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# Digitalisation Regulation - Member State notifications

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Germany



Germany

This page contains information about the notifications done by the Member States pursuant to Regulation (EU) 2023/2844.

## 1. National IT portals for communicating with courts or other authorities

In accordance with the Act on the introduction of electronic files in the judicial system and on the further promotion of electronic legal communication (*Gesetz zur Einführung der elektronischen Akte in der Justiz und zur weiteren Förderung des elektronischen Rechtsverkehrs*) (Federal Law Gazette (BGBl.) 2017 I p. 2208), which entered into force on 1 January 2018, courts and public prosecutor's offices are in principle required to keep court and case files exclusively in electronic form from 1 January 2026.

Since 1 January 2018 parties to proceedings have also been allowed to submit electronic documents instead of written documents to the civil courts using secure transmission channels (Section 130a(4) of the Code of Civil Procedure (*Zivilprozessordnung*, ZPO); this also applies by analogy to the other courts via references to this provision in other legislation.

Certain parties to proceedings are also required to maintain secure transmission channels to allow the service of electronic documents by the court (Section 173 ZPO) (in particular, lawyers, notaries, tax consultants, enforcement agents, public authorities, etc.). Since 1 January 2022 lawyers, public authorities and legal persons under public law have been required to submit documents to the civil courts electronically (Section 130d ZPO); this also applies by analogy to the other courts via references to this provision in other legislation. The judiciary uses the technical infrastructure of the electronic court and administration mailbox (*Elektronisches Gerichts- und Verwaltungspostfach*, EGVP ([egvp.justiz.de](http://egvp.justiz.de)) for this purpose.

The system guarantees the confidentiality, authenticity, integrity and legal effectiveness of electronically transmitted documents. Within the judicial system, lawyers, courts and other members of the judiciary use the EGVP to exchange documents efficiently. In an administrative context, public authorities use the EGVP to communicate securely with each other and with citizens. Users require special software for electronic legal communications. Access is often based on identification and authentication using electronic signature cards or other authentication methods, including eID for citizens. This ensures that only authorised persons can send and receive documents via the system.

The EGVP, as the national IT portal, is a modern and secure solution for digital communication in judicial and administrative matters. As it guarantees secure, legally binding, efficient and traceable document transmission, the EGVP is an essential tool for the various stakeholders in Germany's judicial system and administration.

The following IT portals have been set up as secure transmission channels for communicating with the courts:

- The special electronic mailbox for lawyers (*besonderes elektronisches Anwaltspostfach*, beA ([bea-brak.de](http://bea-brak.de)). This is available to natural persons and professional practice companies entered in the central register of the German Federal Bar (Bundesrechtsanwaltskammer, BRAK) (Sections 31a and b of the

Federal Lawyers' Code (*Bundesrechtsanwaltsordnung, BRAO*)).

- The special electronic mailbox for notaries (*besonderes elektronisches Notarpostfach, beN* ([bnotk.de](http://bnotk.de)). This is available to natural persons who are entered as notaries in the register of the German Federal Chamber of Notaries (Bundesnotarkammer, BNotK). It can also be set up for substitute notaries, trainee notaries, the BNotK, chambers of notaries and other notarial organisations (Section 78n of the Federal Code for Notaries (*Bundesnotarordnung, BNotO*)).
- The special electronic mailbox for tax consultants (*besonderes elektronisches Steuerberaterpostfach, beSt* ([steuerberaterplattform-bstbk.de](http://steuerberaterplattform-bstbk.de)). This is available to tax consultants and tax agents who have been appointed in accordance with Section 32(2), second sentence, of the Tax Consultancy Act (*Steuerberatungsgesetz, StBerG*). It is also open to chambers of tax consultants and professional practice companies appointed in accordance with Section 32(3) StBerG (Section 86d and e StBerG).
- The special electronic mailbox for public authorities (*besonderes elektronisches Behördenpostfach, beBPo*). This is available only to public authorities and legal persons under public law.
- The special electronic mailbox for citizens and organisations (*besonderes elektronisches Bürger- und Organisationenpostfach, eBO*). There are a number of eBOs available that are subject to a charge; an overview of providers can be found at [egvp.justiz.de](http://egvp.justiz.de). Users are identified by means of eID, qualified electronic seals, a declaration of name and address certified by a public notary or, in the case of publicly appointed or sworn-in persons who provide interpreting or translation services and enforcement agents, by means of confirmation of the appointment by the public body referred to in Section 11(2)(3) and (4) of the Ordinance on electronic legal communication (*Elektronischer-Rechtsverkehr-Verordnung, ERVV*).
- The mailbox and delivery service of an OZG (Online Access Act (*Onlinezugangsgesetz*)) user account ([mein-justizpostfach.bund.de](http://mein-justizpostfach.bund.de)), which is available free of charge to all citizens by means of a 'BundID' ('FederalID', [id.bund.de](http://id.bund.de)).
- The mailbox and delivery service of a De-Mail account if, when the message is sent, the sender is securely logged in, within the meaning of Section 4(1), second sentence, of the De-Mail Act (*De-Mail-Gesetz*) and has this secure login confirmed in accordance with Section 5(5) of the De-Mail Act (<https://www.bmi.bund.de/DE/themen/moderne-verwaltung/e-government/de-mail/de-mail-node.html>).

