35. Is there a computerised national record centralising all criminal convictions?

Yes

No

Comments

062-36. If yes, please specify the following information:

The computerised record includes biometric data (ex. fingerprint data, picture)

The computerised record is linked to other European records of the same nature (ex. ECRIS)

The content is directly available through computerised means for judges and/or prosecutors (ex. interoperability with the CMS)

The content is directly available for purposes other than criminal (ex. civil and administrative matters)

The record contains conviction information on third-country nationals and stateless persons

Comments The answers refer to the Federal Central Criminal Register (Bundeszentralregister).

The authorities and parties mentioned above cannot access the Federal Central Criminal Register itself. Instead, there is an automated procedure for requesting information from the register, which is maintained by the Federal Office of Justice.

062-37. Is there a Document Management System (DMS) in the registry of courts?

Yes

No

Comment: If yes, please provide details on the purposes and usage of this system. purpose and usage: electronic files, electronic acts of administration

The answer represents the situation as it was reported by the majority of the federal states.

062-38. In addition to the tools listed in the ICT section of this questionnaire does your judicial system use other innovative ICT tools?

Yes

No

Comment: If yes, please list and describe these ICT tools. The use of innovative ICT tools was reported by 6 federal states as well as the Federal Ministry of Justice (with regard to the federal courts). ICT tools mentioned by these federal states and the Federal Ministry of Justice include: artificial neural network applications are used to pre-structure presentation of facts in specific mass procedures, automated structuring of large files, automated anonymisation of court decisions, platform for digital evidence, management system for the use of court rooms, predicative text tools and automated data extraction, translation

Several projects of the federated states involve AI applications aimed at supporting the work within justice. Project description (case analysis, legal assistance, document automation):

- "FRAUKE" is a pilot software for the use in a civil court. It assists judges in so called mass lawsuits in relation to claims under Regulation 261/2004/EU. It extracts relevant case data and provides the decision maker with suitable text modules for the judgement.

- A higher regional court uses AI in the project "OLGA". It assists judges in appeal proceedings in relation to claims against automotive manufacturers. The application analyses the contested decision of the first instance court as well as the statements of the parties regarding the grounds of appeal.

- "Codefy" is a software application used at a civil court. It entails an AI-powered structuring- and search engine. The program assists in the recording, processing and structuring of comprehensive case files, in particular in so called mass lawsuits. <https://codefy.de/de/justice>

- "MAKI" is a project at two civil courts. The prototype of an AI-based judicial assistance is being tested. It aims at helping judges by identifying differences between case files particularly in so called mass lawsuits, by proposing suitable procedural and material decisions and the customization of templates.

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

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

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
within the public prosecution services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

3.6.2 Measuring court/public prosecution services

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):

Comments The monitoring activities no. 1-4 were selected by all respondent federal states and the activities no. 5 and 9-13 were selected by the majority of the federal states.

A minority of the federal states (as in previous years) reported the following "other" monitoring activities: 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. (While the situation has not changed since the last cycle, the option "other" was not selected this

time for the purpose of methodological consistency with the answers to other questions in this section).

One federal state has not yet replied.

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 The monitoring activities no. 1-4 were selected by all respondent federal states and the activities 5 and 10 to 12 were selected by the majority of the federal states. A minority of the federal states also monitors the costs of the judicial proceedings. One federal state has not yet replied.

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 of the respondent federal states monitor pending cases and backlogs. Two federal states could not provide an answer, one federal state has not yet replied.

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 One federal state monitors waiting time with respect to the ordinary courts. A minority of 3 federal states monitor waiting time with regard to the public prosecution services. The vast majority of the federal states does not monitor waiting time.

073. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 70?

Yes

No

Comments The answer to question 73 was changed from "no" to "yes" within the course of the cycle 2023-2021 for methodological reasons in order to better reflect the answers provided by the federal states.

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

Annual

Less frequent

More frequent

Comments - If "Less frequent" or "More frequent", please specify: Of the 15 respondent federal states, 10 reported that there is a system to evaluate court performance regularly. Out of those federal states, 4 perform these evaluations annually and 6 more frequently (biannually or quarterly). This is a slight shift towards more frequent evaluations compared to the previous cycle 2023-2021. One federal state has not yet replied.

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

Yes

No

Comments The answer to question 73-1 was changed from "no" to "yes" within the course of the cycle 2023-2021 for methodological reasons in order to better reflect the answers provided by the federal states.

073-2. If yes, which courses of action are taken (multiple replies possible)?

Identifying the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance)

Reengineering of internal procedures to increase efficiency

Other (please specify):

Comments Out of 15 respondent federal states, 9 use the evaluation for later allocation of resources. The majority of those federal states reallocate resources based on this evaluation, a small minority also selected the other available options. One federal state has not yet replied.

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 70-1?

Yes

No

Comments The answer to question 73-3 was changed from "no" to "yes" within the course of the cycle 2023-2021 for methodological reasons in order to better reflect the answers provided by the federal states.

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

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Out of the 15 respondent federal states, 10 evaluate the performance of

the public prosecution services regularly. Out of those federal states, 3 reported to perform evaluations annually and 5 reported to perform them more frequently (biannually or quarterly).

One federal state has not yet replied.

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 Out of the respondent 15 federal states, 7 answered "no", 6 answered "yes" and two could not provide an answer.

One federal state has not replied yet.

073-6. If yes, which courses of action are taken (multiple replies possible)?

Identifying the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance)

Reengineering of internal procedures to increase efficiency

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 The answer represents the situation as it was reported by the majority of the federal states. Out of 16 federal states, 4 selected "other" with the following additional comments: "audits of local and regional courts conducted by the higher regional courts with reports to the ministry of justice", "audits conducted by higher courts"

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 The answer represents the situation as it was reported by the majority of the federal states. Out of 16 federal states, 7 selected "head of the organisational unit or hierarchically superior public prosecutor. This is one less federal state than in the pervious cycle 2020-2022.

3.6.3 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?

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

No

Comments

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

Yes, on the internet (please provide the link)https://www.destatis.de/DE/Service/Bibliothek/_publikationen-fachserienliste-10.html

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

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

Yes, on the internet (please provide the link)<https://www.destatis.de/DE/Themen/Staat/Justiz-Rechtspflege/Publikationen/Downloads-Gerichte/statistischer-bericht-staatsanwaltschaften-2100260227005.html>

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 primarily 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. for whom the report is primarily intended): Schleswig-Holstein: public prosecution services are required to present an annual activity report

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

3.6.4 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 Of the respondent 15 federal states, 14 reported that there are no quantitative performance targets for judges. One federal state has not yet replied.

083-1. Who is responsible for setting these 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

083-1-1. What are the consequences for a judge if these targets are not met?

	Consequences:
Without disciplinary procedure	<input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment]
With disciplinary procedure	<input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment]
-	<input type="checkbox"/> No consequences
-	<input checked="" type="checkbox"/> NAP (no targets defined)

Comments

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

	Existence of a system of individual evaluation of the judges' work
Quantitative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Qualitative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used: Out of 15 respondent federal states, 11 reported that there is a quantitative evaluation of the judges' work and 12 reported that there is a qualitative evaluation (one federal state has not yet replied).

The assessment is generally carried out by the direct superior and is based on different criteria such as specialised knowledge, expression, cooperation, leadership skills, negotiating skills, etc. The criteria must not interfere with judicial independence defined by article 97 of the Basic Law. For the same reason, the content of verdicts and other decisions can not be assessed. The results are mostly used for decisions about promotions.

114-1. Please specify the frequency of this evaluation:

- Annual

() Less frequent

() More frequent

(X) Different frequencies used, please specify: regular assessments (first assessments after 9 months for new judges, then every 12 months and later every 4 to 6 years,) occasion-related assessments for promotions or applications for new positions

[] NAP

=

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

() Yes

(X) No

Comments Out of 15 respondent federal states, 14 reported that there are no quantitative performane targets for public prosecutors. One federal state has not yet replied.

083-3. Who is responsible for setting these 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):

[X] NAP

Comments

083-3-1. What are the consequences for a prosecutor if these targets are not met?

	Consequences:
Without disciplinary procedure	<input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] <input type="checkbox"/> NAP
With disciplinary procedure	<input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] <input type="checkbox"/> NAP
No consequences	<input type="checkbox"/> No consequences <input checked="" type="checkbox"/> NAP

Comments

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

	Existence of a system of individual evaluation of the public prosecutors' work
Quantitative	(X) Yes () No
Qualitative	(X) Yes () No

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used: Out of 15 respondent federal states, 12 reported that there is a quantitative evaluation of the public prosecutors' work and 12 reported that there is a qualitative evaluation (one federal state has not yet replied). The assessment is generally carried out by the direct superior and is based on different criteria such as specialised knowledge, expression, cooperation, leadership skills, negotiating skills, etc. The results are mostly used for decisions about promotions.

120-1. Please specify the frequency of this evaluation:

() Annual

() Less frequent

() More frequent

(X) Different frequencies used, please specify: regular assessments (first assessments after 9 months at the beginning of the career, then every 12 months and later every 4 to 6 years,) occasion-related assessments for promotions or applications for new positions

[] NAP

Comments

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

Sources: Information provided by the federal states based on the federal states' different regulations on the assessment of judges and public prosecutors.

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?

Yes

No

Comments - Please could you briefly specify: see general comment

085-1. If yes, what are:

	-
The total number of the initiated procedures in the reference year	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
The total number of recusals pronounced in the reference year	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - Please, could you briefly specify:

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

For civil procedures (non-enforcement)

For civil procedures (timeframe)

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): see general comment

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

For civil cases

For criminal cases

For administrative cases

NAP

Comments see general comment

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

Sources: Information provided by the Federal Ministry of Justice

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 comment) Family matters: The procedure of interlocutory orders; regulated in Sections 49 to 57 Act on Proceedings in Family Matters (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 comment). 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 Code of Civil Procedure 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 comment) 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 comment).

