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German

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About the network

Germany

As a result of Germany's federal structure, there are contact centres in each state in addition to the EJN (European Judicial Network) federal contact centre. The federal contact centre is located at the Federal Office of Justice (*Bundesamt für Justiz*). Depending on the organisation of each state, the state contact points are located either at a court (Bavaria [Munich Higher Regional Court], Bremen [Bremen Regional Court], Hamburg [Hamburg Local Court], Hessen [Frankfurt am Main Higher Regional Court], Lower Saxony [Celle Higher Regional Court], North Rhine-Westphalia [Düsseldorf Higher Regional Court] and Saxony [Dresden Higher Regional Court]) or the State Ministry of Justice. There are 17 EJN contact centres in Germany altogether. The federal contact centre is responsible for coordinating the national network and organising events, such as the European Day of Justice and meetings of German EJN members, in addition to responding to incoming and outgoing requests.

Tasks are distributed internally among the state contact centres and the federal contact centre. The federal contact centre answers queries relating to German civil or commercial law or the organisation of the courts in general. Enquiries relating to a specific case are in turn usually dealt with by the contact centre in the state in which the case is pending. Nevertheless, all German contact centres have equal status, which means that any of the 17 centres can be contacted for all types of enquiries and, in some cases, the federal contact centre can also provide assistance relating to specific cases. This internal distribution of tasks ensures that the most suitable contact centre deals with the enquiry.

In addition to the contact centres, four magistrates are available to provide assistance to German courts in the area covered by Regulation (EC) No 2201/2003 (Brussels IIA Regulation). Their duties are also distributed internally according to the state. External enquiries can be made to any of the four liaison magistrates. If necessary, the person making the enquiry will then immediately be directed to the person(s) responsible based on the internal distribution of tasks, as well as on language skills, specific competencies and expertise relating to the specific case.

In addition, a German liaison officer in the French Ministry of Justice is responsible for German/French mutual legal assistance. If, in individual cases, there are difficulties with French requests for mutual legal assistance or provisions of French law need to be determined, in addition to the channels through the contact points, the German liaison officer may be asked to assist.

Pursuant to Article 2(1)(e) of Council Decision No 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters, as last amended by Decision No 568/2009/EC of the European Parliament and of the Council of 18 June 2009 amending Council Decision No 2001/470/EC of 28 May 2001 establishing a European Judicial Network in civil and commercial matters, Germany appointed the Federal Bar Association (*Bundesrechtsanwaltskammer*), the Federal Association of Notaries (*Bundesnotarkammer*), the Association of Patent Lawyers (*Patentanwaltskammer*), the German Lawyers' Association (*Deutscher Anwaltverein*), the Federation of German Bailiffs (*Deutscher Gerichtsvollzieher Bund e.V.*) and, in 2014, the Federation of German Judicial Officers (*Bund Deutscher Rechtspfleger*), as members of the EJN.

Other members of the EJN in Germany include the central bodies stipulated in Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (Regulation on the service of documents), and Regulation (EC) No 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (Regulation on the taking of evidence). These central bodies and the state judicial administrations provide the courts with up-to-date information regarding civil legal aid. They also introduce additional measures and support the courts with the service of documents and the taking of evidence in cases with a foreign component. In addition, the Central Authority pursuant to Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (Brussels IIA Regulation) and the Central Authority pursuant to Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (Maintenance Regulation) are members of the EJN.

Further information on the EJN in Germany and a list of contacts can be found on the website of the Federal Office of Justice (<http://www.bundesjustizamt.de/ejnzh>).

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