With the exception of sender-confirmed De-Mail, all secure transmission channels are based on the EGVP infrastructure.

Details of the secure transmission channels via the beBPo, the eBO and the mailbox and delivery service of an OZG user account, as well as the general technical conditions for electronic legal communications, can be found in the ERVV.

## 2. National law on videoconferencing in civil and commercial matters

In accordance with Section 128a(1) of the Code of Civil Procedure (ZPO), the court can allow parties, their authorised representatives and their advisers, upon application or of its own motion, to remain at another location during an oral hearing and conduct procedural acts from there; there will then be simultaneous audiovisual transmission of the hearing to this location and to the courtroom. The court may also order a video hearing against the wishes of the parties. Allowing a video hearing is not an informal measure taken in directing the course of the proceedings, but is subject to a decision made according to the court's professional judgement. This decision can be changed at any time. If the court does not have the necessary technical equipment, an application can often be rejected. The rejection of an application for a video hearing must be substantiated.

Furthermore, only upon application can the court allow a witness, an expert or a party to remain in another location during an examination, in accordance with Section 128a(2) ZPO.

The same procedural rules apply to video hearings as to in-person hearings. All procedural rights can be exercised in the same way. The right to be represented by a lawyer is not affected by the video hearing. Most of the videoconferencing systems used in the judicial system have break-out rooms allowing confidential consultation between a lawyer and client.

The court must ensure that the public has access to the courtroom and the hearing; consequently, the hearing must be transmitted to the courtroom in such a way that the public can follow the proceedings. The presiding judge must be present in the courtroom. The other members of the court may participate using videoconferencing technology if there are important reasons for doing so.

The level of confidence with which the parties participating using videoconferencing technology must be identified is the same as that under the rules for in-person hearings. There are no formal identification procedures for the parties and their lawyers or for other participants in the proceedings, such as witnesses. The identification requirements that apply in individual cases are therefore at the discretion of the court. As the summons containing the access details is sent only to the participants concerned, there is often no need for further proof of identity. Furthermore, parties often appear together with their lawyer, who is frequently known to the court. In the rare cases where there are doubts about a participant's identity, these can be dispelled by asking this person to present proof of identity, for example.

The inspection of evidence as part of the formal evidence procedure (*Strengbeweisverfahren*) is not possible during a video hearing.

No provision is made for recording the hearing. Consequently, no speech-to-text software is used. However, in accordance with Section 159 ZPO a record must be made of the hearing and any evidence taken. A preliminary sound recording may be made of the content of the record (Section 160a ZPO). The parties to the proceedings and third parties are prohibited from recording the hearing.

In the case of family-court proceedings, the provisions on video hearings can be found in Sections 30 and 32 of the Act on proceedings in family matters and in matters of non-contentious jurisdiction (*Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit*, FamFG).

