Bundesministerium der Justiz und für Verbraucherschutz
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Administrative Court Act (VwGO)

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Administrative Court Procedure

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Indirect amendment by Article 154a No. 3 letter a of the Act of 20 November 2019 I 1626 is not feasible, since the amended Act of 21 June 2019 I 846 had already entered into force on 1 November 2019 at the time the indirect amendment law came into force

Further information on the stand information can be found in the menu under Notes

footnote

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(+++ Text reference valid from: 1.1.1981 +++)
(+++ Requirements for the five participating states see VwGO Appendix EV +++)
(+++ Official reference by the legislator to EC law:
     Implementation of
       EC Directive 123/2006 (CELEX No: 32006L0123) see Art. 9
                             G of 22.12.2010 I 2248 +++)
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Administrative jurisdiction is exercised by independent courts separate from the administrative authorities.
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§ 2

The courts of administrative jurisdiction are the administrative courts and one higher administrative court in each of the states, and the Federal Administrative Court with its seat in Leipzig at the federal level.
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§ 3

(1) By law, the following shall be prescribed:

1. the establishment and abolition of an administrative court or a higher administrative court,
2. the relocation of a court seat,
3. Changes in the delimitation of judicial districts,
4. the allocation of individual subject areas to an administrative court for the districts of several administrative courts,

4a) the allocation of proceedings in which the local jurisdiction is determined according to Section 52 No. 2, Sentences 1, 2 or 5, to another administrative court or to several administrative courts in the state,

5. the establishment of individual chambers of the Administrative Court or individual senates of the Higher Administrative Court at other locations,
6. the transfer of pending proceedings to another court in the case of measures under numbers 1, 3, 4 and 4a, if jurisdiction is not to be determined in accordance with the provisions previously in force.

(2) Several Länder may agree to establish a common court or common judicial bodies of a court or to extend judicial districts beyond the borders of the Länder, even for specific subject areas.
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§ 4

The provisions of Title II of the Courts Constitution Act apply mutatis mutandis to the courts of administrative jurisdiction. The members and three deputies of the panel responsible for decisions pursuant to Section 99, Paragraph 2 are appointed by the Presidium for a term of four years. The members and their deputies must be judges for life.
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§ 5

(1) The Administrative Court shall consist of the President and the presiding judges and such other judges as are necessary.

(2) Chambers shall be established at the Administrative Court.

(3) The Administrative Court's chamber shall be composed of three judges and two lay judges, unless a single judge decides. Lay judges shall not participate in decisions made outside of oral proceedings or in court orders (Section 84).
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§ 6

(1) The Chamber shall, as a general rule, refer the case to one of its members as a single judge if

1. the matter does not present any particular difficulties of a factual or legal nature and

2. the legal case is not of fundamental importance.

A probationary judge may not sit as a single judge during the first year following his or her appointment.

(2) The dispute may not be referred to a single judge if oral proceedings have already taken place before the Chamber, unless a provisional, partial or interim judgment has been issued in the meantime.

(3) The single judge may, after hearing the parties, refer the case back to the Chamber if a substantial change in the procedural circumstances reveals that the case is of fundamental importance or presents particular difficulties of a factual or legal nature. A further referral to the single judge is excluded.

(4) Decisions pursuant to paragraphs 1 and 3 shall be final. A failure to transfer shall not constitute grounds for appeal.

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§ 9

(1) The Higher Administrative Court shall consist of the President and the presiding judges and such other judges as are necessary.

(2) Senates shall be established at the Higher Administrative Court.

(3) The Senates of the Higher Administrative Court shall decide with a panel of three judges; state legislation may provide that the Senates decide with a panel of five judges, two of whom may also be lay judges. For the cases referred to in Section 48 (1), it may also be provided that the Senates decide with a panel of five judges and two lay judges. Sentence 1, second half-sentence, and sentence 2 shall not apply to the cases referred to in Section 99 (2).

(4) In proceedings pursuant to Section 48, paragraph 1, sentence 1, numbers 3 to 15, the Senate may refer the dispute to one of its members as a single judge for decision if

1. the matter does not present any particular difficulties of a factual or legal nature and
2. the legal case is not of fundamental importance.

Section 6 paragraphs 2 to 4 shall apply accordingly.

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§ 10

(1) The Federal Administrative Court shall consist of the President and the Presiding Judges and such other Judges as are necessary.

(2) Senates shall be established at the Federal Administrative Court.

(3) The Senates of the Federal Administrative Court shall decide in a composition of five judges, or in the case of decisions taken outside the oral hearing in a composition of three judges.

(4) In proceedings under Section 50 paragraph 1 number 6, the Senate may decide in a composition of three judges if

1. the matter does not present any particular difficulties of a factual or legal nature and
2. the legal case is not of fundamental importance.

Section 6 paragraphs 2 to 4 shall apply accordingly.

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§ 11

(1) A Grand Senate shall be established at the Federal Administrative Court.

(2) The Grand Senate shall decide if a Senate wishes to deviate from the decision of another Senate or of the Grand Senate on a legal question.

(3) A referral to the Grand Senate is only admissible if the Senate from whose decision a deviation is sought has, upon request from the deciding Senate, declared that it adheres to its legal opinion. If the Senate from whose decision a deviation is sought can no longer be seized of the legal question due to a change in the allocation plan, the Senate which, according to the allocation plan, would now be competent for the case in which a different decision was made shall take its place. The respective Senate shall decide on the request and the answer by resolution in the composition required for judgments.

(4) The Senate hearing the case may refer a question of fundamental importance to the Grand Senate for a decision if, in its opinion, this is necessary for the development of the law or to ensure uniform jurisprudence.

(5) The Grand Senate shall consist of the President and one judge from each of the appeal senates over which the President does not preside. If a case is submitted by a senate other than a senate of appeal, or if a deviation from its decision is required, a member of that senate shall also be represented in the Grand Senate. If the President is unable to attend, a judge from the senate to which he or she belongs shall take his or her place.

(6) The members and their deputies shall be appointed by the Executive Board for one fiscal year. This also applies to members of another Senate pursuant to paragraph 5, sentence 2, and to their deputies. The President shall chair the Grand Senate, or in his absence, the most senior member. In the event of a tie, the Chair shall have the casting vote.

(7) The Grand Senate shall decide only on the legal question. It may decide without an oral hearing. Its decision shall be binding on the Senate hearing the case.

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§ 12

(1) The provisions of Section 11 shall apply mutatis mutandis to the Higher Administrative Court to the extent that it makes a final decision on a question of state law. The appeal panels established under this Act shall replace the revision panels.

(2) If a Higher Administrative Court consists of only two appeal senates, the United Senates shall replace the Grand Senate.

(3) A different composition of the Grand Senate may be determined by state law.
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§ 13

A registry office will be established at each court, staffed with the required number of clerks.
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§ 14

All courts and administrative authorities provide legal and administrative assistance to the courts of administrative jurisdiction.

Section 2
Judges

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§ 15

(1) Judges shall be appointed for life unless otherwise provided in Sections 16 and 17.

(2) (deleted)

(3) The judges of the Federal Administrative Court must be at least thirty-five years old.
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§ 16

At the Higher Administrative Court and the Administrative Court, judges of other courts appointed for life and full professors of law may be appointed as part-time judges for a specific period of at least two years, but no longer than the duration of their main office.
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§ 17

The following judges may also be appointed to the administrative courts:

1. Judge on probation,
2. Judges by order and
3. Temporary judge.

footnote

Section 17 No. 3: Compatible with the Basic Law, BVerfGE of 22 March 2018 - 2 BvR 780/16 -
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§ 18

To cover a temporary personnel need, a permanent civil servant qualified to hold judicial office may be appointed as a temporary judge for a period of at least two years, but no longer than the duration of his or her primary office. Section 15, paragraph 1, sentences 1 and 3, and paragraph 2 of the German Judges Act shall apply accordingly.

footnote

§ 18: Compatible with the Basic Law in accordance with the decision-making operative part, BVerfGE of 22 March 2018 - 2 BvR 780/16 -

Section 3:
Honorary Judges

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§ 19

The lay judge participates in the oral hearing and the decision-making process with the same rights as the judge.
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§ 20

The lay judge must be a German citizen, at least 25 years of age, and reside within the court district.
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§ 21

(1) The following persons are excluded from the office of lay judge:

1. Persons who, as a result of a court ruling, are not capable of holding public office or who have been sentenced to a term of imprisonment of more than six months for an intentional offence,
2. Persons charged with an offence that may result in the loss of the ability to hold public office,
3. Persons who do not have the right to vote in the country's legislative bodies.

(2) Persons who have fallen into financial distress shall not be appointed as lay judges.
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§ 22

Lay judges cannot be appointed

1. Members of the Bundestag, the European Parliament, the legislative bodies of a state, the Federal Government or a state government,
2. Judge,
3. Civil servants and public employees, unless they work on a voluntary basis,
4. Professional soldiers and temporary soldiers,

4a. (deleted)

5. Lawyers, notaries and persons who handle third-party legal matters on a commercial basis.

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§ 23

(1) Appointment to the office of lay judge may be refused

1. Clergy and religious ministers,
2. lay judges and other lay judges,
3. Persons who have served as lay judges in courts of general administrative jurisdiction for two terms of office,
4. Doctors, nurses, midwives,
5. Pharmacy managers who do not employ any other pharmacist,
6. Persons who have reached the standard retirement age according to Book Six of the Social Code.

(2) In cases of particular hardship, an exemption from the office may be granted upon application.
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§ 24

(1) A lay judge shall be relieved of his office if he

1. could not be appointed or can no longer be appointed according to Sections 20 to 22 or
2. has grossly violated his official duties or
3. asserts a reason for refusal pursuant to Section 23 (1) or
4. no longer possesses the mental or physical abilities required to perform his duties or
5. gives up his residence in the judicial district.

(2) In cases of particular hardship, the person may also be released from further exercise of his or her duties upon application.

(3) In the cases referred to in paragraph 1, numbers 1, 2, and 4, the decision shall be made by a Senate of the Higher Administrative Court upon the request of the President of the Administrative Court; in the cases referred to in paragraph 1, numbers 3 and 5, and in paragraph 2, upon the request of the lay judge. The decision shall be issued by order after hearing the lay judge. It shall be final.

(4) Paragraph 3 shall apply mutatis mutandis in the cases referred to in Section 23 paragraph 2.

(5) At the request of the lay judge, the decision pursuant to paragraph 3 shall be set aside by the Senate of the Higher Administrative Court if charges were brought pursuant to Section 21 No. 2 and the accused has been finally dismissed from prosecution or acquitted.
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§ 25

The lay judges are elected for five years.
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§ 26

(1) Each administrative court shall appoint a committee for the election of lay judges.

(2) The committee shall consist of the President of the Administrative Court as chairman, an administrative official appointed by the state government, and seven representatives as assessors. The representatives, as well as seven deputies, shall be elected from among the residents of the administrative court district by the state parliament or by a state parliament committee appointed by it, or in accordance with a state law. They must meet the requirements for appointment as honorary judges. The state governments shall be empowered to regulate the responsibility for appointing the administrative official by statutory order, deviating from the first sentence. They may delegate this power to the highest state authorities. In the cases referred to in Section 3(2), the responsibility for appointing the administrative official and the state for electing the representatives shall be determined by the seat of the court. In these cases, state legislation may provide that each participating state government shall appoint one administrative official to the committee and that each participating state shall appoint at least two representatives.

(3) The Committee shall have a quorum if at least the Chairman, one administrative officer and three representatives are present.
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§ 27

The number of lay judges required for each administrative court shall be determined by the President in such a way that each judge is expected to attend a maximum of twelve ordinary sittings per year.
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§ 28

Every five years, the districts and independent cities draw up a list of nominees for lay judges. The committee determines the number of individuals to be included in the list for each district and independent city. This is based on twice the number of lay judges required under Section 27. Inclusion on the list requires the approval of two-thirds of the members present at the representative body of the district or independent city, but at least half the statutory number of members. The respective regulations for decision-making by the representative body remain unaffected. The lists of nominees should include not only the name but also the place of birth, date of birth, and profession of the nominee; they must be submitted to the president of the competent administrative court.
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§ 29

(1) The Committee shall elect the required number of lay judges from the lists of nominations by a majority of at least two-thirds of the votes.

(2) The current lay judges shall remain in office until new elections are held.
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§ 30

(1) The Presidium of the Administrative Court shall determine, before the beginning of the financial year, the order in which the lay judges shall be called to the sessions.

(2) For the purpose of appointing representatives in the event of unforeseen impediments, a list of lay judges residing at or near the seat of the court may be drawn up.
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§ 31

(deleted)
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§ 32

The lay judge and the trustee (Section 26) receive compensation in accordance with the Judicial Remuneration and Compensation Act.
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§ 33

(1) A lay judge who fails to attend a hearing on time without a sufficient excuse or who otherwise evades his duties may be fined. At the same time, he may be ordered to pay the costs incurred by his conduct.

(2) The decision shall be made by the chairperson. In the event of subsequent apologies, the chairperson may revoke the decision in whole or in part.
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§ 34

Sections 19 to 33 shall apply mutatis mutandis to the lay judges at the Higher Administrative Court if state legislation has determined that lay judges are to participate in this court.

Section 4
Representatives of the public interest

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§ 35

(1) The Federal Government shall appoint a representative of the federal interest at the Federal Administrative Court and establish him or her within the Federal Ministry of the Interior, Building and Community. The representative of the federal interest at the Federal Administrative Court may participate in any proceedings before the Federal Administrative Court; this does not apply to proceedings before the military service senates. He or she shall be bound by the instructions of the Federal Government.

(2) The Federal Administrative Court shall give the representative of the federal interest at the Federal Administrative Court the opportunity to make a statement.
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§ 36

(1) A representative of the public interest may be appointed at the Higher Administrative Court and the Administrative Court in accordance with a legal order of the State Government. He or she may be entrusted with representing the State or State authorities, either generally or for specific cases.

(2) Section 35(2) shall apply accordingly.
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§ 37

(1) The representative of the federal interest at the Federal Administrative Court and his full-time employees in the higher service must be qualified to hold judicial office.

(2) The representative of the public interest at the Higher Administrative Court and at the Administrative Court must be qualified to hold judicial office in accordance with the German Judges Act; Section 174 remains unaffected.

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§ 38

(1) The President of the Court shall exercise supervisory authority over the judges, officials, employees and workers.

(2) The superior supervisory authority for the Administrative Court shall be the President of the Higher Administrative Court.
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§ 39

The court may not be entrusted with any administrative tasks outside of court administration.

Section 6
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§ 40

(1) Administrative recourse shall be available in all public law disputes of a non-constitutional nature, unless the disputes are expressly assigned to another court by federal law. Public law disputes in the area of state law may also be assigned to another court by state law.

(2) For property claims arising from sacrifice for the common good and from public custody, as well as for claims for damages arising from the breach of public law obligations not based on a public law contract, the ordinary courts of law shall be available; this shall not apply to disputes concerning the existence and amount of a compensation claim under Article 14, paragraph 1, sentence 2 of the Basic Law. The special provisions of civil service law and the legal process for compensation for financial losses due to the revocation of unlawful administrative acts remain unaffected.
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§ 41

(deleted)
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§ 42

(1) An action may be brought to annul an administrative act (action for annulment) or to order the issuing of an administrative act which has been refused or omitted (action for an order).

(2) Unless otherwise provided by law, the action shall be admissible only if the plaintiff claims that his rights have been infringed by the administrative act or by its refusal or omission.
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§ 43

(1) A declaration of the existence or non-existence of a legal relationship or the invalidity of an administrative act may be sought by means of an action if the plaintiff has a legitimate interest in the prompt declaration (declaratory action).