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 etc.)?

	Yes	No
Agreement on general arrangements	()	(X)
Agreement in specific cases	(X)	()

Comments In court proceedings, the parties (courts and the parties of the proceedings) can conclude agreements for processing their case in their own proceeding, for example on deadlines or when the dates are set. But these agreements are optional, not mandatory.

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)	[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)	720 556 [] NA [] NAP	1 001 693 [] NA [] NAP	1 037 598 [] NA [] NAP	684 818 [] 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	1 940 801 [] 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	5 326 736 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	1 928 536 [] NA [] NAP	144 187 [] NA [] NAP	88 373 [] NA [] NAP	1 984 340 [] 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	694 517 [] NA [] NAP	492 802 [] NA [] NAP	560 975 [] NA [] NAP	626 514 [] NA [] NAP	[X] NA [] NAP
4. Other cases	536 006 [] NA [] NAP	840 524 [] NA [] NAP	842 357 [] NA [] NAP	536 904 [] NA [] NAP	[X] NA [] NAP

Comments "Non-litigious civil cases" represent non-litigious enforcement cases.

"Non-litigious business registry cases" represent - the number of registrations in the business registry (Handelsregister) at the end of the previous year

- the number of new registrations during the reference year
- the number of deleted registrations during the reference year
- the number of registrations at the end of the reference year

"Administrative law cases" include cases at the administrative, social and finance courts

"Other cases" include family cases at the local courts and cases at the labour courts (family matters are not assigned to the category civil cases, because they are subject to a different procedural law). Discrepancies in comparison with the 2020 cycle:

There has been a general decrease in incoming and resolved litigious civil cases as well as non-litigious civil cases (enforcement cases). No specific reason could be identified for this development.

Regarding pending "other cases", additional data on pending guardianship cases at the family courts has become available. Until 2021, only the number of incoming and resolved guardianship cases was available. These figures were included in the total of incoming and resolved "other cases" in previous years. The number of pending cases at 1 Jan. and 31 Dec did not include guardianship cases, because their number was unknown. This year for the first time, pending guardianship cases were included in other cases pending on 1. Jan and 31. Dec. They amount to 118 751 pending cases on 1 Jan and 128 580 pending cases on 31 Dec.

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

. The number of incoming cases indicated under Q91, 2.1 represents non-litigious enforcement cases.

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

. -local court family cases (including guardianship and curator cases)
 -cases 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)	1 083 575 [X] NA [] NAP	1 083 575 [] NA [] NAP	1 083 575 [X] NA [] NAP	1 083 575 [X] NA [] NAP	1 083 575 [X] NA [] NAP
1. Severe criminal cases	242 319 [] NA [] NAP	574 379 [] NA [] NAP	571 816 [] NA [] NAP	244 584 [] NA [] NAP	244 584 [X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	113 723 [] NA [] NAP	359 021 [] NA [] NAP	355 798 [] NA [] NAP	108 291 [] NA [] NAP	108 291 [X] NA [] NAP
3. Other criminal cases	150 175 [X] NA [] NAP	150 175 [] NA [] NAP	150 175 [X] NA [] NAP	150 175 [X] NA [] NAP	150 175 [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 “Severe criminal cases”

include criminal proceedings according to the Criminal Code and ancillary criminal laws. The category “misdemeanour and/or minor criminal cases” includes regulatory fine proceedings before criminal courts.

“Other criminal cases” include: - proceedings at the penal execution chambers (concerning suspension of execution of the remainder of a sentence of life imprisonment or concerning suspension of execution of placement in a psychiatric hospital or in preventive detention, determinate custodial sentences, proceedings under sections 109, 110, 138 of the Prison Act (Strafvollzugsgesetz, StVollzG), proceedings under Part IV of the Act on International Legal Assistance in Criminal Matters (Gesetz über die internationale Rechtshilfe in Strafsachen, IRG) and section 71 (4) of Part II)

- proceedings regarding supervision of conduct
- complaints about costs/fees - complaints against search/seizure orders - complaints in economic cases and tax cases
- complaints in matters concerning detention - cases in matters falling within the Regulatory Offences Act (Ordnungswidrigkeitengesetz, OWiG) registered in the complaints register - other complaints - subsequent or reserved preventive detention
- proceedings regarding the order of subsequent or reserved preventive detention - proceedings regarding the suspension of execution of a sentence where the court has reserved the order of preventive detention, in the cases covered by section 462a (2), third sentence, of the Code of Criminal Procedure (Strafprozessordnung, StPO)
- proceedings before the judicial service court
- proceedings regarding health professionals, tax consultants, agents in tax matters, patent lawyers or architects
- other disciplinary proceedings - proceedings regarding legal remedies in matters of enforcement of youth custody, youth detention and remand detention With regard to "other criminal cases", only the number of incoming cases is recorded (exception: proceedings concerning supervision of conduct).

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)	<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
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	98 940 <input type="checkbox"/> NA <input type="checkbox"/> NAP	103 840 <input type="checkbox"/> NA <input type="checkbox"/> NAP	97 890 <input type="checkbox"/> NA <input type="checkbox"/> NAP	104 883 <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 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
3. Administrative law cases	54 278 <input type="checkbox"/> NA <input type="checkbox"/> NAP	36 171 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 065 <input type="checkbox"/> NA <input type="checkbox"/> NAP	50 443 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	20 172 <input type="checkbox"/> NA <input type="checkbox"/> NAP	35 025 <input type="checkbox"/> NA <input type="checkbox"/> NAP	36 309 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 875 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases" please specify Civil (and commercial) litigious cases include second instance civil cases at the regional courts and higher regional courts. There was a rise in pending cases (1. January and 31 December) compared to the 2020 cycle as well as a decrease in resolved cases. This is most likely a result of the flood of lawsuits brought against car manufacturers in connection with the "diesel emission scandal". For example, the higher regional court of Stuttgart, where a large car manufacturer has its main offices, has seen a rise in pending cases (1 January) of more than 100% compared to 2020.

"Administrative law cases" include cases at the higher administrative courts and regional social courts.

"Other cases" include cases at the regional labour courts and second instance family matters at the higher regional 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)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	53 899 <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
1. Severe criminal cases	20 036 <input type="checkbox"/> NA <input type="checkbox"/> NAP	41 998 <input type="checkbox"/> NA <input type="checkbox"/> NAP	41 264 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 113 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	1 251 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 729 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 786 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 222 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Other criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	172 <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

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: "Severe criminal cases" include criminal proceedings according to the Criminal Code and ancillary criminal laws. The category "misdemeanour and/or minor criminal cases" includes regulatory fine proceedings before criminal courts.

"Other" includes 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. With regard to these cases, only the number of incoming cases is recorded. Discrepancies in comparison with the last cycle:

The decrease in resolved severe criminal cases can mostly be attributed to second instance cases at the regional courts. No special reason could be identified for this development.

The decrease in pending minor criminal cases on 1 January is caused by the fact, the number of pending cases on 1 January 2020 higher than usual. No specific reason could be identified for this deviation or for the deviation of "other than criminal cases".

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)	9 565 [] NA [] NAP	13 461 [] NA [] NAP	12 768 [] NA [] NAP	10 258 [] 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)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] 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	<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	3 352 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 617 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 514 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 455 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	938 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 220 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 241 <input type="checkbox"/> NA <input type="checkbox"/> NAP	917 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases", please specify The annual statistic of the Federal Court of Justice does not differentiate between litigious and non-litigious cases. The case-flow of all litigious and non-litigious other than criminal cases (including family matters) at the Federal Court of Justice 2022 was as follows:

5275 cases pending on 1 Jan.; 6624 incoming cases; 6013 resolved cases; 5886 cases pending on 31 Dec.

The total of other than criminal law cases is the total of administrative law cases (no. 3), other cases (no. 4) and the cases at the Federal Court of Justice mentioned above.

Administrative law cases include cases at the Federal Administrative Court, Federal Social Court and Federal Finance Court

Discrepancy of "other cases":

Other Cases represent labour law cases at the Federal Labour Court. The annual report of the Federal Labour Court does not provide an explanation for the general decrease in cases.

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

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

No

Comments

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)	801 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 026 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 058 <input type="checkbox"/> NA <input type="checkbox"/> NAP	769 <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 The annual statistic of the Federal Court of Justice does not differentiate between "severe criminal cases" and "minor criminal cases". The total number of cases represents the number of appeals, 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 of the Federal Court of Justice (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 cases older than 2 years from the date the case came to the first instance court
Litigious divorce cases	[X] NA [] NAP	[X] NA [] NAP	155 060 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	144 678 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Insolvency	[X] NA [] NAP	132 374 [] NA [] NAP	[X] NA [] NAP	271 667 [] NA [] NAP	[X] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	4 377 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	731 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Employment dismissal cases: After a peak in resolved employment dismissal cases in 2020, the case number has been declining. The reasons for this development are unknown. Since the total of incoming cases at the labour courts has also declined since 2020, it is likely that there are also less incoming dismissal protection lawsuits. One possible explanation could be the shortage of skilled workers and of manpower in general in many industries. Another explanation might be the financial government assistance during the pandemic encouraged many businesses to keep their personnel.

Insolvency cases: The number of insolvency cases was unusually low in 2020. Due to the pandemic, the duty to file an insolvency petition was suspended (business insolvencies). Additionally, 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 (consumer insolvencies). It is possible that a number of consumers decided to file for insolvency in 2021 in anticipation of the new law. The suspension of the duty to file an insolvency petition for businesses ended on 30 April 2021. The number of resolved insolvency cases is now slightly below pre-pandemic level.

