Übersetzung durch Neil Mussett
Translation provided by Neil Mussett
Stand: Die Übersetzung berücksichtigt die Änderung(en) des Gesetzes durch Artikel 5 des Gesetzes vom 24. Oktober 2024 (BGBl. 2024 I Nr. 328)
Version information: The translation includes the amendment(s) to the Act by Article 5 of the Act of 24 October 2024 (Federal Law Gazette 2024 I no. 328)

Code of Administrative Court Procedure

(Verwaltungsgerichtsordnung – VwGO)

Code of Administrative Court Procedure in the version published on 19 March 1991 (Federal Law Gazette I, page 686), last amended by Article 5 of the Act of 24 October 2024 (Federal Law Gazette 2024 I no. 328)

Part I
Courts Constitution

Chapter 1
Courts

Section 1

Administrative jurisdiction is exercised by independent courts separated from the administrative authorities.

Section 2

Courts of administrative jurisdiction in the *Länder* are the administrative courts and one higher administrative court each; in the Federation, they are the Federal Administrative Court, which has its seat in Leipzig.

Section 3

(1) The law orders as follows

1. the establishment and dissolution of an administrative court or of a higher administrative court,

2. the relocation of the seat of a court,

3. changes to the boundaries of judicial districts,

4. the allocation of particular areas of work to one administrative court to serve the judicial districts of several administrative courts,

4a. the allocation of sets of proceedings in which territorial jurisdiction is determined in accordance with section 52 no. 2 sentence 1, 2 or 5 to another administrative court, or to several administrative courts of the *Land*,

5. the establishment of individual chambers of the administrative court, or of individual senates of the higher administrative court at other locations,

6. the passing to another court of sets of proceedings which are pending in the course of the measures described in nos. 1, 3, 4 and 4a, if jurisdiction is not to be determined in accordance with the previously valid provisions.

(2) A number of *Länder* may agree to establish a joint court, or joint adjudication bodies of a court, or may agree to the extension of judicial districts across *Land* borders, including solely for specific areas of work.

Section 4

The provisions of Title 2 of the Courts Constitution Act (*Gerichtsverfassungsgesetz*) apply *accordingly* to the courts of administrative jurisdiction. The members, and three deputies, of the panel of judges which has jurisdiction for rulings in accordance with section 99 (2), are determined by the Presidium, in each case for the duration of four years. The members and their deputies must be judges with life tenure.

Section 5

(1) The administrative court is composed of the President and the presiding judges, and of the necessary number of further judges.
(2) Chambers are formed at the administrative court.
(3) The chamber of the administrative court rules composed of three judges and two honorary judges unless an individual judge adjudicates. The honorary judges are not involved in orders outside the oral hearing and with summary decisions (section 84).

Section 6

(1) The chamber is as a rule to assign the legal dispute to one of its members as an individual judge for a ruling if

1. the case does not show any particular factual or legal difficulties, and
2. the case has no fundamental significance.

A judge on probation may not sit as an individual judge within the first year of his or her appointment.
(2) The legal dispute may not be assigned to the individual judge if an oral hearing has already taken place before the chamber, unless a judgment subject to reservation, a partial or interim judgment has been handed down in the ensuing period.
(3) The individual judge may remit the dispute to the chamber after hearing those concerned if it emerges from a major alteration to the procedural situation that the case has fundamental significance, or the case shows particular factual or legal difficulties. Re-assignment to the individual judge is ruled out.
(4) Orders in accordance with subsections (1) and (3) are not contestable. An appeal may not be based on failure to assign.

Sections 7 to 8

(repealed)

Section 9

(1) The higher administrative court is composed of the President and the presiding judges, and of the necessary number of further judges.
(2) Senates are formed at the higher administrative court.
(3) The senates of the higher administrative court rule composed of three judges; *Land* legislation may provide that the senates rule composed of five judges, two of whom may also be honorary judges. It may also be provided for cases falling under section 48 (1) that the senates rule composed of five judges and two honorary judges. The second half of sentence 1, and sentence 2, do not apply to cases falling under section 99 (2).
(4) The senate may transfer the legal dispute to one of its members to rule as an individual judge in proceedings in accordance with section 48 (1) sentence 1 nos. 3 to 15, if

1. the case does not pose any particular difficulties in factual or legal terms, and

2. the legal matter is not of fundamental significance.

Section 6 (2) to (4) apply accordingly.

Section 10

(1) The Federal Administrative Court is composed of the President and the presiding judges and the necessary number of further judges.
(2) Senates are formed at the Federal Administrative Court.
(3) The senates of the Federal Administrative Court rule composed of five judges; with orders outside the oral hearing, it rules composed of three judges.
(4) The senate may rule composed of three judges in proceedings in accordance with section 50 (1) no. 6, if

1. the case does not pose any particular difficulties in factual or legal terms, and

2. the legal matter is not of fundamental significance.

Section 6 (2) to (4) apply accordingly.

Section 11

(1) A Grand Senate is formed at the Federal Administrative Court.
(2) The Grand Senate rules if a senate wishes to derogate in a legal question from the ruling of another senate or of the Grand Senate.
(3) Submission to the Grand Senate is only admissible if the senate from whose ruling a derogation is to be made has declared, on request from the senate of decision, that it adheres to its legal opinion. If the senate from whose ruling a derogation is to be made because of an alteration to the business schedule can no longer be seized of the legal question, the senate replaces it which, according to the business schedule, would now have jurisdiction for the case in which a derogating ruling was handed down. The respective senate rules on the enquiry and the response by order in the composition required for judgments.
(4) The senate of decision may submit a question of fundamental significance to the Grand Senate for a ruling if this is necessary in its view to refine the law, or to ensure uniform case-law.
(5) The Grand Senate consists of the President and one judge from each of the senates for appeal on points of law not chaired by the President. If a senate which is not a senate for appeal on points of law makes a submission, or if its ruling is to be derogated from, a member of this senate is also represented in the Grand Senate. In the event of the President being unable to attend, he or she is substituted by a judge of the senate to which he or she belongs.
(6) The members and the deputies are appointed by the Presidium for one business year. This also applies to the member of another senate in accordance with subsection (5) sentence 2, and to his or her deputy. The Grand Senate is chaired by the President, and by the most senior member if he or she is prevented from attending. The chairman has the casting vote in the event of a tie.
(7) The Grand Senate only rules on the legal question. It may rule without an oral hearing. Its rulings are binding on the senate of decision in the instant case.

Section 12

(1) The provisions of section 11 apply *accordingly* to the higher administrative court insofar as it rules finally on a matter of *Land* law. The senates for appeal on points of fact and law formed in accordance with the present Code replace the senates for appeal on points of law.
(2) If a higher administrative court consists of only two senates for appeal on points of fact and law, the Grand Senate is replaced by the United Senates.
(3) *Land* law may determine a derogating composition of the Grand Senate.

Section 13

A registry is established at each court. It is occupied with the necessary number of clerks.

Section 14

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

Chapter 2
Judges

Section 15

(1) The judges are appointed for life unless provided otherwise in sections 16 and 17.
(2) (repealed)
(3) The judges of the Federal Administrative Court must have reached the age of thirty-five.

Section 16

At the higher administrative court and at the administrative courts, judges of other courts who have been appointed for life, and full professors of law, may be appointed as judges in subsidiary office for a fixed period of at least two years, but at most for the duration of their main office.

Section 17

The following judges may also be deployed at the administrative courts:

1. judges on probation,
2. judges by commission, and
3. temporary judges.

Section 18

In order to cover a personnel requirement that is only temporary, a civil servant with life tenure who has qualification for judicial office may be appointed as a temporary judge for a period of at least two years, but at the most for the duration of his or her main office. Section 15 (1) sentences 1 and 3, as well as subsection (2), of the German Judiciary Act (*Deutsches Richtergesetz*) apply accordingly.

Chapter 3
Honorary judges

Section 19

Honorary judges take part in oral hearings and in reaching a judgment with equal rights as judges.

Section 20

An honorary judge must be a German. He or she is to have reached the age of 25 and have his or her place of residence within the court district.

Section 21

(1) The following are excluded from holding the office of honorary judge

1. individuals who, as a result of a judicial ruling, do not have capacity to exercise public office, or have been sentenced to more than six months' imprisonment because of an intentional offence,
2. individuals against whom the charge has been lodged in respect of an offence which may entail loss of capacity to exercise public office,
3. individuals who are not eligible to vote for the legislative bodies of the *Land*.

(2) Individuals who have fallen into financial collapse are not to be appointed as honorary judges.

Section 22

The following may not be appointed as honorary judges

1. members of the Federal Parliament (*Bundestag*), of the European Parliament, of the legislative bodies of a *Land*, of the Federal Government, or of a *Land* Government,

2. judges,

3. civil servants and salaried employees in the public service if they do not act on an honorary basis,

4. professional soldiers and voluntary regular soldiers,

4a. (repealed)

5. lawyers, notaries and individuals who look after third-party legal matters on a commercial basis.

Section 23

(1) The following may reject appointment to the office of honorary judge

1. clergy and church officers,

2. lay judges and other honorary judges,

3. individuals who have served for two terms as honorary judges at courts of general administrative jurisdiction,

4. physicians, nurses, midwives,

5. heads of pharmacies who do not employ another pharmacist,

6. individuals who have reached the standard age limit in accordance with Book 6 of the Social Code (*Sozialgesetzbuch*).

(2) It is furthermore possible to be released from acceptance of the office on request in special hardship cases.

Section 24

(1) An honorary judge is released from his or her office if he or she

1. could not be nominated in accordance with sections 20 to 22, or can no longer be nominated, or

2. has grossly violated his or her official duties, or

3. asserts a ground for rejection in accordance with section 23 (1), or

4. no longer has the mental or physical capacity required to exercise his or her office, or

5. gives up his or her place of residence in the court district.

(2) It is furthermore possible to be released from the further exercise of the office on request in special hardship cases.
(3) The decision is taken by a senate of the higher administrative court in the cases falling under subsection (1) nos. 1, 2 and 4 on, request by the President of the administrative court, and in cases falling under subsection (1) nos. 3 and 5, and subsection (2), on request by the honorary judge. The decision is handed down by order after hearing the honorary judge. It is not contestable.

(4) Subsection (3) applies *accordingly* in cases falling under section 23 (2).
(5) On request by the honorary judge, the decision in accordance with subsection (3) is rescinded by the senate of the higher administrative court if a charge had been filed in accordance with section 21 no. 2, and the accused has been finally placed outside prosecution or acquitted.

Section 25

Honorary judges are elected for five years.

Section 26

(1) A committee is established at each administrative court to elect the honorary judges.
(2) The committee consists of the President of the administrative court as its chair, an administrative civil servant designated by the *Land* Government, and seven trusted third parties as associate judges. The trusted third parties, as well as seven deputies, are selected from among the residents of the district of the administrative court by the *Land* Parliament, or by a *Land* Parliament committee designated by the latter or in accordance with a *Land* statute. They must meet the preconditions for nomination as honorary judges. The *Land G*overnments are empowered, via a statutory instrument, to regulate the competence for the designation of the administrative civil servant in derogation from sentence 1. They may assign this empowerment to supreme *Land* authorities. In the cases coming under section 3 (2), competence for the designation of the administrative civil servant, as well as of the *Land* for the selection of the trusted third parties, is determined in accordance with the seat of the court. The *Land* legislature may provide in these cases that each *Land G*overnment involved is to second an administrative civil servant to the committee, and that each *Land* involved is to nominate at least two trusted third parties.
(3) The committee is quorate if at least the presiding judge, one administrative civil servant, and three trusted third parties, are present.

Section 27

The number of honorary judges required for each administrative court is determined by the President such that each can be anticipated to be called on to attend a maximum of twelve ordinary session days per year.

Section 28

The districts and cities not associated with a district draft a list of proposals for honorary judges every five years. The committee determines for each district, and for each city not associated with a district, the number of individuals to be included in the list of proposals. Twice as many as the honorary judges required in accordance with section 27 are to be taken as a basis here. The consent of two-thirds of the members present of the representative body of the district, or of the city not associated with a district, but at least half the statutory number of members, is required for inclusion in the list. The respective regulations governing the passing of resolutions by the representative body remain unaffected. In addition to the name, the lists of proposals are to also contain the place of birth, the date of birth and the profession of the nominee; they are conveyed to the President of the administrative court with jurisdiction.

Section 29

(1) The committee selects the requisite number of honorary judges from the lists of proposals with a majority of at least two-thirds of the votes.
(2) The previous honorary judges remain in office until the new election takes place.

Section 30

(1) The Presidium of the administrative court determines prior to the commencement of the business year the sequence in which the honorary judges are to be called in to the sessions.
(2) For the calling in of deputies in case of unforeseeable inability to attend, an auxiliary list may be made up of honorary judges who live in or close to the seat of the court.

Section 31

(repealed)

Section 32

The honorary judge and the trusted third party (section 26) receive compensation in accordance with the Judicial Remuneration and Compensation Act (*Justizvergütungs- und -entschädigungsgesetz*).

Section 33

(1) An administrative fine may be imposed on an honorary judge who fails to appear at a session on time without a sufficient excuse, or who otherwise evades his or her duties. At the same time, he or she may be charged with the costs incurred by virtue of his or her conduct.
(2) The decision is taken by the presiding judge. If a subsequent excuse is provided, he or she may rescind this in full or in part.

Section 34

Sections 19 to 33 apply *accordingly* to the honorary judges at the higher administrative court if the *Land* legislature has determined that honorary judges are involved at this court.

Chapter 4
Representative of the public interest

Section 35

(1) The Federal Government appoints a Representative of the Interests of the Federation at the Federal Administrative Court, and establishes him or her in the Federal Ministry of the Interior, Building and Community. The Representative of the Interests of the Federation at the Federal Administrative Court may attend any proceedings before the Federal Administrative Court; this does not apply to proceedings before the armed forces senates. He or she is bound by the instructions of the Federal Government.
(2) The Federal Administrative Court affords to the Representative of the Interests of the Federation at the Federal Administrative Court the opportunity to make a statement.

Section 36

(1) A representative of the public interest may be appointed at the higher administrative court and at the administrative court, in accordance with a statutory instrument of the *Land* government. He or she may be tasked here with representing the *Land*, or *Land* authorities, in general terms or for specific cases.
(2) Section 35 (2) applies *accordingly*.

Section 37

(1) The Representative of the Interests of the Federation at the Federal Administrative Court, and his or her full-time higher-administrative-service staff, must have qualification for judicial office.
(2) The representative of the public interest at the higher administrative court, and at the administrative court, must have qualification for judicial office in accordance with the German Judiciary Act; section 174 remains unaffected.

Chapter 5
Court administration

Section 38

(1) The President of the court exercises service supervision of judges, civil servants, salaried employees and wage-earners.
(2) The superior service supervision authority for the administrative court is the President of the higher administrative court.

Section 39

No administrative business outside court administration may be assigned to the court.

Chapter 6
Recourse to the administrative courts and jurisdiction

Section 40
(1) Recourse to the administrative courts may be had in all public-law disputes of a non-constitutional nature insofar as the disputes are not explicitly allocated to another court by a federal statute. Public-law disputes in the field of *Land* law may also be assigned to another court by a *Land* statute.
(2) Recourse may be had to the ordinary courts for property claims ensuing from acts of devotion to the public good, and from public-law safekeeping, as well as for compensation claims from the violation of public-law obligations which are not based on a public-law contract; this does not apply to disputes regarding the existence and amount of a compensation claim in the context of Article 14 (1) sentence 2 of the Basic Law (*Grundgesetz*). The special provisions of civil service law, as well as those on legal recourse to compensate for property disadvantages for withdrawal of unlawful administrative acts, remain unaffected.

Section 41
(repealed)

Section 42
(1) The rescission of an administrative act (rescissory action), as well as sentencing to issue a rejected or omitted administrative act (enforcement action), may be requested by means of an action.
(2) Unless otherwise provided by law, the action is only admissible if the plaintiff claims that his or her rights have been violated by the administrative act or its refusal or omission.

Section 43
(1) The establishment of the existence or non-existence of a legal relationship, or of the nullity of an administrative act, may be requested by means of an action if the plaintiff has a justified interest in the establishment being made soon (action for a declaratory judgment).
(2) The establishment may not be requested insofar as the plaintiff may pursue, or could have pursued, his or her rights by reformatory action or application for an injunction. This does not apply if the establishment of the nullity of an administrative act is requested.