(2) A declaration may not be sought if the plaintiff can or could have pursued his rights through an action for declaratory judgment or performance. This shall not apply if a declaration of the invalidity of an administrative act is sought.
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§ 44

The plaintiff may pursue several claims together in one action if they are directed against the same defendant, are related and the same court has jurisdiction.
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§ 44a

Legal remedies against administrative procedural acts may only be asserted concurrently with admissible legal remedies against the substantive decision. This does not apply if administrative procedural acts are enforceable or are issued against a non-participant.
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§ 45

The Administrative Court decides in the first instance on all disputes for which administrative legal proceedings are open.
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§ 46

The Higher Administrative Court decides on the appeal

1. the appeal against judgments of the Administrative Court and
2. the appeal against other decisions of the Administrative Court.
3. (deleted)

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§ 47

(1) The Higher Administrative Court shall, within the scope of its jurisdiction, decide upon application on the validity

1. of statutes issued in accordance with the provisions of the Building Code, as well as of legal regulations based on Section 246 (2) of the Building Code
2. from other legal provisions ranked below state law, provided that state law so provides.

(2) Any natural or legal person claiming that their rights have been violated or are likely to be violated by the legal provision or its application, as well as any public authority, may file an application within one year of the publication of the legal provision. The application must be directed against the corporation, institution, or foundation that enacted the legal provision. The Higher Administrative Court may grant the state and other legal entities under public law whose jurisdiction is affected by the legal provision the opportunity to comment within a period to be specified. Section 65 (1) and (4) and Section 66 shall apply accordingly.

(2a) (deleted)

(3) The Higher Administrative Court shall not examine the compatibility of the legal provision with Land law if the law provides that the legal provision is subject to review only by the constitutional court of a Land.

(4) If proceedings for the review of the validity of a legal provision are pending before a constitutional court, the Higher Administrative Court may order that the hearing be stayed until the proceedings before the constitutional court have been concluded.

(5) The Higher Administrative Court shall decide by judgment or, if it does not consider an oral hearing necessary, by order. If the Higher Administrative Court finds that the legal provision is invalid, it shall declare it null and void; in this case, the decision shall be generally binding, and the respondent shall publish the operative part of the decision in the same way as the legal provision would have been published. Section 183 shall apply mutatis mutandis to the effect of the decision.

(6) The court may, upon application, issue an interim order if this is urgently required to prevent serious disadvantages or for other important reasons.
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§ 48

(1) The Higher Administrative Court shall decide at first instance on all disputes concerning

1. the construction, operation, other possession, modification, decommissioning, safe enclosure and dismantling of facilities within the meaning of Sections 7 and 9a (3) of the Atomic Energy Act,

1a. the existence and amount of compensation claims under Sections 7e and 7f of the Atomic Energy Act,

2. the processing, treatment and other use of nuclear fuel outside of facilities of the type referred to in Section 7 of the Atomic Energy Act (Section 9 of the Atomic Energy Act) and the significant deviation or significant change within the meaning of Section 9 (1) Sentence 2 of the Atomic Energy Act, as well as the storage of nuclear fuel outside of state custody (Section 6 of the Atomic Energy Act),

3. the construction, operation and modification of power plants with combustion plants for solid, liquid and gaseous fuels with a rated thermal input of more than three hundred megawatts,

3a. the construction, operation and modification of onshore wind energy installations with a total height of more than 50 metres as well as offshore wind energy installations in the territorial sea,

3b. the construction, operation and modification of combined heat and power plants within the meaning of the Combined Heat and Power Act with a thermal output of 50 megawatts or more,

4. Plan approval procedures pursuant to Section 43 of the Energy Industry Act, unless the jurisdiction of the Federal Administrative Court is established pursuant to Section 50 Paragraph 1 Number 6,

4a. Planning approval or planning permission procedures for the construction, operation and modification of facilities pursuant to Section 66 Paragraph 1 of the Offshore Wind Energy Act, unless the jurisdiction of the Federal Administrative Court is established pursuant to Section 50 Paragraph 1 Number 6,

5. Procedures for the construction, operation and significant modification of stationary installations for the incineration or thermal decomposition of waste with an annual throughput (effective capacity) of more than 100,000 tonnes and of stationary installations in which waste is stored or deposited, in whole or in part, within the meaning of Section 48 of the Closed Substance Cycle and Waste Management Act,

6. the construction, expansion or modification and operation of commercial airports and airfields with restricted building protection areas,

7. Planning approval procedures for the construction or modification of tram, magnetic levitation and public railway lines, as well as for the construction or modification of marshalling yards and container yards,
8. Planning approval procedures for the construction or modification of federal highways and state roads,
9. Planning approval procedures for the construction or expansion of federal waterways,
10. Planning approval procedures for public coastal or flood protection measures,
11. Planning approval procedures pursuant to Section 68(1) of the Water Resources Act or pursuant to state law for the construction, extension or modification of ports accessible to vessels with a deadweight capacity of more than 1,350 tonnes, without prejudice to point 9,
12. Planning approval procedures pursuant to Section 68 Paragraph 1 of the Water Resources Act for the construction, extension or modification of hydropower plants with a net electrical output of more than 100 megawatts,

12a Water use in connection with the closure of open-cast lignite mines pursuant to the Coal-fired Power Generation Termination Act,

12b Planning approval procedures for watercourse developments in connection with the cessation of open-cast lignite mining pursuant to the Coal-fired Power Generation Termination Act,

13. Planning approval procedure according to the Federal Mining Act,
14. Approvals of
    a) framework operating plans,
    b) main operating plans,
    c) special operating plans and
    d) Final operating plans

    as well as land transfer resolutions, each in connection with the cessation of opencast lignite mining pursuant to the Coal Power Generation Termination Act, and
15. Planning approval procedure according to Section 65 paragraph 1 in conjunction with Annex 1 number 19.7 of the Act on Environmental Impact Assessment for the construction and operation or modification of steam or hot water pipelines.

Sentence 1 also applies to disputes concerning permits issued in lieu of a planning approval, as well as to disputes concerning all permits and authorizations required for the project, including those concerning ancillary facilities that are spatially and operationally related to it. The states may stipulate by law that the Higher Administrative Court shall decide in the first instance on disputes concerning assignments of possession in the cases referred to in sentence 1.

(2) The Higher Administrative Court shall also decide at first instance on actions against bans on associations issued by a supreme state authority pursuant to Section 3 (2) No. 1 of the Associations Act and orders issued pursuant to Section 8 (2) Sentence 1 of the Associations Act.

(3) By way of derogation from Section 21e paragraph 4 of the Courts Constitution Act, the Presidium of the Higher Administrative Court shall order that a panel which has acted in proceedings pursuant to paragraph 1 sentence 1 numbers 3 to 15 shall remain responsible for those proceedings following a change in the allocation of business.

footnote

Section 48 (1) sentence 1 no. 1a: Introduced by Article 2 of the Act of 10 July 2018 I 1122 in conjunction with the Act of 11 July 2018 I 1124 effective 4 July 2018; regarding this Act and this announcement, see the Federal Constitutional Court's decision of 29 September 2020 (1 BvR 1550/19).

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§ 49

The Federal Administrative Court decides on the appeal

1. the appeal against judgments of the Higher Administrative Court under Section 132,
2. the appeal against judgments of the Administrative Court under Sections 134 and 135,
3. the complaint pursuant to Section 99 Paragraph 2 and Section 133 Paragraph 1 of this Act and Section 17a Paragraph 4 Sentence 4 of the Courts Constitution Act.

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§ 50

(1) The Federal Administrative Court shall decide in the first and last instance

1. on public law disputes of a non-constitutional nature between the Federation and the Länder and between different Länder,
2. on actions against the bans on associations issued by the Federal Minister of the Interior, Building and Home Affairs pursuant to Section 3 Paragraph 2 No. 2 of the Associations Act and the orders issued pursuant to Section 8 Paragraph 2 Sentence 1 of the Associations Act,
3. on disputes against deportation orders pursuant to Section 58a of the Residence Act and their enforcement, as well as the issuance of an entry and residence ban on this basis,
4. on lawsuits based on events within the area of responsibility of the Federal Intelligence Service,
5. on actions against measures and decisions pursuant to Section 12 Paragraph 3a of the Members of Parliament Act, pursuant to the provisions of Section Eleven of the Members of Parliament Act, pursuant to Section 6b of the Federal Ministers Act and pursuant to Section 7 of the Act on the Legal Status of Parliamentary State Secretaries in conjunction with Section 6b of the Federal Ministers Act,
6. on all disputes concerning planning approval procedures and planning authorization procedures for projects referred to in the General Railway Act, the Federal Waterways Act, the Energy Line Expansion Act, the Federal Requirements Plan Act, Section

43e Paragraph 4 of the Energy Industry Act, Section 76 Paragraph 1 of the Offshore Wind Energy Act or the Magnetic Levitation Planning Act, on all disputes concerning procedures within the meaning of Section 17e Paragraph 1 of the Federal Trunk Roads Act, on all disputes concerning projects for the construction and connection of terminals for the import of hydrogen and derivatives, as well as on the procedures assigned to it under the LNG Acceleration Act,

7. on the procedures assigned to it under the Energy Security Act.

(2) In proceedings pursuant to paragraph 1 number 6, Section 48 paragraph 3 shall apply accordingly.

(3) If the Federal Administrative Court considers a dispute to be constitutional in accordance with paragraph 1 no. 1, it shall refer the matter to the Federal Constitutional Court for a decision.

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§ 51

(1) If, pursuant to Section 5 (2) of the Association Act, the ban on the entire association is to be enforced instead of the ban on a sub-association, proceedings concerning an action brought by that sub-association against the ban imposed on it shall be stayed until the decision on an action against the ban on the entire association has been taken.

(2) In the case referred to in paragraph 1, a decision of the Federal Administrative Court shall be binding on the higher administrative courts.

(3) The Federal Administrative Court shall inform the Higher Administrative Courts of the action brought by an association pursuant to Section 50 (1) No. 2.

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§ 52

The following applies to local jurisdiction:

1. In disputes relating to immovable property or a right or legal relationship tied to a specific location, only the administrative court in whose district the property or location is located has local jurisdiction.
2. In the case of actions for annulment against the administrative act of a federal authority or a federal corporation, institution or foundation under public law, the administrative court with local jurisdiction is the one in whose district the federal authority, corporation, institution or foundation has its seat, subject to numbers 1 and 4. This also applies to actions for an order in the cases referred to in sentence 1. However, in disputes under the Asylum Act, the administrative court with local jurisdiction is the one in whose district the foreign national is required to take up residence under the Asylum Act; if local jurisdiction is not established thereunder, it is determined in accordance with number 3. Insofar as a state in which the foreign national is required to take up residence has made use of the option under Section 83(3) of the Asylum Act, the administrative court with local jurisdiction is the one that, under state law, is responsible for disputes under the Asylum Act concerning the foreign national's country of origin. For actions against the Federal Government in areas that fall within the jurisdiction of the diplomatic and consular missions of the Federal Republic of Germany abroad, including in the area of visa matters if these fall within the jurisdiction of the Federal Office for Foreign Affairs, the administrative court in whose district the Federal Government has its seat has local jurisdiction.
3. For all other actions for annulment, subject to numbers 1 and 4, the administrative court in whose district the administrative act was issued has local jurisdiction. If it was issued by an authority whose jurisdiction extends over several administrative court districts, or by a joint authority of several or all of the federal states, the administrative court in whose district the respondent has its registered office or place of residence has local jurisdiction. If no such office exists within the authority's area of jurisdiction, jurisdiction is determined in accordance with number 5. However, for actions for annulment against administrative acts of an authority commissioned by the federal states to award university places, the administrative court in whose district the authority has its registered office has local jurisdiction. This also applies to actions for an order in the cases referred to in sentences 1, 2, and 4.
4. For all lawsuits arising from a current or former civil servant, judge, conscription, military service, or civilian service relationship, and for disputes relating to the creation of such a relationship, the administrative court in whose district the plaintiff or defendant has their official residence or, in the absence thereof, their domicile has local jurisdiction. If the plaintiff or defendant has no official residence or no domicile within the jurisdiction of the authority that issued the original administrative act, the court in whose district that authority has its headquarters has local jurisdiction. Sentences 1 and 2 apply mutatis mutandis to lawsuits pursuant to Section 79 of the Act Regulating the Legal Relationships of Persons Covered by Article 131 of the Basic Law.
5. In all other cases, the administrative court with local jurisdiction shall be the one in whose district the defendant has his or her registered office, domicile or, in the absence thereof, his or her residence or last residence or domicile.

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§ 53

(1) The competent court within the administrative jurisdiction shall be determined by the next higher court,

1. if the court which is otherwise competent is legally or factually prevented from exercising jurisdiction in an individual case,
2. if it is uncertain which court has jurisdiction over the dispute due to the boundaries of different judicial districts,
3. if the place of jurisdiction is determined according to Section 52 and different courts come into consideration,
4. if various courts have legally declared themselves to have jurisdiction,
5. if several courts, one of which has jurisdiction over the dispute, have declared themselves legally incompetent.

(2) If there is no local jurisdiction pursuant to Section 52, the Federal Administrative Court shall determine the competent court.

(3) Any party to the dispute and any court seised of the dispute may appeal to a higher court or to the Federal Administrative Court. The court seised may decide without an oral hearing.

Part II
Procedure

Section 7
General procedural provisions

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§ 54

(1) Sections 41 to 49 of the Code of Civil Procedure shall apply mutatis mutandis to the exclusion and rejection of court members.

(2) Any person who has participated in the preceding administrative proceedings shall also be excluded from exercising the office of judge or lay judge.

(3) Concerns about bias under Section 42 of the Code of Civil Procedure are always justified if the judge or lay judge is a representative of a body whose interests are affected by the proceedings.
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§ 55

Sections 169 and 171a to 198 of the Courts Constitution Act on public access, session police, court language, deliberations and voting shall apply accordingly.
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§ 55a

(1) Preparatory pleadings and their attachments, applications and declarations of the parties to be submitted in writing, as well as information, statements, expert opinions, translations, applications and declarations of third parties to be submitted in writing may be submitted to the court as electronic documents in accordance with paragraphs 2 to 6.

(2) The electronic document must be suitable for processing by the court. The Federal Government shall, by regulation with the consent of the Federal Council, determine the technical framework for transmission and suitability for processing by the court, as well as the details for processing mailbox holders' data pursuant to paragraph 4, sentence 1, numbers 4 and 5 in a secure electronic directory.

(3) The electronic document must bear a qualified electronic signature of the responsible person or be signed by the responsible person and submitted via a secure transmission channel. Sentence 1 does not apply to attachments attached to preparatory pleadings. If a written application or written declaration by a party or third party is to be submitted as an electronic document, the signed application or declaration may be converted into an electronic document and transmitted by the authorized representative, agent, or counsel referred to in sentence 1.

(4) Secure transmission channels are

1. the mailbox and dispatch service of a De-Mail account, if the sender is securely logged in within the meaning of Section 4 Paragraph 1 Sentence 2 of the De-Mail Act when sending the message and has the secure registration confirmed in accordance with Section 5 Paragraph 5 of the De-Mail Act,
2. the transmission path between the special electronic lawyers' mailboxes pursuant to Sections 31a and 31b of the Federal Lawyers' Act or a corresponding electronic mailbox established on a statutory basis and the court's electronic mail office,
3. the transmission path between a mailbox set up by an authority or a legal entity under public law after an identification procedure has been carried out and the court's electronic mail service,
4. the transmission path between an electronic mailbox set up by a natural or legal person or other association after an identification procedure has been carried out and the court's electronic mail service,
5. the transmission path between a mailbox and dispatch service of a user account within the meaning of Section 2 Paragraph 5 of the Online Access Act used after an identification procedure has been carried out and the court's electronic mail office,
6. other nationally uniform transmission channels, which are determined by legal order of the Federal Government with the consent of the Federal Council, where the authenticity and integrity of the data as well as accessibility are guaranteed.