Robbery and intentional homicide cases: The figures indicated are provisional numbers for 2022 provided by the Federal Statistical Office. They may be subject to (small) corrections.



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101-0. Number of 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 cases for more than 2 years
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	107 766 [] NA [] NAP	81 482 [] NA [] NAP	101 818 [] NA [] NAP	87 471 [] NA [] NAP	[X] NA [] NAP
Court cases relating to the right of entry and stay for aliens	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] 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 190 816 applications in 2021), 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. The recent rise in asylum applications has apparently not yet affected the number of incoming court cases.

Court cases relating to the right of entry and stay for aliens:

The number of resolved cases is not yet available. The number of incoming and pending cases is generally not available.

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]). In deviation from section 132 subsection (1) VwGO, the appeal may also be filed on questions of fact (pursuant to section 78 subsection (8) AsylG, provision newly effective since January 2023). 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	2 521 [X] NA [] NAP	[X] NA [] NAP	2 521 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Child pornography	4 786 [X] NA [] NAP	[X] NA [] NAP	4 786 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: Regarding categories and legal definitions please refer to the general comment. Criminal offences according to section 176e of the Criminal Code are not yet included in the figures above since the regulation was introduced in late 2021.

Discrepancy regarding child pornography cases:

In comparison to reference year 2020, there was a rise especially in convictions according to - section 184b para. 1 No. 2 of the Criminal Code (making available or obtaining child pornographic content to/for another person) - section 184b para. 3 of the Criminal Code (accessing or owning child pornographic content)

Section 184b of the Criminal Code has been amended twice during 2021. The first amendment's purpose was the modernisation of the legal language used in the Criminal Code in order to match the circumstances of access and distribution through the internet. The second amendment was within the scope of the law on combating sexual violence against children.

The figures are provisional numbers provided by the Federal Statistical Office. They may be subject to (smaller) corrections.

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 length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	10 Allow decimals : 2 [] NA [] NAP	231 [] NA [] NAP	282 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	2 Allow decimals : 2 [X] NA [] NAP

Litigious divorce cases	_____ Allow decimals : 2 2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	329 <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	_____ Allow decimals : 2 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	_____ Allow decimals : 2 3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	85 <input type="checkbox"/> NA <input type="checkbox"/> NAP	228 <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	_____ Allow decimals : 2 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency cases	_____ Allow decimals : 2 <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	_____ Allow decimals : 2 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery cases	_____ Allow decimals : 2 <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	_____ Allow decimals : 2 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide cases	_____ Allow decimals : 2 <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	_____ Allow decimals : 2 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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 standardised statistics of the civil-, family- and labour courts show the average duration of resolved cases in months (per court and instance and for selected categories of cases). The duration in months is converted into days based on the average number of days per month (365 days/12 months * average duration in months = average duration in days).

4.2.6 Case flow management – public prosecution

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

- to conduct or supervise investigation
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

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

other significant powers (please specify):conduct or supervise police investigations

Comments

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).



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

	Number of cases
1.Pending cases on 1 Jan. ref. year	743 078 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	5 232 064 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	5 114 533 <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.)	2 822 642 <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	1 580 330 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	1 238 133 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.4 Discontinued for other reasons	4 179 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	158 336 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.3.Cases brought to court	894 201 <input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Pending cases on 31 Dec. ref. year

860 613

 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.

3.1.4 Discrepancy in comparison to the 2020-2022 cycle: The number of cases discontinued for other reasons was considerably higher in the public prosecution statistic 2020 and in previous years. This was due to a programming issue in one of the federal states. Many of the cases that were registered in this category should have actually been registered within the category "discontinued for reasons of opportunity". The issue was noticed and fixed at the end of 2020.

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 Statistical Office:

Data report "civil courts"

Data report "family courts"

Data report "criminal courts"

Data report "administrative courts"

Data report "finance courts"

Data report "public prosecution offices"

Data report "social courts"

Data report "labour courts"

Data report "criminal prosecution"

Federal Office of Justice:

Case-load of the local courts in matters of non-contentious jurisdiction

Annual reports of the federal courts

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?

through a competitive exam (open competition)

through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

other (please specify):

Comments In all 16 federal states, judges are recruited through a competitive exam (state examination, see general comment).

In addition, 1 federal state selected "through a recruitment procedure for experienced legal professionals" and 2 federal states selected "other". (The situation has not changed since the previous evaluation cycle. The option "other" was not selected this year in order to match the methodology used to answer other questions that require consultation of the federal states).

The following additional comments were provided by the federal states:

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: Regarding the finance courts, there is a tendering process by the ministry of finance.

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.

110-1. Please briefly describe the recruitment procedure(s) for judges in your country:

. The procedures differ among the federal states and are in their responsibility. Baden-Württemberg:

Applicants can apply at any time. Their applications are reviewed based on their professional qualifications. If the criteria are met and there is demand for recruitment, they are invited for an interview where their social competence is evaluated. If the applicant is both professionally and socially suitably qualified, they are accepted into judicial service and become appointed on their first day of work.

Bremen:

written application upon vacancy notice, preselection based on formal qualification, interview

Hamburg:

election by election committee for judges

Hessen:

pre-selection based on written application (results of state examination, assessments from previous practical experience), assessment of individual suitability in an interview, involvement of the election committee for judges

Mecklenburg-Vorpommern:

interview of approx. 45 minutes

Saarland:

structured interview with representatives of the staff council and other committees present

Sachsen:

pre-selection based on written application (especially results of state examination), assessment of personal suitability in an interview (no legal questions, no performance tests), no involvement of an election committee for judges, unified hiring for the career tracks of judge and public prosecutor

Sachsen-Anhalt:

Applicants who fulfil the formal recruitment requirements are invited to a structured selection interview, which is attended by a representative from the Ministry of Justice and representatives of the heads of the central authorities and the Public Prosecutor General's Office. If suitability is established, recruitment is carried out after a medical certificate of fitness has been issued by a public health officer and a police clearance certificate has been submitted.

Schleswig-Holstein:

Applications are made on the initiative of the legal professionals and are not preceded by a job advertisement. Qualified applicants are invited to an interview at the ministry of justice and, following a successful interview, must also present themselves to the president of the higher regional court (e.g. higher regional court, regional social court, higher administrative court), who then comments on the suitability of the applicant. Furthermore, the presidential council is involved in the question of the applicant's suitability before each recruitment (§_43 LRiG)

Thüringen:

Structured recruitment interview conducted by the heads of the courts and public prosecutor's offices and the ministry of justice

110-2. What are the recruitment requirements for judges (multiple replies possible)?

- Age
- Nationality
- Physical/Psychological capacity
- General studies in law
- Advanced studies in law (Master, PhD)
- Number of years of relevant experience
- Traineeship/judicial functions in courts
- Validation of a general state examination in law
- Validation of a specific examination for judges
- Clean criminal record
- Foreign languages
- Personal requirements (related to integrity)
- Other
- NAP

Comments - If "other", please specify: The following additional comments were submitted by the federal states.

Baden-Württemberg:

Only certain criminal convictions

Bayern:

constitutional compliance (checked by a regular enquiry with the State Office for the Protection of the Constitution) with regards to the ordinary courts

Hamburg:

judiciary oath

Sachsen:

declaration of constitutional compliance

Thüringen:

requirement of a minimum score in both state examinations

110-3. In the frame of these recruitments, please indicate the number of applicants for the position of judge and the number of recruitments actually made during the reference year:

	Total	Males	Females
Number of applicants	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
Number of recruited persons	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments Out of 16 federal states, 10 could provide the total (male/female) of applicants and 14 could provide the total (male/female) of recruited persons. The total of the figures reported by the federal states was 1656 applicants and 969 recruited persons.

110-4. If the number of applicants decreased in the last years did you take any remedial measures?

Yes

No

Comments Out of 16 federal states, 7 replied that remedial measures were taken and 3 replied that no measures were taken. 6 federal states did not reply - possibly implying that the number of applicants has not decreased.

110-5. If yes, please specify what remedies you implemented:

Increase of salary

Other financial incentives

Improving working conditions

Workload reduction at the beginning of career

Other adjustments in the frame of the induction of new judges

Other

Comments: If "other", please, specify: Baden-Württemberg:

Increased recruitment activities

Berlin:

relaxation of the minimum requirements regarding state examination scores

Bremen:

mentoring

Nordrhein-Westfalen:

mentoring, onboarding, improved opportunities for remote work, choice regarding location

Rheinland-Pfalz:

career days

Saarland:

proactive advertisement for the judiciary profession

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

An authority made up of judges only

An authority made up of non-judges only

An authority/authorities made up of judges and non-judges

Other

Comments - Please indicate the name of the authority(ies) responsible for the whole procedure of recruitment and nomination of judges. If

there are several authorities, please describe their respective roles: Out of 16 federal states, 8 replied "an authority made up of judges and non-judges", 4 replied "an authority made up of non-judges only", 1 replies "an authority made up of judges only" and 4 replied "other". The situation has not changed since the previous evaluation cycle. Only the methodology for answering the question was changed in order to match the methodology used for other questions that require involvement of the federal states.

The following additional comments were submitted by the federal states.

Baden-Württemberg:

The Minister of Justice decides on the appointment of trial judges. Their employment beyond a period of 24 months must be approved by the Presidential Council, a co-determination body of the judges. The Minister of Justice decides on lifetime appointments in agreement with the Presidential Council. If no agreement can be reached, the election committee for judges, which is made up of members of the state parliament, a representative of the legal profession and judges, decides.

