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Taking evidence (recast)

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 2(1) - Authorities that can be considered as courts

None.

Article 3(2) - Requested courts

The court competent to take evidence in Germany - as the requested court within the meaning of Article 3 of Regulation (EU) 2020/1783 - is the local court (*Amtsgericht*) in whose district the proceedings are to be conducted (Section 1074(1) of the Code of Civil Procedure (*Zivilprozessordnung, ZPO*)).

The *Land* governments may issue orders (*Rechtsverordnungen*) instructing one local court to perform the function of the requested court for the districts covered by several local courts (Section 1074(2) ZPO).

Article 4 - Central body

The functions of the central body are primarily performed at *Land* level.

In each *Land*, there is a central body with competence over that *Land*. The *Land* government determines which body performs this function in the territory of the *Land* (Section 1074(3) ZPO). In most cases, the *Land* central body is the *Land* judicial authority, a higher regional court or a local court.

In addition to the 16 central bodies at *Land* level, there is one central body at federal level - the Federal Office of Justice (*Bundesamt für Justiz*). When needed, the federal central body supports the competent authorities in the *Länder* (Section 1074(4) ZPO).

Article 6 - Languages accepted for completion of the forms

Requests, communications under the Regulation and entries in the forms in Annex I to the Regulation must be made in German (Section 1075 ZPO).

Article 7 - Means accepted for transmission of requests and other communications

No information.

Article 19 – Central body or competent authority(ies) responsible for decisions on requests for direct taking of evidence

In each German *Land*, the function of the central body is performed by a body designated by the *Land* government. As a rule, these are *Land* judicial authorities, higher regional courts or local courts of the given *Land*.

Article 29 – Agreements or arrangements to which Member States are parties and which comply with the conditions in Article 29(2)

No information.

Article 31(4) – Notification on the early use of the decentralised IT-system

No information.

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