Further details on the transmission methods pursuant to sentence 1 numbers 3 to 5 are regulated by the legal regulation pursuant to paragraph 2 sentence 2.

(5) An electronic document is received as soon as it is stored on the court's designated receiving device. The sender shall be provided with an automated confirmation of the time of receipt. The provisions of this Act regarding the attachment of copies for the other parties shall not apply.

(6) If an electronic document is unsuitable for processing by the court, the sender shall be notified immediately, stating that its receipt is invalid. The document shall be deemed to have been received at the time of its earlier submission, provided the sender promptly submits it in a form suitable for processing by the court and credibly demonstrates that its content is identical to the document first submitted.

(7) Where a handwritten signature by the judge or the clerk of the court office is required, this form shall be sufficient if the responsible persons add their names to the end of the document and provide the document with a qualified electronic signature. An electronic document into which the handwritten signature has been transferred in accordance with Section 55b, Paragraph 6, Sentence 4, shall also be sufficient to meet the form referred to in sentence 1.
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§ 55b

(1) Court records may be kept electronically. The Federal Government and the State governments shall each determine by legal order for their respective jurisdiction the date from which court records shall be kept electronically. The legal order shall specify the organizational and technical framework for the creation, management, and safekeeping of electronic records. The State governments may delegate this authorization to the highest State authorities responsible for administrative jurisdiction. The authorization to use electronic records may be restricted to individual courts or proceedings; if this option is exercised, the legal order may stipulate that the proceedings in which court records are to be kept electronically shall be regulated by administrative regulation, which shall be made public. The legal order of the Federal Government does not require the approval of the Federal Council.

(1a) Case files shall be maintained electronically from 1 January 2026. The Federal Government and the State governments shall each determine, by legal order for their respective spheres, the organizational and state-of-the-art technical framework for the creation, maintenance, and safekeeping of electronic files, including the accessibility requirements to be observed. The Federal Government and the State governments may each determine, by legal order for their respective spheres, that files created in paper form shall continue to be maintained in paper form. The State governments may delegate the authorizations pursuant to sentences 2 and 3 to the highest State authorities responsible for administrative jurisdiction. The Federal Government's legal orders do not require the approval of the Bundesrat.

(1b) The Federal Government and the State governments may each determine for their respective areas by means of a legal order that files created in paper form before 1 January 2026 shall be continued in electronic form from a specific date or event. Authorisation to continue in electronic form may be restricted to specific courts or proceedings; if this option is exercised, the legal order may stipulate that an administrative regulation, which shall be made public, shall regulate the proceedings in which files shall be continued in electronic form. The legal order of the Federal Government does not require the approval of the Bundesrat. This authorisation may be delegated by legal order to the competent supreme federal authority or to the supreme state authorities responsible for administrative jurisdiction.

(2) If the files are kept in paper form, a printout of an electronic document must be made for the files. If this cannot be done in the case of annexes to preparatory pleadings or only with disproportionate effort, a printout may be omitted. In this case, the data must be stored permanently; the storage location must be recorded on the files.

(3) If the electronic document is submitted by a secure transmission method, this shall be recorded.

(4) If the electronic document bears a qualified electronic signature and is not submitted via a secure transmission channel, the printout must contain a note stating that

1. what result the integrity check of the document shows,
2. who the signature verification identifies as the owner of the signature,
3. which point in time the signature verification indicates for the affixing of the signature.

(5) In the case of paragraph 2, a submitted electronic document may be deleted after six months.

(6) If the case files are kept electronically, any paper documents and other records shall be transferred into an electronic document using state-of-the-art technology to replace the original. It shall be ensured that the electronic document is visually and substantively identical to the existing documents and other records. The electronic document shall be provided with a certificate of transfer documenting the method used for the transfer and the visual and substantive correspondence. If a court document signed by hand by the responsible persons is transferred, the certificate of transfer shall be provided with a qualified electronic signature of the clerk of the court office. Paper documents and other records may be destroyed six months after the transfer, provided they are not subject to return.

(7) The Federal Government may, by means of a legal order with the consent of the Federal Council, determine the standards applicable to the transmission of electronic files between authorities and courts.

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§ 55c Forms; authorization to issue regulations

The Federal Ministry of Justice and Consumer Protection may introduce electronic forms by means of a legal order with the consent of the Federal Council. The legal order may stipulate that the information contained in the forms must be transmitted in whole or in part in a structured, machine-readable format. The forms must be made available for use on an online communications platform to be specified in the legal order. The legal order may stipulate that, in derogation from Section 55a Paragraph 3, the identification of the form user may also be carried out by using electronic proof of identity in accordance with Section 18 of the Personal Identity Card Act, Section 12 of the eID Card Act, or Section 78 Paragraph 5 of the Residence Act.

footnote

(+++ Note: The amendment to Article 6 (1) of the Act of 21 June 2019 I 846 (postponement of entry into force to 1 November 2020) by Article 154a No. 3 Letter a of the Act of 20 November 2019 I 1626 effective from 26 November 2019 is not executable, since Article 5 of the Act of 21 June 2019 I 846 had already entered into force on 1 November 2019 at the time of entry into force of the Act of 20 November 2019 I 1626 effective from 1 November 2019 +++)

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§ 55d Obligation to use for lawyers, authorities and authorized representatives

Preparatory pleadings and their attachments, as well as applications and declarations to be submitted in writing by a lawyer, by a public authority, or by a legal entity under public law, including associations formed by it to fulfill its public duties, must be submitted as an electronic document. The same applies to persons authorized to represent the party under this Act for whom a secure transmission channel is available in accordance with Section 55a, Paragraph 4, Sentence 1, Number 2. If transmission is temporarily not possible for technical reasons, transmission remains permissible in accordance with the general provisions. The temporary impossibility must be substantiated when submitting the substitute document or immediately thereafter; an electronic document must be submitted upon request.

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§ 56

(1) Orders and decisions by which a period of time begins to run, as well as appointments and summonses, shall be served, but only if expressly prescribed in the case of promulgation.

(2) Service shall be effected ex officio in accordance with the provisions of the Code of Civil Procedure.

(3) Any person not residing in the country shall, upon request, appoint an agent authorised to accept service.
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§ 56a

(1) If identical notifications are required for more than fifty persons, the court may order notification by public announcement for the further proceedings. The order must specify in which daily newspapers the notifications are to be published; in this case, daily newspapers with a circulation in the area in which the decision is likely to have an impact must be provided. The order must be served on the parties involved. The parties must be informed how the further notifications will be made and when the document is deemed to have been served. The order is final. The court may revoke the order at any time; it must revoke it if the conditions of sentence 1 were not met or are no longer met.

(2) Public announcement shall be made by posting on the court notice board or by publication in an electronic information and communications system publicly accessible in the court, and by publication in the Federal Gazette and in the daily newspapers specified in the order pursuant to paragraph 1, sentence 2. In the case of a decision, public announcement of the operative part of the decision and the information on legal remedies shall suffice. Instead of the document to be announced, a notification may be made public, stating where the document may be inspected. A date setting or summons must be made public in its entirety.

(3) The document shall be deemed to have been served on the day on which two weeks have elapsed since the date of publication in the Federal Gazette; this shall be indicated in every publication. After the public announcement of a decision, the parties may request a copy in writing; this shall also be indicated in the publication.
Unofficial table of contents

§ 57

(1) Unless otherwise provided, a period of time shall begin to run with service or, where service is not prescribed, with the opening or announcement of the case.

(2) The provisions of Sections 222, 224 (2) and (3), 225 and 226 of the Code of Civil Procedure shall apply to the time limits.
Unofficial table of contents

§ 58

(1) The time limit for an appeal or other legal remedy shall only begin to run if the party concerned has been informed in writing or electronically of the legal remedy, the administrative authority or court to which the appeal is to be lodged, the seat and the time limit to be observed.

(2) If the instruction was omitted or incorrectly given, the filing of the appeal shall only be admissible within one year of service, opening, or announcement, unless the filing of the appeal before the expiry of the one-year period was impossible due to force majeure or if written or electronic instruction was given that no appeal was available. Section 60 (2) shall apply accordingly in cases of force majeure.
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§ 59 (repealed)

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§ 60

(1) If a person was prevented from complying with a statutory time limit through no fault of his own, he shall be granted reinstatement upon application.

(2) The application must be filed within two weeks of the removal of the impediment; if the deadline for substantiating the appeal, the application for leave to appeal, the appeal on points of law, the appeal against non-admission, or the appeal is missed, the deadline shall be one month. The facts supporting the application must be substantiated when the application is filed or during the proceedings concerning the application. The omitted legal act must be completed within the application deadline. If this has been done, reinstatement may be granted without an application.

(3) After one year from the end of the missed time limit, the application shall be inadmissible unless the application was impossible before the expiry of the one-year period due to force majeure.

(4) The court which has to decide on the omitted legal act shall decide on the application for reinstatement.

(5) The reinstatement shall be final.
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§ 61

Capable of participating in the proceedings are

1. natural and legal persons,
2. Associations, to the extent that they may be entitled to a right,
3. authorities, provided that state law so provides.

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§ 62

(1) The following are capable of carrying out procedural acts:

1. those who are legally competent under civil law,
2. those whose legal capacity is limited under civil law, insofar as they are recognised as having legal capacity for the subject matter of the proceedings by provisions of civil or public law.

(2) If a reservation of consent pursuant to Section 1825 of the Civil Code relates to the subject matter of the proceedings, a person under guardianship who is legally competent shall only be able to perform procedural acts to the extent that he or she can act without the guardian's consent under the provisions of civil law or is recognised as having the capacity to act by provisions of public law.

(3) Associations and public authorities shall be represented by their legal representatives and boards.

(4) Sections 53 to 58 of the Code of Civil Procedure shall apply accordingly.
Unofficial table of contents

§ 63

Participants in the proceedings are

1. the plaintiff,
2. the defendant,
3. the intervener (§ 65),
4. the representative of the federal interest at the Federal Administrative Court or the representative of the public interest if he exercises his right to participate.

Unofficial table of contents

§ 64

The provisions of Sections 59 to 63 of the Code of Civil Procedure on joint proceedings shall apply accordingly.
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§ 65

(1) As long as the proceedings have not yet been concluded with final and binding effect or are pending before a higher court, the court may, of its own motion or upon application, summon others whose legal interests are affected by the decision.

(2) If third parties are involved in the disputed legal relationship in such a way that the decision can only be made in a uniform manner with regard to them, they shall be joined to the proceedings (necessary joinder).

(3) If, pursuant to paragraph 2, the summons of more than fifty persons is contemplated, the court may issue an order ordering that only those persons may be summoned who apply for this within a specified period. The order shall be final. It shall be published in the Federal Gazette. It must also be published in daily newspapers with a circulation in the area in which the decision is likely to have an impact. The announcement may also be made in an information and communications system designated by the court for announcements. The period must be at least three months from publication in the Federal Gazette. The publication in daily newspapers shall state the date on which the period expires. Section 60 shall apply mutatis mutandis to reinstatement in the event of failure to meet the period. The court shall summon persons who will clearly be particularly affected by the decision, even without an application.

(4) The order granting the summons shall be served on all parties involved. The order shall state the status of the case and the reason for the summons. The summons shall be final.
Unofficial table of contents

§ 66

The party summoned may independently assert grounds of attack and defense within the motions of a party and effectively conduct all procedural actions. They may only file differing substantive motions if a necessary subpoena exists.
Unofficial table of contents

§ 67

(1) The parties may conduct the legal proceedings themselves before the administrative court.

(2) The parties may be represented by a lawyer or a law professor at a state or state-recognized university of a Member State of the European Union, another Contracting State to the Agreement on the European Economic Area, or Switzerland, who is qualified to hold judicial office, as their authorized representative. Furthermore, only

1. Employees of the participant or of an affiliated company (Section 15 of the Stock Corporation Act); authorities and legal entities under public law, including associations formed by them to fulfil their public duties, may also be represented by employees of other authorities or legal entities under public law, including associations formed by them to fulfil their public duties,
2. adult family members (Section 15 of the Tax Code, Section 11 of the Civil Partnership Act), persons qualified to hold judicial office and co-defendants, if the representation is not related to a paid activity,
3. Tax consultants, tax agents, auditors and sworn accountants, persons and associations within the meaning of Sections 3a and 3c of the Tax Consultancy Act within the scope of their powers under Section 3a of the Tax Consultancy Act, persons authorized to provide limited professional assistance in tax matters under Sections 3d and 3e of the Tax Consultancy Act within the scope of these powers, as well as companies within the meaning of Section 3 Sentence 1 Numbers 2 and 3 of the Tax Consultancy Act acting through persons within the meaning of Section 3 Sentence 2 of the Tax Consultancy Act in tax matters,

3a.

Tax consultants, tax agents, auditors and sworn accountants, persons and associations within the meaning of Sections 3a and 3c of the Tax Consultancy Act within the scope of their powers under Section 3a of the Tax Consultancy Act, persons authorized to provide limited professional assistance in tax matters under Sections 3d and 3e of the Tax Consultancy Act within the scope of these powers, as well as companies within the meaning of Section 3, Sentence 1, Numbers 2 and 3 of the Tax Consultancy Act acting through persons within the meaning of Section 3, Sentence 2 of the Tax Consultancy Act, in matters of financial assistance within the framework of government aid programs to mitigate the consequences of the COVID-19 pandemic, if and to the extent that these aid programs provide for the inclusion of the aforementioned persons as third-party auditors,

4. professional associations of agriculture for their members,
5. Trade unions and employers' associations and associations of such associations for their members or for other associations or associations with a similar orientation and their members,
6. Associations whose statutory tasks essentially include the collective representation of interests, advice and representation of people with disabilities and which, taking into account the nature and extent of their activities and their membership, offer a guarantee of expert legal representation for their members in matters relating to the law on severely disabled persons and related matters,
7. legal persons, all of whose shares are beneficially owned by one of the organisations referred to in numbers 5 and 6, if the legal person exclusively provides legal advice and legal representation to this organisation and its members or to other associations or groups with a similar focus and their members in accordance with their statutes, and if the organisation is liable for the activities of the authorized representatives.

Authorised representatives who are not natural persons act through their organs and representatives entrusted with legal representation.

(3) The court shall reject, by final order, any authorized representative who is not authorized to represent the client in accordance with paragraph 2. Procedural acts performed by an authorized representative who is not authorized to represent the client, as well as any service or notification to that representative, shall remain effective until rejected. The court may prohibit the authorized representatives designated in paragraph 2, sentence 2, numbers 1 and 2 from further representation by final order if they are unable to adequately present the facts and circumstances of the case.

(4) Before the Federal Administrative Court and the Higher Administrative Court, the parties must be represented by authorized representatives, except in legal aid proceedings. This also applies to procedural acts which initiate proceedings before the Federal Administrative Court or a Higher Administrative Court. Only the persons referred to in paragraph 2, sentence 1 are permitted to act as authorized representatives. Authorities and legal entities under public law, including associations formed by them to fulfil their public duties, may be represented by their own employees qualified to hold judicial office or by employees qualified to hold judicial office from other authorities or legal entities under public law, including associations formed by them to fulfil their public duties. The organizations referred to in paragraph 2, sentence 2, no. 5, including the legal entities they have formed pursuant to paragraph 2, sentence 2, no. 7, are also admitted as authorized representatives before the Federal Administrative Court, but only in matters concerning legal relationships within the meaning of Section 52, no. 4, in staff representation matters, and in matters related to a current or previous employment relationship of employees within the meaning of Section 5 of the Labor Court Act, including examination matters. The authorized representatives referred to in sentence 5 must act through persons qualified to hold judicial office. The persons and organizations referred to in paragraph 2, sentence 2, nos. 3 to 7 are also admitted as authorized representatives before the Higher Administrative Court. A party who is authorized to represent in accordance with sentences 3, 5, and 7 may represent themselves.