Bayern:

Ordinary jurisdiction: The Bavarian State Minister of Justice

Bremen:

The proceedings are conducted by the presidents of the supreme state courts. The following parties are involved: the head of the respective department, a representative of the Senator for Justice, a representative from the presidential council of the jurisdiction concerned, the women's representative, the representative for severely disabled employees and, in the labour courts, three representatives of the trade unions and the employers' associations

Hamburg:

Judicial Election Committee and Senate of the City of Hamburg

Hessen:

Proposal by a personnel officer of the Ministry of Justice, involvement of an equal opportunities officer, a representative for severely disabled persons if necessary, of the president of the higher regional court and the Public Prosecutor General (except for specialised courts), approval of the proposal by the head of the personnel department of the Ministry of Justice, approval by the State Secretary, approval by the Judicial Selection Committee (members are 7 members appointed by the State Parliament, 5 judicial members, President of the Bar Association), approval and appointment by the Minister of Justice.

Mecklenburg-Vorpommern:

Ministry of Justice

Rheinland-Pfalz:

recruitment commission at the Ministry of Justice, State Secretary

Saarland:

Ministry of Justice; appointment by the state government

Sachsen:

Appointment: Minister of State; entire recruitment procedure: personnel department of the Ministry of Justice

Sachsen-Anhalt:

Ministry of Justice

Thüringen:

Ministry of Justice

111-1. How many members compose this authority?

	Total	Males	Females
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/appointing its members: Out of 16 federal states, 8 submitted data regarding the total (male/female) of members. The numbers submitted vary between 1 and 12 members.

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal: Appeal is possible in all federal states. The federal states submitted the following additional comments.

Baden-Württemberg:

Ministry of Justice and administrative courts

Bayern:

ordinary and administrative jurisdiction: action before administrative courts (regularly to be filed within max. 1 year after notification of the negative decision)

Bremen:

action before administrative courts

Hamburg:

action before administrative courts

Hessen:

Appeal procedure, one month from notification of the rejection decision, 1 year in the absence of information on the right of appeal, decision by the supreme service authority (Ministry of Justice).

Mecklenburg-Vorpommern:

Ministry of Justice, administrative courts

Niedersachsen:

administrative courts

Nordrhein-Westfalen:

administrative courts

Rheinland-Pfalz:

interim injunction, administrative court, conclusion of the selection procedure

Saarland:

appeal proceedings before the Ministry of Justice, legal action before the administrative courts

Sachsen:

administrative courts

Sachsen-Anhalt:

Legal action or interim relief before the administrative court after notification of the decision

Schleswig-Holstein:

An appeal against a negative decision may be lodged with the recruitment authority within one month

Thüringen:

administrative court

112. Is the same authority (Q111) competent for the promotion of judges?

Yes

No

Comments - No, please specify which authority is competent for promoting judges The same authority is competent for promotions in 11 out of 16 federal states.

113. What is the procedure for the promotion of judges? (multiple replies possible)

Competitive test / Exam

Previous individual evaluations

Other procedure(s) (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) and how the publicity of promotion processes is ensured: Out of 16 federal states, 13 selected "previous individual evaluation", 6 selected "competitive test", 5 selected "other procedure" and 1 selected "no special procedure". In comparison to the previous evaluation cycle, the methodology used to determine the answer to this question was adapted to the methodology used to answer other questions that require the

involvement of the federal states. The situation has not actually changed.

The federal states submitted the following additional comments.

Baden-Württemberg:

Promotion decisions are made on the basis of the official appraisals to be prepared by the respective court presidents in accordance with the principle of selecting the best (Art. 33 Para. 2 Basic Law)

Bayern:

Ordinary jurisdiction: Selection decision following the preparation of an appointment proposal, for which a performance comparison is carried out on the basis of the applicants' current performance appraisals, and involvement of the Presidential Council.

Labour and social jurisdiction: Selection decision following job advertisement on the basis of the merit principle

Hamburg:

Application procedure, proposal based on files (in particular appraisals), election by the judicial election committee

Hessen:

Selection decision by the Minister of Justice following a proposal by the president of the court at which the position is to be filled and the president of the higher regional court, after involving the equal opportunities officer, the representative body for severely disabled persons, if applicable, and the Presidential Council. The selection decision is made on the basis of current performance appraisals.

Mecklenburg-Vorpommern:

Public tender with selection procedure

Niedersachsen:

Selection decision on the basis of performance appraisals

Nordrhein-Westfalen:

Advertisement of a position that can be filled through an internal promotion, selection from among the female and male candidates on the basis of the current performance appraisals, appointment report by the president of the respective higher court, appointment proposal by the Ministry of Justice, approval by the Presidential Council, presentation of the certificate

Rheinland-Pfalz:

according to principle of selecting the best (Art. 33 Para. 2 Basic Law)

Saarland:

Advertisement of the promotion position, selection procedure, selection of the best candidates (Art. 33 Para. 2 Basic Law)

Sachsen:

Is carried out among the applicants according to the principle of best selection in accordance with Art. 33 Para. 2 of the Basic Law on the basis of the official appraisals

Sachsen-Anhalt:

Selection procedure in accordance with Art. 33 Para. 2 Basic Law: suitability, performance and aptitude

Schlesweig-Holstein:

The Ministry of Justice decides on the promotion together with the judicial election committee. The hearing of the candidates should take place in public, the subsequent deliberation and resolution must take place in a closed committee meeting. The Presidential Council must be consulted on the question of suitability before the judges' election committee makes its decision.

Thüringen:

Selection procedure taking into account the criteria specified in Art. 33 para. 2 GG

113-0. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

	Total	Males	Females
Number of applicants	[X] NA	[X] NA	[X] NA
Number of promoted persons	[X] NA	[X] NA	[X] NA

Comments Out of 16 federal states, 7 could provide the total (male/female) of applicants and 11 could provide the total (male/female) of promotions. The total of the figures reported by the federal states was 807 applicants and 363 promotions.

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"):
Out of 16 federal states, 6 selected "years of experience", 13 selected "professional skills", 15 selected "performance", 6 selected "subjective criteria" and 11 selected "other". In comparison to the previous evaluation cycle, the methodology used to determine the answer to this question was adapted to the methodology used to answer other questions that require the involvement of the federal states. The situation has not actually changed.

The federal states submitted the following additional comments.

Baden Württemberg:

interpersonal competency

Bayern:

ordinary jurisdiction: appraisals; these take into account the judge's performance, suitability and ability.

administrative jurisdiction: range of assignment possibilities

labour and social jurisdiction: performance appraisals

Bremen:

Aptitude, ability and professional performance Art. 33 para. 2 Basic Law

Hamburg:

Art. 33 para. 2 Basic Law

Hessen:

For promotions, there are requirement profiles defined by guidelines with specified criteria from the areas of basic requirements, professional competence, social competence and, if applicable, leadership competence. The sub-criteria are based on the requirements for the various offices.

Mecklenburg-Vorpommern:

Aptitude, ability and professional performance are decisive (Art. 33 Para. 2 Basic Law)

Niedersachsen:

Performance appraisals, equal opportunities, compensation for disadvantages

Nordrhein-Westfalen:

According to Art. 33 para. 2 Basic Law, the criteria are: Aptitude, ability and professional performance. These are determined on the basis of current performance appraisals.

Rheinland-Pfalz:

Performance appraisals

Saarland:

Assessment of performance and aptitude

Sachsen:

On the one hand, performance criteria relevant to the respective promotion office (e.g. special legal knowledge, ability to lead a panel of judges) are defined in requirement profiles. On the other hand, social skills are assessed (e.g. communication skills, empathy, ability to deal with conflict).

Sachsen-Anhalt:

In accordance with Article 33 (2) of the Basic Law, the criteria are: suitability, performance and aptitude

Schleswig-Holstein:

The criteria are set out in Article 33 of the Basic Law ("aptitude, ability and professional performance").

Thüringen:

Performance appraisal according to performance, suitability and aptitude

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. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?

- Yes
- No

Comments - If yes, please specify:

115-2. If they are prohibited by law or other regulation, are there exceptions?

- Yes
- No
- NAP

Comments - Please describe these exceptions:

115-3. Which authority can issue such specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other
- NAP

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: see General Comment

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: see General Comment

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. see General Comment

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116. How are public prosecutors recruited?

through a competitive exam (open competition)

through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

other (please specify):

Comments The process of the recruitment of public prosecutors is basically the same as the process for recruiting judges (state examination - see general comment). One federal state additionally selected "other" (by transfer from other divisions).

The situation has not changed since the previous evaluation cycle. The option "other" was not selected this year in order to match the methodology used to answer other questions that require consultation of the federal states.

116-1. Please briefly describe the recruitment procedure(s) for prosecutors in your country:

. The procedures differ among the federal states and are in their responsibility.

Baden-Württemberg:

Applicants can apply at any time. Their applications are reviewed based on their professional qualifications. If the criteria are met and there is demand for recruitment, they are invited for an interview where their social competence is evaluated. If the applicant is both

professionally and socially suitably qualified, they are accepted into judicial service and become appointed on their first day of work.

Bayern:

The recruitment is made as a probationary judge. At the beginning of the career, employees may be assigned to a court or a public prosecutor's office. This depends on the specific position situation. If the person concerned is initially assigned to a court, they will be transferred to a public prosecutor's office after approx. 1.5 - 2 years. This obligatory career change is a hallmark of the Bavarian justice system. In this respect, the recruitment procedure is identical to that for the judiciary. Accordingly, there are no recruitments specifically for the public prosecution. For the following questions, please refer to the answers in section 5.1.1.

