

## Specialised courts - Germany



Please note that the original language version of this page [de](#) has been amended recently. The language version you are now viewing is currently being prepared by our translators.

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

### Specialised courts

#### Labour courts

Labour courts essentially handle labour law disputes arising from contractual relationships between employees and employers (individual labour law). They also handle collective agreement disputes, e.g. involving trade unions and employers' associations (collective labour law), or between an employer and a works committee.

The courts of first instance are the labour courts (as courts of the *Länder*). Cases are heard in chambers by one presiding professional judge and two lay judges (one is summoned from the employee's area and the other from the employer's area). Certain decisions that are not part of the oral proceedings are taken by the presiding judge without input from the lay judges.

'Higher labour courts' (*Landesarbeitsgerichte*, which are also courts of the *Länder*) are responsible for handling appeals and complaints against labour court judgments. These courts also comprise one professional judge and two lay judges (one from the employee's area and the other from the employer's area).

Decisions at the highest instance are taken by the [Federal Labour Court](#) (*Bundesarbeitsgericht*) and its tribunals are composed of one presiding judge, two additional professional judges and two lay judges (one from the employee's area and the other from the employer's area).

#### Administrative courts

Three different branches of the court system are responsible for examining administrative decisions: the general administrative courts, the social courts and the financial courts. An important characteristic of the general administrative courts and the social and financial courts is that they apply the principle that it is the court's duty to satisfy itself of the facts (*Amtsermittlung*). This means that the courts must investigate the facts of the case on their own initiative (i.e. not only at the request of one of the parties, and without being bound by the evidence presented). This is because the material correctness of the decision of the case affects the public interest.

#### General administrative courts

General administrative courts have three levels of jurisdiction (instances).

1. In the **first instance** are the regional administrative courts (*Verwaltungsgerichte*).
2. In the **second instance** are the higher administrative courts for each federal state, or *Land* (called *Oberverwaltungsgericht* or *Verwaltungsgerichtshof*).
3. **At the highest instance** is the [Federal Administrative Court](#) (*Bundesverwaltungsgericht*).

The regional **administrative courts** are usually courts of first instance. The higher administrative courts are primarily appeal tribunals, which examine the decisions of courts of first instance from a legal and factual point of view. With very few exceptions, the Federal Administrative Court is an appeal court that examines points of law only ('*Revision*').

The **general administrative courts** are, in principle, responsible for all disputes between administrations and private persons concerning the correct application of administrative laws and regulations. However (in place of the administrative courts) the ordinary courts become responsible when the case involves the participation of the administration in the economy under civil law

(acting like a private business) and for all disputes arising from such activities. Furthermore, disputes that are assigned by law to the ordinary courts, the social courts or to the financial jurisdiction are exempted from general administrative jurisdiction.

In principle, decisions of the administrative courts are taken by panels of judges. The regional administrative courts are composed of three professional judges and two lay judges. The higher administrative courts are usually composed of three professional judges. The Federal Administrative Court comprises five professional judges. However, in regional administrative courts, cases can also be referred to an individual judge.

### Social courts

The **social courts**, like the administrative courts, have three levels encompassing an appropriate division of tasks. Besides the regional social court (*Sozialgericht*) as a court of first instance, there is a higher social court (*Landessozialgericht*) for each of the *Länder*, which is an appeal court, and the Federal Social Court (*Bundessozialgericht*), which acts as the supreme court of appeal on points of law ('*Revision*').

The social courts are responsible mainly for hearing disputes in matters of social security (pensions, accident and sickness insurance, and insurance for convalescent care), unemployment insurance and social welfare. In the social courts, decisions are also taken, in principle, by panels of judges. A social court is composed of one professional judge and two lay judges. Higher social courts and the Federal Social Court comprise three professional judges and two lay judges.

### Financial courts

The financial courts consist of financial courts of first instance and the [Federal Finance Court](#) (*Bundesfinanzhof*), which acts as the supreme court of appeal on points of law ('*Revision*'). The jurisdiction of the financial courts mainly covers disputes on public levies, taxes and customs. The financial courts of first instance are composed of three professional judges and two lay judges; the Federal Finance Court comprises five professional judges. In financial courts of first instance, cases can also be referred to an individual judge.

### Other specialised courts

#### Federal Constitutional Court

The Federal Constitutional Court (*Bundesverfassungsgericht*) exercises jurisdiction over constitutional matters at national level. Its decisions are based on the constitutional law (*Grundgesetz*). By far the largest number of proceedings before the Federal Constitutional Court are constitutional complaints. These are lodged by citizens claiming that a judgment, government action or legislative act violates their fundamental rights. A constitutional complaint is generally valid only if proceedings in all other competent courts have already failed (i.e. decisions have been taken at the highest instance, or by way of exception it was possible to bring a constitutional complaint directly against a legislative act).

There are several other types of proceedings. These include, in particular, the abstract or substantive judicial review of the constitutionality of laws, and procedures to verify whether constitutional institutions have acted outside their area of competence. Certain decisions of the Federal Constitutional Court can acquire legal force. The court consists of two divisions (*Senate*), composed in each case of eight judges. The court decides in chambers, each of which is composed of three judges, or by a division, mostly without oral hearings.

#### Regional constitutional courts (*Landesverfassungsgerichte/Staatsgerichtshöfe*)

'Regional constitutional courts' are constitutional courts of the respective *Länder*. They mainly settle constitutional disputes regarding *Land* law (*Landesrecht*), which also governs their practical composition, administrative procedures and scope of competence.

#### Related links

[Federal Labour Court \(Bundesarbeitsgericht\)](#)

[Federal Administrative Court \(Bundesverwaltungsgericht\)](#)

Federal Social Court (Bundessozialgericht)

[Federal Finance Court \(Bundesfinanzhof\)](#)

Federal Constitutional Court (Bundesverfassungsgericht)

---

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: 15/09/2016