Section 44
Several requests pursued by court action may be pursued by the plaintiff together in one action if they address the same defendant, they are in one context, and the same court has jurisdiction for them.

Section 44a
Appeals against procedural acts by authorities may only be asserted at the same time as appeals which are admissible against the factual decision. This does not apply if official procedural acts may be executed, or are handed down against a party which is not involved.

Section 45
The administrative court adjudicates at first instance on all disputes for which recourse to the administrative courts may be had.

Section 46
The higher administrative court adjudicates on the rights of

1. appeal on points of fact and law against judgments of the administrative court, and
2. complaint against other decisions of the administrative court.
3. (repealed).

Section 47

(1) The higher administrative court adjudicates on application within the bounds of its jurisdiction on the validity of

1. by-laws issued under the provisions of the Federal Building Code (*Baugesetzbuch*), and of statutory orders issued on the basis of section 246 (2) of the Federal Building Code,

2. other legal provisions ranking below the statutes of a *Land*, to the extent that this is provided in *Land* law.

(2) Applications may be made by any natural person or corporate body claiming to have been aggrieved by the legal provision, or its application, or that he or she will be so aggrieved within the foreseeable future, or by any public authority, within one year of announcement of the legal provision. They are directed against the corporation, institution or foundation which issued the legal provision. The higher administrative court may grant to the *Land* and other corporate bodies under public law whose competence is touched by the legal provision an opportunity to be heard on the matter within a specified period of time. Section 65 (1) and (4), and section 66, apply *accordingly*.
(2a) (repealed).
(3) The higher administrative court does not examine the compatibility of a legal provision with *Land* law where it is provided in law that the legal provision is subject to review exclusively by the constitutional court of a *Land*.
(4) Where proceedings to review the validity of a legal provision are pending at a constitutional court, the higher administrative court may order the suspension of the proceedings until such time as the case has been concluded by the constitutional court.
(5) The higher administrative court adjudicates by handing down a judgment or, if it does not consider oral proceedings to be necessary, hands down an order. Should the higher administrative court come to the conclusion that the legal provision is invalid, it declares it to be null and void; in this case, the ruling is generally binding, and the respondent is required to publish the ruling in exactly the same manner as the legal provision would be required to be made public. Section 183 applies *accordingly* in respect of the effect of the decision.
(6) On application, the court may issue a temporary injunction where this is urgently required in order to avert the creation of serious disadvantages, or for other compelling reasons.

Section 48

(1) The higher administrative court rules at first instance on all disputes concerning

1. the construction, operation, occupation in any other form, changes to and the closure, safe enclosure and demolition of, structures within the meaning of sections 7 and 9a (3) of the Atomic Energy Act (*Atomgesetz*),

1a. the existence and the amount of compensation claims on the basis of sections 7e and 7f of the Atomic Energy Act,

2. the treatment, processing and other utilisation of nuclear fuels outside plant of the types described in section 7 of the Atomic Energy Act (section 9 of the Atomic Energy Act), and major deviations or major changes within the meaning of section 9 (1) sentence 2 of the Atomic Energy Act, and the storage of nuclear fuels outside state custody (section 6 of the Atomic Energy Act),

3. the construction and operation of, and alterations to, power stations utilising furnaces for solid, liquid or gaseous fuels with a furnace heat output of more than 300 megawatts,

3a. the construction and operation of, and alterations to, structures to make use of wind energy on land with a total height of more than 50 metres, as well as offshore wind farming installations in the territorial sea,

3b. the construction and operation of, and alterations to, combined heat and power plants within the meaning of the Combined Heat and Power Act (*Kraft-Wärme-Kopplungsgesetz*) from a furnace heat output of 50 megawatts upwards,

4. plan approval procedures in accordance with section 43 of the Energy Industry Act (*Energiewirtschaftsgesetz*), insofar as the Federal Administrative Court does not have jurisdiction in accordance with section 50 (1) no. 6,

4a. project or plan approval procedures for the construction and operation of, and alterations to, machinery in accordance with section 66 (1) of the Offshore Wind Farming Act (*Windenergie-auf-See-Gesetz*), insofar as the Federal Administrative Court does not have jurisdiction in accordance with section 50 (1) no. 6,

5. procedures for the construction and operation of, and major alterations to, fixed structures for the incineration or thermal decomposition of waste with an annual throughput (effective capacity) in excess of 100,000 tonnes, and of fixed structures which are used partly or wholly for the temporary or permanent storage of waste materials within the meaning of section 48 of the Closed Cycle Management Act (*Kreislaufwirtschaftsgesetz*),

6. the construction, extension or alteration and operation of commercial airports and of airfields with reduced restrictions on construction in the surrounding area,

7. project approval procedures for the construction or alteration of new sections of tram, magnetic suspension trains and public railway routes, and for the construction or alteration of shunting yards and container terminals,

8. project approval procedures for the construction of, or changes to, federal highways, and highways of the *Länder*,

9. project approval procedures for the construction or extension of federal waterways,

10. project approval procedures for activities related to public coastal defences or flood control,

11. project approval procedures in accordance with section 68 (1) of the Federal Water Act (*Wasserhaushaltsgesetz),* or in accordance with provisions of *Land* law, for the construction or expansion of, or alterations to, ports which are accessible to watercraft with a load-bearing capacity of more than 1,350 tonnes, notwithstanding no. 9,

12. project approval procedures in accordance with section 68 (1) of the Federal Water Act for the construction or expansion of, or alterations to, hydroelectric power plant with a net electric power output of more than 100 megawatts,

12a. use of water in connection with the discontinuation of opencast lignite mining planned on the basis of the Act Ending Coal-Fired Power Generation (*Kohle-verstromungsbeendigungsgesetz*),

12b. project approval procedures for water development measures in connection with the discontinuation of opencast lignite mining planned on the basis of the Act Ending Coal-Fired Power Generation,

13. project approval procedures in accordance with the Federal Mining Act (*Bundesberggesetz*),

14. approvals of

a) general operating plans,

b) main operating plans,

c) special operating plans, and

d) final operating plans,

as well as land assignment decisions, in each case in connection with the discontinuation of opencast lignite mining planned on the basis of the Act Ending Coal-Fired Power Generation, and

15. project approval procedures in accordance with section 65 (1) in conjunction with Annex 1 no. 19.7 of the Act on the Environmental Impact Assessment for the Construction and Operation or Alteration of Steam or Hot Water Pipelines (*Gesetz über die Umweltverträglichkeitsprüfung für die Errichtung und den Betrieb oder die Änderung von Dampf- oder Warmwasserpipelines*).

Sentence 1 also applies to disputes arising out of permits which are issued in place of project approval, as well as to disputes regarding all and any approvals and permits required for the project, including those concerning ancillary facilities which are either spatially or operationally linked to the project. The *Länder* may provide by law that the higher administrative court adjudicate at first instance on disputes concerning putting into possession in cases described in sentence 1.
(2) The higher administrative court adjudicates additionally at first instance on actions brought against prohibitions of association issued by a supreme *Land* authority under section 3 (2) no. 1 of the Associations Act (*Vereinsgesetz*), and on directions issued under section 8 (2) of the Associations Act.
(3) In derogation from section 21e (4) of the Courts Constitution Act (Ger*ichtsverfassungs-gesetz*), the Presidium of the higher administrative court is to order that a panel of judges which has acted in proceedings in accordance with subsection (1) sentence 1 nos. 3 to 15 retain jurisdiction for these proceedings subsequent to a change to the business schedule.

Section 49

The Federal Administrative Court rules on

1. appeals on points of law against judgments of the higher administrative court under section 132,

2. appeals on points of law against judgments of administrative courts under sections 134 and 135,

3. complaints under section 99 (2), and section 133 (1), of this Act, and under section 17a (4) fourth sentence of the Courts Constitution Act.

Section 50

(1) The Federal Administrative Court rules at first and last instance on

1. public law disputes of a non-constitutional nature between the Federation and the *Länder*, and between individual *Länder*,

2. actions brought against prohibitions of associations made by the Federal Minister of the Interior, Building and Community under section 3 (2) no. 2 of the Associations Act, and directions issued under section 8 (2) sentence 1 of the Associations Act,

3. regarding disputes against deportation orders in accordance with section 58a of the Residence Act (*Aufenthaltsgesetz*), and their implementation,

4. actions arising from dossiers within the ambit of the Federal Intelligence Service,

5. actions against measures and decisions in accordance with section 12 (3a) of the Members of the Bundestag Act (*Abgeordnetengesetz*), in accordance with the provisions of Part 11 of the Members of the Bundestag Act, in accordance with section 6b of the Federal Ministers Act (*Bundesministergesetz*), and in accordance with section 7 of the Act on the Legal Relationships of Parliamentary State Secretaries (*Gesetz über die Rechtsverhältnisse der Parlamentarischen Staatssekretäre*) in conjunction with section 6b of the Federal Ministers Act,

6. all and any disputes related to project approval and plan approval procedures for projects designated in the General Rail Act (*Allgemeines Eisenbahngesetz*), the Federal Waterways Act (*Bundeswasserstraßengesetz*), the Transmission Line Extension Act (*Energieleitungsausbaugesetz*), the Federal Requirement Plan Act (*Bundesbedarfsplangesetz*), section 43e (4) of the Energy Industry Act (*Energiewirtschaftsgesetz*), section 76 (1) of the Offshore Wind Farming Act (*Windenergie-auf-See-Gesetz*), or the Magnetic Suspension Train Planning Act (*Magnetschwebebahnplanungsgesetz*), concerning all and any disputes regarding proceedings within the meaning of section 17e (1) of the Federal Highways Act (*Bundesfernstraßengesetz*), concerning all and any disputes regarding projects to construct and connect terminals for importing hydrogen and derivatives thereof, as well as concerning the procedures allocated thereto in accordance with the Act to Accelerate the Use of LNG (*LNG-Beschleunigungsgesetz*),

7. the proceedings allocated to it in accordance with the Act on Safeguarding Energy Supplies (*Energiesicherungsgesetz*).

(2) Section 48 (3) applies accordingly in proceedings in accordance with subsection (1) no. 6.
(3) Where the Federal Administrative Court finds a dispute heard under subsection (1) no. 1 to be of a constitutional nature, it refers the matter to the Federal Constitutional Court for adjudication.

Section 51

(1) In cases where the prohibition of an entire association has been ordered under section 5 (2) of the Associations Act, rather than prohibition of only one part of the association, any proceedings on an action brought by this part of the association against its prohibition are suspended until such time as a decision has been made on an action brought against prohibition of the entire association.
(2) A ruling handed down by the Federal Administrative Court is binding on the higher administrative courts in those cases described in subsection (1).
(3) The Federal Administrative Court informs the higher administrative courts of any action brought by an association under section 50 (1) no. 2.

Section 52

The following apply to territorial jurisdiction:

1. In disputes regarding immovable property, or a local entitlement or legal relationship, territorial jurisdiction lies solely with the administrative court within whose district the assets or the site are located, or the local entitlement applies.

2. In the case of a rescissory action brought against an administrative act issued by a federal authority, or a federally incorporated body, institution or foundation under public law, territorial jurisdiction lies with the administrative court within whose district the seat of the federal authority, corporation, institution or foundation is located, subject to nos. 1 and 4. This applies equally in the case of actions for mandatory injunction of an administrative act in those cases covered by sentence 1. Territorial jurisdiction in disputes under the Asylum Act (*Asylgesetz*) however lies with the administrative court within whose district the foreigner is obliged to reside under the Asylum Act; where territorial jurisdiction cannot be established by this criterion, it is determined in accordance with no.

3. Insofar as a *Land* in which the foreigner is to take up residence has availed itself of the possibility in accordance with section 83 (3) of the Asylum Act, territorial jurisdiction lies with the administrative court which has jurisdiction under *Land* law for disputes in accordance with the Asylum Act regarding the foreigner's country of origin. Territorial jurisdiction for actions brought against the Federation in territories falling under the jurisdiction of the Federal Republic of Germany's diplomatic and consular representations, with regard to visas also where these lie with the Federal Office for Foreign Affairs, lies with the administrative court whose district contains the seat of the Federal Government.

3. In the case of all other rescissory actions, territorial jurisdiction subject to nos. 1 and 4 lies with the administrative court within whose district the administrative act was issued. Where this act was issued by a public authority whose sphere of competence extends over the judicial districts of a number of administrative courts, or by a joint public authority acting on behalf of several or all of the *Länder*, jurisdiction lies with the administrative court within whose district the aggrieved party has its seat or place of residence. In the absence of either of the latter within the province of the public authority, jurisdiction is determined in accordance with no. 5. In the case of rescissory actions brought against administrative acts issued by an office for university admissions commissioned by the *Länder*, territorial jurisdiction however lies with the administrative court within whose district this office has its seat. This also applies in respect of actions for a mandatory injunction in cases described in the sentences 1, 2 and 4.

4. For all actions arising out of continuing or previous terms of employment as a civil servant, as a judge, or during compulsory or voluntary military service or civilian service (in place of military service), and for disputes concerning the origin of such terms of employment, territorial jurisdiction lies with the administrative court within whose district the plaintiff or respondent has his or her place of residence for purposes of employment, or, failing that, his or her place of residence. Should the plaintiff or respondent have neither a place of residence for the purposes of employment, or a place of residence, within the province of the authority which issued the original administrative act, territorial jurisdiction lies with the administrative court within whose district this public authority has its seat. The sentences 1 and 2 apply *accordingly* to actions brought under section 79 of the Act on the Regulation of Legal Relationships of Persons Falling under Article 131 of the Basic Law (*Gesetz zur Regelung der Rechtsverhältnisse der unter Artikel 131 des Grundgesetzes fallenden Personen)*.

5. In all other cases, territorial jurisdiction lies with the administrative court within whose district the defendant has its seat, his or her place of residence, or failing this his or her place of abode, or previously had his or her place of residence or place of abode.

Section 53

(1) The competent court within the jurisdiction of the administrative courts is determined by the next highest court

1. if, in a particular case, the court which would normally have jurisdiction is prevented, for reasons of either law or of fact, from exercising its jurisdiction,

2. where there is uncertainty with regard to the boundaries of various judicial districts as to which court has jurisdiction to hear the dispute,

3. where the place of jurisdiction is determined in accordance with section 52, and a number of courts are to be considered,

4. where a number of courts have finally and conclusively declared themselves to have jurisdiction,

5. where a number of courts, one of which has jurisdiction to hear the dispute, have finally and conclusively declared themselves not to have jurisdiction.

(2) Where territorial jurisdiction cannot be settled under section 52, the court which has jurisdiction is determined by the Federal Administrative Court.
(3) Every party in a legal dispute, and every court involved in the dispute, may appeal to the next highest instance or to the Federal Administrative Court. The court to which the appeal has been made may rule without an oral hearing.

Part 2
Procedure

Chapter 7
General procedural provisions

Section 54
(1) Sections 41 to 49 of the Code of Civil Procedure (*Zivilprozeßordnung*) apply *accordingly* to the exclusion and rejection of court officials.
(2) Anyone is also excluded from exercising the office of judge or honorary judge who was involved in the previous administrative proceedings.
(3) Concern about partiality in accordance with section 42 of the Code of Civil Procedure is always well founded if the judge or honorary judge belongs to the representation of a body whose interests are affected by the proceedings.

Section 55
Sections 169, and 171a to 198, of the Courts Constitution Act regarding publicity, court officers, language of the court, deliberations and voting apply *accordingly*.