Berlin:

formal qualifications and interview (1 hour)

Bremen:

Written application in response to a call for applications. Pre-selection with regard to formal qualifications. Interview and selection of the best candidates in accordance with Art. 33 para. 2 Basic Law

Hamburg:

Corresponds to the recruitment procedure for judges, as public prosecutors are probationary judges in the first years of their careers

Hessen:

The recruitment is made as an appointment as a probationary judge in the procedure as per section 110 and the award of a service contract with a public prosecutor's office. In the case of a lifetime appointment, it is no longer necessary to involve the judicial election committee. An appointment as a public prosecutor may also be made after the appointment as lifetime civil servant with the aim of transfer and subsequent transfer.

Mecklenburg-Vorpommern:

The recruitment process for probational judges is standardised and permeable with regards to the public prosecution services. There are no separate recruitments for public prosecutors. Applicants for the judicial profession/public prosecution are interviewed for approximately 45 minutes.

Niedersachsen:

same as the recruitment procedure for judges

Nordrhein-Westfalen:

Application, interviews, selection on the basis of Art. 33 para. 2 Basic Law

Rheinland-Pfalz:

same as recruitment procedure for judges

Saarland:

Initially appointed as a probationary judge; new hires can be employed by both the court and the public prosecutor's office

Sachsen:

Promising applicants will be invited to an interview as soon as possible on the basis of a pre-selection based on the application documents submitted, in particular the examination certificates. No performance tests or technical questions will be asked during the interview. If the applicant is convincing in the personal interview, a confirmation of employment is usually issued promptly. A judges' election committee or other bodies are not involved. Recruitment takes place across all career paths for both the public prosecutor's offices and the courts.

Sachsen-Anhalt:

please refer to question 110-1

Schleswig-Holstein:

Applications are made on the initiative of the applicants and are not preceded by a job advertisement. Qualified applicants are invited to an interview at the Ministry of Justice and, following a successful interview, must also present themselves to the Attorney General, who then comments on the suitability of the applicant.

Thüringen:

Structured recruitment interview conducted by the heads of the courts and public prosecutor's offices and the Ministry of Justice

116-2. What are the recruitment requirements for prosecutors (multiple replies possible)?

- Age
- Nationality
- Physical/Psychological capacity
- General studies in law
- Advanced studies in law (Master, PhD)
- Number of years of relevant experience
- Traineeship/judicial functions in courts
- Validation of a general state examination in law
- Validation of a specific examination for prosecutors
- Clean criminal record
- Foreign languages
- Personal requirements (related to integrity)
- Other
- NAP

Comments - If “other”, please specify: The following additional comments were submitted by the federal states.

Baden-Württemberg:

Only certain criminal convictions

Hamburg:

judiciary oath

Mecklenburg-Vorpommern:

Social skills, such as communication skills, ability to work in a team, flexibility, ability to take criticism, etc.

Sachsen:

declaration of constitutional compliance

Thüringen:

requirement of a minimum score in both state examinations

116-3. In the frame of these recruitments, please indicate the number of applicants for the position of prosecutor and the number of recruitments actually made during the reference year:

	Total	Males	Females
Number of applicants	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
Number of recruited persons	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments Out of 16 federal states, 4 could provide the total (male/female) of applicants and 9 could provide the total (male/female) of recruited persons. The total of the figures reported by the federal states were 522 applicants and 338 recruited persons.

116-4. If the number of applicants decreased in the last years did you take any remedial measures?

Yes

No

Comments Out of 16 federal states, 7 replied that remedial measures were taken and 3 replied that no measures were taken. 6 federal states did not reply - possibly implying that the number of applicants has not decreased.

116-5. If yes, please specify what remedies you implemented:

- Increase of salary
- Other financial incentives
- Improving working conditions
- Workload reduction at the beginning of career
- Other adjustments in the frame of the induction of new prosecutors
- Other

Comments: If "other", please, specify: Baden-Württemberg:

Increased recruitment activities

Berlin:

relaxation of the minimum requirements regarding state examination scores

Bremen:

mentoring

Nordrhein-Westfalen:

mentoring, onboarding, improved opportunities for remote work, choice regarding location

Rheinland-Pfalz:

career days

Saarland:

proactive advertisement for the judiciary profession

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) responsible for the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: Out of 16 federal states, 8 replied "an authority composed of public prosecutors and non-public prosecutors", 3 replied "an authority made up of non-public prosecutor only", 1 replied "an authority made up of public prosecutors only" and 3 replied "other". The situation has not changed since the previous evaluation cycle. Only the methodology for answering the question was changed in order to match the methodology used for other questions that require involvement of the federal states.

The following additional comments were submitted by the federal states.

Baden-Württemberg:

The Minister of Justice decides on the appointment of trial judges. Their employment beyond a period of 24 months must be approved by the Presidential Council, a co-determination body of the judges. The Minister of Justice decides on lifetime appointments in agreement with the Presidential Council. If no agreement can be reached, the election committee for judges, which is made up of members of the state parliament, a representative of the legal profession and judges, decides.

Bremen:

The proceedings are conducted by Public Prosecutor General. The following parties are involved: the head of the respective department, a representative of the Senator for Justice, a representative from the staff council of the authority concerned, the women's representative, the representative for severely disabled employees

Hamburg:

Public prosecutors are probationary judges in their first professional years; they are also elected by the Judges' Election Committee and appointed by the Senate of the City of Hamburg.

Hessen:

Recruitment usually takes place as a probationary judge, procedure as no. 110.1

Mecklenburg-Vorpommern:

Ministry of Justice

Rheinland-Pfalz:

Recruitment committee at the Ministry of Justice consisting of the personnel officer, the civil service law officer, the equal opportunities officer, approval of the proposal by the State Secretary

Saarland:

Ministry of Justice; appointment by the state government

Sachsen:

Appointment: Minister of State; entire recruitment procedure: personnel department of the Ministry of Justice

Sachsen-Anhalt:

Ministry of Justice

Thüringen:

Ministry of Justice

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/appointing its members: Out of 16 federal states, 7 submitted data regarding the total (male/female) of members. The numbers submitted vary between 3 and 12 members.

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal: Appeal is possible in all federal states. The federal states submitted the following additional comments.

Baden-Württemberg:

Ministry of Justice and administrative courts

Bremen:

action before administrative courts

Hamburg:

action before administrative courts

Hessen:

Appeal procedure, one month from notification of the rejection decision, 1 year in the absence of information on the right of appeal, decision by the supreme service authority (Ministry of Justice).

Mecklenburg-Vorpommern:

Ministry of Justice, administrative courts

Niedersachsen:

administrative courts

Nordrhein-Westfalen:

administrative courts

Rheinland-Pfalz:

interim injunction, administrative court, conclusion of the selection procedure

Saarland:

appeal proceedings before the Ministry of Justice, legal action before the administrative courts

Sachsen:

administrative courts

Sachsen-Anhalt:

Legal action or interim relief before the administrative court after notification of the decision

Schleswig-Holstein:

An appeal against a negative decision may be lodged with the recruitment authority within one month

Thüringen:

administrative court

118. Is the same authority (Q.117) competent for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors

Comments The same authority is competent for promotions in 10 out of 16 federal states.

119. What is the procedure for the promotion of prosecutors? (multiple replies possible)

Competitive test / exam

Previous individual evaluations

Other procedure(s) (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) and how the publicity of promotion processes is ensured: Out of 16 federal states, 13 selected "previous individual evaluation", 8 selected "competitive test", 5 selected "other procedure" and 1 selected "no special procedure".

In comparison to the previous evaluation cycle, the methodology used to determine the answer to this question was adapted to the methodology used to answer other questions that require the involvement of the federal states. The situation has not actually changed.

The federal states submitted the following additional comments.

Baden-Württemberg:

Promotion decisions are made on the basis of the official appraisals to be prepared by the respective court presidents in accordance with the principle of selecting the best (Art. 33 Para. 2 Basic Law)

Bayern:

Selection decision following the preparation of a proposal for appointment, for which a performance comparison is carried out on the basis of the applicants' current performance appraisals, involvement of the State Public Prosecutor's Council

Bremen:

Selection decision following the preparation of an appointment proposal, selection according to Art. 33 para. 2 Basic Law

Hamburg:

Current performance appraisals are requested for a standardised assessment period. On the basis of these assessments, it is checked whether an applicant already has a significant performance advantage (see Art. 33 Para. 2 Basic Law). If this is not the case, we will also refer to previous assessments and, if necessary, conduct a selection interview with persons of equal merit. The best-performing applicant is then determined on the basis of all selection criteria (see question 119-2), primarily the assessment situation and the result of the selection interview. The selection proposal is made by the Attorney General and the committees (staff council and equal opportunities officer) are always involved in the process in an advisory capacity.

Hessen:

Same procedure as with judges, the District Public Prosecutor's Council is involved instead of the Presidential Council.

Mecklenburg-Vorpommern:

Public tender with selection procedure

Niedersachsen:

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.

Nordrhein-Westfalen:

Announcement of a position that can be filled through an internal promotion, selection from among the female and male candidates on the basis of the current performance appraisals, appointment report by the General Public Prosecutor's Office, appointment proposal by the

Ministry of Justice, approval by the Chief Public Prosecutor's Council, presentation of the certificate

Rheinland-Pfalz:

according to principle of selecting the best (Art. 33 Para. 2 Basic Law)

Saarland:

Advertisement of the promotion position, selection procedure, selection of the best candidates (Art. 33 Para. 2 Basic Law)

Sachsen:

Is carried out among the applicants according to the principle of best selection in accordance with Art. 33 Para. 2 of the Basic Law on the basis of the official appraisals

Schlesweig-Holstein:

In accordance with Article_33 of the Basic Law, public office is to be awarded in accordance with the principles of suitability, ability and professional performance.