Videoconferencing is also possible in insolvency proceedings and restructuring cases, for example for the meeting of creditors to examine and establish claims or for the meeting to discuss and vote on a restructuring plan. This is permitted under Section 4 of the Insolvency Code (*Insolvenzordnung*, InsO) and Section 38 of the Company Stabilisation and Restructuring Act (*Unternehmensstabilisierungs- und -restrukturierungsgesetzes*, StaRUG), which refer to the relevant provisions of the ZPO.

All German courts and other judicial authorities have access to videoconferencing infrastructure, although the extent of this infrastructure differs from one region and one branch of the judiciary to another. The Federal Government is responsible only for equipping the federal courts with hardware and software. For all other courts, i.e. the vast majority of German courts, this is a responsibility of the federal states. The scope of the information provided varies considerably from court to court, but generally covers the information expected. Participants' information needs have generally decreased in recent years, as the use of videoconferencing has become increasingly common.

Due to the system of regional responsibility for court administration, a wide range of different videoconferencing platforms are used in the German judicial system, from on-site solutions offered by Jitsi, Big Blue Button, Skype for Business, Pexip and Nextcloud Talk through to cloud services such as Cisco Webex and Microsoft Teams. While all the videoconferencing systems used aim to offer broad support for PC and mobile clients, compatibility problems do occasionally arise.

Interpreting remains a challenge in the case of video hearings. Most of the videoconferencing services used by the German judicial system do not offer a second audio channel, which is required to connect an online simultaneous interpreter. In the vast majority of cases, participants requiring an interpreter are therefore unable to participate in the hearing remotely.

### 3. National law on videoconferencing in criminal matters

#### 1. Rules on the use of videoconferencing technology under the Code of Criminal Procedure (*Strafprozessordnung*, StPO)

German criminal procedural law dictates in which procedural situations and under what conditions an examination or hearing is allowed to take place via (where appropriate, cross-border) videoconferencing to facilitate domestic criminal proceedings by German public authorities.

Outside the main hearing, it is normally possible to conduct an examination using videoconferencing technology (Section 58b StPO for the examination of witnesses and Section 136(5) and Section 163a(4), second sentence, both in conjunction with Section 58b StPO, for the examination of accused persons). The use of videoconferencing technology for examination is restricted to exceptional situations only in the case of the

examination of witnesses by judges (Section 168e StPO).

The wording of the above provisions is as follows:

- Section 58b StPO Examination by way of audiovisual transmission:

*The examination of a witness outside the main hearing may be effected in such a way that the witness is located in a different place from the person carrying out the examination and the examination is simultaneously transmitted by audiovisual means to the place where the witness is located and to the examination room.*

- Section 168e StPO Separate examination of witnesses:

*If there is an imminent risk of serious detriment to a witness's well-being in the event of their being examined in the presence of persons entitled to be present and if that risk cannot be averted in some other way, the judge should examine the witness separately from those entitled to be present. The examination is simultaneously transmitted by audiovisual means to those entitled to be present. The rights of participation of those entitled to be present otherwise remain unaffected. Sections 58a and 241a apply accordingly. The decision referred to in the first sentence is not contestable.*

Within the context of an oral review of detention, an oral hearing may be held using videoconferencing technology if the accused has waived the right to participate in person or if long distance or illness of the accused or other insurmountable obstacles prevent them from being brought to the hearing. Section 118a(2) StPO reads as follows:

- Section 118a(2) StPO Oral hearing for review of detention:

*The accused must be brought to the hearing, unless they have waived the right to be present or unless long distance or illness of the accused or other insurmountable obstacles prevent them from being brought to the hearing. The court may order that, under the conditions of the first sentence, the oral hearing be conducted in such a way that the accused is located somewhere other than the court and the hearing is simultaneously transmitted by audiovisual means to the place where the accused is located and to the courtroom. If the accused is not brought to the oral hearing and if the procedure referred to in the second sentence is not followed, defence counsel must safeguard the accused's rights at the hearing.*

It is not permitted for the accused to participate via an audiovisual connection in the main hearing. With the Act on the further digitalisation of the judiciary (*Gesetz zur weiteren Digitalisierung der Justiz*), Germany intends to make it possible, upon application, to participate via videoconferencing technology in the main hearing of an appeal on points of law (*Revision*) in criminal matters. However, this possibility will be limited to the main hearing on such appeals, during which the discussion will concern questions of law only and personal impressions will therefore not be important.