Section 55a
(1) Preparatory documents, and annexes thereto, applications and declarations on the part of those concerned requiring to be submitted in writing, as well as information, statements, reports, translations, applications and third-party declarations requiring to be submitted in writing, may be submitted to the court as electronic documents in accordance with subsections (2) to (6).
(2) The electronic document must be suited for processing by the court. The Federal Government regulates on the technical framework for transmission, and on suitability for processing by the court, as well as on details related to processing data of electronic mailbox holders in accordance with subsection (4) sentence 1 nos. 4 and 5 in a secure electronic folder, by means of a statutory instrument with the consent of the Federal Council.
(3) The electronic document must have a qualified electronic signature of the person responsible, or be signed by the person responsible and submitted via a secure transmission channel. Sentence 1 does not apply to annexes that are to be enclosed with the preparatory documents. If an application or declaration on the part of a person concerned, or of a third party, requiring to be submitted in writing, is submitted as an electronic document, the signed application or declaration may be entered into an electronic document and, in accordance with sentence 1, transmitted by the proxy-holder, the representative or counsel.
(4) Secure transmission channels are deemed to be

1. the mailbox and transmission service of a De-Mail account if the sender is securely registered within the meaning of section 4 (1) sentence 2 of the De-Mail Act (*De-Mail-Gesetz*) at the time when the message is dispatched, and he or she has the secure registration confirmed in accordance with section 5 (5) of the De-Mail Act,

2. the transmission channel between the special electronic lawyer's mailboxes in accordance with sections 31a and 31b of the Federal Code of Lawyers (*Bundesrechts-anwaltsordnung*), or a corresponding electronic mailbox established by law, and the court's electronic mailroom,

3. the transmission channel between a mailbox set up by a public authority or a legal entity under public law after an identification procedure has been carried out and the court's electronic mailroom,

4. the transmission channel between an electronic mailbox of a natural person or legal entity, or of another association, set up after an identification procedure has been carried out, and the electronic mailbox of the court,

5. the transmission channel between a mailbox and dispatch service of a user account within the meaning of section 2 (5) of the Online Access Act (*Onlinezugangsgesetz*) used after an identification procedure has been carried out, and the electronic mailbox of the court,

6. other nationwide transmission channels which are determined by statutory instrument of the Federal Government with the consent of the *Bundesrat*, with regard to which the authenticity and integrity of the data, as well as accessibility, are guaranteed.

The details regarding the transmission channels in accordance with sentence 1 nos. 3 to 5 are regulated by the statutory instrument in accordance with subsection (2) sentence 2.
(5) An electronic document is deemed to have been received as soon as it is stored on the equipment of the court designated for receipt. The sender is issued with an automated confirmation of the time of receipt. The provisions of the present Act concerning the enclosure of copies for the other persons concerned do not apply.
(6) If an electronic document is not suitable for processing by the court, the sender is informed thereof without undue delay with reference to the ineffectiveness of the receipt. The document is deemed to have been received at the time of the earlier filing insofar as the sender submits it without undue delay in a form that is suitable for processing by the court, and makes a plausible case that its content is identical to the document first submitted.
(7) Insofar as hand signing by the judge or the clerk of the registry is prescribed, this form is satisfied by recording as an electronic document if the responsible persons add their name at the end of the document and affix a qualified electronic signature to the document. An electronic document into which the document signed by hand has been transferred in accordance with section 55b (6) sentence 4 is also deemed to satisfy the form referred to in sentence 1.

Section 55b

(1) The procedural files may be kept in electronic form. The Federal Government and the *Land* governments determine in each case for their remit by statutory instrument the time from when the procedural files are kept in electronic form. The statutory instrument establishes the organisational and technical conditions for the creation, maintenance and storage of the electronic files. The *Land* governments may transfer empowerment to the supreme *Land* authorities responsible for administrative jurisdiction. The admission of the electronic file may be restricted to individual courts or sets of proceedings; where use is made of this option, the statutory instrument may stipulate that it is to be determined by an administrative provision, which is made public, regarding the proceedings in which the case files are to be kept electronically. The statutory instrument of the Federal Government does not require the approval of the *Bundesrat*.
(1a) The case files are kept electronically from 1 January 2026 onwards. The Federal Government and the *Land* governments determine by statutory instrument, each for their respective areas, the organisational and state-of-the-art technical framework for the creation, management and storage of the electronic files, including the accessibility requirements to be met. The Federal Government and the *Land* governments may determine by statutory instrument, each for their respective areas, that files that have been created in paper form are to be continued in paper form. The *Land* governments may delegate the authorisations referred to in sentences 2 and 3 to the supreme *Land* authorities that are responsible for

administrative jurisdiction. The statutory instruments of the Federal Government do not require the consent of the *Bundesrat*.
(1b) The Federal Government and the *Land* governments may determine by statutory instrument, each for their respective areas, that files which were established in paper form prior to 1 January 2026 are to be continued in electronic form from a specific date or event onwards. Authorisation of continuation in electronic form may be restricted to individual courts or sets of proceedings; if use is made of this possibility, it may be determined in the legal ordinance that an administrative provision, which is to be publicly notified, regulates in which sets of proceedings files are to be continued in electronic form. The statutory instrument of the Federal Government does not require the approval of the Bundesrat. The empowerment may be transferred by a statutory instrument to the competent highest Federal authority, or to the highest *Land* authorities competent for the administrative courts.
(2) If the files are kept in paper form, a printout of an electronic document is 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. The data are stored permanently in such case; the location is recorded in the files.
(3) If the electronic document is submitted via a secure transmission channel, this must be recorded in the files.
(4) If the electronic document is provided with a qualified electronic signature and is not submitted via a secure transmission channel, the printout must contain a note stating

1. the result of the integrity check of the document,
2. who the signature verification identifies as the owner of the signature, and
3. the time which the signature verification shows for the application of the signature.

(5) An electronic document that has been submitted may be deleted in cases falling under subsection (2) after six months have passed.
(6) If the case files are kept electronically, documents that are available in paper form, as well as other records, are transferred to an electronic document in accordance with the state-of-the-art, in place of the original. It is ensured that the electronic document is visually and substantively identical to the documents and other records available. The electronic document is accompanied by proof of transfer documenting the procedure used for the transfer, and that it is visually and substantively identical. If a court document is transmitted that has been hand signed by the persons responsible, proof of transfer is accompanied by a qualified electronic signature of the clerk of the registry. Documents and other records in paper form may be destroyed six months after the transfer, unless they have to be returned.
(7) The Federal Government may determine, by legal ordinance with the consent of the Bundesrat, the standards applicable to the transmission of electronic files between authorities and courts.

Section 55c

The Federal Ministry of Justice and Consumer Protection may introduce electronic forms by means of a statutory instrument with the consent of the *Bundesrat*. The statutory instrument may determine that the information contained in the forms is to be transmitted, partly or wholly, in a structured machine-readable form. The forms are made available for use on a communication platform on the Internet to be determined in the statutory instrument. The statutory instrument may provide that the identification of the user of the form may also be carried out, in derogation from section 55a (3), by utilisation of the electronic proof of identity in accordance with section 18 of the Identity Card Act (*Personalausweisgesetz*), section 12 of the eID Card Act (*eID-Karte-Gesetz*), or section 78 (5) of the Residence Act (*Aufenthaltsgesetz*).

Section 55d

Preparatory documents and their annexes, as well as motions and statements to be submitted in writing which are submitted by an attorney, by a public authority, or by a legal entity under public law, including the associations formed by it to fulfil its public tasks, are transmitted as an electronic document. The same applies to the persons authorised to represent in accordance with the present Act for whom a secure transmission channel is available in accordance with section 55a (4) sentence 1 no. 2. If transmission is temporarily impossible for technical reasons, transmission in accordance with the general provisions remains permissible. The temporary interruption is plausibly substantiated when making the alternative submission, or without delay thereafter; an electronic document is subsequently submitted on request.

Section 56

(1) Orders and rulings by which a deadline period is initiated, as well as deadlines and subpoenas, are served, but in case of a pronouncement only if it is explicitly prescribed.
(2) Service is carried out ex officio in accordance with the provisions of the Code of Civil Procedure.
(3) Whoever does not live in Germany must appoint a proxy-holder for service if so requested.

Section 56a

(1) If identical announcements are required to be served on more than fifty individuals, the court may order announcement by public notification for the further procedure. The order must determine in which daily newspapers the announcements are to be published; daily newspapers are provided for here which are disseminated in the area in which the decision is likely to impact. The order is served on those concerned. Those concerned are notified of the means by which the further announcements will be made, and when the document is deemed to have been served. The order is not contestable. The court may rescind the order at any time; it must rescind it if the preconditions of sentence 1 did not apply or no longer apply.
(2) The public announcement is effected by affixing on the court's notice board, or by publication in an electronic information and communication system which is publicly accessible in the court, and by publication in the Federal Gazette, as well as in the daily newspapers designated in the order in accordance with subsection (1) sentence 2. With regard to rulings, the public announcement of the ruling and the information about the appeal are sufficient. Instead of the document to be announced, an announcement may be made public stating where the document may be inspected. A deadline or subpoena must be publicly announced in its full wording.
(3) The document is considered to have been served on the day on which two weeks have passed since the day of publication in the Federal Gazette; this is indicated in each publication. After the public announcement of a ruling, those concerned may request a copy in writing; this is also indicated in the publication.

Section 57

(1) Unless otherwise determined, a deadline period is initiated on service or, if this is not prescribed, on publication or pronouncement.
(2) The provisions contained in sections 222, 224 (2) and (3), as well as sections 225 and 226, of the Code of Civil Procedure apply to the periods.

Section 58

(1) The deadline period for an appeal, or for another legal remedy, is only initiated if the party concerned has been informed, in writing or in electronic form, of the appeal, the administrative authority or the court at which the appeal is to be lodged, the seat, and the deadline to be adhered to.
(2) If the information has not been provided, or has been incorrectly provided, the lodging of the appeal is only permissible within one year of service, publication or pronouncement,

unless submission was impossible prior to expiry of the year's deadline period as a result of force majeure, or a written or electronic notification took place that an appeal was not possible. Section 60 (2) applies *accordingly* to the case of force majeure.

Section 59

(repealed)

Section 60

(1) If someone was unable to adhere to a statutory deadline without fault, he or she is granted *restitutio in integrum* on request.
(2) The application is filed within two weeks of the cessation of the obstacle; if the deadline for the period granted to provide reasoning for the appeal on points of fact and law, of the application to admit the appeal on points of fact and law, the appeal on points of law, the complaint against non-admission, or the complaint, is missed, the deadline period is one month. The facts for reasoning the application are to be credibly demonstrated when filing the application or in the proceedings on the application. The omitted legal act is to be subsequently performed within the application deadline. If this has taken place, restitution may also be granted without an application.
(3) The application is inadmissible after one year since the end of the missed deadline, unless the application was impossible prior to expiry of the year's deadline as a result of force majeure.
(4) The court which has to rule on the omitted legal act rules on restitution.
(5) Restitution is incontestable.

Section 61

The following are able to take part in the proceedings

1. natural persons and corporate bodies,
2. associations insofar as they can be entitled to a right,
3. authorities insofar as the *Land* law thus provides.

Section 62

(1) The following are able to effect procedural acts

1. parties which are capable of contracting in accordance with civil law,
2. parties which are restricted in their legal competence in accordance with civil law insofar as they are recognised by provisions of civil or public law as being capable of contracting for the subject-matter of the proceedings.

(2) If a reservation of consent in accordance with section 1825 of the Civil Code relates to the subject-matter of the proceedings, a person placed under care who is capable of contracting is only able to carry out procedural acts insofar as, in accordance with the provisions of civil law, he or she may act without the consent of the custodian, or is recognised by provisions of public law as having capacity to act.
(3) For associations, as well as for authorities, their legal representatives and boards act.
(4) Sections 53 to 58 of the Code of Civil Procedure apply *accordingly*.

Section 63

The following are concerned by the proceedings

1. the plaintiff,
2. the defendant,
3. the subpoenaed party (section 65), and

4. the Representative of the Interests of the Federation at the Federal Administrative Court, or the representative of the public interest, if he or she avails himself or herself of his or her empowerment to participate.

Section 64

The provisions of sections 59 to 63 of the Code of Civil Procedure on the joinder of parties apply *accordingly*.

Section 65

(1) As long as the proceedings have not yet been finally concluded, or are pending at a higher instance, the court may subpoena others ex officio, or on request, whose legal interests are affected by the ruling.
(2) If third parties are involved in the contentious legal relationship such that the ruling can also only be imposed on them uniformly, they are subpoenaed (necessary subpoena).
(3) If the subpoena of more than fifty persons is considered in accordance with subsection (2), the court may order by issuing an order that only those persons are subpoenaed who so apply within a certain period. The order is incontestable. It is announced in the Federal Gazette. It must furthermore be published in daily newspapers which are disseminated in the area in which the ruling is likely to exert an impact. The announcement may additionally take place in an information and communication system designated by the court for announcements. The deadline period must be at least three months from publication in the Federal Gazette. The publication in daily newspapers states on which date the deadline expires. Section 60 applies *accordingly* to *restitutio in integrum* in the event of the deadline being missed. The court is to subpoena persons who are recognisably particularly affected by the ruling, also without request.
(4) The subpoena order is served on all concerned. The state of the matter and the reason for the subpoena are to be stated here. The subpoena is incontestable.

Section 66

The subpoenaed party may independently assert means of attack and defence, and implement all procedural acts effectively within the requests of a person concerned. He or she may only lodge derogating factual motions if a necessary subpoena exists.

Section 67

(1) Those concerned may themselves pursue the dispute before the administrative court.
(2) Those concerned may seek representation as a proxy-holder by an attorney or a law teacher at a state or state-recognised institution of higher education of a Member State of the European Union, of another Contracting Party to the Agreement on the European Economic Area, or of Switzerland, who has qualification for judicial office. Over and above this, only the following are empowered to represent the person concerned as a proxy-holder before the administrative court

1. employees of the person concerned, or of an enterprise affiliated therewith (section 15 of the Companies Act [*Aktiengesetz*]); authorities and corporate bodies under public law, including the associations formed by them to fulfil their public tasks, can also be represented by employees of other authorities or corporate bodies under public law, including the combinations formed by them to implement their public tasks,

2. adult family members (section 15 of the Tax Code [*Abgabenordnung*] and section 11 of the Life Partnerships Act [*Lebenspartnerschaftsgesetz*]), persons with qualification for judicial office, and joint litigants if the representation is not connected to a for-a-fee activity,

3. tax advisers, tax consultants, chartered accountants and sworn public accountants, persons and associations within the meaning of sections 3a and 3c of the Tax Advice Act (*Steuerberatungsgesetz*) within the framework of their powers in accordance with section 3a of the Tax Advice Act, persons entitled to provide restricted

assistance in fiscal matters on a commercial basis in accordance with sections 3d and 3e of the Tax Advice Act, within the framework of their powers, as well as enterprises within the meaning of section 3 sentence 1 nos. 2 and 3 of the Tax Advice Act acting through persons within the meaning of section 3 sentence 2 of the Tax Advice Act, in fiscal matters,

3a. tax advisers, tax consultants, chartered accountants and sworn public accountants, persons and associations within the meaning of sections 3a and 3c of the Tax Advice Act, within the framework of their powers in accordance with section 3a of the Tax Advice Act, persons entitled to provide restricted assistance in fiscal matters on a commercial basis in accordance with sections 3d and 3e of the Tax Advice Act within the framework of these powers, as well as enterprises within the meaning of section 3 sentence 1 nos. 2 and 3 of the Tax Advice Act acting through persons within the meaning of section 3 sentence 2 of the Tax Advice Act, in matters related to financial assistance within state assistance programmes to mitigate the consequences of the COVID-19 pandemic, if and insofar as such assistance programmes provide for the inclusion of the persons designated as third-party assessors,

4. agricultural professional associations for their members,

5. trade unions and associations of employers, as well as combinations of such associations for their members, or for other associations or combinations with comparable orientations and their members,

6. associations whose tasks according to their statutes largely comprise the joint representation of interests, advice and representation of persons with disabilities and which, taking account of the nature and extent of their activities, as well as of their group of members, offer an assurance of proper procedural representation of their members in matters concerning the law on persons with serious disabilities, as well as the matters related thereto,

7. corporate bodies all of whose shares are in the economic ownership of one of the organisations designated in nos. 5 and 6, if the corporate body implements exclusively legal advice and court representation of this organisation and of its members, or of other associations or combinations with a comparable orientation, and of their members, in accordance with their statutes, and if the organisation is liable for the activity of the proxies.