(5) Judges may not appear as authorized representatives before the court of which they are a member. Lay judges may not appear before a panel of which they are a member, except in the cases referred to in paragraph 2, sentence 2, no. 1. Paragraph 3, sentences 1 and 2, apply accordingly.

(6) The power of attorney must be submitted in writing to the court files. It may be submitted later; the court may set a deadline for this. The lack of a power of attorney may be asserted at any stage of the proceedings. The court shall consider the lack of a power of attorney ex officio unless a lawyer is appointed as the authorized representative. If an authorized representative has been appointed, all court documents or notices shall be addressed to that representative.

(7) The parties may appear at the hearing with counsel. Counsel may be anyone who, in proceedings in which the parties can conduct the legal dispute themselves, is authorized to represent them at the hearing as a representative. The court may admit other persons as counsel if this is expedient and if there is a need for this in the circumstances of the individual case. Paragraph 3, sentences 1 and 3, and paragraph 5 shall apply mutatis mutandis. Statements made by counsel shall be deemed to have been made by the party concerned unless they immediately retract or correct them.

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§ 67a

(1) If more than twenty persons are involved in a legal dispute with the same interest and are not represented by a legal representative, the court may, by order, require them to appoint a joint representative within a reasonable period of time if otherwise the proper conduct of the legal dispute would be compromised. If the parties do not appoint a joint representative within the period set, the court may, by order, appoint a lawyer as joint representative. The parties may only perform procedural acts through the joint representative or representative. Orders pursuant to sentences 1 and 2 are final.

(2) The power of representation shall expire as soon as the representative or the represented party declares this in writing to the court or records it with the clerk of the court office; the representative may make the declaration only with regard to all represented parties. If the represented party makes such a declaration, the power of representation shall expire only if the appointment of another representative is simultaneously notified.

Section 8
Special provisions for actions for annulment and compulsory enforcement

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§ 68

(1) Before an action for annulment is brought, the legality and expediency of the administrative act shall be reviewed in preliminary proceedings. Such review shall not be required if a law so provides or if

1. the administrative act was issued by a supreme federal authority or by a supreme state authority, unless a law prescribes review, or
2. the remedial decision or the objection decision contains a complaint for the first time.

(2) Paragraph 1 shall apply mutatis mutandis to the action for an order if the application for the administrative act has been rejected.
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§ 69

The preliminary proceedings begin with the filing of the objection.
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§ 70

(1) The objection must be lodged within one month of the administrative act being notified to the person complained about, in writing, electronically in accordance with Section 3a(2) of the Administrative Procedure Act, in substituting the written form in accordance with Section 3a(3) of the Administrative Procedure Act and Section 9a(5) of the Online Access Act, or recorded in writing with the authority that issued the administrative act. This deadline is also met by filing the objection with the authority that is to issue the objection decision.

(2) Sections 58 and 60 paragraphs 1 to 4 shall apply accordingly.
Unofficial table of contents

§ 71 Hearing

If the annulment or amendment of an administrative act in the objection procedure is associated with a complaint for the first time, the person concerned should be heard before the remedial decision or the objection decision is issued.
Unofficial table of contents

§ 72

If the authority considers the objection to be justified, it will resolve the objection and decide on the costs.
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§ 73

(1) If the authority does not remedy the objection, an objection decision shall be issued.

1. the next higher authority, unless another higher authority is determined by law,
2. if the next higher authority is a supreme federal or supreme state authority, the authority that issued the administrative act,
3. in matters of self-government, the self-government authority, unless otherwise provided by law.

By way of derogation from sentence 2 no. 1, the law may stipulate that the authority which issued the administrative act is also responsible for deciding on the objection.

(2) Provisions under which committees or advisory boards replace an authority in the preliminary proceedings under paragraph 1 remain unaffected. Notwithstanding paragraph 1, no. 1, the committees or advisory boards may also be established within the authority that issued the administrative act.

(3) The objection decision shall state the reasons, include information on legal remedies, and be served. Service shall be effected ex officio in accordance with the provisions of the Administrative Service of Process Act. The objection decision shall also determine who shall bear the costs.
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§ 74

(1) The action for annulment must be filed within one month of service of the objection notice. If an objection notice is not required under Section 68, the action must be filed within one month of notification of the administrative act.

(2) Paragraph 1 shall apply mutatis mutandis to the action for an order if the application for the administrative act has been rejected.
Unofficial table of contents

§ 75

If an objection or an application for an administrative act has not been decided on the substance of the matter within a reasonable period of time without sufficient reason, an action is admissible in derogation from Section 68. The action may not be brought before the expiry of three months from the lodging of the objection or the application for the administrative act, unless a shorter period is necessary due to the special circumstances of the case. If there is a sufficient reason why a decision has not yet been made on the objection or why the requested administrative act has not yet been issued, the court shall stay the proceedings until the expiry of a period of time set by it, which period may be extended. If the objection is upheld within the period set by the court or the administrative act is issued within that period, the main proceedings shall be declared disposed of.
Unofficial table of contents

§ 76

(deleted)
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§ 77

(1) All federal provisions in other laws relating to objection or appeal procedures are superseded by the provisions of this section.

(2) The same applies to provisions of state law on objection or appeal procedures as a prerequisite for an action before an administrative court.
Unofficial table of contents

§ 78

(1) The action shall be directed

1. against the Federal Government, the State or the corporation whose authority issued the contested administrative act or failed to issue the requested administrative act; to identify the defendant, it is sufficient to state the authority,
2. if state law so provides, against the authority itself which issued the contested administrative act or which failed to issue the requested administrative act.

(2) If an objection decision has been issued which contains a complaint for the first time (Section 68 (1), sentence 2, no. 2), the authority within the meaning of paragraph 1 shall be the objection authority.
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§ 79

(1) The subject matter of the action for annulment is

1. the original administrative act in the form it took through the objection decision,
2. the remedial decision or objection decision if it contains a complaint for the first time.

(2) The objection decision may also be the sole subject of the action for annulment if and to the extent that it contains an additional, independent grievance compared to the original administrative act. A violation of an essential procedural provision shall also be deemed an additional grievance, provided the objection decision is based on this violation. Section 78 (2) applies accordingly.
Unofficial table of contents

§ 80

(1) Objections and actions for annulment shall have suspensive effect. This also applies to administrative acts constituting law and declaratory acts, as well as to administrative acts with dual effect (Section 80a).

(2) The suspensive effect shall only cease to apply

1. when requesting public charges and costs,
2. in the case of urgent orders and measures by police officers,
3. in other cases prescribed by federal law or, in the case of state law, by state law, in particular for objections and actions by third parties against administrative acts concerning investments or the creation of jobs,

3a. for objections and actions by third parties against administrative acts concerning the approval of projects concerning federal transport routes and mobile communications networks and which do not fall under number 3,

4. in cases where immediate enforcement is specifically ordered in the public interest or in the overriding interest of a party by the authority which has to issue the administrative act or decide on the objection.

The states may also determine that legal remedies shall not have a suspensive effect insofar as they are directed against measures taken in administrative enforcement by the states under federal law.

(3) In the cases referred to in paragraph 2, sentence 1, number 4, the special interest in the immediate execution of the administrative act must be justified in writing. No special justification is required if, in the event of imminent danger, in particular in the event of imminent harm to life, health, or property, the authority, as a precautionary measure, takes an emergency measure designated as such in the public interest.

(4) The authority which has to issue the administrative act or decide on the objection may, in the cases referred to in paragraph 2, suspend enforcement unless otherwise provided by federal law. In the case of public charges and costs, it may also suspend enforcement against security. Suspension shall be granted in the case of public charges and costs if there are serious doubts as to the legality of the challenged administrative act or if enforcement would result in an unreasonable hardship for the person liable for the charge or costs which is not justified by overriding public interests.

(5) Upon application, the court hearing the main proceedings may order the suspensive effect in whole or in part in the cases referred to in paragraph 2, sentence 1, numbers 1 to 3a, and may restore it in whole or in part in the case referred to in paragraph 2, sentence 1, number 4. The application is admissible even before the action for annulment is brought. If the administrative act has already been implemented at the time of the decision, the court may order the suspension of its implementation. The restoration of the suspensive effect may be made dependent on the provision of security or other conditions. It may also be limited in time.

(6) In the cases referred to in paragraph 2, sentence 1, number 1, the application pursuant to paragraph 5 shall only be admissible if the authority has rejected an application for suspension of execution in whole or in part. This shall not apply if

1. the authority has not taken a substantive decision on the application without providing sufficient reason within a reasonable period of time, or
2. enforcement is threatened.

(7) The court of first instance may at any time amend or annul decisions on applications pursuant to paragraph 5. Any party may request amendment or annulment due to changed circumstances or circumstances not raised in the original proceedings through no fault of the party concerned.

(8) In urgent cases, the Chairman may decide.
Unofficial table of contents

§ 80a

(1) If a third party lodges an appeal against an administrative act addressed to another person and benefiting that person, the authority may

1. at the request of the beneficiary pursuant to Section 80 paragraph 2 sentence 1 number 4, order immediate enforcement,
2. at the request of the third party pursuant to Section 80 (4) suspend enforcement and take interim measures to safeguard the rights of the third party.

(2) If a person concerned lodges an appeal against an administrative act directed at him which is onerous and which benefits a third party, the authority may, at the request of the third party, order immediate enforcement in accordance with Section 80(2), sentence 1, number 4.

(3) Upon application, the court may amend or revoke measures pursuant to paragraphs 1 and 2 or take such measures. Section 80 paragraphs 5 to 8 shall apply accordingly.
Unofficial table of contents

§ 80b

(1) The suspensive effect of the objection and the action for annulment shall end upon the finality of the decision or, if the action for annulment has been dismissed at first instance, three months after the expiry of the statutory period for submitting reasons for the appeal against the dismissal. This shall also apply if enforcement has been suspended by the authority or the suspensive effect has been restored or ordered by the court, unless the authority has suspended enforcement until the decision has become finality.

(2) The appeal court may, upon application, order that the suspensive effect shall continue.

(3) Section 80 paragraphs 5 to 8 and sections 80a and 80c shall apply accordingly.
Unofficial table of contents

§ 80c

(1) In procedures pursuant to Section 48(1) Sentence 1 Numbers 3 to 15 and Section 50(1) Number 6, paragraphs 2 to 4 shall apply additionally to the ordering or restoration of the suspensive effect (Sections 80 and 80a). Exempted from sentence 1 are the construction of commercial airports and commercial airfields with a restricted building protection area in Section 48(1) Sentence 1 Number 6 and the planning approval procedures for open-cast lignite mines in Section 48(1) Sentence 1 Number 13.

(2) The court may disregard a defect in the contested administrative act if it is obvious that it will be remedied within a foreseeable period. Such a defect may in particular be

1. a violation of procedural or formal requirements or
2. a deficiency in the consideration of the planning approval or planning permission.

The court shall set a deadline for remedying the deficiency. If the deadline expires without the deficiency being remedied, Section 80 Paragraph 7 applies accordingly. Sentence 1 does not generally apply to procedural errors pursuant to Section 4 Paragraph 1 of the Environmental Remedies Act.

(3) If the court decides in the context of a balancing of the consequences of enforcement, it shall, as a rule, limit the ordering or restoration of the suspensive effect to those measures of the contested administrative act for which this is necessary to prevent irreversible disadvantages that would otherwise arise. It may make the limited ordering or restoration of the suspensive effect dependent on the provision of security by the beneficiary of the contested administrative act.

(4) When considering the consequences of implementation, the court shall give particular consideration to the importance of projects if a federal law establishes that they are in the overriding public interest.

Section 9
Proceedings at first instance

Unofficial table of contents

§ 81

(1) The action shall be filed with the court in writing. In the case of an administrative court, it may also be recorded by the clerk of the court's office. Section 129a, paragraph 2 of the Code of Civil Procedure shall apply mutatis mutandis.

(2) Subject to Section 55a paragraph 5 sentence 3, copies of the action and all written pleadings shall be attached for the other parties involved.
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§ 82

(1) The statement of claim must identify the plaintiff, the defendant, and the subject matter of the claim. It must contain a specific request. The facts and evidence supporting the claim must be stated, and copies of the contested order and the notice of appeal must be attached.

(2) If the action fails to meet these requirements, the presiding judge or the professional judge (reporter) competent under Section 21g of the Courts Constitution Act shall request the plaintiff to submit the necessary supplementary information within a specified period. He or she may set a deadline for the plaintiff to submit the supplementary information, with preclusive effect, if one of the requirements set out in paragraph 1, sentence 1 is missing. Section 60 shall apply mutatis mutandis to reinstatement.
Unofficial table of contents

§ 83

Sections 17 to 17b of the Courts Constitution Act apply mutatis mutandis to subject-matter and local jurisdiction. Decisions pursuant to Section 17a, paragraphs 2 and 3 of the Courts Constitution Act are final.
Unofficial table of contents

§ 84

(1) The court may decide by court order without a hearing if the case presents no particular difficulties of a factual or legal nature and the facts of the case have been clarified. The parties must be heard beforehand. The provisions regarding judgments apply mutatis mutandis.

(2) The parties may, within one month of service of the court order,

1. lodge an appeal if it has been admitted (§ 124a),
2. Apply for leave to appeal or for an oral hearing; if both legal remedies are used, an oral hearing will take place,
3. lodge an appeal if it has been admitted,
4. lodge an appeal against non-admission or request an oral hearing if the appeal has not been admitted; if both legal remedies are used, an oral hearing will take place,
5. request an oral hearing if there is no legal remedy.

(3) The court order shall have the effect of a judgment; if an oral hearing is requested in due time, it shall be deemed not to have been issued.

(4) If an oral hearing is requested, the court may refrain from further setting out the facts of the case and the reasons for the decision in the judgment, provided that it follows the reasons given in the court order and states this in its decision.
Unofficial table of contents

§ 85

The presiding judge shall order service of the action on the defendant. At the same time as service, the defendant shall be requested to submit a written statement; Section 81, Paragraph 1, Sentence 2 applies accordingly. A deadline may be set for this.
Unofficial table of contents

§ 86

(1) The court shall investigate the facts of the case ex officio; the parties shall be consulted in this process. It shall not be bound by the submissions and requests for evidence submitted by the parties.

(2) A motion for evidence made at the oral hearing may only be rejected by a court order, which must state the reasons for the motion.

(3) The Chair shall ensure that formal errors are corrected, unclear applications are explained, relevant applications are made, insufficient factual information is supplemented and all statements essential for the determination and assessment of the facts are made.

(4) The parties shall submit written submissions in preparation for the oral hearing. The presiding judge may request them to do so within a specified time limit. The written submissions shall be sent to the parties ex officio.

(5) The documents or electronic documents referred to shall be attached to the pleadings, either in full or in part, as copies. If the documents are already known to the opposing party or are very extensive, a precise description and an offer to grant access to them at the court shall suffice.
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§ 86a

(deleted)
Unofficial table of contents

§ 87

(1) The presiding judge or the rapporteur shall, before the oral hearing, make all necessary arrangements to resolve the dispute, if possible, in an oral hearing. In particular, he may

1. invite the parties to discuss the facts and circumstances of the dispute and to settle the dispute amicably and accept a settlement;
2. require the parties to supplement or explain their preparatory pleadings, to produce documents, to transmit electronic documents and to produce other items suitable for filing with the court, and in particular to set a deadline for making statements on certain points requiring clarification;
3. Obtain information;
4. order the production of documents or the transmission of electronic documents;
5. order the personal appearance of the parties involved; Section 95 shall apply accordingly;
6. Summon witnesses and experts to the oral hearing.
7. (deleted)

(2) The parties shall be notified of any order.