Thüringen:

Selection procedure taking into account the criteria specified in Art. 33 para. 2 GG

119-1. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

	Total	Males	Females
Number of applicants	[X] NA	[X] NA	[X] NA
Number of promoted persons	[X] NA	[X] NA	[X] NA

Comments Out of 16 federal states, 4 could provide the total (male/female) of applicants and 8 could provide the total (male/female) of promotions. The total of the figures reported by the federal states were 168 applicants and 102 promotions.

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"): Out of 16 federal states, 6 selected "years of experience", 15 selected "professional skills", 14 selected "performance", 5 selected "subjective criteria" and 11 selected "other". In comparison to the previous evaluation cycle, the methodology used to determine the answer to this question was adapted to the methodology used to answer other questions that require the involvement of the federal states. The situation has not actually changed.

The federal states submitted the following additional comments.

Baden Württemberg:

interpersonal competency

Bayern:

performance appraisals; these take into account the judge's performance, suitability and ability.

Bremen:

Aptitude, ability and professional performance Art. 33 para. 2 Basic Law

Hamburg:

Article 33 (2) of the Basic Law (aptitude, ability and professional performance) forms the basis for the selection decision in the promotion procedure. Corresponding "subjective criteria" must be proven (usually in the performance appraisal).

Hessen:

For promotions, there are requirement profiles defined by guidelines with specified criteria from the areas of basic requirements, professional competence, social competence and, if applicable, leadership competence. The sub-criteria are based on the requirements for the various offices.

Mecklenburg-Vorpommern:

Aptitude, ability and professional performance are decisive (Art. 33 Para. 2 Basic Law)

Niedersachsen:

Performance appraisals, equal opportunities, compensation for disadvantages

Nordrhein-Westfalen:

According to Art. 33 para. 2 Basic Law, the criteria are: Aptitude, ability and professional performance. These are determined on the basis of current performance appraisals.

Rheinland-Pfalz:

Performance appraisals

Saarland:

Assessment of performance and aptitude

Sachsen:

On the one hand, performance criteria relevant to the respective promotion office (e.g. special legal knowledge, ability to lead a panel of judges) are defined in requirement profiles. On the other hand, social skills are assessed (e.g. communication skills, empathy, ability to deal with conflict).

Sachsen-Anhalt:

In accordance with Article 33 (2) of the Basic Law, the criteria are: suitability, performance and aptitude

Schleswig-Holstein:

The criteria are set out in Article 33 of the Basic Law ("aptitude, ability and professional performance").

Thüringen:

Performance appraisal according to performance, suitability and aptitude

5.1.3 Mandate 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: Judges appointed for life can be dismissed on the basis of a final judicial decision (German Judiciary Act, section 21, para. 3), e.g. a disciplinary sanction in a formal disciplinary procedure according to the disciplinary laws of federal states (the federal disciplinary law regarding the federal judges). Other reasons for dismissal according to section 21 of the German Judiciary Act include: losing German citizenship, being unfit for duty (invalidity), not stepping down from an office as representative in federal parliament or parliaments of the federal states within the required timeframes

If judgment by a German court is given against a judge regarding certain criminal offences (e.g. with a sentence of at least one year's imprisonment for a criminal offence committed with intent), this will entail the termination of service without any need for a further judicial decision (German Judiciary Act, section 24).

The Federal Constitutional Court can order the dismissal of federal judges in case of intentional infringement of the principles of the federal constitution (Basic Law) or the constitutional order of a federal state (Art. 98 Basic Law). Most federal states have put similar regulations in place.

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 According to the German Judiciary Code, transfer without consent is also possible

- in judicial impeachment proceedings following an infringement of constitutional principles (Art. 98 Basic Law)

- where facts unconnected with the judicial occupation make a measure of this kind necessary in order to avoid grave prejudice to the administration of justice (German judiciary code, section 31)

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):3 - 5

No

Comments The duration of the probation period can be between 3 and 5 years depending on the federal state and in some cases also on the area of jurisdiction.

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: Dismissal of public prosecutors is subject to the respective acts on civil servants of the federal states (and the Act on Federal Civil Servants).

Notably, the service of federal public prosecutors is terminated when a criminal judgment, by means of which the public prosecutor has been sentenced to at least one year's imprisonment because of an intentional criminal offence, becomes final.

Dismissal as a disciplinary sanction is possible according to the respective disciplinary laws of the federal states (and the Federal Disciplinary Act). However, decisions in formal disciplinary proceedings against public prosecutors are in the jurisdiction of the service courts for judges instead of the administrative courts (German Judiciary Act, section 122).

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):3 - 5

No

Comments The duration of the probation period can be between 3 and 5 years depending on the federal state.

125. If the mandate of 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 of public prosecutors is not for an undetermined period (see question 123),

what is the length of the mandate (in years)?

[]

[] NA

[X] NAP

Comments

126-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources: Information provided by the federal states, German Judiciary Act and supplementary judiciary acts of the federal states, disciplinary acts and acts on civil servants of the federal states as well as on the federal level

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)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in courts	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on child-friendly justice	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on gender equality	() Yes (X) No	(X) Yes () No	() Yes (X) No

Other in- service training	() Yes (X) No	(X) Yes () No	() Yes (X) No
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Comments The answers represent the situation as it was reported by the majority of the federal states. Initial training is compulsory in all federal states.

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
In-service training on gender equality	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
Other in- service training	<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: The answers represent the situation as it was reported by the majority of the federal states.

The following additional comments were submitted by the federal states:

Judges and public prosecutors are obliged to undergo further training, in particular to acquire, maintain and develop the specialist knowledge and the necessary methodological and social skills required for the duties of the assigned post. The employer must take appropriate measures to promote in-service training. In principle, there is no obligation to participate in specific training courses or to attend a minimum number of training courses. Nevertheless, the training programmes are designed in such a way that regular training is possible. Participation in so-called "introductory conferences" for newcomers to the judiciary is mandatory. As a rule, three to four events

are attended, depending on the post.

Bayern:

Ordinary jurisdiction: Bavaria offers around 50 one-day training events and around 77 multi-day training events for judges each year (not including IT training courses or courses offered by the German Judicial Academy, insofar as the training events offered by the German Judicial Academy are organised by federal states other than Bavaria).

Bremen:

Judges should undergo further training at least once a year. Newcomers to the profession must attend further training programmes tailored to the respective target group during their probationary period.

Hamburg:

Judges are obliged to undergo further training to maintain and develop their knowledge and skills

Hessen:

Events are organised annually in all the areas surveyed

Niedersachen:

More than 400 training courses are offered each year. Every judge has the opportunity to attend training courses several times a year. The courses on offer are predominantly needs-based.

128-1. Do you have a minimum number of compulsory trainings per judge:

	Per judge
Initial compulsory training – minimum number of trainings	_____ Min numeric value allowed : 0 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Initial compulsory training – minimum number of days	_____ Min numeric value allowed : 0 440 <input type="checkbox"/> NA <input type="checkbox"/> NAP
In-service compulsory trainings – minimum number of trainings per year	_____ Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In-service compulsory trainings – minimum number of days per year	_____ Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The initial compulsory training is a preparatory training with a duration of two years.

The minimum number of days of initial training is an approximated value. It was calculated on the basis of 250 working days (365 minus Saturdays, Sundays and bank holidays that don't fall on a weekend) in 2022. Since trainees generally have 30 days of holidays per year, those were deducted from the number of working days. The number of working days varies from year to year and among the federal states.

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	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for management functions (e.g. Head of prosecution office, manager)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in office	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on child-friendly justice	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on gender equality	() Yes (X) No	(X) Yes () No	() Yes (X) No
Other in- service training	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments The answers represent the situation as it was reported by the majority of the federal states. Initial training is compulsory in all federal states.

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training on ethics	[X] Regularly (for example every year) [] Occasional (as needed) [] 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
In-service training on gender equality	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
Other in- service training	<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: The answers represent the situation as it was reported by the majority of the federal states.

The federal states submitted the following additional comments:

Baden-Württemberg:

Judges and public prosecutors are obliged to undergo further training, in particular to acquire, maintain and develop the specialist knowledge and the necessary methodological and social skills required for the duties of the assigned post. The employer must take appropriate measures to promote in-service training. In principle, there is no obligation to participate in specific training courses or to attend a minimum number of training courses. Nevertheless, the training programmes are designed in such a way that regular training is possible. Participation in so-called "introductory conferences" for newcomers to the judiciary is mandatory. As a rule, three to four events are attended, depending on the post.

Bayern:

Bavaria offers around 40 one-day training events and around 55 multi-day training events for public prosecutors each year (excluding IT training and the courses offered by the German Judicial Academy, insofar as the training events of the German Judicial Academy were designed by federal states other than Bavaria).

Bremen:

Public prosecutors should undergo further training at least once a year. New entrants to the profession must attend further training programmes tailored to the respective target group during their probationary period.

Hamburg:

Public prosecutors are obliged to take part in in-service training and to undergo further training themselves.

Hessen:

Events are organised annually in all the areas surveyed

Niedersachsen:

More than 200 training courses are offered each year. Every public prosecutor has the opportunity to take part in training courses several times a year. The offer is predominantly needs-based.

130-1. Do you have a minimum number of compulsory trainings per prosecutor:

	Per prosecutor
Initial compulsory training – minimum number of trainings	<hr/> Min numeric value allowed : 0 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Initial compulsory training – minimum number of days	<hr/> Min numeric value allowed : 0 440 <input type="checkbox"/> NA <input type="checkbox"/> NAP

In-service compulsory trainings – minimum number of trainings per year	<hr/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In-service compulsory trainings – minimum number of days per year	<hr/> Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The initial compulsory training is a preparatory training with a duration of two years.