Current law does, however, already allow the examination of witnesses using videoconferencing technology during the main hearing if there would otherwise be an imminent risk of serious detriment to the well-being of a witness, if illness, infirmity or other insurmountable obstacles prevent the witness from appearing in the main hearing for a relatively long or uncertain period of time or if the witness cannot reasonably be expected to appear in the main hearing as a result of long distance, taking the importance of their testimony into account. This results from Section 247a StPO:

- Section 247a Order for witness examination via audiovisual means

*(1) If there is an imminent risk of serious detriment to the well-being of a witness who is to be examined in the presence of those attending the main hearing, the court may order that the witness remain in another place during the examination; such an order is also admissible under the conditions of Section 251(2) insofar as this is necessary to establish the truth. The decision is not contestable. Simultaneous audiovisual transmission of the testimony is to be provided in the courtroom. The testimony should be recorded if there is a concern that the witness will not be available for examination at a future main hearing and the recording is necessary to establish the truth. Section 58a(2) applies accordingly.*

*(2) The court may order that the examination of an expert be conducted in such a manner that the expert is located somewhere other than the court and the examination is simultaneously transmitted by audiovisual*

means to the place where the expert is located and to the courtroom. This does not apply in the cases under Section 246a. The decision referred to in the first sentence is not contestable.

In enforcement proceedings it is possible to hear the convicted person and the expert using videoconferencing technology:

- Section 463e Oral hearing by way of audiovisual transmission:

(1) *If the convicted person is given an oral hearing prior to one of the court decisions to be given under the provisions of this part, the court may determine that they remain at a place other than the court during the oral hearing and that the hearing be simultaneously transmitted by audiovisual means to the place where the convicted person is located and to the courtroom. The court should order audiovisual transmission only on condition that the convicted person is located in the offices of their defence counsel or lawyer during the oral hearing. The first sentence does not apply if the convicted person has been sentenced to life imprisonment or their placement in a psychiatric clinic or in preventive detention has been ordered.*

(2) *If an expert appointed by the court is heard prior to one of the court decisions to be given under the provisions of this part, paragraph 1, first and third sentences, applies accordingly.*

## 2. Rules on the use of videoconferencing technology to facilitate foreign proceedings within the context of judicial cooperation in criminal matters

Specific rules on the cross-border use of videoconferencing technology in criminal matters are currently only provided for in German law in relation to examination. These are, on the one hand, the provisions implementing Directive 2014/41/EU regarding the European Investigation Order in criminal matters (EIO Directive), in Sections 91a to 91j of the Act on international mutual assistance in criminal matters (*Gesetz über die internationale Rechtshilfe in Strafsachen*, IRG), and, on the other, Section 61c in the case of mutual assistance where no treaty exists. If these specific rules do not apply, in principle the general authorisation to render assistance provided for in Section 59(3) IRG can constitute a legal basis for the cross-border use of videoconferencing technology. Under this provision an examination or hearing can be conducted by way of audiovisual transmission, insofar as this is possible in accordance with German procedural law (see point 1).

Regarding the examination of witnesses and experts by audiovisual means, Section 61c IRG contains the specific provision that no costs or administrative measures may be imposed on them if they do not obey a summons to such a hearing. The summons must not therefore contain any threat of coercive measures in the event that the person fails to appear. Section 61c IRG does not apply to the accused. However, the accused may pursue a legal remedy against a threat of coercive measures, i.e. apply for a court decision in the case of a summons from a public prosecutor or lodge a complaint against a court summons. Under the planned reform of the IRG this specific rule for the benefit of witnesses and experts is due to be removed.

Article 24(1) of the Directive regarding the European Investigation Order in criminal matters (EIO; 2014/41/EU) allows witnesses and experts (first sentence), as well as suspected or accused persons (second sentence), to be heard by videoconference by the authorities of the Member State in which they are located for purposes of investigation or criminal proceedings in another Member State.