(3) The presiding judge or the rapporteur may take individual evidence. This may only be done to the extent that it is expedient to simplify the proceedings before the court and it can be assumed from the outset that the court will be able to properly assess the evidence even without direct insight into the course of the evidence-taking.
Unofficial table of contents

§ 87a

(1) The chairman shall decide, if the decision is taken in the preparatory proceedings,

1. on the suspension and stay of proceedings;
2. in the event of withdrawal of the action, waiver of the asserted claim or acknowledgment of the claim, including through an application for legal aid;
3. if the main proceedings have been settled, including an application for legal aid;
4. about the value in dispute;
5. about costs;
6. about the accompanying cargo.

(2) With the consent of the parties, the Chair may also decide in other ways instead of the Chamber or the Senate.

(3) If a rapporteur is appointed, he or she shall decide in place of the chairman.
Unofficial table of contents

§ 87b

(1) The presiding judge or the rapporteur may set a deadline for the plaintiff to state the facts which he or she considers aggrieved by their consideration or non-consideration in the administrative proceedings. The deadline pursuant to sentence 1 may be combined with the deadline pursuant to Section 82 (2), sentence 2.

(2) The chairman or the rapporteur may, within a specified period, require a party to provide information on specific matters

1. to state facts or to indicate evidence,
2. To present documents or other movable property and to transmit electronic documents, insofar as the party concerned is obliged to do so.

(3) The court may reject statements and evidence submitted after the expiry of a time limit set in accordance with paragraphs 1 and 2 and decide without further investigation if

1. their admission would, in the free conviction of the court, delay the settlement of the dispute and
2. the party involved does not sufficiently excuse the delay and
3. the party concerned has been informed of the consequences of failing to meet the deadline.

The reason for the excuse must be substantiated upon request by the court. Sentence 1 does not apply if it is possible to determine the facts with minimal effort without the cooperation of the party involved.

(4) By way of derogation from paragraph 3, in proceedings pursuant to Section 48 paragraph 1 sentence 1 numbers 3 to 15 and Section 50 paragraph 1 number 6, the court shall reject statements and evidence which are submitted only after the expiry of a time limit set pursuant to paragraphs 1 and 2 and shall decide without further investigation if the party involved

1. the delay is not sufficiently excused and
2. has been informed of the consequences of missing a deadline.

Paragraph 3, sentences 2 and 3 shall apply accordingly.
Unofficial table of contents

§ 87c

(1) Procedures pursuant to Section 48 paragraph 1 sentence 1 numbers 3 to 15 and Section 50 paragraph 1 number 6 shall be carried out with priority and in an accelerated manner. This also applies

1. for procedures pursuant to Section 47 Paragraph 1 Number 1, if they concern development plans with representations or designations of areas for the projects referred to in Section 48 Paragraph 1 Sentence 1 Numbers 3, 3a, 3b or 5 and
2. for procedures pursuant to Section 47 Paragraph 1 Number 2, if they concern spatial development plans with designations of areas for the use of wind energy.

Special priority should be given to procedures for projects if a federal law establishes that they are in the overriding public interest. Exempted from sentence 1 are the construction of commercial airports and airfields with restricted building protection areas in Section 48 Paragraph 1, Sentence 1, Number 6, and the planning approval procedures for open-cast lignite mines in Section 48 Paragraph 1, Sentence 1, Number 13.

(2) In the proceedings referred to in paragraph 1, the chairperson or the rapporteur shall, in appropriate cases, summon the parties to an early initial hearing to discuss the facts and circumstances of the case and to seek an amicable settlement of the dispute. If no amicable settlement of the dispute is reached at this hearing, the chairperson or the rapporteur shall discuss with the parties the further course of the proceedings and the possible scheduling of the oral hearing.
Unofficial table of contents

§ 88

The court may not go beyond the scope of the claim, but is not bound by the wording of the applications.
Unofficial table of contents

§ 89

(1) A counterclaim may be filed with the court of the action if the counterclaim is related to the claim asserted in the action or to the defenses raised against it. This shall not apply if, in the cases referred to in Section 52 No. 1, another court has jurisdiction over the action based on the counterclaim.

(2) In the case of actions for annulment and actions for an obligation, counterclaims are excluded.
Unofficial table of contents

§ 90

The filing of the action renders the dispute pending. In proceedings under Title Seventeen of the Courts Constitution Act due to excessively long court proceedings, the dispute only becomes pending upon service of the action.
Unofficial table of contents

§ 91

(1) An amendment to the action shall be admissible if the other parties consent or if the court considers the amendment to be expedient.

(2) The defendant shall be deemed to have consented to the amendment of the action if he has, without objecting, entered an admission to the amended action in a written submission or at an oral hearing.

(3) The decision that an amendment to the action is not necessary or should be allowed is not independently contestable.
Unofficial table of contents

§ 92

(1) The plaintiff may withdraw his or her action until the judgment becomes final. Withdrawal after the motions have been filed at the oral hearing requires the consent of the defendant and, if a representative of the public interest participated in the oral hearing, his or her consent as well. Consent shall be deemed given if the withdrawal of the action is not objected to within two weeks of service of the pleading containing the withdrawal; the court shall point out this consequence.

(2) The action shall be deemed withdrawn if the plaintiff fails to pursue the proceedings for more than two months despite a court request. Paragraph 1, sentences 2 and 3 shall apply mutatis mutandis. The plaintiff shall be informed in the request of the legal consequences arising from sentence 1 and Section 155, paragraph 2. The court shall declare by order that the action is deemed withdrawn.

(3) If the action is withdrawn or is deemed to have been withdrawn, the court shall discontinue the proceedings by order and shall pronounce the legal consequences of the withdrawal under this Act. The order shall be final.
Unofficial table of contents

§ 93

The court may, by order, join several pending proceedings concerning the same subject matter for joint hearing and decision, and may then separate them. It may order that several claims raised in one proceeding be heard and decided in separate proceedings.
Unofficial table of contents

§ 93a

(1) If the legality of an administrative measure is the subject of more than twenty proceedings, the court may conduct one or more appropriate proceedings prior to the hearing (model proceedings) and suspend the remaining proceedings. The parties must be heard beforehand. The decision is final.

(2) If a final and binding decision has been made on the proceedings conducted, the court may, after hearing the parties involved, decide on the suspended proceedings by order if it is unanimously of the opinion that the cases do not exhibit any significant factual or legal peculiarities compared to model proceedings that have been finally decided, and the facts of the case have been clarified. The court may introduce evidence taken in model proceedings; it may, at its discretion, order the repeated examination of a witness or a new expert opinion by the same or other experts. The court may reject applications for evidence concerning facts on which evidence has already been taken in model proceedings if, in its free conviction, their admission would not contribute to the establishment of new facts relevant to the decision and would delay the settlement of the legal dispute. The rejection may be made in the decision pursuant to sentence 1. The parties involved have the right to appeal against the decision pursuant to sentence 1, which would be admissible if the court had decided by judgment. The parties must be informed of this appeal.
Unofficial table of contents

§ 94

If the decision in the dispute depends wholly or in part on the existence or non-existence of a legal relationship which is the subject of another pending dispute or which is to be determined by an administrative authority, the court may order that the hearing be stayed until the other dispute has been settled or until the administrative authority has made its decision.
Unofficial table of contents

§ 95

(1) The court may order the personal appearance of a participant. Participation via video and audio transmission, as permitted under Section 102a, Paragraph 2, Sentence 1, is also considered a personal appearance. In the event of failure to appear, the court may threaten a fine as against a witness who fails to appear at a hearing. In the event of culpable failure to appear, the court shall impose the threatened fine by order. The threat and imposition of the fine may be repeated.

(2) If the party involved is a legal person or an association, the fine shall be threatened and imposed on the person authorized to represent the company by law or the statutes.

(3) The court may order a public body or authority involved to send to the oral hearing an official or employee who is provided with written proof of authority to represent the case and who is sufficiently informed of the factual and legal situation.
Unofficial table of contents

§ 96

(1) The court shall take evidence at the oral hearing. It may, in particular, inspect the case, examine witnesses, experts, and parties involved, and examine documents.

(2) In appropriate cases, the court may, before the oral hearing, have one of its members take evidence as a designated judge or may request another court to take evidence by specifying the individual questions to be examined.
Unofficial table of contents

§ 97

The parties will be notified of all evidentiary hearings and may attend the hearing. They may ask witnesses and experts any relevant questions. If a question is challenged, the court will decide.
Unofficial table of contents

§ 98

Unless this Act contains different provisions, Sections 358 to 444 and 450 to 494 of the Code of Civil Procedure shall apply mutatis mutandis to the taking of evidence.
Unofficial table of contents

§ 99

(1) Authorities are obliged to produce documents or files, to transmit electronic documents, and to provide information. If authorities keep files electronically, they must be produced as digitally searchable documents, insofar as this is technically possible. If disclosure of the contents of these documents, files, electronic documents, or information would be detrimental to the interests of the Federation or a state, or if the processes must be kept secret by law or by their very nature, the competent supreme supervisory authority may refuse to produce documents or files, transmit electronic documents, or provide information.

(2) At the request of a party, the Higher Administrative Court shall determine by order, without an oral hearing, whether the refusal to produce documents or files, to transmit electronic documents, or to provide information is lawful. If a supreme federal authority refuses to produce, transmit, or provide information on the grounds that disclosure of the contents of the documents, files, electronic documents, or information would be detrimental to the interests of the Federation, the Federal Administrative Court shall decide; the same applies if the Federal Administrative Court has jurisdiction over the main proceedings pursuant to Section 50. The application shall be filed with the court with jurisdiction over the main proceedings. This court shall forward the application and the main proceedings files to the panel with jurisdiction pursuant to Section 189. The supreme supervisory authority shall, upon request by this panel, produce the documents or files refused pursuant to paragraph 1, sentence 2, transmit the electronic documents, or provide the information refused. It shall be summoned to these proceedings. The proceedings are subject to the provisions on material secrecy. If these cannot be complied with, or if the competent supervisory authority asserts that special reasons of secrecy or protection of confidentiality prevent the handover of the documents or files or the transmission of the electronic documents to the court, the submission or transmission pursuant to sentence 5 shall be effected by making the documents, files, or electronic documents available to the court in premises designated by the highest supervisory authority. Section 100 shall not apply to the files and electronic documents submitted pursuant to sentence 5 and to the special reasons asserted pursuant to sentence 8. The members of the court are obliged to maintain confidentiality; the reasons for the decision must not reveal the nature and content of the documents, files, electronic documents, and information kept secret. The regulations on personnel secrecy apply to non-judicial staff. Unless the Federal Administrative Court has ruled, the decision can be independently contested by means of an appeal. The Federal Administrative Court decides on appeals against decisions of higher administrative courts. Sentences 4 to 11 apply mutatis mutandis to appeal proceedings.
Unofficial table of contents

§ 100

(1) Parties may inspect the court files and the files submitted to the court. Parties may obtain copies, extracts, printouts, and transcripts from the registry at their own expense.

(2) If the case files are kept electronically, inspection of the files shall be granted by making the contents of the files available for retrieval or by transmitting the contents of the files via a secure transmission channel. Upon special request, inspection of the files shall be granted by inspecting the files on office premises. A printout of the files or a data storage device containing the contents of the files shall only be transmitted upon a specifically substantiated request if the applicant demonstrates a legitimate interest in doing so. If there are important reasons preventing inspection of the files in the form provided for in sentence 1, inspection of the files may also be granted in the form provided for in sentences 2 and 3 without an application. The presiding judge shall decide on an application pursuant to sentence 3; the decision shall be final. Section 87a paragraph 3 shall apply accordingly.

(3) If the case files are kept in paper form, access to the files shall be granted by viewing the files on office premises. Unless there are compelling reasons to the contrary, access to the files may also be granted by making the contents of the files available for retrieval or by transmitting the contents of the files via a secure transmission channel. At the discretion of the presiding judge, the person authorized pursuant to Section 67(2), sentences 1 and 2, numbers 3 to 6, may be permitted to take the files into the home or business premises. Section 87a(3) shall apply accordingly.

(4) Inspection of the files referred to in paragraphs 1 to 3 shall not be granted to draft judgments, decisions and rulings, the work carried out in preparation thereof and the documents relating to voting.
Unofficial table of contents

§ 101

(1) Unless otherwise provided, the court shall decide on the basis of an oral hearing. The oral hearing shall be held as soon as possible.

(2) With the consent of the parties, the court may decide without an oral hearing.

(3) Decisions of the Court which are not judgments may be made without an oral hearing, unless otherwise provided.
Unofficial table of contents

§ 102

(1) Once the date for the oral hearing has been set, the parties shall be summoned with a notice period of at least two weeks, and at least four weeks in the case of the Federal Administrative Court. In urgent cases, the presiding judge may shorten this period.

(2) The summons shall state that if a party fails to appear, the hearing and decision may be taken without him.

(3) The courts of administrative jurisdiction may also hold sessions outside the court seat if this is necessary for the efficient handling of the matter.

(4) Section 227(3), first sentence, of the Code of Civil Procedure shall not apply.
Unofficial table of contents

§ 102a

(1) In appropriate cases and provided sufficient capacity is available, the oral hearing may be conducted by video. An oral hearing shall be conducted by video if at least one party to the proceedings participates via video and audio transmission. Parties to the proceedings under this provision are the parties, their authorized representatives, and counsel.

(2) Subject to the conditions set out in paragraph 1, sentence 1, the court may, upon application by a party to the proceedings or ex officio, permit participation by video and audio transmission for one, several, or all parties to the proceedings. A brief statement of reasons shall be required for the refusal of an application to participate by video and audio transmission.

(3) The court may, upon request or ex officio, permit the examination of a witness, expert, or party by video and audio transmission. Parties to the proceedings, witnesses, and experts have the right to request this. Paragraph 1 shall apply mutatis mutandis.

(4) Parties to the proceedings and third parties are prohibited from recording the transmission. They must be informed of this at the beginning of the hearing. The court may record the video hearing or the audio and video transmission pursuant to paragraph 3 in whole or in part for the purposes of Section 160a of the Code of Civil Procedure. The court must inform the parties to the proceedings and, in the case of paragraph 3, also the witnesses and experts, of the start and end of the recording.

(5) Decisions made under this provision shall be final.

(6) Paragraphs 1 to 5 shall apply mutatis mutandis to hearings (Section 87(1), sentence 2, number 1 and Section 87c(2), sentence 1).
Unofficial table of contents

§ 103

(1) The chairman shall open and conduct the oral hearing.

(2) After the case has been called, the chairman or the rapporteur shall present the essential contents of the file.

(3) The parties shall then be given the opportunity to present and substantiate their applications.
Unofficial table of contents

§ 104

(1) The chairman shall discuss the dispute with the parties in fact and in law.

(2) The presiding judge shall, upon request, allow any member of the court to ask questions. If a question is challenged, the court shall decide.

(3) After discussion of the dispute, the presiding judge shall declare the oral hearing closed. The court may decide to reopen it.
Unofficial table of contents

§ 105

Sections 159 to 165 of the Code of Civil Procedure shall apply accordingly to the minutes.
Unofficial table of contents

§ 106

In order to settle the dispute in whole or in part, the parties may enter into a settlement, which shall be recorded in the minutes of the court or the appointed or requested judge, provided they have control over the subject matter of the settlement. A judicial settlement may also be concluded by the parties accepting a proposal made by the court, the presiding judge, or the rapporteur in writing or by making a statement recorded in the oral hearing.