Proxies who are not natural persons act through their organs and representatives empowered to represent in proceedings.
(3) The court rejects proxies who are not empowered to represent in accordance with subsection (2) by incontestable order. Procedural acts carried out by a proxy-holder not empowered to represent, and services on or communications to this proxy-holder, are effective until the latter is rejected. The court may prohibit the proxy-holder designated in subsection (2) sentence 2 nos. 1 and 2, by a non-contestable order, from effecting the further representation if he or she is unable to properly present the facts and the dispute.
(4) Those concerned must be represented before the Federal Administrative Court and the higher administrative court by an authorised legal representative, apart from in legal aid proceedings. This also applies to procedural acts by means of which proceedings are initiated before the Federal Administrative Court or a higher administrative court. Only the persons designated in subsection (2) sentence 1 are admitted as proxies. Authorities and corporate bodies under public law, including the combinations formed to carry out their public tasks, may be represented by own employees with qualification for judicial office, or by employees with qualification for judicial office of other authorities or corporate bodies under public law, including the combinations formed to carry out their public tasks. The organisations designated in subsection (2) sentence 2 no. 5, including the corporate bodies formed by them in accordance with subsection (2) sentence 2 no. 7, are also admitted as

proxies before the Federal Administrative Court, but only in matters relating to the legal circumstances within the meaning of section 52 no. 4, in staff representation matters, and in matters which are related to a current or prior employment relationship of employees within the meaning of section 5 of the Labour Court Act (*Arbeitsgerichtsgesetz*), including examination matters. The proxies designated in the fifth sentence must act through persons with qualification for judicial office. The persons and organisations designated in subsection (2) sentence 2 nos. 3 to 7 are also admitted as proxies before the higher administrative court. A person concerned who is entitled to represent in accordance with sentences 3, 5 and 7 may represent himself or herself.
(5) Judges may not act as proxies before the court to which they belong. Other than in cases falling under subsection (2) sentence 2 no. 1, honorary judges may not appear before a panel of judges to which they belong. Subsection (3) sentences 1 and 2 apply *accordingly*.
(6) The proxy is submitted in writing for the record on the court records. It may be submitted subsequently; the court may set a deadline for this. The lack of a proxy may be asserted at any stage of the proceedings. The court must take account of the lack of a proxy ex officio, unless an attorney acts as proxy-holder. If a proxy-holder has been appointed, service of documents or communications of the court is to be addressed to him or her.
(7) Those concerned may appear in the hearing with counsel. Counsel may be who in proceedings in which those concerned may carry on the dispute themselves is empowered to represent as a proxy-holder in the hearing. The court may admit other persons as counsel if this is expedient and a need exists therefor in accordance with the circumstances of the individual case. Subsection (3) sentences 1 and 3, and subsection (5), apply *accordingly*. What is submitted by counsel is deemed to have been submitted by those concerned unless it is immediately revoked or corrected by the latter.

Section 67a

(1) If more than twenty persons are involved in a dispute in the same interest without being represented by an authorised legal representative, the court may instruct them by means of an order to appoint a joint proxy-holder within a suitable period if the proper processing of the dispute would otherwise be impaired. If those concerned do not appoint a joint proxy-holder within the deadline set for them, the court may appoint an attorney as a joint representative by order. Those concerned may only carry out procedural acts via the joint proxy-holder or deputy. Orders in accordance with the sentences 1 and 2 are not contestable.
(2) The power of attorney expires as soon as the deputy or the represented party declares such to the court in writing, or for the record before the clerk of the registry; the deputy may only submit the declaration with regard to all represented parties. If the represented party submits such a declaration, the power of attorney only expires if the appointment of another proxy-holder is notified at the same time.

Chapter 8
Special provisions for rescissory and enforcement actions

Section 68

(1) Prior to lodging a rescissory action, the lawfulness and expedience of the administrative act are reviewed in preliminary proceedings. Such a review is not required if a statute so determines, or if

1. the administrative act has been handed down by a supreme federal authority or by a supreme *Land* authority, unless a statute prescribes the review, or
2. the remedial notice, or the ruling on an objection, contains a grievance for the first time.

(2) Subsection (1) applies *accordingly* to the enforcement action if the motion to carry out the administrative act has been rejected.

Section 69

The preliminary proceedings begin on the lodging of the objection.

Section 70

(1) The objection is lodged within one month after the administrative act has been announced to the aggrieved party, in writing, in electronic form in accordance with section 3a (2) of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz*), in substitution of the requirement of writing in accordance with section 3a (3) of the Administrative Procedure Act, and with section 9a (5), of the Online Access Act, or for the record of the authority which has carried out the administrative act. The deadline is also deemed to have been adhered to by virtue of its being lodged with the authority which has to issue the ruling on an objection.
(2) Sections 58 and 60 (1) to (4) apply *accordingly*.

Section 71
Hearing

If the rescission or amendment of an administrative act is linked in the objection proceedings with a grievance for the first time, the person concerned is to be heard prior to issuing the remedial notice, or to the ruling on an objection.

Section 72

If the authority considers the objection to be well founded, it remedies it and rules on the costs.

Section 73

(1) If the authority does not remedy the objection, a ruling on the objection is handed down. This is issued by

1. the next higher authority, unless another higher authority is determined by law,
2. if the next higher authority is a federal or supreme *Land* authority, by the authority which has issued the administrative act,
3. in self-administration matters, by the self-administration authority, unless otherwise determined by law.

Derogating from sentence 2 no. 1, it may be determined by law that the authority which has issued the administrative act is also competent for the decision on the objection.
(2) Provisions in accordance with which commissions or advisory boards replace an authority in the preliminary proceedings of subsection (1) remain unaffected. In derogation from subsection (1) no. 1, the commissions or advisory boards may also be formed in the authority which has issued the administrative act.
(3) The ruling on an objection is reasoned, supplemented with a notice on appeals, and served. Service is effected ex officio in accordance with the provisions of the Administration Service Act (*Verwaltungszustellungsgesetz*). The ruling on the objection also determines who is to pay the costs.

Section 74

(1) The rescissory action must be lodged within one month of service of the ruling on the objection. If, in accordance with section 68, a ruling on an objection is not required, the action must be lodged within one month of announcement of the administrative act.
(2) Subsection (1) applies *accordingly* to the enforcement action if the application to carry out the administrative act has been rejected.

Section 75

If, with regard to an objection or to an application to carry out an administrative act, no decision has been rendered on the merits within a suitable period, without sufficient reason, the action is admissible in derogation from section 68. The action may not be lodged prior to the expiry of three months after the lodging of the objection, or since the filing of the

application to carry out the administrative act, unless a shorter period is required because of special circumstances of the case. If an adequate reason applies as to why the objection has not yet been ruled on, or why the requested administrative act has not yet been carried out, the court suspends the proceedings until expiry of a deadline set by it, which may be extended. If the objection is admitted within the deadline set by the court, or the administrative act is carried out within this deadline, the main case is declared to have been settled.

Section 76

(repealed)

Section 77

(1) All provisions of federal law in other statutes regarding objection or complaint proceedings are substituted by the provisions of the present chapter.
(2) The same applies to provisions of *Land* law regarding objection or complaint proceedings as a precondition for an action to the administrative courts.

Section 78

(1) The action is addressed

1. against the Federation, the *Land* or the body whose authority has issued the impugned administrative act, or omitted the requested administrative act; designating the authority is sufficient to state the defendant,

2. insofar as *Land* law so determines, against the authority itself which has issued the impugned administrative act or omitted the requested administrative act.

(2) If a ruling has been handed down on an objection which contains a grievance for the first time (section 68 (1) sentence 2 no. 2), the authority within the meaning of subsection (1) is the objection authority.

Section 79

(1) The subject-matter of the rescissory action is

1. the original administrative act in the shape that it has assumed through the ruling on an objection,

2. the notice on a remedy or ruling on an objection, if this contains a grievance for the first time.

(2) The ruling on an objection may also be the sole subject-matter of the rescissory action, if and insofar as it contains an additional separate grievance vis-à-vis the original administrative act. An additional grievance is also deemed to be constituted by the violation of a major procedural provision, insofar as the ruling on an objection is based on this violation. Section 78 (2) applies *accordingly*.

Section 80

(1) An objection and a rescissory action have suspensive effect. This also applies to constitutive and declaratory administrative acts, as well as to administrative acts with a double effect (section 80a).
(2) The suspensive effect only fails to apply

1. if public charges and costs are called for,

2. with non-postponable orders and measures by police enforcement officers,

3. in other cases prescribed by a federal statute, or for *Land* law by a *Land* statute, in particular for objections and actions on the part of third parties against administrative acts relating to investments or job creation,

3a. to objections and actions by third parties against administrative acts having as their subject-matter the approval of projects regarding federal traffic routes and mobile networks, and not falling under no. 3,

4. in cases in which immediate execution is separately ordered by the authority which has issued the administrative act, or which has to decide on the objection in the public interest or in the overriding interest of a party concerned.

The *Länder* may also determine that appeals do not have a suspensive effect insofar as they address measures taken in administrative execution by the *Länder* in accordance with federal law.

(3) In cases falling under subsection (2) sentence 1 no. 4, the special interest in immediate execution of the administrative is reasoned in writing. No special reasoning is required if the authority takes an emergency measure designated as such in the public interest where a delay is likely to jeopardise the success, in particular with impending disadvantages for life, health or property.

(4) The authority which has issued the administrative act, or which has to decide on the objection, may suspend execution in cases falling under subsection (2), unless otherwise provided by federal law. Where public charges and costs are called for, it may also suspend execution for a security. Suspension is to take place with public charges and costs if serious doubts exist with regard to the lawfulness of the impugned administrative act, or if implementation would lead to unreasonable hardship for the party obliged to pay the charges or costs not required by overriding public interests.

(5) On request, the court dealing with the main case may completely or partly order the suspensive effect in cases falling under subsection (2) sentence 1 nos. 1 to 3a, and may restitute it, completely or in part, in cases falling under subsection (2) no. 4. The request is to already be admissible prior to filing the rescissory action. If the administrative act has already been implemented at the time of the decision, the court may order the rescission of implementation. The restitution of the suspensive effect may be made dependent on the provision of a security or on other instructions. It may also be time limited.

(6) In cases falling under subsection (2) sentence 1 no. 1, the request in accordance with subsection (5) is only admissible if the authority has completely or partly rejected a request to suspend implementation. This does not apply if

1. the authority has not decided de facto on the request within a reasonable period without stating an adequate reason, or

2. execution is impending.

(7) The court dealing with the main case may amend or rescind orders regarding requests in accordance with subsection (5) at any time. Each party concerned may request an amendment or rescission because of altered circumstances, or because of circumstances not asserted in the original proceedings without fault.

(8) The presiding judge may decide in urgent cases.

Section 80a

(1) If a third party submits an appeal against the administrative act addressing another and favouring the latter, the authority may

1. on request by the beneficiary, order immediate implementation in accordance with section 80 (2) sentence 1 no. 4,

2. on request by the third party, in accordance with section 80 (4), suspend implementation and take interim measures to secure the rights of the third party.

(2) If a party concerned submits an appeal against an administrative act which poses a burden on it in favour of a third party, the authority may order immediate execution on request by the third party in accordance with section 80 (2) sentence 1 no. 4.

(3) The court may, on request, alter or rescind measures in accordance with subsections (1) and (2), or take such measures. Section 80 (5) to (8) apply *accordingly*.

Section 80b

(1) The suspensive effect of the objection and of the rescissory action ends on becoming incontestable or, if the rescissory action has been rejected at first instance, three months after expiry of the statutory deadline for reasoning of the appeal available against the negative decision. This also applies if execution by the authority has been suspended, or the suspensive effect has been reinstated or ordered by the court, unless the authority has suspended execution until it becomes incontestable.
(2) The court of appeal may order on request that the suspensive effect continue.
(3) Section 80 subsections (5) to (8), as well as sections 80a and 80c, apply *accordingly*.

Section 80c

(1) Subsections (2) to (4) apply additionally to the ordering or restoration of the suspensive effect (sections 80 and 80a) in proceedings in accordance with section 48 (1) sentence 1 nos. 3 to 15, and with section 50 (1) no. 6. In section 48 (1) sentence 1 no. 6, the construction of commercial airports and of airfields with reduced restrictions on construction in the surrounding area, as well as in section 48 (1) sentence 1 no. 13 project approval procedures for opencast lignite mines, are excepted from sentence 1.
(2) The court may disregard a shortcoming in the challenged administrative act if it is evident that it will be remedied in the foreseeable future. Such shortcoming may be in particular

1. a breach of procedural provisions or provisions as to form, or
2. a shortcoming in weighing up within project and plan approval.

The court is to set a deadline to remedy the shortcoming. Section 80 (7) applies accordingly in the event that the deadline expires without the shortcoming having been remedied. Sentence 1 does not apply as a matter of principle to procedural errors in accordance with section 4 (1) of the Environmental Appeals Act (*Umwelt-Rechtsbehelfsgesetz*).
(3) In the event that the court rules as part of a weighing up of the consequences of enforcement, it is to restrict the ordering or restoration of the suspensive effect as a rule to those measures of the challenged administrative act where this is necessary in order to prevent irreversible disadvantages otherwise threatened. It may make the restricted ordering or restoration of the suspensive effect contingent on the payment of a security on the part of the beneficiary of the challenged administrative act.
(4) The court takes particular account when effecting a weighing up of the consequences of enforcement of the significance of projects where a federal statute determines that such are in the overriding public interest.

Chapter 9
Proceedings at first instance

Section 81

(1) The action is lodged with the court in writing. It may also be lodged at the administrative court for the record of the clerk of the registry. Section 129a (2) of the Code of Civil Procedure applies accordingly.
(2) Duplicates for the other parties concerned are to be enclosed with the action and with all written statements, on proviso of section 55a (5) sentence 3.

Section 82

(1) The action must designate the plaintiff, the defendant and the subject-matter of what is at stake in the action. It is to contain a specific motion. The facts and evidence serving as reasoning are to be stated; the original or a duplicate of the impugned order and the ruling on an objection are to be enclosed.

(2) If the action does not meet these requirements, the presiding judge or the competent professional judge (reporting judge) in accordance with section 21g of the Courts Constitution Act calls on the plaintiff to provide the required supplement within a specific period. He or she may set a deadline to the plaintiff for the supplement with exclusive effect if one of the requirements named in subsection (1) sentence 1 is not met. Section 60 applies *accordingly* to *restitutio in integrum.*

Section 83

Sections 17 to 17b of the Courts Constitution Act apply *accordingly* to factual and territorial jurisdiction. Orders in accordance with section 17a (2) and (3) of the Courts Constitution Act are incontestable.

Section 84

(1) The court may rule by means of a summary decision without an oral hearing if the case does not show any particular factual or legal difficulties, and the facts have been clarified. Those concerned are heard in advance. The provisions regarding judgments apply *accordingly*.
(2) Within one month of service of the summary decision, those concerned may

1. submit an appeal on points of fact and law if such has been admitted (section 124a),

2. apply for admission of the appeal on points of fact and law, or for an oral hearing; an oral hearing is to take place if use is made of both appeals,

3. submit an appeal on points of law, if such has been admitted,

4. submit a complaint against non-admission, or request an oral hearing, if the appeal on points of law has not been admitted; an oral hearing is to take place if use is made of both appeals,

5. request an oral hearing if an appeal is not available.

(3) The summary decision has the effect of a judgment; it is deemed not to have been issued if an oral hearing is requested in good time.
(4) If an oral hearing is requested, the court may refrain in the judgment from a further rendering of the facts and of the reasoning for the decision, insofar as it concurs with the reasoning contained in the summary decision and establishes this in its decision.

Section 85

The presiding judge orders the action to be served on the defendant. At the same time as service, the defendant is called on to make a written statement; section 81 (1) sentence 2 applies *accordingly*. A deadline may be set for this.

Section 86

(1) The court investigates the facts ex officio; those concerned are consulted in doing so. It is not bound by the submissions and by the motions for the taking of evidence of those concerned.
(2) A motion for the taking of evidence made in the oral hearing may only be rejected by a court order, which requires to be reasoned.
(3) The presiding judge endeavours to ensure that formal errors are remedied, unclear requests explained, proper motions made, inadequate factual information supplemented, as well as all declarations submitted which are material to the establishment and judgment of the facts.
(4) Those concerned are to submit written statements to prepare the oral hearing. The presiding judge may call on them to do so, setting a deadline. The written statements are communicated to those concerned ex officio.

(5) Duplicates of the certificates or electronic documents to which reference is made are enclosed, in full or in part, with the written statements. If the certificates are already known to the opponent, or are very extensive, the precise designation is sufficient, coupled with the offer to grant inspection in court.