Under Article 24(2) of the EIO Directive, however, execution of such an EIO may be refused if the suspected or accused person does not consent. In Germany, Section 91c(1) IRG imposes the condition that, in order to be permissible, a video hearing must be consented to by the person concerned, regardless of their role in the proceedings. This means that such a hearing must always be refused in the absence of consent (from accused persons and from witnesses and experts). As part of the planned reform of the IRG, this is due to be restricted to accused persons only.

Section 91h(3) IRG states as follows regarding the conducting of the hearing:

*Hearings by audiovisual means pursuant to Section 61c are conducted under the direction of the competent agency and on the basis of the law applicable in the requesting Member State. The competent German agency participates in the hearing, establishes the identity of the person to be heard and ensures that the core principles of the German legal system are abided by. Accused persons are to be instructed at the start of the hearing about their rights under the law of the requesting Member State and under German procedural law.*

Witnesses and experts are to be instructed about the rights to refuse to give evidence or information which they have under the law of the requesting Member State and under German procedural law.

## 4. Fees for the procedures in civil and commercial matters

### (i) European Order for Payment Procedure Regulation (Regulation (EC) No 1896/2006)

Under the European order for payment procedure, information had to be provided on the costs of service of documents (Article 28(a) of Regulation 1896/2006). The information on the e-Justice Portal ([https://e-justice.europa.eu/topics/money-monetary-claims/court-fees-concerning-european-payment-order-procedure/de\\_en?GERMANY=&member=1](https://e-justice.europa.eu/topics/money-monetary-claims/court-fees-concerning-european-payment-order-procedure/de_en?GERMANY=&member=1)) is correct.

Review in accordance with Section 1092 ZPO and Article 20 of Regulation (EC) No 1896/2006:

The application for review under Section 1092 ZPO does not give rise to any separate court fees.

Article 21(2) of Regulation (EC) No 1896/2006:

The application for a foreign order for payment to be declared enforceable does not give rise to any separate court fees.

### (ii) European Small Claims Procedure Regulation (Regulation (EC) No 861/2007)

The fees for the European small claims procedure are set out in the Court Costs Act (*Gerichtskostengesetz*, GKG). The amount of the fee is determined by the amount in dispute, which is usually the same as the value of the claim. The exact fees are set out in the schedule of fees (*Kostenverzeichnis*, KV GKG) annexed to the Court Costs Act. Item 1210 KV GKG provides for a fee with a rate of 3.0 for procedures before the local court (*Amtsgericht*). In the event of early termination of the procedure, the fee is reduced to a rate of 1.0 (item 1211 KV GKG).

### (iii) Legal Aid Directive (Directive 2003/8/EC)

As regards the Legal Aid Directive (2003/8/EC), the details provided on the e-Justice Portal are correct ([https://e-justice.europa.eu/topics/taking-legal-action/legal-aid/de\\_en](https://e-justice.europa.eu/topics/taking-legal-action/legal-aid/de_en), question 12). The Directive also applies to pre-litigation advice (Article 3(2)(a) of the Directive).

(iv) Matrimonial Property Regime Regulation / Property Consequences of Registered Partnerships Regulation (Regulations (EU) 2016/1103 and (EU) 2016/1104), Brussels IIb Regulation (Regulation (EU) 2019/1111), Maintenance Obligations Regulation (Regulation (EC) No 4/2009), Protection Measures Regulation (Regulation (EU) No 606/2013)

As regards procedures under Regulations 2016/1103 (Matrimonial Property Regime Regulation), 2016/1104 (Property Consequences of Registered Partnerships Regulation), 2019/1111 (Brussels IIb Regulation), 4/2009 (Maintenance Obligations Regulation) and 606/2013 (Protection Measures Regulation), the acts subject to fees arise from Annex 1 of the Act on court fees in family matters (FamGKG) and, in part, from the Act on court and notary fees (GNotKG) (for notarial procedures and procedures that do not concern family matters, e.g. relating to the authenticity of a document).

