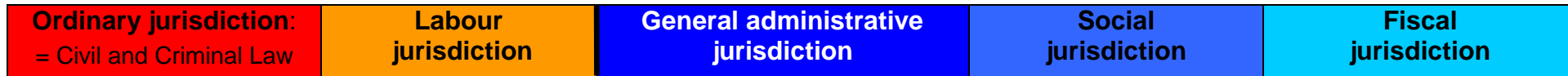
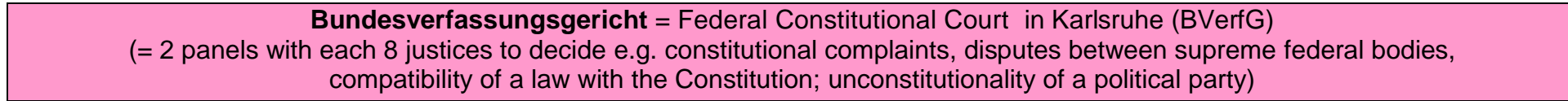


1. Courts of Law in Germany

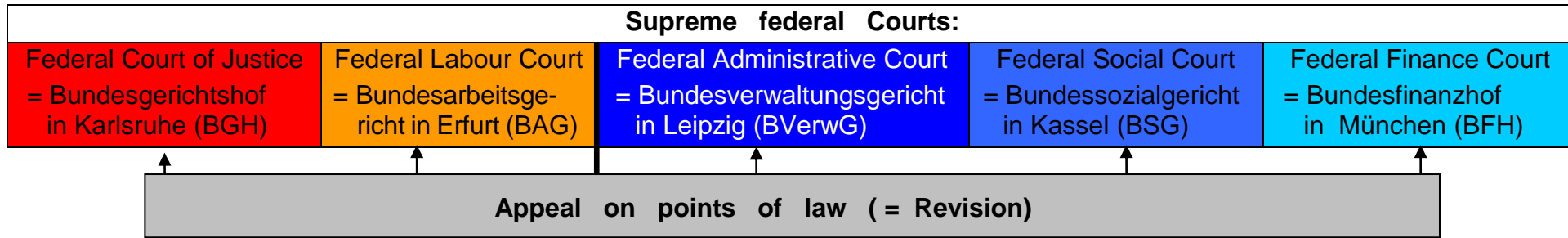


Scope of review:

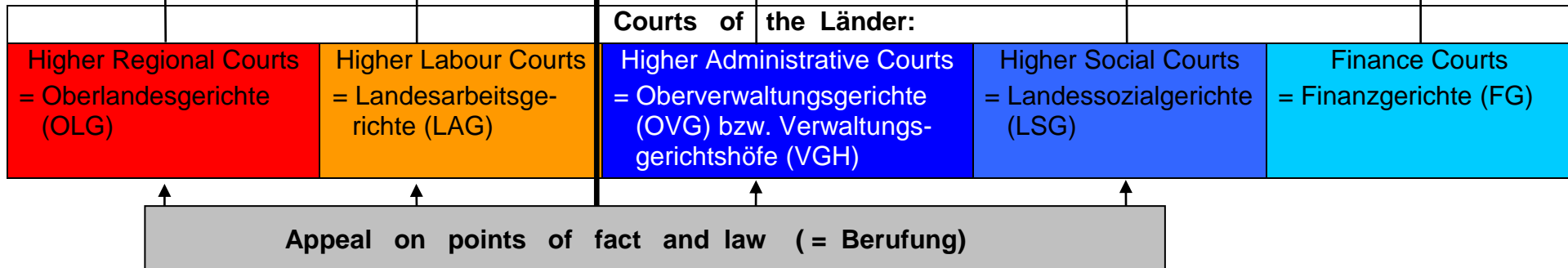
= only points of federal constitutional law



