



Germany

Ordinary courts - Germany



The language version you are now viewing is currently being prepared by our translators. Please note that the following languages: [de](#) have already been translated.

This section provides you with information on the organisation of ordinary courts in Germany.

Ordinary courts – introduction

Jurisdiction in civil matters

The **local courts** (Amtsgerichte) as courts of first instance are competent in civil cases – mainly in cases with a litigation value of up to €5000. They are also competent in matters independent of the value of litigation, such as rental disputes and family and maintenance matters.

Cases in local courts can be heard by an individual judge.

The **regional courts** (Landgerichte) as courts of first instance are competent in civil law cases involving all disputes not assigned to the local courts. These are usually disputes with a litigation value of more than €5000.

In principle, cases before the regional courts are also heard by an individual judge. Difficult matters and cases of fundamental importance are, however, decided in chambers: i.e., a tribunal made up of three professional judges.

Regional courts of second **instance** hear cases in civil tribunals within the regional courts. These are usually composed of three judges, who hear appeals against the judgements of the local courts.

Furthermore, **chambers for commercial matters** can be established at regional courts. These are usually responsible for disputes of first and second instance between businesspeople/merchants. These chambers are composed of one professional judge and two lay judges who are merchants.

The **higher regional courts** (Oberlandesgerichte) are usually courts of second instance. In civil cases, they hear appeals against judgements of the regional courts, and appeals against judgements of the local courts in family matters.

The senates of the **higher regional courts** consist in principle of three professional judges. Civil cases that present no special difficulties and are not of fundamental importance can, however, be transferred to individual judges.

The highest ordinary court is the [Federal Court of Justice](#) (Bundesgerichtshof), which is the court of last resort and deals with appeals on points of law only. The senates of the federal high court are composed of five professional judges.

Jurisdiction in criminal matters

Courts of first instance

The **Judicature Act** (Gerichtsverfassungsgesetz – GVG) sets out the competence of courts in criminal proceedings. The local court (Amtsgericht) is the court of first instance in criminal matters, unless the jurisdiction of the regional court or the higher regional court is established (§ 24 paragraph 1 No. 1 to 3 GVG). In principle (§ 25 GVG) a decision is taken by one criminal court judge, if it:

- Concerns an offence (Vergehen) or
- Is pursued by private prosecution and
- If a penalty more severe than a two-year sentence of imprisonment is not anticipated.

In all remaining cases, a magistrate's court (jury) is responsible (§ 28 GVG); this is composed of one professional judge and lay assessors.

Cases assigned to the magistrates' courts concern criminality of medium severity, for which the local court is competent (§ 24 paragraph 1 GVG), unless they have been assigned to a criminal court judge (§ 25 GVG). This involves cases where the anticipated penalty is imprisonment for between two and four years. Moreover, a so-called extended magistrate's court can hear such a case on request by the public prosecutor's office (§ 29 paragraph 2 GVG) – if the public prosecutor's office and the court consider that there is a need for additional consultation with a second professional judge because of the extent of the matter.

The competence of the **regional court** (Landgericht) of first instance is provided for in § 74 paragraph 1 GVG. Thereafter, the regional court is responsible for all crimes for which neither the local court nor the higher regional courts are responsible: i.e. where a longer period of imprisonment is anticipated.

It should be noted that German criminal law distinguishes between an 'offence' (Vergehen) on the one hand, and a 'crime' (Verbrechen) on the other. A crime in this sense (according to the Federal Criminal Code) is a criminal act for which the law provides a minimum penalty of at least one year. Thus, crimes are the most serious criminal acts.

The regional court is also responsible for all other criminal offences where the anticipated penalty exceeds four years (§ 74 paragraph 1 sentence 2, case 1 GVG). It is also competent if the prosecutor's office decides to bring an indictment in the regional court because of the special importance of a case, even if the local court is competent.

Tribunals at the regional court are heard by the criminal court division. Decisions of first instance are taken by a large criminal court (Große Strafkammer) and are generally heard by three professional judges and two lay assessors. Under the conditions set out at § 76 paragraph 2 GVG, a large criminal court can decide at the opening of a trial that the case can be heard by two professional judges and two lay assessors only.

The **higher regional court** is court of first instance for the crimes and offences listed in § 120 paragraphs 1 and 2 GVG, most of which concern the security/existence of the Federal Republic of Germany. The senates of the Federal Court of Justice can hear the case with five professional judges, including a presiding judge. However, when the trial opens, the senate for criminal matters may decide that the case can be heard by three professional judges, including the presiding judge, unless the extent or difficulty of the matter makes the participation of two further professional judges necessary (§ 122 paragraph 2 sentence 1 and 2 of the Judicature Act / GVG).

Appeals

When appealing against a judgement of the local court, the usual remedy is to appeal to the **regional court** (§ 312 Code of criminal procedure [StPO]), where the appeal is heard by the so-called small criminal court/division (kleine Strafkammer). This is composed of one professional judge and two lay assessors. In the case of appeals against the judgement of an extended magistrate's court of the local court, a second professional judge is added. In addition (§ 335 StPO) a so-called 'leap frog appeal' ('Sprungrevision') is possible against judgements of the local court of first instance, on which the higher regional court can decide.

An **appeal on points of law** (Revision) can be lodged against all judgements in courts of first instance – both the regional court and the higher regional court – (§333 StPO). The **Federal Court of Justice** is the court of appeal instance (Revisionsinstanz) against all decisions of the higher regional court and the large criminal courts (divisions) of the regional court (§ 135 paragraph 1 GVG). The senates of the Federal High Court can decide on the revision with five professional members, including the presiding judge. Appeals against (other) judgements by the regional courts are decided by the higher regional courts.

Related Links

 [Federal Court of Justice](#)

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Last update: 09/09/2016