Procedures under Regulation 2016/1103 and Regulation 2016/1104 (Matrimonial Property Regime Regulation / Property Consequences of Registered Partnerships Regulation) in conjunction with the Act on international matrimonial property proceedings (IntGüRVG):

As regards the application procedure for the issue of a certificate under Section 27 IntGüRVG, a fee of EUR 17 has been set (item 1711 of the schedule of fees annexed to the Act on court fees in family matters (KV FamGKG), item 23808 of the schedule of fees annexed to the Act on court and notary fees (KV GNotKG)). The fee for the procedure under Section 31 IntGüRVG relating to the authenticity of a document is EUR 60 in accordance with item 15215 KV GNotKG. As regards the application procedure for the declaration of enforceability of a notarial document under Section 4(4) IntGüRVG, a fee of EUR 264 is charged (item 23806 KV GNotKG).

Procedures under Regulation 2019/1111 (Brussels IIb Regulation) in conjunction with the International Family

Law Procedure Act (IntFamRVG):

The fees for procedures under Regulation 2019/1111 in conjunction with the IntFamRVG can be found in items 1710 et seq. KV FamGKG. In addition to these fees, costs of service may also be incurred in accordance with item 2002 KV FamGKG.

Procedures under Regulation 4/2009 (Maintenance Obligations Regulation) in conjunction with the Foreign Maintenance Act (AUG):

As regards application procedures for the issue of a certificate under Section 71(1) AUG, a fee of EUR 17 is charged in accordance with item 1711 KV FamGKG and item 23808 KV GNotKG. As regards procedures relating to an application to determine enforceable content in accordance with Section 34(1) AUG, a fee of EUR 66 is charged in accordance with item 1713 KV FamGKG. As regards the application procedure for the declaration of enforceability of a notarial document under Section 35(3) AUG, a fee of EUR 264 is charged (item 23806 KV GNotKG).

Procedures under Regulation 606/2013 (Protection Measures Regulation) in conjunction with the European Protection Measures Act (EUGewSchVG):

The fees for procedures under Regulation 606/2013 in conjunction with the EUGewSchVG are set out in items 1320 et seq. KV FamGKG. As regards the procedure in general, a fee with a rate of 2.0 is charged, which can be reduced to 0.5 in accordance with item 1321 KV FamGKG if the entire procedure is terminated. The value of the proceedings needed to calculate the fee is determined in accordance with Section 49 FamGKG.

As regards the application procedure for the issue of a certificate under Section 14 EUGewSchVG, a fee of EUR 17 has been set (item 1711 KV FamGKG).

(v) European Account Preservation Order Regulation (Regulation (EU) No 655/2014)

Court fees:

The fees chargeable by the courts involved in the processing or enforcement of a Preservation Order under Regulation (EU) No 655/2014 are laid down in the GKG and FamGKG. The above-mentioned laws can be accessed and consulted free of charge at [http://www.gesetze-im-internet.de/bundesrecht/gkg\\_2004/gesamt.pdf](http://www.gesetze-im-internet.de/bundesrecht/gkg_2004/gesamt.pdf) and <http://www.gesetze-im-internet.de/bundesrecht/famgkg/gesamt.pdf>.

In procedures under Article 5(a) of Regulation (EU) No 655/2014:

The amount of the fee is determined in each case on the basis of the amount in dispute and the relevant fee rate using the calculation method laid down in Section 34 GKG / Section 28 FamGKG.

a) A fee rate of 1.5 is normally applied for the procedure for obtaining a European Preservation Order under Article 5(a) of Regulation (EU) No 655/2014, in accordance with item 1410 KV GKG. In certain cases where the processing workload for the court is lower, a reduced fee rate of 1.0 is applied (item 1411 KV GKG). If an order is issued under Sections 91a or 269(3), third sentence, ZPO, a higher fee rate of 3.0 is normally applied (item 1412 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified. As regards service with proof of service, a registered letter with acknowledgement of receipt or processing by judicial staff, a flat-rate fee of EUR 3.50 is charged for each service if the same stage of proceedings involves more than 10 cases of service or service is instigated by the creditor (item 9002 of the schedule of fees annexed to the Act on enforcement agent fees, KV GvKostG).

In a procedure on appeal, a fee rate of 1.5 is applied (item 1430 KV GKG). Where the entire procedure is terminated by withdrawal of the appeal, the fee rate is reduced to 1.0 (item 1431 KV GKG).