Section 86a

(repealed)

Section 87

(1) The presiding judge, or the reporting judge, already issues all orders prior to the oral hearing that are necessary in order to deal with the dispute where possible in one oral hearing. He or she may in particular

1. subpoena those concerned to discuss the facts and the dispute, and to reach an amicable settlement of the dispute and accept a settlement;
2. instruct those concerned to supplement or explain their prepared written statements, submit certificates, transmit electronic documents, and submit other objects for deposit with the court, in particular set a deadline to explain certain points that are in need of clarification;
3. obtain information;
4. order the submission of certificates or the transmission of electronic documents;
5. order the personal appearance of those concerned; section 95 applies *accordingly*;
6. subpoena witnesses and experts to the oral hearing.
7. (repealed)

(2) Those concerned are informed of each order.
(3) The president or the reporting judge may take individual items of evidence. This may only take place insofar as it is expedient to simplify the hearing before the court, and it can be presumed from the outset that the court is able to appreciate the result of the evidence properly, even without obtaining a direct impression of the course of the taking of evidence.

Section 87a

(1) The presiding judge decides if the decision is taken in the preparatory proceedings

1. on the suspension and the stay of the proceedings;
2. in the case of the withdrawal of the action, waiver of the asserted claim, or acknowledgement of the claim, also regarding an application for legal aid;
3. in the case of the dispute being settled in the main case, also on an application for legal aid;
4. regarding the value at dispute;
5. regarding costs;
6. on the subpoena.

(2) The presiding judge may also rule in place of the chamber or of the senate with the consent of those concerned.
(3) If a reporting judge has been appointed, he or she rules in place of the presiding judge.

Section 87b

(1) The presiding judge, or the reporting judge, may set the plaintiff a deadline to state the facts by the consideration or non-consideration of which he or she considers himself or

herself to have been aggrieved in the administrative procedure. The deadline set in accordance with sentence 1 may be combined with the deadline set in accordance with section 82 (2) sentence 2.
(2) The presiding judge, or the reporting judge, may instruct a party concerned, setting a deadline, with regard to certain events

1. to state facts or designate items of evidence,

2. to submit certificates or other movables, and to transmit electronic documents, insofar as the party concerned is obliged to do so.

(3) The court may reject declarations and items of evidence which are not submitted until after expiry of a deadline set in accordance with subsections (1) and (2), and may rule without any further investigations, if

1. in the freely-formed conviction of the court, its admission would delay the conclusion of the dispute, and

2. the party concerned fails to sufficiently excuse the delay, and

3. the party concerned has been notified of the consequences of failing to meet the deadline.

The excuse is credibly demonstrated on request by the court. Sentence 1 does not apply if it is possible with slight effort to ascertain the facts without the cooperation of the party concerned.
(4) In derogation from subsection (3), in proceedings in accordance with section 48 (1) nos. 3 to 15, and section 50 (1) no. 6, the court rejects statements and items of evidence which are not submitted until subsequent to the expiry of a deadline set in accordance with subsections (1) and (2), and rules without carrying out any further investigations if the party involved

1. fails to sufficiently excuse the delay, and

2. has been notified of the consequences of failing to meet the deadline.

Subsection (3) sentences 2 and 3 apply accordingly.

Section 87c

(1) Proceedings in accordance with section 48 (1) sentence 1 nos. 3 to 15, and section 50 (1) no. 6, are to be executed with priority and expedited. This also applies

1. to proceedings in accordance with section 47 (1) no. 1 where they have as their subject-matter development plans with descriptions or determinations of areas for the projects designated in section 48 (1) sentence 1 no. 3, 3a, 3b or 5, and

2. to proceedings in accordance with section 47 (1) no. 2 where they have as their subject-matter regional policy plans with determinations of areas for making use of wind energy.

Proceedings are to be particularly prioritised concerning projects where a federal statute determines that they are in the overriding public interest. The construction of commercial airports and of airfields with reduced restrictions on construction in the surrounding area in section 48 (1) sentence 1 no. 6 are excepted from sentence 1, as are, in section 48 (1) sentence 1 no. 13, project approval procedures for opencast lignite mines.
(2) In the proceedings designated in subsection (1), the presiding judge or reporting judge is to summons the parties concerned in suitable cases to attend an early initial hearing in order to discuss the facts and the dispute, and in order to bring about an amicable resolution of the legal dispute. In the event that no amicable resolution of the legal dispute is reached at this hearing, the presiding judge or reporting judge discusses with the parties concerned the further stages of the proceedings, and the potential setting of a date for the oral hearing.

Section 88

The court may not go beyond what is requested in the action, but is not bound by the version of the motions.

Section 89

(1) A counteraction may be lodged with the court of the action if the counterclaim is linked with the claim asserted in the action, or with the means of defence submitted against it. This does not apply if another court has jurisdiction in cases coming under section 52 no. 1 for the action because of the counterclaim.
(2) A counteraction is ruled out with rescissory and enforcement actions.

Section 90

(1) The matter at dispute becomes pending by virtue of the action being lodged. In proceedings in accordance with Title 17 of the Courts Constitution Act (*Gerichtsverfassungsgesetz*) due to excessive length of court proceedings, the dispute only becomes pending on service of the action.
(2) (repealed)
(3) (repealed)

Section 91

(1) An alteration to the action is admissible subject to the consent of the other parties concerned, or if the court considers the alteration to be expedient.
(2) The defendant is presumed to have consented to the alteration of the action if the defendant, without contradicting it, has commented on the altered action in a written statement, or in an oral hearing.
(3) The ruling that an alteration to the action had not been submitted or admitted is not separately challengeable.

Section 92

(1) The plaintiff may withdraw his or her action until such time as the judgment gains legal force. Withdrawal after making the applications in the oral hearing is conditional on the consent of the defendant and, if a representative of the public interest has attended the oral hearing, also on the consent of the latter. Consent is deemed to have been given if the withdrawal of the action is not contradicted within two weeks since service of the written statement containing the withdrawal; the court indicates this consequence.
(2) The action is deemed to have been withdrawn if the plaintiff does not pursue the proceedings for more than two months, despite being called on by the court to do so. Subsection (1) sentences 2 and 3 apply *accordingly*. The plaintiff is referred in the call to the legal consequences emerging from sentence 1 and from section 155 (2). The court finds by order that the action is deemed to have been withdrawn.
(3) If the action has been withdrawn, or if it is deemed to have been withdrawn, the court discontinues the proceedings by order, and announces the legal consequences of withdrawal emerging from this Act. The order is incontestable.

Section 93

The court may, by order, joinder several sets of proceedings pending with it regarding the same subject-matter to a joint hearing and decision, and separate them once more. It may order that several claims lodged in one set of proceedings be deliberated and ruled on in separate sets of proceedings.

Section 93a

(1) If the lawfulness of an official measure is the subject-matter of more than twenty sets of proceedings, the court may carry out one or several suitable sets of proceedings in advance (model proceedings), and suspend the other sets of proceedings. Those concerned are heard in advance. The order is incontestable.

(2) If a final ruling has been handed down with regard to the proceedings that have been carried out, the court may, after hearing those concerned, rule on the suspended proceedings by order if it holds unanimously that the cases do not have any major particularities of a factual or legal nature in comparison with other finally-ruled-on model proceedings, and the facts have been clarified. The court may introduce evidence that has been taken in model proceedings; it may, at its discretion, order the repeated questioning of a witness, or a new expert report by the same or different expert witnesses. The court may refuse motions for the taking of evidence on facts on which evidence has already been taken in the model proceedings if its admission, in its free conviction, would not contribute to proof of new facts that are material to the ruling, and would delay the settling of the dispute. Rejection may take place in the ruling in accordance with sentence 1. Those concerned have recourse to the appeal against the order in accordance with sentence 1 that would be permissible if the court had ruled by judgment. Those concerned are notified of this appeal.

Section 94

If the ruling on the dispute depends, completely or in part, on the existence or non-existence of a legal relationship which forms the subject-matter of another pending dispute, or is to be established by an administrative authority, the court may order that the hearing be suspended until the other dispute has been settled, or until the decision by the administrative authority.

Section 95

(1) The court may order a party concerned to attend in person. Attendance via video and audio transmission permitted in accordance with section 102a (2) sentence 1 is also deemed to constitute personal attendance. In the event of non-attendance, it may threaten an administrative fine in the same way as against a witness who did not appear at the questioning hearing. In the event of culpable non-attendance, the court establishes the threatened administrative fine by order. Threat and establishment of the administrative fine may be repeated.
(2) If the party concerned is a corporate body or an association, the administrative fine is threatened on the party entitled to represent in accordance with the law or statutes, and is imposed on him or her.
(3) The court may instruct a public-law corporation, or an authority concerned, to second a civil servant or employee who is equipped with written proof of power of attorney and who is sufficiently informed of the factual and legal situation to attend the oral hearing.

Section 96

(1) The court takes evidence in the oral hearing. It may in particular inspect evidence and question witnesses, expert witnesses and those concerned, and consult certificates.
(2) In suitable cases, the court may already have evidence taken prior to the oral hearing by one of its members acting as a commissioned judge or, by designating the individual evidence questions, request another court to take evidence.

Section 97

Those concerned are informed of all evidence-taking dates, and may attend the taking of evidence. They may address expedient questions to witnesses and to expert witnesses. If a question is objected to, the court decides.

Section 98

Sections 358 to 444, and 450 to 494, of the Code of Civil Procedure apply *accordingly* to the taking of evidence unless the present Act contains any derogatory provisions.

Section 99

(1) Authorities are obliged to submit certificates or files, to transmit electronic documents, and to provide information. In the event that authorities keep the files in electronic form, they are submitted as digitally-searchable documents insofar as this is technically possible. If the

knowledge of the content of these certificates, files, electronic documents, or this information, would prove disadvantageous to the interests of the Federation or of a *Land*, or if the events must be kept strictly secret in accordance with a statute or due to their essence, the competent supreme supervisory authority may refuse the submission of certificates or files, the transmission of the electronic documents, and the provision of information.
(2) On request by a party concerned, the higher administrative court finds by order without an oral hearing whether refusal to submit certificates or files, to transmit the electronic documents, or to provide information, is lawful. If a supreme federal authority refuses the submission, transmission or information on grounds that the interests of the Federation would be impaired were the content of the certificates or files, of the electronic documents and the information, to become known, the Federal Administrative Court rules; the same applies if the Federal Administrative Court has jurisdiction for the main case in accordance with section 50. The application is filed with the court which has jurisdiction for the main case. The latter assigns the application and the main case files to the adjudication bodies which have jurisdiction in accordance with section 189. The supreme supervisory authority submits the certificates or files refused in accordance with subsection (1) sentence 2 on request by this panel of judges, transmits the electronic documents, or provides the refused information. It is subpoenaed to these proceedings. The proceedings are subject to the provisions of substantive classification of information. If these cannot be complied with, or if the competent supervisory authority claims that special reasons of confidentiality or classification of information oppose the submission of the certificates or files, or the transmission of the electronic documents, to the court, the submission or transmission is effected in accordance with the fifth sentence by the certificates, files or electronic documents being made available to the court on premises designated by the supreme supervisory authority. Section 100 does not apply to the files and electronic documents submitted in accordance with sentence 5, and to the special reasons claimed in accordance with sentence 8. The members of the court are obliged to maintain confidentiality; the grounds for the decision may not provide an indication of the nature and content of the secret certificates, files, electronic documents and information. The regulations of the classification of information for staff apply to the non-judicial staff. Unless the Federal Administrative Court has ruled, the order may be independently challenged with a complaint. The Federal Administrative Court rules on the complaint against the order of a higher administrative court. Sentences 4 and 11 apply *accordingly* to the complaint proceedings.

Section 100

(1) Those concerned may inspect the court files and the files submitted to the court. Those concerned may arrange for the court registry to issue them with duplicates, excerpts, printouts and copies at their own expense.
(2) If the case files are kept in electronic form, inspection of the files is granted by making the content of the files available for retrieval, or by transmitting the content of the files via a secure transmission channel. On special application, inspection of the files is granted by providing the files for inspection on official premises. A printout of the files, or a data medium with the content of the files, is only provided in response to a separately substantiated application if the applicant sets out a legitimate interest therein. Should significant grounds exist to preclude inspection of the files in the form provided for in sentence 1, inspection of the files may be granted in the form provided for in the sentences 2 and 3, including without an application. Applications in accordance with sentence 3 are ruled on by the presiding judge; the decision is not appealable. Section 87a (3) applies accordingly.
(3) If the case files are kept in paper form, inspection of the files is granted by providing the files for inspection on official premises. Unless significant grounds exist to preclude this, inspection of the files may also be granted by making the content of the files available for retrieval, or by transmitting the content of the files via a secure transmission channel. At the discretion of the presiding judge, the proxy-holder in accordance with section 67 (2)

sentences 1 and 2 nos. 3 to 6 may be permitted to take the files to his or her home or business premises. Section 87a (3) applies accordingly.
(4) Inspection of the files in accordance with subsections (1) to (3) is not granted with regard to draft judgments, orders and decrees, work related to preparation thereof, and documents concerning the casting of votes.

Section 101

(1) The court rules on the basis of an oral hearing unless otherwise provided. The oral hearing is to take place as soon as possible.
(2) The court may rule without an oral hearing with the consent of those concerned.
(3) Rulings of the court which are not judgments may be handed down without an oral hearing, unless provided otherwise.

Section 102

(1) As soon as the deadline for an oral hearing has been determined, those concerned are subpoenaed with a subpoena period of at least two weeks, in the Federal Administrative Court of at least four weeks. The presiding judge may shorten the period in urgent cases.
(2) The subpoena indicates that, if a party concerned does not attend, it is possible for the hearing to take place and a ruling to be handed down without him or her.
(3) The courts of administrative jurisdiction may also hold sessions outside the seat of the court if this is necessary in order to conclude them in an appropriate manner.
(4) Section 227 (3) sentence 1 of the Code of Civil Procedure does not apply.

Section 102a

(1) The oral hearing may be held as a video hearing in suitable cases, and insofar as sufficient capacities are available. An oral hearing takes place as a video hearing if at least one party concerned by the proceedings attends via video and audio transmission. Parties concerned by the proceedings in accordance with the present provision are the parties concerned, their proxy-holders, and counsel.
(2) Subject to the preconditions of subsection (1) sentence 1, the court may permit attendance via video and audio transmission for a party concerned by the proceedings, or for several or all parties concerned by the proceedings, on application by a party concerned by the proceedings, or ex officio. Concise reasoning is to be provided for the rejection of an application for attendance via video and audio transmission.
(3) The court may permit, on application or ex officio, the questioning of a witness, expert or party concerned via video and audio transmission. The parties concerned by the proceedings, witnesses and experts have a right of application. Subsection (1) applies accordingly.
(4) The parties concerned by the proceedings, and third parties, are prohibited from recording the transmission. They are to be informed accordingly at the start of the hearing. The court may record all or part of the video hearing, or of the video and audio transmission, in accordance with subsection (3), for the purposes of section 160a of the Code of Criminal Procedure. The court must also inform the parties concerned by the proceedings of the start and end of the recording, and in cases falling under subsection (3) also the witnesses and experts.
(5) Rulings in accordance with the present provision are not subject to challenge.
(6) Subsections (1) to (5) apply accordingly to discussion hearings (section 87 (1) sentence 2 no. 1 and section 87c (2) sentence 1).

Section 103

(1) The presiding judge opens and chairs the oral hearing.
(2) Once the case has been called, the presiding judge or the reporting judge present the essential content of the files.
(3) In response to this, those concerned are afforded the opportunity to speak in order to make and reason their applications.

Section 104

(1) The presiding judge discusses the dispute with those concerned in factual and legal terms.
(2) The presiding judge affords each member of the court the opportunity to ask questions on request. If a question is objected to, the court decides.
(3) After the dispute has been discussed, the presiding judge declares the oral hearing to be closed. The court may decide on reopening.

Section 105

Sections 159 to 165 of the Code of Civil Procedure apply *accordingly* to the minutes.