The minimum number of days of initial traing is an approximated value. It was calculated on the basis of 250 working days (365 minus saturdays, sundays and bank holidays that don't fall on a weekend) in 2022. Since trainees generally habe 30 days of holidays per year, those were deducted from the number of working days. The number of working days varies from year to year and among the federal states.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Institution(s) for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments The answers represent the situation as it was reported by the majority of the federal states. In comparison to the previous evaluation cycle, the answers have been changed in order to resolve an existing contradiction. The situation has not actually changed. Out of 16 federal states, 14 reported that there are institutions for both judges and public prosecutors. The majority of those institutions (10) offer initial and continious training. 9 federal states reported that there are also institutions for judges and for public prosecutors respectively. Those institutions offer in equal parts initial training only (3), continious training only (3) and initial and continious training (3). The option "continious training only" was chosen because the compulsory preparatory service is generally the same for judges and public prosecutors.

131-0. If yes, what is the implemented budget of such institution(s)?

	Implemented budget of the institution for the reference year, in €
Institution(s) for judges	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Institution(s) for prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Institution(s) for both judges and prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The answers were changed from NAP to NA, since training institutions exist, however their budgets can not be determined (seperately).

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please

indicate briefly how judges and/or prosecutors are trained?

. NAP
(please refer to the general comment to Q 131)

5.2.4 Number of trainings

131-2. Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training.

	Number of different live (in person, hybrid, videoconference) trainings available	Number of live (in person, hybrid, videoconference) trainings delivered	Number of days of delivered live (in person, hybrid, videoconference) trainings	Number of internet-based trainings available on the e-learning platform of the training institution (not live)
Total	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
For judges	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
For prosecutors	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
For non-judge staff	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
For non-prosecutor staff	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Out of 16 federal states, 11 could provide data on live trainings and 7 could provide data on internet based training. The totals of the numbers submitted were:

- 1) live trainings available: 4839
- 2) live trainings delivered: 4711
- 3) days of delivered trainings: 9062,5
- 4) internet-based-trainings: 697

Trainings exist for judges and public prosecutors as well as other personnel.

131-3. Number of participants in the trainings during the reference year.

	Number of participants in live (in-person, hybrid, videoconference) trainings	Number of participants in internet-based trainings provided on the e-learning platform of the training institution (not live)
Total	[X] NA [] NAP	[X] NA [] NAP

Judges	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Prosecutors	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> 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

Comments

E2. Please indicate the sources for answering the questions in this part

Sources: Information provided by the federal states

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	54 224 <input type="checkbox"/> NA <input type="checkbox"/> NAP	41 889 <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 highest salary of a judge at this level, excluding the salary of the Court President)	139 986 <input type="checkbox"/> NA <input type="checkbox"/> NAP	89 037 <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	54 224 <input type="checkbox"/> NA <input type="checkbox"/> NAP	41 889 <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 highest salary of a public prosecutor at this level, excluding the salary of the Attorney General).	126 640 <input type="checkbox"/> NA <input type="checkbox"/> NAP	81 605 <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

Comment – Please describe briefly how the salaries are determined during the career of a judge/prosecutor: First instance judge or public prosecutor at the beginning of their career:

Data represents average base-salaries of judges and public prosecutors according to the remuneration laws ("Besoldungsgesetze") of the federal states. The average was calculated unweighted. The monthly base-salaries of the federal states were added up and divided by the

number of federal states, regardless of how many judges and prosecutors with the respective pay-grades work in a federal state (number unknown).

Judge of the Supreme Court or Highest Appellate Court:

The calculation method was changed in comparison to previous years, causing high discrepancies. Data represents the base-salary of presiding judges at the Federal Court of Justice, Federal Administrative Court, Federal Labour Court, Federal Social Court and Federal Finance Court according to the Federal Remuneration Law (“Bundesbesoldungsgesetz”). This is the highest base-salary that a judge can achieve (excluding the court presidents and judges at the Federal Constitutional Court).

Public Prosecutor of the Supreme Court or Highest Appellate Court:

The calculation method was changed in comparison to previous years, causing high discrepancies. Data represents the base-salary of the Federal Public Prosecutors at the Federal Court of Justice according to the Federal Remuneration Law (“Bundesbesoldungsgesetz”). This is the highest base-salary that a public prosecutor can achieve (excluding the Federal Prosecutor General).

Judges and public prosecutors are entitled to additional payments depending on 1) their individual familial situation (married/partnership, children); 2) their position and function at the court (eg. judges with administrative tasks)

Calculations were made on the following basis:

- 1) judge/public prosecutor at the beginning of their career: pay-grade "R1" (remuneration laws of the federal states) , lowest level of experience, unmarried, no children, no special tasks
- 2) judges at the supreme courts: pay-grade "R8" (Federal Remuneration Law), unmarried, no children, no special tasks.
- 3) public prosecutors at the supreme court: pay-grade “R6” (Federal Remuneration Law), unmarried, no children, no special tasks

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) 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

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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. The answers represent the situation as it was reported by the majority of the federal states.

Other function: taking over care for someone other than a family member, administration of own property, activities in trade unions, professional organisations or self-help institutions by which professional interests are promoted

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: The answers represent the situation as it was reported by the majority of the federal states.

Other function: taking over care for someone other than a family member, administration of own property, activities in trade unions,

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

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 guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)?

Yes

No

Comment - Please specify:

138-1. If yes, who are the members of this institution/body?

Only judges

Judges and other legal professionals

Other, please specify:see comment

Comments

138-2. Are the guidelines and/or opinions of this institution / body publicly available?

Yes

No

Comments - Please describe the work of this institution / body, the frequency of the guidelines and/or opinions, etc.:

138-2-1. How many guidelines and/or opinions were given during the reference year?

[]

[X] NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

138-3. Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comment: Please specify

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

138-5. Are the guidelines and/or opinions of this institution / body publicly available?

- Yes
- No

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

138-5-1. How many guidelines and/or opinions were given during the reference year?

- []
- NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

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
- Ombudsman
- Parliament
- Executive power (please specify):ministry of justice (or senator of justice in some federal states)
- Other (please specify):
- This is not possible

Comments The answers represent the situation as it was reported by the majority of the federal states. The situation has not actually changed since the previous evaluation cycle. However, the criteria to determine the answers was adapted to the methodology used for other questions that require consultation of the federal states.

Out of 16 federal states, a larger minority of 7 reported that a disciplinary court or "other" are authorised to initiate disciplinary proceedings. "Other": Judges can initiate disciplinary proceedings in order to exonerate themselves.

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
- Ombudsman
- Professional body
- Executive power (please specify):ministry of justice (or senator of justice in some federal states)
- Other (please specify):
- This is not possible

Comments The answers represent the situation as it was reported by the majority of the federal states. The situation has not actually changed since the previous evaluation cycle. However, the criteria to determine the answers was adapted to the methodology used for other questions that require consultation of the federal states.

Out of 16 federal states, a larger minority of 7 reported that a disciplinary court or "other" are authorised to initiate disciplinary proceedings. "Other": Public Prosecutors can initiate disciplinary proceedings in order to exonerate themselves.

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):ministry of justice (or justice senator in some federal states)
- Other (please specify):

Comments The answers represent the situation as it was reported by the majority of the federal states. The situation has not actually changed since the previous evaluation cycle. However, the criteria to determine the answers was adapted to the methodology used for other questions that require consultation of the federal states.

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):ministry of justice (or justice senator in some federal states)
- Other (please specify):

Comments The answers represent the situation as it was reported by the majority of the federal states. The situation has not actually changed since the previous evaluation cycle. However, the criteria to determine the answers was adapted to the methodology used for

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 type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Out of 16 federal states, 5 could not provide any data on the disciplinary proceedings and selected "NA", 5 reported "0" for all categories (judges and prosecutors). Therefore, no reliable numbers for the whole of Germany are available (the total of the disciplinary proceedings reported was 22).

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

6. Position downgrade	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<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. Out of 16 federal states, 7 could not provide any data on the number of sanctions and selected "NA", 4 reported "0" for all categories (judges and prosecutors). Therefore, no reliable numbers for the whole of Germany are available. Federal states that could provide data, mentioned the following "other" sanctions: expression of disapproval with a warning, abatement (with or without payment of a fine)

E3. Please indicate the sources for answering the questions in this part

Sources: Information acquired by the federal states 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	Males	Females
Number of lawyers	165 186 <input type="checkbox"/> NA	104 614 <input type="checkbox"/> NA	60 572 <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 (X)

Comments see General Comment

148. Number of legal advisors who cannot represent their clients in court:

[]

[] NA

[X] NAP

Comments

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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 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

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 defence counsel has to be appointed ex officio in cases of mandatory defence. The law names the cases of mandatory defence (please refer to the answer to question 20-0-4). 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 courts except in legal aid proceedings (section 67 VwGO).

Regarding social and fiscal jurisdiction, representation by an attorney is only mandatory in proceedings before the Federal Social Court and Federal Fiscal Court. The answer has changed in comparison to the previous evaluation cycle due to a reassessment of the question. The situation has not actually changed.

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	(X) Yes () No	(X) Yes () No	(X) Yes () No
Family member	(X) Yes () No	() Yes (X) No	() Yes (X) No
Self-representation	(X) Yes () No	() Yes (X) No	() Yes (X) No
Trade union	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other	(X) Yes () No	(X) Yes () No	(X) Yes () 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) 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). If legal representation is not provided for, parties can conduct the proceedings themselves or be represented by an authorized representative. Section 10 FamFG regulates who comes into question as an authorized representative (for example adult family members, notaries).

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 of the Code of Criminal Procedure). 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?