The value of the claim is determined in each case at the discretion of the court (Section 53 GKG in conjunction with Section 3 ZPO).

The fee applies as soon as the application for a European Preservation Order or the appeal is brought before the court (Section 6 GKG).

b) Where at first instance a local court gives a ruling as a family court, a fee rate of 1.5 is generally applied, in accordance with item 1420 KV FamGKG. Where the entire procedure is terminated without a final decision, the fee rate is reduced to 0.5 (item 1421 KV FamGKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified. As regards service with proof of service, a registered letter with acknowledgement of receipt or processing by a court official, a flat-rate fee of EUR 3.50 is charged for each service if the same stage of proceedings involves more than 10 cases of service or service is instigated by the creditor (item 2002 KV FamGKG).

In a procedure on appeal, a fee rate of 2.0 is applied (item 1422 KV FamGKG). Where the entire procedure is terminated by withdrawal of the appeal before the statement of grounds of the appeal is received by the court, the fee rate is reduced to 0.5 (item 1423 KV FamGKG). In other cases where the procedure is terminated without a final decision, the fee rate is 1.0 (item 1424 KV FamGKG).

The value of the claim is determined in each case on an equitable basis (Section 42(1) FamGKG).

The fee applies as soon as an unconditional decision as to costs is made or the procedure is terminated in another way (Section 11 FamGKG).

c) Where at first instance a labour court (*Arbeitsgericht*) gives a ruling, a fee rate of 0.4 is generally applied for the procedure (item 8310 KV GKG). If an order is issued under Sections 91a or 269(3), third sentence, ZPO, a higher fee rate of 2.0 is normally applied (item 8311 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified. As regards service with proof of service, a registered letter with acknowledgement of receipt or processing by a court official, a flat-rate fee of EUR 3.50 is charged for each service if the same stage of proceedings involves more than 10 cases of service or service is instigated by the creditor (item 9002 KV GKG).

In a procedure on appeal, a fee rate of 1.2 is applied (item 8330 KV GKG). Where the entire procedure is terminated by withdrawal of the appeal, the fee rate is reduced to 0.8 (item 8331 KV GKG).

The value of the claim is determined in each case at the discretion of the court (Section 53 GKG in conjunction with Section 3 ZPO).

The fee is due as soon as an unconditional decision as to costs is made or the procedure is terminated in another way (Section 9 GKG).

In procedures under Article 5(b) of Regulation (EU) No 655/2014 and in all procedures concerning applications to limit or terminate the enforcement of a Preservation Order:

A fee of EUR 22 is charged in a procedure for obtaining a Preservation Order within the meaning of Article 5(b) of Regulation (EU) No 655/2014 (item 2111 KV GKG). If, during the procedure, an application is made to obtain account information, the fee is increased to EUR 37 (item 2112 KV GKG).

The fee for the procedure also covers applications by the debtor for remedies within the meaning of Article 33 of Regulation (EU) No 655/2014 with a view to the European Preservation Order being revoked or modified.

A fee of EUR 33 is charged for applications to terminate or limit enforcement (item 2119 KV GKG).

A fee of EUR 33 is charged for appeals that are rejected or dismissed (item 2121 KV GKG). If an appeal is only partially rejected or dismissed, the court may, on the basis of equitable considerations, reduce the fee by half or decide not to impose the fee.

The fee is due as soon as the application for a European Preservation Order, or for termination or limitation of enforcement, or an appeal is lodged before the court (Section 6 GKG).

Cost of service of documents:

The fees chargeable by the enforcement agents involved in the processing or enforcement of a Preservation Order under Regulation (EU) No 655/2014 are laid down in the Act on enforcement agent fees (GvKostG). The above-mentioned law can be accessed and consulted free of charge at <http://www.gesetze-im-internet.de/bundesrecht/gvkostg/gesamt.pdf>.