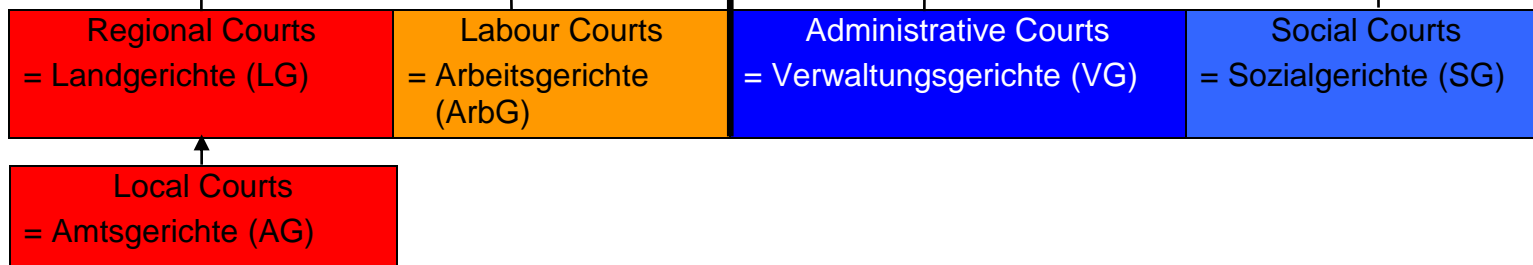
= only points of (federal) law



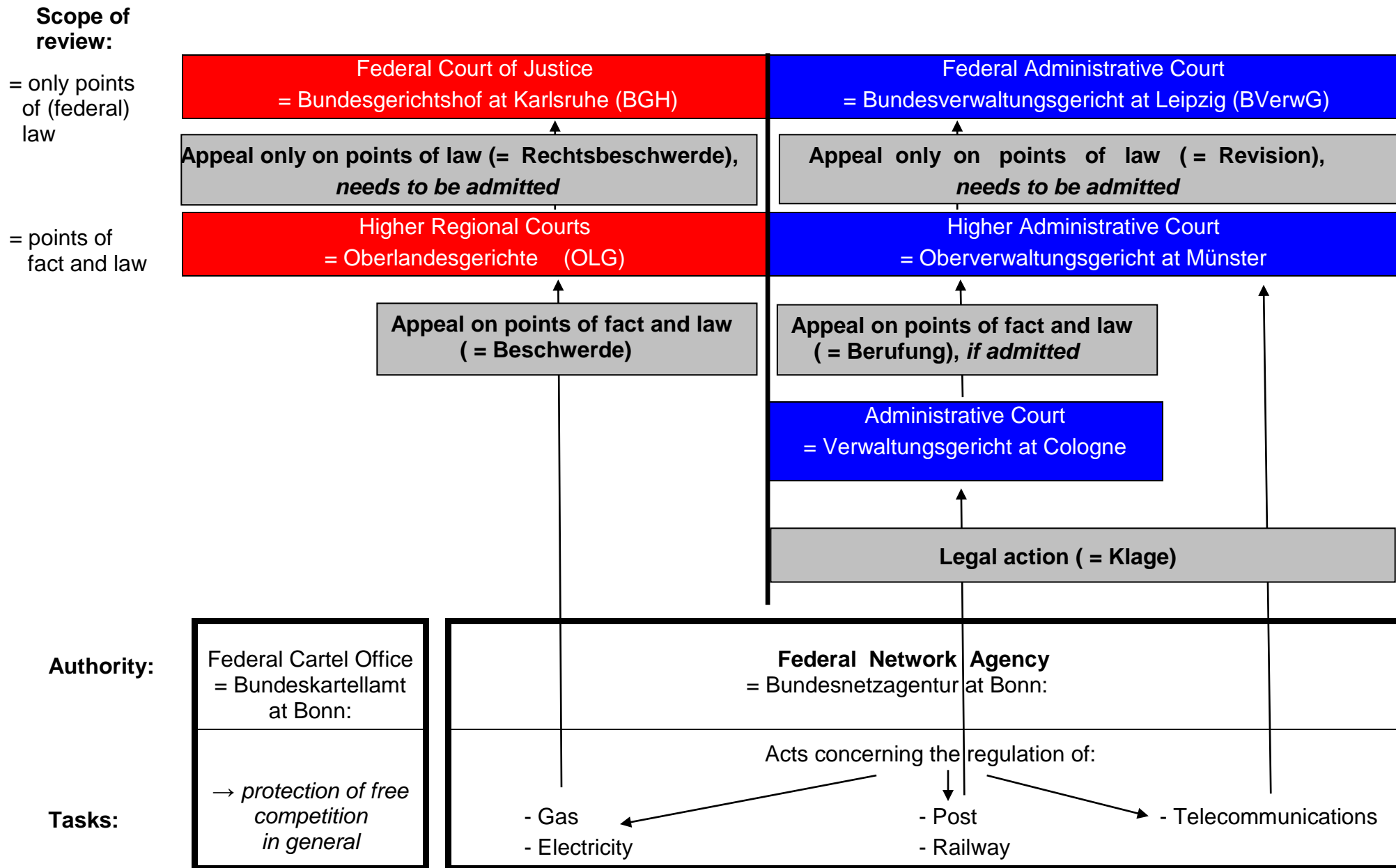
= points of fact and law



= points of fact and law



2. Competent German courts to hear regulatory cases:



3. Legal Remedies in the German Code of Administrative Court Procedure (VwGO)

Reasons for admission:

Federal Administrative Court (= Bundesverwaltungsgericht)

Revision (= Review only on points of *federal law*),

- if the Higher Administrative court grants leave to appeal ex officio or
- if the Federal Administrative Court grants leave to appeal on a complaint.

Criteria:

Section 132 Para 2:

(2) The **revision** shall only be 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.

Judgment of a Higher Administrative Court (= Oberverwaltungsgericht)

Berufung (= Appeal on points of fact and law),

- if the Administrative court grants leave to appeal ex officio or
- if the Higher Administrative Court grants leave to appeal on an application.

Criteria:

Section 124 Para 2:

(2) The **appeal** shall only be 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 flaw 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.

Judgment of an Administrative Court (= Verwaltungsgericht)

4. Admission of the appeal (= Revision) to the Bundesverwaltungsgericht - Procedure -

4.1 Admission by the Higher Administrative Court:

The Higher Administrative Court is allowed to admit the appeal

If the appeal is lodged:



Transition to the appellate proceedings

- The appeal has to be reasoned.

4.2 Non-Admission by the Higher Administrative Court:

The non-admission may be challenged by a **complaint** to the **Federal Administrative Supreme Court**:

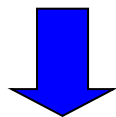
- Reasons: Section 132 para 2 VwGO
- Chamber (= Senat) composed of three judges
- Decision without an oral hearing
- The chamber is bound by the legal submissions of the complainant (*iura novit curia*)

Decision by the Federal Administrative Supreme Court:

Admission:

Non-Admission:

⇒ The judgment of the Higher Administrative Court becomes final.



⇒ **Review of the challenged judgment
for errors of law**

- Chamber: composition of five judges
- Judgment after an oral hearing
- The chamber is
 - bound to the factual findings of the court below,
 - *not* bound by the legal submissions of the parties; *iura novit curia* applies.