- [X] Notarial activity
- [X] Arbitration / mediation
- [X] Proxy / representation
- [] Property manager
- [] Real estate agent
- [X] Other (please specify):see comment

Comments

149-2. Professional lawyers may have the status of:

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:

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 Federal Code for Lawyers and in the Specialist Lawyers' Act (Fachanwaltsordnung, FAO).

F1. Please indicate the sources for answering the questions in this part

Sources: Information provided by the Federal Ministry of Justice, statistics taken from: www.brak.de/presse/zahlen-und-statistiken/statistiken

6.1.2 Practicing the profession of lawyer

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 See General comment

155. Are lawyers' fees freely negotiated?

Yes

No

Comments See General comment

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 for lawyers

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used? Federal Code for Lawyers: 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 Federal Code for Lawyers. 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) no. 3 Federal Code for Lawyers). The German Federal Bar has established an independent body for conciliation in disputes between members of the Bars and their clients (section 191f Federal Code for Lawyers).

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: see General Comment

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 checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No <input 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 checked="" type="checkbox"/> No <input type="checkbox"/> NAP

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: The answer was changed from "no" to "yes". This is due to a new assessment of the question by the Federal Ministry of Justice. The legal framework itself has not changed.

In criminal proceedings victims and perpetrators/accused persons can seek reconciliation and settling of damages by an instrument of restorative justice called “victim-offender mediation”. This is not part of the criminal proceedings themselves but generally interlinked with them. At every stage of the proceedings the public prosecution office and the court are, as a rule, to examine whether it is possible to reach a mediated agreement between the accused and the aggrieved person (Section 155a of the German Code of Criminal Procedure). Victim-offender mediation and its outcome have to be taken into account within the criminal proceedings and when sentencing. Victim-offender mediation is free of charge for both parties. Outside this particular form of mediation service, there is no possibility of obtaining legal aid for court-related mediation or of receiving these services free of charge.

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166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	<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 see General Comment

166-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc.)?

. Germany does not have a system of accreditation or registration for mediators. The mediator training is carried out by private training institutes and universities on their own responsibility. A mediator can use the designation "certified mediator" if he or she has completed a training course of at least 120 hours and has conducted one mediation and one individual supervision within one year of completing the training. In order to maintain the title, she or he must conduct another four mediations and four individual supervisions within an additional two years after finishing the course and undergo regular continuing training. (Status of the Regulation 2022 –currently being revised. A new Regulation will come into force on March 1st 2024)

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 + 7)	<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 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
2. Family 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
3. Administrative 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
4. Labour cases including employment dismissal 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
5. 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
6. Consumer 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
7. Other 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

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):

Comments All forms of out-of court conflict resolution are possible as a matter of principle (see general comment).

G1. Please indicate the sources for answering the questions in this part

Source: Information provided by the Federal Ministry of Justice

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)	4 792 [] NA [X] NAP	[X] NA [X] NAP	[X] NA [X] NAP
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)	4 792 [] 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 and 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 (please also refer to the 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 federal states
- 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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] 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	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Sale of shares	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Other	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] 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
Federal Office of Justice: staffing overviews of ordinary courts and the public prosecution offices

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 federal states. The federal 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 Federal 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 The majority of the federal states could not provide any information on the average timeframe for this evaluation cycle. The federal states that could provide data reported "between 1 and 5 days".

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 type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For 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: Out of 16 federal states, 3 could not provide any data and selected "NA", 4 reported "0" in all categories. Therefore, no reliable data is available for the whole of Germany (the total of disciplinary proceedings reported was 21).

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
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: Out of 16 federal states, 2 could not provide any data and selected "NA", 9 reported "0" in all categories. Therefore, no reliable data is available for the whole of Germany.

H1. Please indicate the sources for answering the questions in this part

Source: Information acquired by the federal states 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 Code of Criminal Procedure). 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 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	Males	Females
TOTAL (1+2+3+4)	6 658 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 147 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 511 <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	6 658 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 147 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 511 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.Civil servants (paid by the State)	[] 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 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

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 replies 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 With their clients: In cases expressly permitted by law (video communication system for notarial acts run by the German Federal Chamber of Notaries)

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 <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Business registry	<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

Civil status/ Population registry	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Succession / Family law registry	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Any other registry (please specify)	() Yes (X) No [] NAP	(X) Yes () No [] NAP
None	(X) Yes () No [] NAP	() Yes (X) 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 In cases expressly permitted by law, notarization may be performed using the video communication system for notarial deeds of the Federal Chamber of Notaries.

Since the previous evaluation cycle, the provisions of Directive (EU) 2019/1151 were transposed into German law. This created the legal framework for notarial authentication and certification using video communication.

194-8. Who is responsible to run the digital archives?

- Notariat / Professional body
- Other public authority
- Another entity (please specify)

Comments The Electronic Document Archive (for notarial deeds) was established in 2022 and is run by the Federal Chamber of Notaries.

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 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 concerning the law of another member state cover mainly the field of succession law and family law.

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

Sources: Information provided by the Federal Ministry of Justice, statistics taken from <https://www.notar.de/der-notar/statistik>

10. Judicial experts

10.1. Profession of judicial expert

10.1.1 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 Code of Criminal Procedure 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, also in Family Matters and in Matters of Non-contentious Jurisdiction: 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 to question 202

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection: see question 202-2 general comment

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Continuous training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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). In Family Matters and in Matters of Non-contentious Jurisdiction, Experts regularly prepare their reports as part of the formal Taking of evidence on the basis of specific judicial questions of evidence on individual cases.

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	Males	Females
Number of experts	<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

206-1. Number of cases where an expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> 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 The vast majority of the federal states could not provide any data on the numer of cases where an expert opinion was ordered.

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	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Defined by the court/judge	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Defined by the Ministry of Justice or another ministry (setting a tariff for example)	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Freely agreed between expert and the parties	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] 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	(X)	()
Quality of expertise	(X)	()
Other	(X)	()

[] NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions: Deadlines are set by the court: The answer was changed from "no" to "yes". This is due to a new assessment of the question by the Federal Ministry of Justice. The circumstances have not changed. If it is ordered that the report be submitted in writing, the court sets 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 Code of Criminal Procedure). 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) Code of Criminal Procedure, Section 411 (2) Code of Civil Procedure). In case of the non-appearance or refusal of an expert obliged to render expert opinion, he or she is charged with the costs caused by his non-appearance or refusal and an administrative fine is imposed on him or her at the same time (Section 77 (1) Code of Criminal Procedure; § 409 (1) 1 Code of Civil Procedure).

Quality of expertise: In 2015, representatives of various professional associations, with the support of the Federal Ministry of Justice, developed minimum requirements for the quality of expert reports in child cases (see https://www.bmj.de/DE/themen/wege_zum_recht/gerichtsverfahren/familiengerichtliches_verfahren/Sachverstaendigengutachten_in_Kindschaftssachen.html?nn=17460)

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) Code of Criminal Procedure).

207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: Information provided by the Federal Ministry of Justice

11.Reforms in judiciary

11.1.Foreseen reforms

11.1.1Reforms

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:

208-2. Budget

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

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: 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 Digitalization on the Judiciary, which is currently being planned, among others provides for adjustments regarding the use of electronic case files to further enhance the digitalization of the judiciary. In July this year, the Federal Government presented a bill on the digital documentation of the main criminal trial, which is now in the parliamentary process. 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. The aim is to improve the establishment of the truth.

Furthermore, it is envisaged to further improve the rights of private accessory prosecutors in trials concerning cases of international criminal law.

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: In the Act on the Reform of Custodianship Law and Law of Legal Representation of Adults of 4 May 2021, which came into force on 1 January 2023, fundamentally modernized support law in implementation of the requirements of Art. 12 UNCRPD. In particular, the right to self-determination and the self-determined actions of adults in need of support are strengthened. On the one hand, the principle of necessity is better defined and judicial supervision is more strongly oriented towards determining the wishes of the person in need of care (sections 1814, 1821 German Civil Code BGB). Furthermore, more comprehensive and more addressee-related information of the person concerned is ensured right at the beginning of the proceedings (section 275 (2) FamFG). 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

208-5. High Judicial Council (competent for judges and/or prosecutors)

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

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. The existing legal requirements for the specific qualification of youth court judges and public prosecutors handling matters involving juveniles (Section 37 (1) of the Youth Courts Act) were also made more concrete and binding.

208-7. Gender equality

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: The Regulation on the Training of Certified Mediators is currently being revised and a new Regulation will come into force on March 1st 2024. In order to strengthen Mediation by ensuring the quality of the training maintains a high standard and includes the use of modern technologies, the revised Regulation will stipulate, that a mediator can use the designation "certified mediator" if he or she has completed a training course of at least 130 hours and has conducted four mediations and four supervisions. Furthermore, the trained mediator must attend 40 hours of further training within four years in order to maintain the title. The training course has to cover online-mediation and can partly (max. 40 hours) be attended online.

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 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.

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. 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: no foreseen reforms

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: Since 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 have the same obligation since 1 January 2023 and will have it from 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 sent electronically. Since 1 January 2022 lawyers and authorities are required 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 Digitalization of the Judiciary, which is currently being planned, provides for adjustments to further enhance the digitalization of the judiciary. Among other things, the use of electronic case files is to be simplified and media disruptions in criminal proceedings are to be reduced. The Federal Minister of Justice has introduced a government draft to amend the Code of Civil Procedure to promote the use of videoconferencing technology in civil courts and special courts. The draft is now dealt with by German Parliament and is intended to come into force at the beginning of 2024. A project of the Ministry of Justice is aiming at the introduction of online civil court proceedings, i.e. a procedure using digital tools to create a more citizen-friendly access to the civil courts for the assertion of small claims.

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: no foreseen reforms