Section 10
Judgments and other decisions

Unofficial table of contents

§ 107

Unless otherwise provided, the action shall be decided by judgment.
Unofficial table of contents

§ 108

(1) The court shall decide according to its own free conviction, formed from the overall outcome of the proceedings. The judgment shall state the reasons that guided the judge's conviction.

(2) The judgment may be based only on facts and evidence on which the parties have had the opportunity to comment.
Unofficial table of contents

§ 109

The admissibility of the action can be decided in advance by an interim judgment.
Unofficial table of contents

§ 110

If only part of the subject matter of the dispute is ready for decision, the court may issue a partial judgment.
Unofficial table of contents

§ 111

If a claim for performance is disputed as to the merits and amount, the court may issue an interim judgment to rule on the merits. If the claim is found to be well-founded, the court may order that the amount be negotiated.
Unofficial table of contents

§ 112

The judgment may only be made by the judges and lay judges who participated in the trial on which the judgment is based.
Unofficial table of contents

§ 113

(1) If the administrative act is unlawful and the plaintiff's rights are thereby violated, the court shall annul the administrative act and any decision on the objection. If the administrative act has already been implemented, the court may, upon application, also declare that and how the administrative authority must reverse its implementation. This declaration is only permissible if the authority is in a position to do so and the matter is ready for judgment. If the administrative act has previously been resolved through withdrawal or otherwise, the court may, upon application, declare by judgment that the administrative act was unlawful if the plaintiff has a legitimate interest in this determination.

(2) If the plaintiff requests the amendment of an administrative act which sets a monetary amount or makes a determination relating thereto, the court may set the amount at a different amount or replace the determination with a different amount. If the determination of the amount to be set or determined requires a not inconsiderable expenditure, the court may order the amendment of the administrative act by specifying the factual or legal circumstances wrongly taken into account or not taken into account in such a way that the authority can calculate the amount on the basis of the decision. The authority shall inform the parties concerned of the result of the recalculation without delay and without any formalities; once the decision has become final and binding, the administrative act must be published again with the amended content.

(3) If the court considers further clarification of the facts to be necessary, it may, without deciding on the matter itself, annul the administrative act and the objection decision, provided that the nature or extent of the investigations still required is significant and annulment is expedient, also taking into account the interests of the parties involved. Upon application, the court may issue a provisional order until the new administrative act is issued, in particular by determining that securities be provided or remain in force in whole or in part and that benefits do not have to be repaid for the time being. The order may be amended or annulled at any time. A decision pursuant to the first sentence may only be issued within six months of the court receiving the authority's files.

(4) If, in addition to the annulment of an administrative act, performance may be required, a judgment to perform the act may also be issued in the same proceedings.

(5) If the refusal or omission of the administrative act is unlawful and the plaintiff's rights are thereby violated, the court shall order the administrative authority to perform the requested official act if the matter is ready for judgment. Otherwise, it shall order the plaintiff to be given a decision in accordance with the court's legal opinion.
Unofficial table of contents

§ 114

To the extent that the administrative authority is authorized to act at its discretion, the court will also examine whether the administrative act, or the refusal or omission of the administrative act, is unlawful because the statutory limits of discretion have been exceeded or the discretion has been exercised in a manner inconsistent with the purpose of the authorization. The administrative authority may also supplement its discretionary considerations regarding the administrative act in the administrative court proceedings.
Unofficial table of contents

§ 115

Sections 113 and 114 shall apply accordingly if, pursuant to Section 79 (1) No. 2 and (2), the objection notice is the subject of the action for annulment.
Unofficial table of contents

§ 116

(1) If an oral hearing has taken place, the judgment shall generally be pronounced at the hearing at which the oral hearing is closed; in special cases, at a hearing to be scheduled immediately, which shall not be scheduled more than two weeks in advance. The judgment shall be served on the parties. The presiding judge may permit the parties, their representatives, and counsel to participate in the pronouncement of the judgment via video and audio transmission.

(2) Instead of pronouncement, service of the judgment shall be permissible; in such case, the judgment shall be transmitted to the Registry within two weeks of the oral hearing.

(3) If the court decides without an oral hearing, the announcement shall be replaced by service on the parties.
Unofficial table of contents

§ 117

(1) The judgment shall be rendered "In the name of the people." It shall be in writing and signed by the judges who participated in the decision. If a judge is unable to sign, this shall be noted below the judgment by the presiding judge or, if the presiding judge is unable to sign, by the most senior associate judge. The signatures of the lay judges are not required.

(2) The judgment shall contain

1. the designation of the parties, their legal representatives and authorized representatives by name, profession, place of residence and their position in the proceedings,
2. the name of the court and the names of the members who participated in the decision,
3. the judgment formula,
4. the facts,
5. the reasons for the decision,
6. the information on legal remedies.

(3) The facts of the case shall be a concise summary of the essential content of the facts and the dispute, highlighting the applications submitted. For details, reference shall be made to pleadings, records, and other documents, provided they adequately disclose the facts and the dispute.

(4) A judgment that was not yet fully drafted at the time of pronouncement shall be transmitted in its entirety to the Registry within two weeks of the date of pronouncement. If, in exceptional circumstances, this cannot be done, the judgment signed by the judges shall be transmitted to the Registry within those two weeks without the facts of the case, the reasons for the decision, or the information on legal remedies. The facts of the case, the reasons for the decision, and the information on legal remedies shall be recorded promptly thereafter, separately signed by the judges, and transmitted to the Registry.

(5) The court may refrain from further setting out the reasons for its decision if it follows the reasons given in the administrative act or in the notice of appeal and states this in its decision.

(6) The clerk of the court registry shall note the date of service and, in the case of Section 116 (1) sentence 1, the date of pronouncement on the judgment, and sign this note. If the files are kept electronically, the clerk of the court registry shall record this note in a separate document. This document shall be inextricably linked to the judgment.
Unofficial table of contents

§ 118

(1) Clerical errors, calculation errors and similar obvious inaccuracies in the judgment shall be corrected by the court at any time.

(2) A decision on the correction may be made without a prior oral hearing. The decision on the correction shall be noted on the judgment and the copies. If the judgment is drawn up electronically, the decision shall also be drawn up electronically and inseparably linked to the judgment.
Unofficial table of contents

§ 119

(1) If the facts of the judgment contain other inaccuracies or ambiguities, an application for correction may be made within two weeks of service of the judgment.

(2) The court shall decide by order without taking evidence. The order shall be final. Only those judges who participated in the judgment shall participate in the decision. If a judge is unable to attend, the presiding judge shall have the deciding vote in the event of a tie. The correction order shall be noted on the judgment and the copies. If the judgment is issued electronically, the order shall also be issued electronically and inseparably linked to the judgment.
Unofficial table of contents

§ 120

(1) If an application made by a party under the facts of the case or the costs have been wholly or partly ignored in the decision, the judgment shall, upon application, be supplemented by a subsequent decision.

(2) The decision must be requested within two weeks of service of the judgment.

(3) The oral hearing shall concern only the part of the dispute that has not yet been settled. An oral hearing may be dispensed with if the supplementary judgment is intended to decide only on an ancillary claim or on costs, and if the importance of the case does not require an oral hearing.
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§ 121

Final judgments are binding insofar as the subject matter of the dispute has been decided,

1. the parties involved and their legal successors and
2. in the case of Section 65 (3), the persons who have not submitted an application for summons or have not done so within the time limit.

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§ 122

(1) Sections 88, 108 paragraph 1 sentence 1, and sections 118, 119 and 120 shall apply mutatis mutandis to resolutions.

(2) Decisions must be reasoned if they are subject to appeal or if they decide on an appeal. Decisions on the suspension of execution (Sections 80 and 80a) and on interim injunctions (Section 123), as well as decisions made after the settlement of the main dispute

(Section 161 (2)) must always be reasoned. Decisions deciding on an appeal do not require further reasoning if the court dismisses the appeal as unfounded for the reasons given in the contested decision.

Section 11
Interim Order

Unofficial table of contents

§ 123

(1) Upon application, the court may, even before an action is filed, issue a provisional injunction with respect to the subject matter of the dispute if there is a risk that a change in the existing situation could frustrate or significantly impede the exercise of a right of the applicant. Provisional injunctions may also be granted to regulate a temporary situation with respect to a disputed legal relationship if such regulation appears necessary, particularly in the case of permanent legal relationships, to avert significant disadvantages or to prevent imminent violence, or for other reasons.

(2) The court hearing the main action shall have jurisdiction to issue interim measures. This shall be the court of first instance and, if the main action is pending in appeal proceedings, the court of appeal. Section 80(8) shall apply mutatis mutandis.

(3) Sections 920, 921, 923, 926, 928 to 932, 938, 939, 941 and 945 of the Code of Civil Procedure shall apply mutatis mutandis to the issuance of interim measures.

(4) The court shall decide by order.

(5) The provisions of paragraphs 1 to 3 shall not apply to the cases referred to in Sections 80 and 80a.

Part III
Appeals and Retrial

Section 12
Appeal

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§ 124

(1) The parties shall have the right to appeal against final judgments, including partial judgments pursuant to Section 110, and against interim judgments pursuant to Sections 109 and 111, if the appeal is admitted by the Administrative Court or the Higher Administrative Court.

(2) The appeal shall only be allowed

1. if there are serious doubts about the correctness of the judgment,
2. if the case presents particular factual or legal difficulties,
3. if the legal matter is of fundamental importance,
4. if the judgment deviates from a decision of the Higher Administrative Court, the Federal Administrative Court, the Joint Senate of the Supreme Federal Courts or the Federal Constitutional Court and is based on this deviation, or
5. if a procedural defect is alleged and exists which is subject to the assessment of the Court of Appeal and on which the decision can be based.

Unofficial table of contents

§ 124a

(1) The Administrative Court shall allow an appeal in its judgment if the grounds set out in Section 124, Paragraph 2, Nos. 3 or 4 are present. The Higher Administrative Court is bound by the admission. The Administrative Court is not empowered to deny an appeal.

(2) If admitted by the Administrative Court, the appeal shall be filed with the Administrative Court within one month of service of the full judgment. The appeal must specify the judgment being appealed.

(3) In the cases referred to in paragraph 2, the appeal must be substantiated within two months of service of the full judgment. The substantiation must be submitted to the Higher Administrative Court, unless submitted at the same time as the appeal. The period for submitting substantiation may be extended by the presiding judge upon application submitted before the deadline. The substantiation must contain a specific application and the detailed grounds for the challenge (grounds of appeal). If any of these requirements are lacking, the appeal is inadmissible.

(4) If the appeal is not allowed in the judgment of the Administrative Court, an application for leave to appeal must be made within one month of service of the full judgment. The application must be submitted to the Administrative Court. It must specify the judgment being appealed. The reasons for granting the appeal must be set out within two months of service of the full judgment. The grounds, unless already submitted with the application, must be submitted to the Higher Administrative Court. Filing the application suspends the finality of the judgment.

(5) The Higher Administrative Court shall decide on the application by order. An appeal shall be allowed if one of the grounds set out in Section 124 (2) is presented and is present. The order shall contain a brief statement of reasons. Upon rejection of the application, the judgment becomes final. If the Higher Administrative Court admits the appeal, the application procedure shall continue as an appeal procedure; filing an appeal is not required.

(6) In the cases referred to in paragraph 5, the appeal must be substantiated within one month of service of the decision granting leave to appeal. The substantiation must be submitted to the Higher Administrative Court. Paragraph 3, sentences 3 to 5, apply accordingly.

Unofficial table of contents

§ 125

(1) The provisions of Part II shall apply mutatis mutandis to the appeal proceedings, unless otherwise provided in this Section. Section 84 shall not apply.

(2) If the appeal is inadmissible, it shall be dismissed. The decision may be made by order. The parties shall be heard beforehand. The parties shall have the right to appeal against the order in the same way that would be admissible had the court decided by judgment. The parties shall be informed of this right of appeal.
Unofficial table of contents

§ 126

(1) An appeal may be withdrawn until the judgment becomes final. Withdrawal after the motions have been filed at the oral hearing requires the consent of the defendant and, if a public representative participated in the oral hearing, his or her consent as well.

(2) The appeal shall be deemed withdrawn if the appellant fails to pursue the proceedings for more than three months despite the court's request. Paragraph 1, sentence 2 shall apply mutatis mutandis. The request shall inform the appellant of the legal consequences arising from the first sentence and Section 155, paragraph 2. The court shall declare by order that the appeal is deemed withdrawn.

(3) Withdrawal shall result in the loss of the appeal. The court shall decide on the costs by order.
Unofficial table of contents

§ 127

(1) The respondent and the other parties may join the appeal. The cross-appeal shall be filed with the Higher Administrative Court.

(2) Joinder shall also be admissible if the party concerned has waived the right to appeal or if the time limit for filing an appeal or for the application for leave to appeal has expired. Joinder shall be admissible until one month after service of the statement of grounds for appeal.

(3) The cross-appeal must be substantiated in the cross-appeal. Section 124a, paragraph 3, sentences 2, 4, and 5 apply accordingly.

(4) The cross-appeal does not require leave to appeal.

(5) The joining shall lose its effect if the appeal is withdrawn or dismissed as inadmissible.
Unofficial table of contents

§ 128

The Higher Administrative Court examines the dispute within the appeal to the same extent as the Administrative Court. It also considers newly presented facts and evidence.
Unofficial table of contents

§ 128a

(1) New statements and evidence which have not been submitted in the first instance despite a time limit set for them (Section 87b (1) and (2)) shall only be admitted if, in the court’s free conviction, their admission would not delay the settlement of the legal dispute or if the party concerned sufficiently excuses the delay. The reason for the excuse must be made credible upon request of the court. Sentence 1 shall not apply if the party concerned was not informed in the first instance of the consequences of missing a time limit in accordance with Section 87b (3) No. 3 or if it is possible to establish the facts of the case with little effort even without the cooperation of the party concerned.

(2) Statements and evidence which the administrative court has rightly rejected shall remain excluded in the appeal proceedings.
Unofficial table of contents

§ 129

The judgment of the administrative court may only be changed to the extent that a change is requested.
Unofficial table of contents

§ 130

(1) The Higher Administrative Court shall take the necessary evidence and decide on the matter itself.

(2) The Higher Administrative Court may, to the extent that further hearing is necessary, refer the case back to the Administrative Court, setting aside the judgment and the proceedings, only if:

1. insofar as the proceedings before the administrative court suffer from a substantial defect and, due to this defect, extensive or costly taking of evidence is necessary or
2. if the administrative court has not yet decided on the matter itself

and a party requests remittal.

(3) The Administrative Court shall be bound by the legal assessment of the appeal decision.
Unofficial table of contents

§ 130a

The Higher Administrative Court may decide on the appeal by order if it unanimously finds it well-founded or unfounded and does not consider an oral hearing necessary. Section 125, Paragraph 2, Sentences 3 to 5 apply accordingly.
Unofficial table of contents

§ 130b

In its judgment on the appeal, the Higher Administrative Court may refer to the facts of the contested decision if it fully endorses the findings of the Administrative Court. It may refrain from further explaining the reasons for the decision if it dismisses the appeal as unfounded on the grounds of the contested decision.
Unofficial table of contents

§ 131

(deleted)

Section 13
Revision

Unofficial table of contents

§ 132

(1) The parties shall have the right to appeal to the Federal Administrative Court against the judgment of the Higher Administrative Court (Section 49 No. 1) and against decisions pursuant to Section 47 Paragraph 5, Sentence 1, if the Higher Administrative Court or, upon appeal against non-admission, the Federal Administrative Court has granted leave to appeal.

(2) The appeal shall only be allowed if

1. the legal case is of fundamental importance,
2. the judgment deviates from a decision of the Federal Administrative Court, the Joint Senate of the Supreme Federal Courts or the Federal Constitutional Court and is based on this deviation or
3. a procedural defect is alleged and exists on which the decision can be based.

