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# Maintenance obligations

Germany



Germany

## FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

### Article 71 1. (a) - Courts for application for a declaration of enforceability and courts for appeal against decisions on such applications

Decisions on an application for a finding of recognition or on an application for a declaration of enforceability pursuant to Article 27 of Regulation (EC) No 4/2009 are taken by the family division of the Local Court in the locality where a Higher Regional Court (*Oberlandesgericht*), in whose district the person against whom the application is made is habitually resident or in whose district enforcement is sought, is situated (concentration of jurisdiction). For the district covered by the Higher Regional Court in Berlin (*Kammergericht*), decisions are taken by the Local Court of Pankow-Weiss.

If the proceedings concern the enforceability of a notarial document, that document may also be declared enforceable by a notary.

Appeals within the meaning of Article 32 of Regulation (EC) No 4/2009, lodged against decisions taken at first instance in enforcement proceedings, take the form of an administrative appeal (*Beschwerde*). The appeal court is the Higher Regional Court. Appeals must be lodged with the court which took the decision.

### Article 71 1. (b) - Redress procedure

The procedure pursuant to Article 33 of Regulation (EC) No 4/2009 is that of further appeal (*Rechtsbeschwerde*). Jurisdiction lies with the Federal Court of Justice (*Bundesgerichtshof*). The further appeal must be brought within one month of service of the decision of the appeal court.

### Article 71 1. (c) - Review procedure

For the review procedure provided for in Article 19 of Regulation (EC) No 4/2009, the competent court is that which took the decision. If the conditions of Article 19 are met, the provisions on judgments given by default (Sections 343 to 346 of the Code of Civil Procedure) apply by analogy. If the conditions of Article 19 are not met, the court rejects the application by decision. The decision may be taken without any oral procedure.

### Article 71 1. (d) - Central Authorities

The Central Authority pursuant to Article 49 of Regulation (EC) No 4/2009 is the Bundesamt für Justiz (Federal Office of Justice), whose address is:

Bundesamt für Justiz

D - 53094 Bonn

In its capacity as central authority, the Bundesamt für Justiz can be contacted by telephone, fax or e-mail as follows:

Telephone:

National: 0228/99 4 10- 5534, 5869 or 5549

International: +49/228/99 4 10- 5534, 5869 or 5549

Fax:

National: 0228/99 4 10-5050

International: +49/228/99 4 10-5202

E-mail: [auslandsunterhalt@bfj.bund.de](mailto:auslandsunterhalt@bfj.bund.de)

### Article 71 1. (f) – Competent authorities for enforcement

For applications pursuant to Article 21 of the Maintenance Regulation, the courts with jurisdiction as enforcing courts are the Local Courts (*Amtsgerichte*). Local jurisdiction lies with the Local Court in whose district the enforcement proceedings are taking or have taken place.

### Article 71 1. (g) - Accepted languages for translations of documents

For translations of the documents referred to in Articles 20, 28 and 40, only the German language is admissible.

### Article 71 1. (h) - Languages accepted by Central Authorities for communication with other Central Authorities

Communication between the *Bundesamt für Justiz* in its capacity as Central Authority and another Central Authority (Article 59(3) of Regulation (EC) No 4/2009) may be effected in English provided the respective Central Authorities have so agreed.

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