Section 106

In order to completely or partly deal with the legal dispute, those concerned may reach a settlement for the record of the court, or of the commissioned or requested judge, insofar as they are able to dispose of the subject-matter of the settlement. A judicial settlement may also be concluded by those concerned accepting a proposal of the court, of the presiding judge, or of the reporting judge issued in the form of an order, in writing, or by making a statement to be placed on the minutes of the oral hearing vis-à-vis the court.

Chapter 10
Judgments and other rulings

Section 107

The action is ruled on by a judgment unless provided otherwise.

Section 108

(1) The court rules in accordance with its free conviction gained from the overall outcome of the proceedings. The judgment states the grounds which were decisive for the judicial conviction.
(2) The judgment may only be based on facts and results of evidence on which those concerned have been able to make a statement.

Section 109

An advance ruling may be handed down on the admissibility of the action by interim judgment.

Section 110

If only part of the subject-matter of the dispute is ready for a ruling, the court may hand down a partial judgment.

Section 111

If, with an application for an injunction, a claim is contentious in terms of its reason and amount, the court may rule in advance on the reason by means of an interim judgment. If the claim has been declared to be well founded, the court may order that the amount be deliberated on.

Section 112

The judgment may only be made by the judges and honorary judges who have attended the hearing on which the judgment is based.

Section 113

(1) Insofar as the administrative act is unlawful and the plaintiff's rights have been violated, the court rescinds the administrative act and any ruling on an objection. If the administrative act has already been executed, the court may also state on request that and how the administrative authority has to countermand execution. This statement is only permissible if the authority is able to do so and this question is mature for adjudication. If the administrative act has been settled previously by withdrawal or otherwise, the court declares by judgment,

on request, that the administrative act was unlawful if the plaintiff has a justified interest in this finding.
(2) If the plaintiff requests an alteration of an administrative act which establishes an amount of money, or makes a declaration related thereto, the court may establish a different amount, or replace the declaration by another. If the ascertainment of the amount to be established or declared entails a not inconsiderable effort, the court may determine the alteration of the administrative act by stating the factual or legal circumstances which were wrongly considered, or not considered, such that the authority is able to calculate the amount on the basis of the ruling. The authority informs the party concerned of the outcome of the recalculation promptly, without requirement as to form; once the ruling has become final, the administrative act is newly announced with its altered content.
(3) If the court considers a further factual investigation to be necessary, without itself deciding on the merits, it may rescind the administrative act and the ruling on an objection insofar as, due to their nature or scope, the investigations which are still required are material and the rescission is expedient, also considering the interests of those concerned. The court may, on request, reach an interim regulation until issuance of the new administrative act, and may in particular determine that securities be provided, or remain in force entirely or in part, and that payments do not initially need to be repaid. The order may be amended or rescinded at any time. A ruling in accordance with sentence 1 may only be handed down within six months of receipt of the files of the authority by the court.
(4) If payment may be demanded in addition to the rescission of an administrative act, a sentence to effect a payment is also permissible in the same proceedings.
(5) Insofar as the rejection or omission of the administrative act is unlawful, and the plaintiff's rights are violated thereby, the court announces the obligation incumbent on the administrative authority to effect the requested official act if the case is mature for adjudication. Otherwise, it hands down the obligation to notify the plaintiff, taking the legal view of the court into consideration.

Section 114

Insofar as the administrative authority is empowered to act at its discretion, the court also examines whether the administrative act, or the refusal or omission of the administrative act, is unlawful because the statutory limits of discretion have been overstepped, or discretion has been exercised in a manner not corresponding to the purpose of the empowerment. The administrative authority may also supplement its discretionary considerations as to the administrative act in the proceedings before the administrative courts.

Section 115

Sections 113 and 114 apply *accordingly* if, in accordance with section 79 (1) no. 2 and subsection (2), the ruling on an objection forms the subject-matter of the rescissory action.

Section 116

(1) If an oral hearing has taken place, the judgment is as a rule pronounced in the hearing in which the oral hearing is concluded, in special cases in a hearing to be scheduled immediately, which is not to take place more than two weeks later. The judgment is served on those concerned. The presiding judge may permit those concerned, their proxy-holders and counsel to attend the handing down of the judgment via video and audio transmission.
(2) The service of the judgment is permissible in place of the pronouncement; in such a case, the judgment is communicated to the registry within two weeks after the oral hearing.
(3) If the court rules without an oral hearing, the pronouncement is substituted by being served on those concerned.

Section 117

(1) The judgment is handed down "In the name of the people". It is drawn up in writing and signed by the judges who were involved in the ruling. If a judge is prevented from adding his or her signature, this is noted under the judgment, with the reason as to why he or she is

prevented from attending, by the presiding judge or, if he or she is unable to attend, by the most senior associate judge. The honorary judges are not required to sign.
(2) The judgment contains

1. the designation of those concerned, of their legal representatives, and of the proxy-holders, by names, occupation, place of residence and their status in the proceedings,
2. the designation of the court, and the names of the members who have contributed towards the ruling,
3. the ruling,
4. the facts,
5. the reasoning for the ruling, and
6. the notification of appeals.

(3) The statement of facts contains the essential content of the state of the facts and of the dispute in concise form, emphasising the requests made. In respect of the details, reference is to be made to written statements, minutes and other documents insofar as the state of the facts and of the dispute emerges from them sufficiently.
(4) A judgment which was not yet fully drafted on its pronouncement is conveyed to the registry in completely drafted form prior to the expiry of two weeks, calculated from the day of the pronouncement. If this exceptionally cannot take place, the judgment signed by the judges is conveyed to the registry within these two weeks without facts, reasoning of the ruling, and notification of appeals; the facts, reasoning of the ruling and notification of appeals are set down subsequently as soon as possible, signed individually by the judges, and conveyed to the registry.
(5) The court may refrain from a further portrayal of the reasoning for the ruling insofar as it concurs with the reasoning of the administrative act or of the ruling on an objection, and this is established in its ruling.
(6) The clerk of the registry notes on the judgment the date of service, and in cases falling under section 116 (1) sentence 1 the date of the pronouncement, and signs this note. If the files are kept in electronic form, the clerk of the registry records the note in a separate document. The document is inseparably bound together with the judgment.

Section 118

(1) Typing errors, arithmetical errors, and similar evident errors, in the judgment are to be corrected by the court at any time.
(2) A decision may be taken on the correction without a prior oral hearing. The correction order is noted on the judgment and on the duplicates. If the judgment is drafted in electronic form, the order is also drafted in electronic form and inseparably linked with the judgment.

Section 119

(1) If the facts of the judgment contain other errors or ambiguities, the correction may be requested within two weeks of service of the judgment.
(2) The court rules by order without taking evidence. The order is incontestable. The ruling is only contributed to by the judges who have worked on the judgment. If a judge is unable to attend, the presiding judge has the casting vote. The correction order is noted on the judgment and on the duplicates. If the judgment is drafted in electronic form, the order is also drafted in electronic form, and inseparably linked with the judgment.

Section 120

(1) If a request lodged by a party concerned according to the facts, or the cost implications, has been completely or partly overlooked in the ruling, the judgment is supplemented by a subsequent decision on request.

(2) The ruling must be requested within two weeks of service of the judgment.
(3) The subject-matter of the oral hearing is only the part of the legal dispute which has not been dealt with. It is possible to dispense with holding an oral hearing if the supplement to the judgment is only to rule on an accessory claim, or on the costs, and if the significance of the matter does not warrant an oral hearing.

Section 121

Insofar as a ruling has been handed down on the subject-matter of the dispute, final judgments are binding

1. on those concerned and their legal successors, and,

2. in cases falling under section 65 (3), on those persons who did not make a request for a subpoena, or did not do so in good time.

Section 122

(1) Sections 88, 108 (1) sentence 1, as well as sections 118, 119 and 120, apply *accordingly* to orders.
(2) Orders are reasoned if they can be challenged by appeals, or if they rule on an appeal. Orders on the suspension of execution (sections 80 and 80a), and on interim orders (section 123), as well as orders after the legal dispute had been settled in the main case (section 161 (2)), are always reasoned. Orders ruling on an appeal do not require further reasoning insofar as the court rejects the appeal as ill-founded for the reasons of the impugned ruling.

Chapter 11
Interim order

Section 123

(1) The court may, on request, make an interim order in relation to the subject-matter of the dispute, even prior to the lodging of an action, if the danger exists that the enforcement of a right of the plaintiff could be prevented or considerably impeded by means of an alteration of the existing state. Interim orders are also permissible to settle an interim condition in relation to a contentious legal relationship if this regulation appears necessary, above all with ongoing legal relationships, in order to avert major disadvantages or prevent immanent force, or for other reasons.
(2) The court dealing with the main case has jurisdiction for the issuance of interim orders. This is the court of first instance and, if the main case is pending in the proceedings for an appeal on points of fact and law, the court of appeal on points of fact and law. Section 80 (8) applies *accordingly*.
(3) Sections 920, 921, 923, 926, 928 to 932, 938, 939, 941 and 945 of the Code of Civil Procedure apply *accordingly* to the issuance of interim orders.
(4) The court decides by means of an order.
(5) The provisions contained in subsections (1) to (3) do not apply to cases falling under sections 80 and 80a.

Part 3
Appeals and resumption of the proceedings

Chapter 12
Appeal on points of fact and law

Section 124

(1) Those concerned are entitled to an appeal on points of fact and law against final judgments, including the partial judgments in accordance with section 110, and against interim judgments in accordance with sections 109 and 111, if such appeal is admitted by the administrative court or the higher administrative court.
(2) The appeal on points of fact and law is only admitted

1. if serious doubts exist as to the correctness of the judgment,

2. if the case has special factual or legal difficulties,

3. if the case is of fundamental significance,

4. if the judgment derogates from a ruling of the higher administrative court, of the Federal Administrative Court, of the Joint Panel of the Supreme Courts of the Federation, or of the Federal Constitutional Court, and is based on this derogation, or

5. if a procedural shortcoming subject to the judgment of the court of appeal on points of fact and law is claimed, and applies, on which the ruling can be based.

Section 124a

(1) The administrative court admits the appeal on points of fact and law in the judgment if the grounds of section 124 (2) no. 3 or no. 4 apply. The higher administrative courts are bound by admission. The administrative courts are not empowered to not admit the appeal on points of fact and law.
(2) The appeal on points of fact and law is lodged with the administrative court, if it has been admitted by the administrative court, within one month after service of the complete judgment. The appeal on points of fact and law must designate the impugned judgment.
(3) The appeal on points of fact and law is reasoned in cases falling under subsection (2) within two months after service of the complete judgment. Unless it takes place at the same time as the lodging of the appeal on points of fact and law, the reasoning is lodged with the higher administrative court. The deadline for the reasoning may be extended by the presiding judge of the senate, in response to a request made prior to its expiry. The reasoning must contain a specific motion, as well as the reasons for the challenge (reasons for the appeal on points of fact and law) to be listed in detail. If one of these requirements is not met, the appeal on points of fact and law is inadmissible.
(4) If the appeal on points of fact and law is not admitted in the judgment of the administrative court, admission is applied for within one month after service of the complete judgment. The application is lodged with the administrative court. It must designate the impugned judgment. Within two months after service of the complete judgment, the reasoning is explained for which the appeal on points of fact and law is to be admitted. Insofar as it has not already been submitted with the application, the reasoning is submitted to the higher administrative court. The lodging of the application stays the legal force of the judgment.
(5) The higher administrative court rules on the application by means of an order. The appeal on points of fact and law is admitted if one of the reasons of section 124 (2) is explained and applies. The order is to be briefly reasoned. The judgment becomes final on rejection of the application. If the higher administrative court admits the appeal on points of fact and law, the application proceedings are continued as proceedings for an appeal on points of fact and law; the lodging of an appeal on points of fact and law is not required.
(6) The appeal on points of fact and law is reasoned in cases falling under subsection (5) within one month after service of the order on the admission of the appeal on points of fact and law. The reasoning is submitted to the higher administrative court. Subsection (3) sentences 3 to 5 apply *accordingly*.

Section 125

(1) The provisions of Part 2 apply *accordingly* to the proceedings for an appeal on points of fact and law, unless this chapter provides otherwise. Section 84 does not apply.
(2) If the appeal on points of fact and law is inadmissible, it is rejected. The ruling may be handed down by means of an order. Those concerned are heard in advance. Those concerned are entitled to such appeal against the order which would be admissible if the court had ruled by judgment. Those concerned are notified of this appeal.

Section 126

(1) The appeal on points of fact and law may be withdrawn until the judgment becomes final. Withdrawal subsequent to the lodging of the requests in the oral hearing is contingent on the consent of the defendant and, if a representative of the public interest has attended the oral hearing, also on his or her consent.
(2) The appeal on points of fact and law is deemed to have been withdrawn if the plaintiff of the appeal on points of fact and law fails to pursue the proceedings for more than three months, despite being called on by the court to do so. Subsection (1) sentence 2 applies *accordingly*. The plaintiff of the appeal on points of fact and law is informed in the call of the legal consequences emerging from sentence 1 and section 155 (2). The court finds by an order that the appeal on points of fact and law is deemed to have been withdrawn.
(3) Withdrawal leads to the loss of the appeal lodged. The court rules by order on the costs consequence.

Section 127

(1) The defendant of the appeal on points of fact and law and the other parties concerned may accede to the appeal on points of fact and law. The subsequent appeal on points of fact and law is lodged with the higher administrative court.
(2) Accession is also permissible if the party concerned has foregone the appeal on points of fact and law, or the deadline for the appeal on points of fact and law, or for the request to admit the appeal on points of fact and law, has passed. It is admissible after one month has passed since the written reasoning for the appeal on points of fact and law has been served.
(3) The subsequent appeal on points of fact and law must be reasoned in the accession document. Section 124a (3) sentences 2, 4 and 5 apply *accordingly*.
(4) The subsequent appeal on points of fact and law does not require to be admitted.
(5) Accession loses its effect if the appeal on points of fact and law is withdrawn or rejected as inadmissible.

Section 128

The higher administrative court reviews the dispute within the appeal on points of fact and law application to the same degree as the administrative court. It also considers newly-submitted facts and items of evidence.

Section 128a

(1) New declarations and items of evidence which have not been submitted at first instance despite a deadline set therefor (section 87b (1) and (2)) are only admitted if, in the free conviction of the court, its admission would not delay the settlement of the legal dispute, or if the party concerned provides sufficient excuses for the delay. The excuse is credibly demonstrated at the request of the court. Sentence 1 does not apply if the party concerned at first instance has not been informed of the consequences of missing a deadline in accordance with section 87b (3) no. 3, or if it is also possible to ascertain the facts with a slight effort without the participation of the party concerned.
(2) Declarations and items of evidence which the administrative court has rightly rejected also remain ruled out in the proceedings for an appeal on points of fact and law.

Section 129

The judgment of the administrative court may only be altered insofar as an alteration has been applied for.

Section 130

(1) The higher administrative court takes the necessary evidence, and rules on the merits itself.
(2) The higher administrative court may only remit the case to the administrative court, insofar as a further hearing on the case is necessary, by rescinding the judgment and the proceedings

1. insofar as the proceedings before the administrative court suffer from a major shortcoming, and a comprehensive or laborious taking of evidence is necessary because of this shortcoming, or

2. if the administrative court has not yet ruled on the merits themselves,

and a party concerned applies for remittal.
(3) The administrative court is bound by the legal assessment of the ruling on the appeal on points of fact and law.

Section 130a

The higher administrative court may rule on the appeal on points of fact and law by means of an order if it unanimously considers it to be well founded or ill founded, and does not consider an oral hearing to be necessary. Section 125 (2) sentences 3 to 5 apply *accordingly*.

Section 130b

The higher administrative court may refer to the elements of the impugned ruling in the judgment on the appeal on points of fact and law if it adopts the findings of the administrative court in full. It may refrain from a further depiction of the reasoning for the ruling insofar as it rejects the appeal on points of fact and law as ill-founded for the reasons of the impugned ruling.

Section 131

(repealed)

Chapter 13
Appeal on points of law

Section 132

(1) Those concerned have recourse to an appeal on points of law to the Federal Administrative Court against the judgment of the higher administrative court (section 49 no. 1), and against orders in accordance with section 47 (5) sentence 1, if the higher administrative court, or the Federal Administrative Court in response to a complaint against non-admission, has admitted it.
(2) The appeal on points of law is only admitted if

1. the legal case is of fundamental significance,

2. the judgment deviates from a ruling of the Federal Administrative Court, of the Joint Panel of the supreme courts of the Federation, or of the Federal Constitutional Court, and is based on this deviation, or

3. a procedural shortcoming is asserted and applies on which the ruling can be based.