(3) The Federal Administrative Court shall be bound by the admission.
Unofficial table of contents

§ 133

(1) The refusal to allow an appeal may be challenged by means of an appeal.

(2) The appeal shall be filed with the court against whose judgment the appeal is sought within one month of service of the full judgment. The appeal must specify the judgment being appealed.

(3) The appeal must be substantiated within two months of service of the full judgment. The substantiation must be submitted to the court against whose judgment the appeal is filed. The substantiation must explain the fundamental importance of the case, or identify the decision from which the judgment deviates, or identify the procedural defect.

(4) The filing of an appeal shall suspend the finality of the judgment.

(5) If the appeal is not granted, the Federal Administrative Court shall issue a decision. The decision shall contain a brief statement of reasons; reasons may be omitted if they are not suitable for clarifying the conditions under which an appeal is admissible. Upon rejection of the appeal by the Federal Administrative Court, the judgment shall become final and binding.

(6) If the conditions of Section 132 (2) No. 3 are met, the Federal Administrative Court may, in its decision, set aside the contested judgment and refer the case back for further hearing and decision.
Unofficial table of contents

§ 134

(1) Parties may appeal against a judgment of an administrative court (Section 49, No. 2), bypassing the appeal court, if the plaintiff and the defendant consent in writing to the filing of a summary appeal and if the administrative court grants such leave in the judgment or, upon application, by order. The application must be submitted in writing within one month of service of the full judgment. Consent to the filing of a summary appeal must be attached to the application or, if the appeal is granted in the judgment, to the brief for appeal.

(2) An appeal on points of law shall only be admitted if the requirements of Section 132, Paragraph 2, Nos. 1 or 2 are met. The Federal Administrative Court is bound by the admission. The refusal of admission is final.

(3) If the Administrative Court rejects the application for leave to appeal by order, the period for filing the application for leave to appeal shall begin anew upon service of that decision, provided the application was filed within the statutory time limit and in the prescribed form and the declaration of consent was enclosed. If the Administrative Court grants leave to appeal by order, the period for filing the appeal shall begin anew upon service of that decision.

(4) The appeal may not be based on procedural defects.

(5) The filing of an appeal and the consent shall be deemed to be a waiver of the right to appeal if the Administrative Court has admitted the appeal.
Unofficial table of contents

§ 135

The parties involved have the right to appeal a judgment of an administrative court (Section 49 No. 2) to the Federal Administrative Court if appeal is precluded by federal law. An appeal may only be filed if the administrative court, or upon appeal against the denial of admission, the Federal Administrative Court, has granted leave to appeal. Sections 132 and 133 apply mutatis mutandis to admission.
Unofficial table of contents

§ 136

(deleted)
Unofficial table of contents

§ 137

(1) An appeal on points of law may only be based on the fact that the contested judgment was based on the violation

1. of federal law or
2. a provision of the Administrative Procedure Act of a state, the wording of which is identical to the Federal Administrative Procedure Act,

is based on.

(2) The Federal Administrative Court shall be bound by the findings of fact made in the contested judgment, unless admissible and substantiated grounds for appeal are put forward in relation to those findings.

(3) If the appeal is based on procedural defects and one of the requirements of Section 132, paragraph 2, numbers 1 and 2 is not simultaneously met, only the alleged procedural defects shall be decided upon. Otherwise, the Federal Administrative Court is not bound by the grounds of appeal raised.
Unofficial table of contents

§ 138

A judgment shall always be considered to be based on a violation of federal law if

1. the court hearing the case was not properly staffed,
2. a judge who was excluded from the exercise of judicial office by law or who was successfully challenged due to concerns about bias participated in the decision,
3. a party was denied a fair hearing,
4. a party to the proceedings was not represented in accordance with the provisions of the law, unless he or she has expressly or tacitly consented to the conduct of the proceedings,
5. the judgment was handed down following an oral hearing in which the rules on publicity of the proceedings were violated, or
6. the decision is not reasoned.

Unofficial table of contents

§ 139

(1) An appeal on points of law shall be filed in writing with the court whose judgment is being contested within one month of service of the full judgment or of the decision granting leave to appeal pursuant to Section 134, Paragraph 3, Sentence 2. The time limit for filing an appeal shall also be met if the appeal is filed with the Federal Administrative Court within the time limit. The appeal must specify the judgment being contested.

(2) If the appeal against the refusal to allow an appeal on points of law is upheld or if the Federal Administrative Court grants leave to appeal on points of law, the appeal proceedings shall continue as appeal proceedings unless the Federal Administrative Court sets aside the contested judgment pursuant to Section 133(6); the filing of an appeal by the appellant is not required. Reference to this shall be made in the decision.

(3) The appeal must be substantiated within two months of service of the full judgment or of the decision granting leave to appeal pursuant to Section 134, Paragraph 3, Sentence 2; in the case of Paragraph 2, the period for providing substantiation shall be one month after service of the decision granting leave to appeal. The substantiation must be submitted to the Federal Administrative Court. The presiding judge may extend the period for providing substantiation upon application made before its expiry. The substantiation must contain a specific application, state the legal provision violated, and, where procedural defects are alleged, the facts giving rise to the defect.
Unofficial table of contents

§ 140

(1) An appeal may be withdrawn until the judgment becomes final. Withdrawal after the submission of motions at the oral hearing requires the consent of the respondent and, if the representative of the federal interest at the Federal Administrative Court participated in the oral hearing, also his consent.

(2) Withdrawal shall result in the loss of the appeal. The court shall decide on the costs by order.
Unofficial table of contents

§ 141

The provisions governing appeals shall apply mutatis mutandis to the appeal, unless otherwise provided in this section. Sections 87a, 130a, and 130b shall not apply.
Unofficial table of contents

§ 142

(1) Amendments to the claim and subpoenas are inadmissible in appeal proceedings. This does not apply to subpoenas pursuant to Section 65 (2).

(2) A party summoned in appeal proceedings pursuant to Section 65 (2) may only object to procedural defects within two months of service of the order summoning the party. This period may be extended by the presiding judge upon application submitted before its expiry.

Unofficial table of contents

§ 143

The Federal Administrative Court examines whether the appeal is admissible and whether it has been filed and substantiated in accordance with the statutory form and within the statutory time limit. If any of these requirements are lacking, the appeal is inadmissible.

Unofficial table of contents

§ 144

(1) If the appeal is inadmissible, the Federal Administrative Court shall reject it by order.

(2) If the appeal is unfounded, the Federal Administrative Court shall dismiss the appeal.

(3) If the appeal is well-founded, the Federal Administrative Court may

1. decide on the matter itself,
2. set aside the contested judgment and refer the case back for further hearing and decision.

The Federal Administrative Court shall refer the legal dispute back if the party summoned in the appeal proceedings pursuant to Section 142 Paragraph 1 Sentence 2 has a legitimate interest in doing so.

(4) If the reasons for the decision reveal a violation of existing law, but the decision itself appears to be correct for other reasons, the appeal shall be dismissed.

(5) If the Federal Administrative Court, in a direct appeal pursuant to Section 49 No. 2 and Section 134, remands the case for further hearing and decision, it may, at its discretion, also remand the case to the Higher Administrative Court that would have had jurisdiction over the appeal. The same principles shall then apply to the proceedings before the Higher Administrative Court as if the dispute had been brought before the Higher Administrative Court following a duly filed appeal.

(6) The court to which the case is referred for further hearing and decision shall base its decision on the legal assessment of the court hearing the appeal.

(7) The decision on the appeal shall not require a statement of reasons if the Federal Administrative Court does not consider complaints of procedural defects to be persuasive. This shall not apply to complaints under Section 138 and, if the appeal exclusively alleges procedural defects, to complaints on which the admission of the appeal is based.

Unofficial table of contents

§ 145

(deleted)

Section 14:
Complaint, Reminder, Hearing Complaint

Unofficial table of contents

§ 146

(1) The parties involved and any other persons affected by the decision shall have the right to appeal to the Higher Administrative Court against decisions of the Administrative Court, the presiding judge or the rapporteur which are not judgments or court orders, unless otherwise provided in this Act.

(2) Procedural orders, orders for information, decisions on adjournment or setting a time limit, orders on taking evidence, decisions on rejecting applications for evidence, on joining or separating proceedings and claims, on rejecting court personnel, and decisions on rejecting legal aid where the court exclusively denies the personal or economic prerequisites for legal aid, may not be contested by means of an appeal.

(3) Furthermore, subject to an appeal against the refusal of leave to appeal provided for by law, there shall be no appeal in disputes concerning costs, fees and expenses if the value of the subject matter of the appeal does not exceed two hundred euros.

(4) An appeal against decisions of the Administrative Court in proceedings for interim relief (Sections 80, 80a, and 123) must be substantiated within one month of notification of the decision. The substantiation must be submitted to the Higher Administrative Court, unless already submitted with the appeal. It must contain a specific request, set out the reasons why the decision is to be amended or annulled, and address the contested decision. If any of these requirements are lacking, the appeal shall be dismissed as inadmissible. The Administrative Court shall submit the appeal promptly; Section 148(1) shall not apply. The Higher Administrative Court shall only examine the stated reasons.

(5) and (6) (deleted)

Unofficial table of contents

§ 147

(1) The appeal shall be filed with the court whose decision is contested, in writing or recorded by the clerk of the court's office, within two weeks of notification of the decision. Section 67 (4) remains unaffected.

(2) The time limit for lodging an appeal shall also be met if the appeal is received by the appeal court within the time limit.

Unofficial table of contents

§ 148

(1) If the Administrative Court, the Chairperson or the Rapporteur whose decision is being contested considers the appeal to be well-founded, it shall be remedied; otherwise, it shall be submitted without delay to the Higher Administrative Court.

(2) The Administrative Court shall inform the parties of the submission of the appeal to the Higher Administrative Court.
Unofficial table of contents

§ 149

(1) An appeal shall have suspensive effect only if it concerns the imposition of a disciplinary or coercive measure. The court, the presiding judge, or the rapporteur whose decision is being contested may also otherwise order that the execution of the contested decision be temporarily suspended.

(2) Sections 178 and 181 (2) of the Courts Constitution Act remain unaffected.
Unofficial table of contents

§ 150

The Higher Administrative Court decides on the appeal by order.
Unofficial table of contents

§ 151

A request for a court decision may be made against the decisions of the appointed or requested judge or registrar within two weeks of notification. The request must be submitted in writing or recorded by the registrar of the court's office. Sections 147 to 149 apply accordingly.
Unofficial table of contents

§ 152

(1) Subject to Section 99(2) and Section 133(1) of this Act and Section 17a(4), fourth sentence, of the Courts Constitution Act, decisions of the Higher Administrative Court may not be contested by means of a complaint to the Federal Administrative Court.

(2) In proceedings before the Federal Administrative Court, Section 151 shall apply mutatis mutandis to decisions of the appointed or requested judge or of the clerk of the court.
Unofficial table of contents

§ 152a

(1) Upon the complaint of a party adversely affected by a court decision, the proceedings shall be continued if

1. there is no legal remedy or other legal remedy against the decision and
2. the court has violated the right of this party to a fair hearing in a manner relevant to the decision.

There is no right of appeal against a decision prior to the final decision.

(2) The objection must be lodged within two weeks of becoming aware of the violation of the right to be heard; the time of acquisition of knowledge must be made credible. The objection may no longer be lodged after one year has elapsed since the announcement of the contested decision. Decisions notified informally are deemed to have been announced on the fourth day after they were posted. The objection must be lodged in writing or recorded by the clerk of the court whose decision is being contested. Section 67 (4) remains unaffected. The objection must identify the contested decision and explain the existence of the requirements set out in paragraph 1, sentence 1, no. 2.

(3) The other parties involved shall, where necessary, be given the opportunity to comment.

(4) If the complaint is inadmissible or not filed within the statutory form or within the statutory time limit, it shall be rejected as inadmissible. If the complaint is unfounded, the court shall reject it. The decision shall be issued by a final order. The order shall contain a brief statement of reasons.

(5) If the complaint is well-founded, the court shall remedy the situation by continuing the proceedings to the extent that this is warranted by the complaint. The proceedings shall be returned to the state they existed in prior to the conclusion of the oral hearing. In written proceedings, the conclusion of the oral hearing shall be replaced by the time until which written submissions may be submitted. Section 343 of the Code of Civil Procedure shall apply mutatis mutandis to the court's ruling.

(6) Section 149(1), sentence 2 shall apply accordingly.

Section 15
Resumption of proceedings

Unofficial table of contents

§ 153

(1) Proceedings which have been finally and definitively concluded may be reopened in accordance with the provisions of Book Four of the Code of Civil Procedure.

(2) The right to bring an action for annulment and an action for restitution shall also be vested in the representative of the public interest and, in proceedings before the Federal Administrative Court at first and last instance, in the representative of the federal interest before the Federal Administrative Court.

Part IV
Costs and Enforcement

Section 16
Costs

Unofficial table of contents

§ 154

(1) The losing party shall bear the costs of the proceedings.

(2) The costs of an unsuccessful appeal shall be borne by the person who lodged the appeal.

(3) Costs may only be imposed on the party summoned if he has filed applications or lodged an appeal; Section 155(4) remains unaffected.

(4) The costs of a successful reopening of the case may be charged to the State Treasury unless they were incurred through the fault of one of the parties.

(5) To the extent that the applicant is unsuccessful solely on the basis of Section 80c, paragraph 2, the court costs shall be borne by the successful party. Paragraph 3 remains unaffected.
Unofficial table of contents

§ 155

(1) If a party succeeds in part and loses in part, the costs shall be set off against each other or shared proportionately. If the costs are set off against each other, the court costs shall be borne equally by each party. One party may be charged the entire costs if the other party has lost only a small portion.

(2) Any person who withdraws an application, action, appeal or other legal remedy shall bear the costs.

(3) Costs incurred in connection with an application for reinstatement shall be borne by the applicant.

(4) Costs incurred through the fault of a party may be charged to that party.
Unofficial table of contents

§ 156

If the defendant has not given cause for the action to be brought by his conduct, the plaintiff shall bear the legal costs if the defendant immediately acknowledges the claim.
Unofficial table of contents

§ 157

(deleted)
Unofficial table of contents

§ 158

(1) The decision on costs may not be challenged unless an appeal is lodged against the decision on the merits.

(2) If no decision has been made on the merits, the decision on costs shall be final.
Unofficial table of contents

§ 159

If the party liable for costs consists of several persons, Section 100 of the Code of Civil Procedure applies accordingly. If the disputed legal relationship can only be resolved in a single decision with respect to the party liable for costs, the costs can be imposed on the several persons as joint and several debtors.
Unofficial table of contents

§ 160

If the dispute is settled by settlement and the parties have not agreed on costs, the court costs shall be borne equally by each party. Each party shall bear its own out-of-court costs.
Unofficial table of contents

§ 161

(1) The court shall decide on costs in its judgment or, if the proceedings have been terminated in another way, by order.

(2) If the main proceedings have been settled, the court shall, except in the cases referred to in Section 113(1), fourth sentence, decide on the costs of the proceedings by order at its reasonable discretion; the facts and circumstances of the case at hand shall be taken into account. The main proceedings shall also be settled if the defendant does not object to the plaintiff's declaration of settlement within two weeks of service of the pleading containing the declaration of settlement and the court has informed him of this consequence.

(3) In the cases referred to in Section 75, the costs shall always be borne by the defendant if the plaintiff could reasonably expect to receive his decision before the action was brought.
Unofficial table of contents

§ 162

(1) Costs are the court costs (fees and expenses) and the expenses necessary for the appropriate prosecution or defence of the parties, including the costs of the preliminary proceedings.