Fees are charged for serving a European Account Preservation Order issued in Germany on the bank if an enforcement agent has to serve it in Germany. If the enforcement agent serves a Preservation Order in person, a fee of EUR 11 is charged under item 100 KV GvKostG, as well as the travel costs based on the distance travelled by the enforcement agent: EUR 3.25 for up to 10 km, EUR 6.50 for between 10 km and 20 km, EUR 9.75 for between 20 km and 30 km, EUR 13 for between 30 km and 40 km and EUR 16.25 for over 40 km (item 711 KV GvKostG). If the enforcement agent serves the Order by other means, a fee of EUR 3.30 is charged (item 101 KV GvKostG). Postal costs are charged in full for service with proof of service (item 701 KV GvKostG). A lump sum amounting to 20% of the fees charged for each assignment is charged to cover any other cash expenses but not less than EUR 3.00 and not more than EUR 10.00 (item 716 KV GvKostG).

This applies accordingly in cases where the court that issued the European Preservation Order in Germany serves the Order on the debtor at the instigation of the creditor using an enforcement agent.

(vi) European Insolvency Regulation (Regulation (EU) 2015/848)

The lodging of a claim in insolvency proceedings under Article 53 of Regulation (EU) 2015/848 is free of charge, if the claim is lodged within the period stipulated by the court in the order opening the proceedings, pursuant to Section 28 of the Insolvency Code (InsO). This period must be at least two weeks and no more than three months. However, it is still possible to lodge a claim after this period, provided that the final creditors' meeting has not yet taken place. In such cases the creditor must, however, bear the costs of processing the claim lodged after the end of the period. To settle these costs, the court charges a fee of EUR 22 in accordance with item 2340 KV GKG. The fee does not form part of the necessary court costs for the insolvency proceedings, which are paid from the insolvency estate in accordance with Sections 53 and 54 InsO. It must be paid by the creditor who lodged the claim after the end of the period and thus caused the additional processing workload (Section 33 GKG in conjunction with Section 177(1), second sentence, InsO).

(vii) European Succession Regulation (Regulation (EU) No 650/2012)

As regards procedures under Regulation 650/2012 (European Succession Regulation) fees are payable in accordance with the GNotKG.

The fees for the application procedure for the issue of a European Certificate of Succession can be found in items 12210 et seq. KV GNotKG. The transaction value needed to calculate the fees is determined in accordance with Section 40 GNotKG and generally corresponds to the value of the estate.

(viii) European Enforcement Order Regulation (Regulation (EC) No 805/2004)

Applications for the issue of a certificate:

A fee of EUR 22 is charged, in accordance with item 1513 KV GKG, for the issue of a certificate under Article 9(1), Article 24(1), Article 25(1) and Article 6(2) and (3) of Regulation (EC) No 805/2004, and the issue of the certificate under Section 1110 ZPO.

Applications for rectification or withdrawal:

Application procedures under Article 10(1) of Regulation (EC) No 805/2004 are not subject to court fees. A fee is charged only for an appeal, and then only if the appeal is rejected or dismissed. In such a case, the fee amounts to EUR 66 in accordance with item 1523 KV GKG.

Applications under Articles 21 and 23 of Regulation (EC) No 805/2004, Section 1084 ZPO:

The fee for procedures relating to applications to terminate, refuse, stay or limit enforcement in accordance with Section 1084 ZPO is EUR 33 (item 2119 KV GKG).

(ix) Brussels Ia Regulation (Regulation (EU) No 1215/2012)

Issue of certificates under Section 1110 ZPO (Articles 53 and 60 of the Regulation):

A fee of EUR 22 is charged in accordance with item 1513 KV GKG and item 23805 KV GNotKG for the issue of certificates under Section 1110 ZPO.

Refusal of recognition under Section 1115 ZPO (Articles 45 and 47 of the Regulation):

The fee for the procedure relating to applications for refusal of recognition is EUR 264 (item 1510 KV GKG).

## 5. Electronic payment methods

All fees charged by the courts can be paid by SEPA bank transfer. Each court cashier's office has designated a bank account for this purpose.

## 6. Notification on the early use of the decentralised IT-system

There are no plans to make early use of the decentralised IT system.

## 7. Notification on the early use of videoconferencing in civil and commercial matters

The Federal Republic of Germany will apply Article 5 of the Digitalisation Regulation from 1 October 2024.

## 8. Notification on the early use of videoconferencing in criminal matters

There are no plans to make early use of videoconferencing in criminal matters.

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