(3) The Federal Administrative Court is bound by admission.

Section 133

(1) The non-admission of the appeal on points of law may be challenged by a complaint.
(2) The complaint is lodged with the court against whose judgment an appeal on points of law is to be lodged within one month after service of the complete judgment. The complaint must designate the impugned judgment.
(3) The complaint is reasoned within two months after service of the complete judgment. The reasoning is submitted to the court against whose judgment an appeal on points of law is to be lodged. The fundamental significance of the case must be explained in the reasoning, or the ruling from which the judgment deviates, or the procedural shortcoming, must be designated.
(4) The submission of the complaint stays the legal force of the judgment.

(5) If the complaint is not remedied, the Federal Administrative Court rules by order. The order is to be briefly reasoned; it is possible to dispense with reasoning if it is not suited to help clarify the prerequisites under which an appeal on points of law is to be admitted. The judgment becomes final when the complaint is rejected by the Federal Administrative Court.
(6) If the prerequisites of section 132 (2) no. 3 apply, the Federal Administrative Court may rescind the impugned judgment in the order and remit the legal dispute for a hearing and a ruling in other respects.

Section 134

(1) Those concerned have recourse to an appeal on points of law against the judgment of an administrative court (section 49 no. 2), thus circumventing the appeal on points of fact and law instance, if the plaintiff and the defendant agree in writing to the submission of the appeal on points of law in lieu of an appeal on fact and law, and if the latter is admitted by the administrative court in the judgment or on request by order. The request is made in writing within one month of service of the complete judgment. Consent to the submission of the appeal on points of law in lieu of an appeal on fact and law is enclosed with the application or, if the appeal on points of law is admitted in the judgment, with the written appeal on points of law.
(2) The appeal on points of law is only admitted if the prerequisites of section 132 (2) no. 1 or 2 apply. The Federal Administrative Court is bound by admission. The rejection of admission is incontestable.
(3) If the administrative court rejects the application for admission of the appeal on points of law by order, on service of this ruling the deadline period begins to run for the application to admit the appeal on points of fact and law from the beginning insofar as the application was lodged within the statutory deadline and form, and the declaration of consent was enclosed. If the administrative court admits the appeal on points of law by an order, the period for the appeal on points of law is initiated on service of this ruling.
(4) The appeal on points of law may not be based on shortcomings in the proceedings.
(5) The submission of the appeal on points of law, and the consent, are deemed to constitute dispensation with the appeal on points of fact and law if the administrative court has admitted the appeal on points of law.

Section 135

Those concerned have recourse to an appeal on points of law to the Federal Administrative Court against the judgment of an administrative court (section 49 no. 2) if the appeal on points of fact and law is ruled out by federal law. The appeal on points of law may only be lodged if the administrative court has admitted it, or if the Federal Administrative Court has admitted it in response to a complaint against non-admission. Sections 132 and 133 apply *accordingly* to admission.

Section 136

(repealed)

Section 137

(1) The appeal on points of law may only be based on the impugned judgment being based on a violation

1. of federal law, or
2. of a provision of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz*) of a *Land* the wording of which concurs with the Administrative Procedure Act of the Federation.

(2) The Federal Administrative Court is bound by the factual findings handed down in the impugned judgment, unless admissible, well-founded grounds for the appeal on points of law have been submitted in relation to these findings.

(3) If the appeal on points of law is based on procedural shortcomings, and unless at the same time one of the prerequisites of section 132 (2) nos. 1 and 2 applies, only a ruling is handed down on the asserted procedural shortcomings. In other respects, the Federal Administrative Court is not bound by the asserted grounds for the appeal on points of law.

Section 138

A judgment is always regarded as being based on the violation of federal law if

1. the court of decision was not composed according to the regulations,
2. a judge was involved in the ruling who had been excluded from the exercise of judicial office by force of law, or had been successfully rejected for concern about partiality,
3. a party concerned had been refused a legal hearing,
4. a party concerned in the proceedings was not represented in accordance with the provisions of the law, unless he or she explicitly or tacitly consented to the pursuance of the proceedings,
5. the judgment was handed down on the basis of an oral hearing in which the provisions on the public nature of the proceedings were violated, or
6. the ruling is not reasoned.

Section 139

(1) The appeal on points of law is lodged in writing to the court whose judgment is impugned within one month of service of the complete judgment, or of the order on the admission of the appeal on points of law in accordance with section 134 (3) sentence 2. The deadline period for the appeal on points of law is also deemed to have been complied with if the appeal on points of law is lodged to the Federal Administrative Court, within the deadline. The appeal on points of law must designate the impugned judgment.
(2) If the complaint against the non-admission of the appeal on points of law is remedied, or if the Federal Administrative Court admits the appeal on points of law, the complaint proceedings are continued as proceedings on appeal on points of law unless the Federal Administrative Court rescinds the impugned judgment in accordance with section 133 (6); the lodging of an appeal on points of law by the complainant is not required. This is referred to in the order.
(3) The appeal on points of law is reasoned within two months after service of the complete judgment, or of the order on the admission of the appeal on points of law in accordance with section 134 (3) sentence 2; in the event of subsection (2), the deadline for reasoning is one month after service of the order on the admission of the appeal on points of law. The reasoning is submitted to the Federal Administrative Court. The reasoning deadline may be extended by the presiding judge in response to an application lodged prior to its expiry. The reasoning must contain a definite motion, the violated legal provision and, insofar as the complaint relates to procedural shortcomings, must state the facts from which the shortcomings emerge.

Section 140

(1) The appeal on points of law may be withdrawn until the judgment becomes final. Withdrawal after filing the motions in the oral hearing is contingent on the consent of the defendant of the appeal on points of law and, if the Representative of the Interests of the Federation at the Federal Administrative Court has attended the oral hearing, also on his or her consent.
(2) Withdrawal effects the loss of the appeal submitted. The Court rules by order on the costs consequence.

Section 141

The provisions on the appeal on points of fact and law apply *accordingly* to the appeal on points of law unless this chapter states otherwise. Sections 87a, 130a and 130b do not apply.

Section 142

(1) Alterations to the action and subpoenas are not permissible in the proceedings on appeal on points of law. This does not apply to subpoenas in accordance with section 65 (2).
(2) A party subpoenaed in the proceedings on appeal on points of law in accordance with section 65 (2) may only complain of procedural shortcomings within two months of service of the subpoena. The deadline may be extended by the presiding judge in response to an application made before its expiry.

Section 143

The Federal Administrative Court examines whether the appeal on points of law is admissible, and whether it has been submitted and reasoned within the statutory form and deadline. The appeal on points of law is inadmissible if one of these requirements has not been met.

Section 144

(1) If the appeal on points of law is inadmissible, the Federal Administrative Court dismisses it by order.
(2) If the appeal on points of law is ill founded, the Federal Administrative Court rejects the appeal on points of law.
(3) If the appeal on points of law is well founded, the Federal Administrative Court may

1. rule on the case itself,

2. quash the impugned judgment and remit the case for settlement and a ruling in other respects.

The Federal Administrative Court remits the dispute if the party subpoenaed in the proceedings on appeal on points of law in accordance with section 142 (1) sentence 2 has a justified interest in this.
(4) If the reasoning for the decision reveals a violation of the existing right, but the ruling itself proves to be correct for other reasons, the appeal on points of law is dismissed.
(5) If the Federal Administrative Court remits the case on appeal on points of law in lieu of an appeal on fact and law in accordance with section 49 no. 2 and section 134 for settlement and ruling in other respects, it may at its discretion also remit it to the higher administrative court which would have had jurisdiction for the appeal on points of fact and law. The same principles then apply to the proceedings before the higher administrative court as if the dispute had become pending on a properly lodged appeal on points of fact and law at the higher administrative court.
(6) The court to which the case has been remitted for settlement and a ruling in other respects bases its ruling on the legal assessment of the court of appeal on points of law.
(7) The ruling on the appeal on points of law does not require reasoning insofar as the Federal Administrative Court considers complaints of procedural shortcomings not to be significant. This does not apply to complaints in accordance with section 138 and, if the appeal on points of law exclusively asserts procedural shortcomings, to complaints on which the admission of the appeal on points of law is based.

Section 145

(repealed)

Chapter 14
Complaint, reminder, complaint regarding a hearing

Section 146

(1) Unless the present Act provides otherwise, those concerned, and those otherwise affected by the ruling, may have recourse to a complaint to the higher administrative court against rulings of the administrative court, of the presiding judge, or of the reporting judge, which are not judgments or summary decisions.
(2) Procedural directions, elucidation orders, orders regarding an adjournment or the setting of a deadline, orders for the taking of evidence, orders regarding rejection of motions for the taking of evidence, on joindering and separation of proceedings and claims, and on the rejection of court officials, as well as orders on the rejection of legal aid applications, if the court exclusively states that the personal or economic preconditions for legal aid do not apply, cannot be impugned with a complaint.
(3) Furthermore, on reserve of a statutorily-provided complaint against the non-admission of the appeal on points of law, a complaint is not available in disputes regarding costs, fees and expenses if the value of the subject-matter of the complaint does not exceed two hundred euros.
(4) The complaint against orders of the administrative court in injunction proceedings (sections 80, 80a and 123) is reasoned within one month of announcement of the ruling. Unless already submitted with the complaint, the reasoning is submitted to the higher administrative court. It must contain a definite motion, set out the reasoning from which the ruling is to be altered or rescinded, and deal with the impugned ruling. If one of these requirements is not met, the complaint is dismissed as inadmissible. The administrative court submits the complaint without delay; section 148 (1) does not apply. The higher administrative court only reviews the reasoning submitted.
(5) & (6) (repealed)

Section 147

(1) The complaint is lodged with the court whose ruling is impugned in writing, or for the record of the clerk of the registry, within two weeks after announcement of the ruling. Section 67 (4) remains unaffected.
(2) The complaint deadline is also deemed to have been met if the complaint is received by the complaint court within the deadline.

Section 148

(1) If the administrative court, the presiding judge, or the reporting judge whose ruling is being impugned, considers the complaint to be well founded, it is remedied; otherwise, it is submitted to the higher administrative court without delay.
(2) The administrative court is to inform those concerned of the lodging of the complaint with the higher administrative court.

Section 149

(1) The complaint only has suspensive effect if its subject-matter is the imposition of an administrative measure, or a means of coercion. The court, the presiding judge, or the reporting judge whose ruling is being impugned, may also otherwise determine that the execution of the impugned ruling is to be temporarily suspended.
(2) Sections 178 and 181 (2) of the Courts Constitution Act remain unaffected.

Section 150

The higher administrative court rules on the complaint by an order.

Section 151

The ruling of the court against the decisions of the commissioned or requested judge, or of the clerk, can be applied for within two weeks after the announcement. The application is lodged in writing or for the record of the clerk of the court registry. Sections 147 to 149 apply *accordingly*.

Section 152

(1) On proviso of section 99 (2), and of section 133 (1), of the present Act, as well as of section 17a (4) sentence 4, of the Courts Constitution Act, rulings of the higher administrative court may not be impugned with a complaint to the Federal Administrative Court.
(2) Section 151 applies *accordingly* in the proceedings before the Federal Administrative Court to rulings of the commissioned or requested judge, or of the clerk of the registry.

Section 152a

(1) In response to the complaint of a party concerned impaired by a court ruling, the proceedings are continued if

1. an appeal or another remedy against the ruling is not available, and
2. the court has violated the right of this party concerned to a legal hearing in a manner that is material to the ruling.

No complaint is available against a ruling preceding the final ruling.
(2) The complaint is lodged within two weeks after the violation of the right to a legal hearing becoming known; the time of becoming aware is to be credibly demonstrated. The complaint may no longer be lodged after one year subsequent to announcement of the impugned ruling. Rulings announced without requirement as to form are deemed to have been communicated on the fourth day after being taken to the post. The complaint is made in writing, or for the record of the clerk of the registry at the court whose ruling is being impugned. Section 67 (4) remains unaffected. The complaint must designate the impugned ruling, and document that the prerequisites named in subsection (1) sentence 1 no. 2 apply.
(3) The other parties concerned are afforded the opportunity to make a statement where necessary.
(4) If the complaint is not admissible, or has not been lodged within the statutory form or deadline, it is dismissed as inadmissible. If the complaint is ill founded, the court rejects it. The ruling is handed down by incontestable order. The order is to contain brief reasoning.
(5) If the complaint is well founded, the court remedies it by continuing the proceedings insofar as this is necessary on the basis of the complaint. The proceedings are restored to the state in which they were prior to the conclusion of the oral hearing. In written proceedings, the time until when the written pleadings may be submitted replaces the conclusion of the oral hearing. Section 343 of the Code of Civil Procedure applies *accordingly* to the pronouncement of the court.
(6) Section 149 (1) sentence 2 applies *accordingly*.

Chapter 15
Resumption of the proceedings

Section 153

(1) Proceedings ended by force of law may be resumed in accordance with the provisions of Book 4 of the Code of Civil Procedure.
(2) The power to lodge a nullity action and a restitution action is also held by the representative of the public interest, in the proceedings before the Federal Administrative Court at first and final instance also by the Representative of the Interests of the Federation at the Federal Administrative Court.

Part 4
Costs and execution

Chapter 16
Costs

Section 154

(1) The losing party meets the costs of the proceedings.

(2) The costs of an appeal lodged unsuccessfully are imposed on the party who lodged the appeal.
(3) Costs may only be imposed on the subpoenaed party if he or she lodged motions or appeals; section 155 (4) remains unaffected.
(4) The costs of the successful resumption proceedings may be imposed on the state budget insofar as they have not arisen as a result of the fault of a party concerned.
(5) Insofar as the applicant only loses on the basis of section 80c (2), the court costs are imposed on the winning party. Subsection (3) remains unaffected.

Section 155

(1) If a party concerned is partly successful and partly unsuccessful, the costs are offset against one another, or shared proportionately. If the costs are offset against one another, the court costs are imposed on each in halves. A party may be burdened with the entire costs if the other only lost to a minor degree.
(2) Anyone who withdraws a motion, an action, an appeal, or another remedy, bears the costs.
(3) Costs which arise by virtue of a motion for *restitutio in integrum* are imposed on the applicant.
(4) Costs arising by the fault of a party concerned may be imposed on the latter.

Section 156

If the defendant has not given rise to the lodging of the action by means of his or her conduct, the legal costs are imposed on the plaintiff if the defendant immediately acknowledges the claim.

Section 157

(repealed)

Section 158

(1) Challenging of the ruling on the costs is impermissible unless an appeal is lodged against the ruling in the main case.
(2) If no ruling has been handed down in the main case, the ruling on the costs is incontestable.

Section 159

Section 100 of the Code of Civil Procedure applies *accordingly* if the party obliged to pay the costs consists of several persons. If the contentious legal relationship can only be decided on in a uniform manner vis-à-vis the party obliged to meet the costs, the costs may be imposed on several persons as joint-and-several debtors.

Section 160

If the dispute is dealt with by means of a settlement, and if those concerned have not determined the costs, the court costs are imposed on each party in halves. Each party concerned bears its own out-of-court costs.

Section 161

(1) The court rules on the costs in the judgment or, if the proceedings are concluded by other means, by order.
(2) If the dispute is settled in the main case, other than in cases falling under section 113 (1) sentence 4, the court rules by order on the costs of the proceedings at its reasonably exercised discretion; the previous status of the case and of the dispute is taken into account. The legal dispute is also deemed to have been settled in the main case if the defendant has not objected to the declaration of settlement by the plaintiff within two weeks of service of the written pleading containing the declaration of conclusion, and he or she has been informed of this consequence by the court.
(3) In cases falling under section 75, the defendant always bears the costs if the plaintiff could anticipate his or her decision prior to lodging the action.