(2) The fees and expenses of a lawyer or legal counsel, and in the matters referred to in Section 67, Paragraph 2, Sentence 2, Numbers 3 and 3a, also of one of the persons named therein, are always reimbursable. Where preliminary proceedings are pending, fees and expenses are reimbursable if the court declares the involvement of a representative necessary for the preliminary proceedings. Legal entities under public law and authorities may claim the maximum flat rate specified in Number 7002 of Annex 1 to the Lawyers' Remuneration Act instead of their actual necessary expenses for postal and telecommunications services.

(3) The extrajudicial costs of the party summoned shall be recoverable only if the court imposes them on the losing party or on the public treasury in equity.
Unofficial table of contents

§ 163

(deleted)
Unofficial table of contents

§ 164

The registrar of the court of first instance shall, upon application, determine the amount of the costs to be reimbursed.
Unofficial table of contents

§ 165

The parties may contest the determination of the costs to be reimbursed. Section 151 applies accordingly.
Unofficial table of contents

§ 165a

Section 110 of the Code of Civil Procedure applies accordingly.
Unofficial table of contents

§ 166

(1) The provisions of the Code of Civil Procedure regarding legal aid and Section 569, Paragraph 3, No. 2 of the Code of Civil Procedure shall apply mutatis mutandis. A party granted legal aid may also be assigned a tax advisor, tax representative, auditor, or certified public accountant. The remuneration shall be governed by the provisions of the Lawyers' Remuneration Act applicable to the assigned lawyer.

(2) The examination of the personal and financial circumstances pursuant to Sections 114 to 116 of the Code of Civil Procedure, including the measures referred to in Section 118 (2) of the Code of Civil Procedure, the certification of settlements pursuant to Section 118 (1), third sentence, of the Code of Civil Procedure, and the decisions pursuant to Section 118 (2), fourth sentence, of the Code of Civil Procedure, shall be the responsibility of the registrar of the court registry of the respective instance if the presiding judge assigns the proceedings to him or her in this regard. If the conditions for granting legal aid under these conditions are not met, the registrar shall issue a decision rejecting the application; otherwise, the registrar shall note in the case files that the applicant may be granted legal aid based on his or her personal and financial circumstances and the amount, if any, of the monthly installments or amounts to be paid from the applicant's assets.

(3) In the proceedings concerning legal aid, the registrar shall also be responsible for determining the date for the suspension and resumption of payments in accordance with Section 120(3) of the Code of Civil Procedure and for amending and revoking the grant of legal aid in accordance with Sections 120a and 124(1) numbers 2 to 5 of the Code of Civil Procedure.

(4) The chairperson may assume the duties referred to in paragraphs 2 and 3 at any time. Section 5 paragraph 1 number 1, sections 6, 7, 8 paragraphs 1 to 4, and section 9 of the Rechtspflegergesetz (Law on the Administrative Court) shall apply mutatis mutandis, provided that the clerk of the court office shall replace the Rechtspfleger.

(5) Section 87a paragraph 3 shall apply accordingly.

(6) An application for a decision by the court may be made against decisions of the registrar pursuant to paragraphs 2 and 3 within two weeks of notification.

(7) A Land law may provide that paragraphs 2 to 6 shall not apply to the courts of the Land in question.

Section 17
Enforcement

Unofficial table of contents

§ 167

(1) Unless otherwise provided in this Act, Book Eight of the Code of Civil Procedure shall apply mutatis mutandis to enforcement. The court of first instance shall be the court of enforcement.

(2) Judgments on actions for annulment and actions for an order may be declared provisionally enforceable only for the purpose of costs.
Unofficial table of contents

§ 168

(1) Enforcement shall be

1. from final and provisionally enforceable court decisions,
2. from interim orders,
3. from court settlements,
4. from cost assessment decisions,
5. from arbitral awards of public arbitration tribunals that have been declared enforceable, provided that the decision on enforceability has become final or has been declared provisionally enforceable.

(2) For the purposes of enforcement, the parties may, at their request, be issued with copies of the judgment without the facts of the case and without the reasons for the decision, the service of which shall have the same effect as the service of a full judgment.
Unofficial table of contents

§ 169

(1) If enforcement is to be carried out for the benefit of the Federal Government, a state, a municipal association, a municipality, or a corporation, institution, or foundation under public law, enforcement shall be governed by the Administrative Enforcement Act. The enforcement authority within the meaning of the Administrative Enforcement Act is the presiding judge of the court of first instance; he or she may enlist the services of another enforcement authority or a bailiff to carry out the enforcement.

(2) If enforcement is carried out to enforce acts, tolerations and omissions by way of administrative assistance by bodies of the Länder, it shall be carried out in accordance with the provisions of the Länder law.
Unofficial table of contents

§ 170

(1) If enforcement is sought against the Federal Government, a state, a municipal association, a municipality, a corporation, an institution, or a foundation under public law for a monetary claim, the court of first instance shall, upon application by the creditor, order enforcement. It shall determine the enforcement measures to be taken and request the competent authority to carry them out. The requested authority shall be obliged to comply with the request in accordance with its applicable enforcement provisions.

(2) Before issuing the enforcement order, the court shall notify the authority or, in the case of corporations, institutions, and foundations under public law against which enforcement is to be effected, the legal representatives of the intended enforcement, requesting them to avert enforcement within a period to be determined by the court. This period shall not exceed one month.

(3) Enforcement shall be inadmissible in cases that are essential for the performance of public duties or whose disposal is contrary to the public interest. The court shall decide on objections after hearing the competent supervisory authority or, in the case of the highest federal or state authorities, the competent minister.

(4) Paragraphs 1 to 3 shall not apply to public-law credit institutions.

(5) Notice of enforcement and compliance with a waiting period shall not be required where the enforcement concerns an interim injunction.
Unofficial table of contents

§ 171

In the cases of Sections 169 and 170 (1) to (3), an enforcement clause is not required.
Unofficial table of contents

§ 172

If the authority fails to comply with the obligation imposed on it in the judgment or interim injunction in cases under Section 113, Paragraph 1, Sentence 2 and Paragraph 5, and Section 123, the court of first instance may, upon application and setting a deadline, issue a ruling threatening to impose a coercive fine of up to ten thousand euros upon the authority. Upon expiration of the deadline, the court may impose a coercive fine of up to ten thousand euros, and enforce it ex officio. The coercive fine may be repeatedly threatened, imposed, and enforced.

Part V
Final and transitional provisions

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§ 173

To the extent that this Act does not contain any provisions on procedure, the Courts Constitution Act and the Code of Civil Procedure, including Section 278 Paragraph 5 and Section 278a, shall apply mutatis mutandis, unless the fundamental differences between the two types of procedure preclude this; the leading decision procedure pursuant to Sections 552b and 565 of the Code of Civil Procedure shall not apply. The provisions of Title Seventeen of the Courts Constitution Act shall apply mutatis mutandis, with the proviso that the Higher Administrative Court replaces the Higher Regional Court, the Federal Administrative Court replaces the Federal Court of Justice, and the Administrative Court Code replaces the Code of Civil Procedure. The competent administrative court shall be the court within the meaning of Section 1062 of the Code of Civil Procedure, and the competent Higher Administrative Court shall be the court within the meaning of Section 1065 of the Code of Civil Procedure.
Unofficial table of contents

§ 174

(1) For the representative of the public interest at the Higher Administrative Court and at the Administrative Court, qualification for judicial office under the German Judges Act shall be deemed equivalent to qualification for higher administrative service if this qualification has been obtained after at least three years of legal studies at a university and three years of training in the public service by passing the examinations prescribed by law.

(2) In the case of participants in war, the requirement of paragraph 1 shall be deemed to be fulfilled if they have complied with the special provisions applicable to them.
Unofficial table of contents

§ 175

Section 43 of the Introductory Act to the Courts Constitution Act applies accordingly.
Unofficial table of contents

§ 176

In derogation from Section 29 Paragraph 1 of the German Judges Act, the following may also participate in a judicial decision at the administrative courts until December 31, 2025:

1. two seconded judges for life or
2. a seconded judge for life and either a probationary judge or a judge by appointment.

Unofficial table of contents

§ 177

(1) Documents and parts of files classified higher than VS-NUR FÜR DEN OFFIENSTGEBRAUCH (OFFICIAL USE ONLY) under the classified information instructions of the Federal Government or the States may, in derogation from Sections 55a to 55d, be created, maintained, and transmitted in paper form until 31 December 2035. Documents and parts of files classified as VS-NUR FÜR DEN OFFIENSTGEBRAUCH (OFFICIAL USE ONLY) under the classified information instructions of the Federal Government or the States may, in derogation from Sections 55a to 55d, be transmitted in paper form until 31 December 2035. The secrecy regulations applicable to the handling of classified information remain unaffected.

(2) Notwithstanding Section 55b, the Federal Government and the State governments may, for their respective areas of responsibility, provide by legal ordinance that files created electronically shall be continued in paper form from a specific event until December 31, 2025. Permission to continue in paper form may be restricted to individual courts or proceedings; if this option is exercised, the legal ordinance may stipulate that an administrative regulation, which shall be made public, shall regulate the proceedings in which files shall be continued in electronic form. The legal ordinance of the Federal Government does not require the approval of the Bundesrat. This authorization may be transferred by legal ordinance to the competent supreme federal authority or to the supreme state authorities responsible for administrative jurisdiction.
Unofficial table of contents

§§ 178 and 179 ----

(Amending provisions)
Unofficial table of contents

§ 180

If the examination or swearing in of witnesses and experts is carried out by the administrative court under the Administrative Procedure Act or Book Ten of the Social Code, the hearing shall take place before the judge designated for this purpose in the case allocation plan. The administrative court shall decide by order on the legality of a refusal to testify, provide an expert opinion, or take the oath under the Administrative Procedure Act or Book Ten of the Social Code.
Unofficial table of contents

§§ 181 and 182 ----

(Amending provisions)
Unofficial table of contents

§ 183

If the constitutional court of a state has declared state law invalid or declared provisions of state law null and void, the final decisions of administrative courts based on the nullified provision remain unaffected, subject to specific statutory provisions by the state. Enforcement of such a decision is inadmissible. Section 767 of the Code of Civil Procedure applies accordingly.
Unofficial table of contents

§ 184

The State may determine that the Higher Administrative Court shall continue to use the previous name "Administrative Court".
Unofficial table of contents

§ 185

(1) In the states of Berlin and Hamburg, the districts within the meaning of Section 28 shall be replaced by the districts.

(2) The states of Berlin, Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Saarland and Schleswig-Holstein may permit deviations from the provisions of Section 73, paragraph 1, sentence 2.

(3) In the states of Berlin and Bremen, the state roads within the meaning of section 48 paragraph 1 sentence 1 number 8 shall be replaced by the roads of class I according to section 20 number 1 of the Berlin Road Act and the roads of group A according to section 3 paragraph 1 number 1 of the Bremen State Road Act.
Unofficial table of contents

§ 186

Section 22 No. 3 also applies in the states of Berlin, Bremen, and Hamburg, with the proviso that persons working in public administration on a voluntary basis cannot be appointed as honorary judges. Section 6 of the Introductory Act to the Courts Constitution Act applies accordingly.
Unofficial table of contents

§ 187

(1) The Länder may assign to the courts of administrative jurisdiction the functions of disciplinary jurisdiction and arbitration in property disputes between public-law associations, may attach professional courts to these courts and may regulate their composition and procedure.

(2) The Länder may also issue provisions deviating from this Act regarding the composition and procedure of the administrative courts and the Higher Administrative Court in the area of staff representation law.

(3) (deleted)
Unofficial table of contents

§ 188

The areas of welfare matters, with the exception of social assistance and the Asylum Seekers' Benefits Act, youth welfare, welfare for severely disabled persons, and educational support, shall be consolidated in a single chamber or senate. Court costs (fees and expenses) are not charged in these proceedings; this does not apply to reimbursement disputes between social security providers.
Unofficial table of contents

§ 188a

Special chambers or senates may be established for commercial law matters (economic chambers, economic senates). The subject areas of economic constitution, economic governance, market regulation and foreign trade, trade law, and postal, telecommunications, and telecommunications law shall be consolidated in the economic chambers or economic senates. Furthermore, other disputes related to commercial law may be assigned to the economic chambers or economic senates.
Unofficial table of contents

§ 188b

Special chambers or senates shall be established for matters of planning law (planning chambers, planning senates). They may also be assigned subject areas related to planning law matters.
Unofficial table of contents

§ 189

For the decisions to be taken pursuant to Section 99 (2), specialist panels shall be formed at the Higher Administrative Courts and the Federal Administrative Court.
Unofficial table of contents

§ 190

(1) The following laws which deviate from this Act shall remain unaffected:

1. The Equalization of Burdens Act of 14 August 1952 (Federal Law Gazette I p. 446) in the version of the amending laws issued thereunder,
2. the Act on the Establishment of a Federal Supervisory Office for Insurance and Building Society Savings of 31 July 1951 (Federal Law Gazette I p. 480) as amended by the Act supplementing the Act on the Establishment of a Federal Supervisory Office for Insurance and Building Society Savings of 22 December 1954 (Federal Law Gazette I p. 501),
3. (deleted)
4. the Land Consolidation Act of 14 July 1953 (Federal Law Gazette I p. 591),
5. the Staff Representation Act of 5 August 1955 (Federal Law Gazette I p. 477),
6. the Military Complaints Ordinance (WBO) of 23 December 1956 (Federal Law Gazette I p. 1066),
7. the Prisoner of War Compensation Act (KgfEG) in the version of 8 December 1956 (Federal Law Gazette I p. 908),
8. Section 13 (2) of the Patent Act and the provisions governing proceedings before the German Patent Office.

(2) (deleted)

(3) (deleted)
Unofficial table of contents

§ 191

(1) (Amending provision)

(2) Section 127 of the Civil Service Framework Act and Section 54 of the Civil Service Status Act remain unaffected.
Unofficial table of contents

§ 192

(Amending provision)
Unofficial table of contents

§ 193

In a country where there is no constitutional court, the jurisdiction conferred on the Higher Administrative Court to decide constitutional disputes within the country remains unaffected until a constitutional court is established.

Unofficial table of contents

§ 194

(1) The admissibility of appeals shall be governed by the law in force until 31 December 2001 if, before 1 January 2002

1. the oral hearing at which the judgment being contested is given has been closed,
2. in proceedings without an oral hearing, the registry has issued the decision to be contested for the purpose of service on the parties.

(2) In all other respects, the admissibility of an appeal against a court decision shall be governed by the law in force until 31 December 2001 if the court decision was notified or announced or served ex officio instead of being announced before 1 January 2002.

(3) Appeals against decisions in legal aid proceedings lodged within the time limit before 1 January 2002 shall be deemed to have been admitted by the Higher Administrative Court.

(4) In proceedings which were pending before 1 January 2002 or for which the period for bringing an action began to run before that date, as well as in proceedings concerning appeals against court decisions which were notified or pronounced before 1 January 2002 or which were served ex officio instead of pronouncement, the provisions in force up to that date shall apply to the legal representation of the parties.

(5) Section 40 (2), first sentence, Section 154 (3), Section 162 (2), third sentence, and Section 188, second sentence, shall apply to proceedings pending before the court from 1 January 2002 in the version in force at that time.

(6) For proceedings in the field of war victims' welfare that are still pending on 1 January 2024, Section 67(2), sentence 2, number 6, in the version in force on 31 December 2023, shall continue to apply.

Unofficial table of contents

§ 195

(1) (Entry into force)

(2) to (6) (repealed, amended and obsolete provisions)

(7) For legal provisions within the meaning of Section 47 which were published before 1 January 2007, the period laid down in Section 47 (2) in the version valid until 31 December 2006 shall apply.