Section 162

(1) Costs are constituted by the court costs (fees and expenses) and the expenditure of those concerned necessary to properly pursue or defend rights, including the costs of the preliminary proceedings.
(2) The fees and expenses of an attorney or legal counsel, in the matters named in section 67 (2) sentence 2 nos. 3 and 3a also of one of the persons named therein, are always refundable. Insofar as preliminary proceedings were pending, fees and expenses are refundable if the court declares it necessary to consult a proxy-holder for the preliminary proceedings. Legal entities under public law and authorities may demand the maximum flat-rate determined in no. 7002 of Annex 1 to the Lawyers' Remuneration Act (*Rechtsanwaltsvergütungsgesetz*) in place of their expenditure actually necessary for post and telecommunication services.
(3) The out-of-court costs of the subpoenaed party are only refundable if, for reasons of equitableness, the court imposes them on the losing party or on the state budget.

Section 163

(repealed)

Section 164

The clerk of the first-instance court determines on application the amount of the costs to be refunded.

Section 165

Those concerned may challenge the determination of the costs to be refunded. Section 151 applies *accordingly*.

Section 165a

Section 110 of the Code of Civil Procedure applies *accordingly*.

Section 166

(1) The provisions contained in the Code of Civil Procedure regarding legal aid, as well as section 569 (3) no. 2 of the Code of Civil Procedure, apply accordingly. A tax advisor, tax consultant, chartered accountant, or sworn public accountant, may also be appointed to a party to whom legal aid has been awarded. The remuneration is in accordance with the provisions of the Lawyers' Remuneration Act that are applicable to a court-appointed attorney.
(2) The review of the personal and economic circumstances in accordance with sections 114 to 116 of the Code of Civil Procedure, including the measures designated in section 118 (2) of the Code of Civil Procedure, the certification of settlements in accordance with section 118 (1) sentence 3 of the Code of Civil Procedure, and of decisions in accordance with section 118 (2) fourth sentence of the Code of Civil Procedure, is incumbent upon the certifying official of the registry of the respective instance if the presiding judge transfers the proceedings to him or her in this regard. If the requirements for the award of legal aid in accordance therewith are not fulfilled, the certifying official hands down the ruling rejecting the application; otherwise, the certifying official notes in the procedural files that legal aid may be awarded to the applicant, given his or her personal and economic circumstances, and in what amount any monthly instalments or amounts are payable from the assets.
(3) It is furthermore incumbent on the certifying official in the proceedings on legal aid to determine the time for discontinuation and resumption of the payments in accordance with section 120 (3) of the Code of Civil Procedure, as well as an amendment to, and the rescission of, the grant of legal aid in accordance with sections 120a and 124 (1) nos. 2 to 5 of the Code of Civil Procedure.
(4) The presiding judge may assume tasks in accordance with subsections (2) and (3) at any time. Section 5 (1) no. 1, sections 6, 7, 8 (1) to (4), and section 9, of the Act on Senior Judicial Officers (*Rechtspflegergesetz*) apply accordingly subject to the proviso that the certifying official of the registry replace the senior judicial officer.

(5) Section 87a (3) applies accordingly.
(6) A motion may be lodged for a ruling on the part of the court against decisions of the certifying official in accordance with subsections (2) and (3) within two weeks of their announcement.
(7) It may be provided by a statute of the *Land* that subsections (2) to (6) are not to be applied to the courts of the respective *Land*.

Chapter 17
Execution

Section 167

(1) Book 8 of the Code of Civil Procedure applies *accordingly* to execution, unless the present Act provides otherwise. The execution court is the court of first instance.
(2) Judgments for rescissory and enforcement actions may be declared provisionally executable in respect of the costs only.

Section 168

(1) Execution is effected on the basis of

1. final and provisionally-executable court rulings,
2. provisional injunctions,
3. court settlements,
4. cost-setting orders,
5. the arbitration rulings of public-law arbitration tribunals that have been declared executable insofar as the ruling on the declaration of executability has been declared final or provisionally final.

(2) For execution, those concerned may be granted copies of the judgment at their request without the facts and without reasoning for the ruling, the effect of service of which is equivalent to the service of a complete judgment.

Section 169

(1) If execution is to be effected in favour of the Federation, of a *Land*, of an association of municipal corporations, of a municipal corporation, or of a corporation, institution or foundation under public law, execution is effected in accordance with the Administrative Execution Act (*Verwaltungsvollstreckungsgesetz*). The execution authority within the meaning of the Administrative Execution Act is the presiding judge of the court of first instance; he or she may avail himself or herself of the services of another execution authority or of a court bailiff for effecting execution.
(2) If execution is effected to enforce acts, toleration and desistance by means of administrative assistance by bodies of the *Länder*, it is implemented in accordance with provisions of *Land* law.

Section 170

(1) If execution is to be effected against the Federation, a *Land*, an association of municipal corporations, a municipal corporation, a corporation, institution or foundation under public law in respect of a monetary claim, the court of first instance orders the execution on request by the creditor. It determines the execution measures to be implemented, and requests the competent agency to carry them out. The requested agency is obliged to comply with the request in accordance with the execution provisions applicable thereto.
(2) Prior to the issuance of the execution order, the court notifies the authority, or in case of corporations, institutions or foundations under public law against which execution is to be effected, the statutory representatives, of the envisioned execution, calling on it, or on them,

to avert the execution within a period to be set by the court. The period may not exceed one month.
(3) Execution is not permissible with regard to items which are indispensable for the implementation of public tasks, or the sale of which is opposed by a public interest. The court rules on objections after hearing the competent supervisory authority or, in case of supreme federal or *Land* authorities, the competent minister.
(4) Subsections (1) to (3) do not apply to financial institutions under public law.
(5) The announcement of execution, and of compliance with a waiting period, is not required if it is a matter of executing an injunction.

Section 171

No execution clause is required in cases falling under sections 169 and 170 (1) to (3).

Section 172

If, in cases covered by section 113 (1) sentence 2 and subsection (5), and by section 123, the authority fails to comply with the obligation imposed on it in the judgment or in the injunction, the court of first instance may, in response to a motion, by order including the setting of a deadline, threaten, determine after unsuccessful expiry of the deadline, and execute ex officio, a coercive fine of up to ten thousand euros against it. The coercive fine may be repeatedly threatened, determined and executed.

Part V

Final and transitional provisions

Section 173

Unless the present Act contains provisions with regard to the proceedings, the Courts Constitution Act and the Code of Civil Procedure, including section 278 (5) and section 278a, apply *accordingly* if the fundamental differences between the two types of procedure do not rule this out; the landmark ruling procedure in accordance with sections 552b and 565 of the Code of Civil Procedure does not apply. The provisions of Title 17 of the Courts Constitution Act (*Gerichtsverfassungsgesetz*) apply accordingly, subject to the proviso that the higher regional court is substituted by the higher administrative court, the Federal Court of Justice is substituted by the Federal Administrative Court, and the Code of Civil Procedure is substituted by the Code of Administrative Court Procedure. The court within the meaning of section 1062 of the Code of Civil Procedure is the administrative court which has jurisdiction; the court within the meaning of section 1065 of the Code of Civil Procedure is the higher administrative court which has jurisdiction.

Section 174

(1) For the representative of the public interest at the higher administrative court and at the administrative court, qualification for the higher administrative service is deemed equivalent to qualification for judicial office in accordance with the German Judiciary Act (*Deutsches Richtergesetz*), if the former has been acquired by sitting the examinations prescribed by law after at least three years' law studies at a university and three years' training in the public service.
(2) The precondition of subsection (1) is deemed to have been met with regard to war participants if they have complied with the special provisions applying to them.

Section 175

Section 43 of the Introductory Act to the Courts Constitution Act (*Einführungsgesetz zum Gerichtsverfassungsgesetz*) applies *accordingly*.

Sections 176

[regulation derogating from section 29 (1) of the German Judiciary Act (*Deutsches Richtergesetz*)]

In derogation from section 29 (1) of the German Judiciary Act, the following may also participate in a court ruling in administrative courts up to and including 31 December 2025:

1. two seconded, tenured judges, or

2. one seconded, tenured judge, and either one judge on probation or one judge by commission.

Section 177

(1) Documents and parts of files which are categorised as confidential matters higher than CONFIDENTIAL: FOR INTERNAL USE ONLY in accordance with the instructions of the Federation or the *Länder* on confidential matters may be drawn up, continued and transmitted in paper form up to 31 December 2035, in derogation from sections 55a to 55d. Documents and parts of files which are categorised as confidential matters as CONFIDENTIAL: FOR INTERNAL USE ONLY in accordance with the instructions of the Federation or the *Länder* on confidential matters may be transmitted in paper form up to 31 December 2035, in derogation from sections 55a to 55d. The provisions on classification of information for handling confidential matters remain unaffected.
(2) The Federal Government and the *Land* governments may determine by legal ordinance, each for their respective areas, that files which were established in electronic form may be continued in paper form from a specific event onwards up to 31 December 2025, in derogation from section 55b. Authorisation of continuation in paper form may be restricted to individual courts or procedures; if use is made of this possibility, it may be provided in the legal ordinance that an administrative provision, which is to be publicly notified, regulates in which procedures files are to be continued in electronic form. The legal ordinance of the Federal Government does not require the approval of the Bundesrat. The empowerment may be transferred by a statutory instrument to the competent highest Federal authority, or to the highest *Land* authorities competent for the administrative courts.

Sections 178 and 179
(amendment provisions)

Section 180

If the questioning or swearing in of witnesses and expert witnesses in accordance with the Administrative Procedure Act, or in accordance with Book X of the Social Code, is effected by the administrative court, it takes place before the judge determined for this in the business schedule. The administrative court rules by order with regard to the lawfulness of refusal to provide testimony or an expert report, or to give an oath in accordance with the Administrative Procedure Act, or in accordance with Book X of the Social Code.

Sections 181 and 182
(amendment provisions)

Section 183

If the constitutional court of a *Land* has found that *Land* law is null and void, or has declared provisions of *Land* law to be null and void, rulings of the courts of administrative jurisdiction which are no longer contestable based on the provision which has been declared null and void remain unaffected. Execution from such a ruling is not permissible, on proviso of a special statutory arrangement by the *Land*. Section 767 of the Code of Civil Procedure applies *accordingly*.

Section 184

The *Land* may determine that the higher administrative court is to continue the previous designation of “administrative court” (*Verwaltungsgerichtshof*).

Section 185

(1) The districts (*Kreise*) within the meaning of section 28 are substituted in the *Länder* Berlin and Hamburg by the areas (*Bezirke*).

(2) The *Länder* Berlin, Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Saarland and Schleswig-Holstein may admit derogations from the provisions of section 73 (1) sentence 2.
(3) The highways of the *Länder* within the meaning of section 48 (1) sentence 1 no. 8 are replaced in the *Länder* Berlin and Bremen by the "1st order" roads in accordance with section 20 no. 1 of the Berlin Road Act (*Berliner Straßengesetz*), and by the roads of Group A in accordance with section 3 (1) no. 1 of the Bremen Act on Highways of the *Länder (Bremisches Landesstraßengesetz*).

Section 186

Section 22 no. 3 also applies in the *Länder* Berlin, Bremen and Hamburg, on proviso that persons working on an honorary basis in the public administration not be nominated as honorary judges. Section 6 of the Introductory Act to the Courts Constitution Act (*Einführungsgesetz zum Gerichtsverfassungsgesetz*) applies *accordingly*.

Section 187

(1) The *Länder* may assign to the courts of administrative jurisdiction tasks of disciplinary jurisdiction and arbitration jurisdiction in property disputes of public-law associations, assign professional courts to these courts, and regulate their composition and proceedings.
(2) For the field of staff representation law, the *Länder* may furthermore issue provisions derogating from the present Act relating to the composition and procedure of the administrative courts and of the higher administrative court.
(3) (repealed)

Section 188

The fields in matters of welfare, with the exception of matters of social assistance and of the Asylum-Seekers Benefits Act (*Asylbewerberleistungsgesetz*), youth assistance, welfare of persons with serious disabilities, as well as training promotion, are to be combined in one chamber or in one senate. Court costs (fees and expenses) are not levied in proceedings of this nature; this does not apply to disputes on refunds between social benefits institutions.

Section 188a

Special panels or senates (commercial panels, commercial senates) may be established for matters falling under commercial law. The fields of the economic system, economic governance, market regulation and foreign trade, trade law, as well as postal, telecommunications and telecommunication law, are to be combined in the commercial panels or commercial senates. Further disputes related to commercial law may moreover be assigned to the commercial panels or commercial senates.

Section 188b

Special panels or senates (planning panels, planning senates) are to be established for matters falling under planning law. Fields may particularly also be allocated to them which are related to matters concerned with planning law.

Section 189

Specialist senates are formed at the higher administrative courts, and at the Federal Administrative Court, for the decisions to be taken in accordance with section 99 (2).

Section 190

(1) The following Acts which derogate from the present Act remain unaffected:

1. the Burdens Equalisation Act (*Lastenausgleichsgesetz*) of 14 August 1952 (Federal Law Gazette I, p. 446) in the version of the amending statutes enacted thereon,

2. the Act on the Establishment of a Federal Supervisory Office for Insurance and Savings Banks (*Gesetz über die Errichtung eines Bundesaufsichtsamtes für das Versicherungs- und Bausparwesen*) of 31 July 1951 (Federal Law Gazette I, p. 480) in

the version of the Act Supplementing the Act on the Establishment of a Federal Supervisory Office for Insurance and Savings Banks (*Gesetz zur Ergänzung des Gesetzes über die Errichtung eines Bundesaufsichtsamtes für das Versicherungs- und Bausparwesen*) of 22 December 1954 (Federal Law Gazette I, p. 501),

3. (repealed)

4. the Land Reallocation Act (*Flurbereinigungsgesetz*) of 14 July 1953 (Federal Law Gazette I, p. 591),

5. the Staff Representation Act (*Personalvertretungsgesetz*) of 5 August 1955 (Federal Law Gazette I, p. 477),

6. the Military Complaints Code (*Wehrbeschwerdeordnung – WBO*) of 23 December 1956 (Federal Law Gazette I, p. 1066),

7. the Prisoners of War Compensation Act (*Kriegsgefangenenentschädigungsgesetz – KgfEG*) in the version of 8 December 1956 (Federal Law Gazette I, p. 908),

8. section 13 (2) of the Patent Act (*Patentgesetz*), and the provisions on proceedings before the German Patent Office.

(2) (repealed)
(3) (repealed)

Section 191

(1) (amendment provision)
(2) Section 127 of the Civil Service Law Framework Act (*Beamtenrechtsrahmengesetz*) and section 54 of the Civil Service Status Act (*Beamtenstatusgesetz*) remain unaffected.

Section 192

(amendment provision)

Section 193

In a *Land* in which there is no constitutional court, jurisdiction assigned to the higher administrative court to rule on constitutional disputes within the *Land* remains unaffected until the establishment of a constitutional court.

Section 194

(1) The admissibility of appeals on points of fact and law is in line with the law applicable until 31 December 2001 if, prior to 1 January 2002,

1. the oral hearing at which the judgment to be impugned is handed down was closed,

2. in proceedings with no oral hearing, the registry has handed out the ruling to be impugned for the purposes of service on the parties.

(2) Moreover, the admissibility of an appeal against a court ruling is in accordance with the law applicable up to 31 December 2001 if, prior to 1 January 2002, the court ruling was made known or pronounced, or was served ex officio in place of pronouncement.
(3) Appeals against orders in legal aid proceedings lodged in good time before 1 January 2002 are deemed to have been admitted by the higher administrative court.
(4) In proceedings which became pending prior to 1 January 2002, or for which the deadline period for filing an action started to run prior to this date, as well as in proceedings regarding appeals against court rulings which were published or pronounced prior to 1 January 2002, or were served ex officio in place of pronouncement, the provisions applicable until such time apply to representation of those concerned in proceedings.

(5) Section 40 (2) sentence 1, section 154 (3), section 162 (2) sentence 3, and section 188 sentence 2, are applicable to proceedings becoming pending in the court from 1 January 2002 onwards in the version applicable at this time.
(6) Section 67 (2) sentence 2 no. 6 in the version valid on 31 December 2023 continues to apply to proceedings from the field of care for the victims of war which are still pending on 1 January 2024.

Section 195

(1) (Entry into force)
(2) to (6) (rescission, amendment and time-obsolete provisions)
(7) The deadline contained in section 47 (2) applies to legal provisions within the meaning of section 47, in the version applicable until expiry of 31 December 2006, which were made known prior to 1 January 2007.