

Draft Act of the Federal Government

Draft Act on the Development and Testing of an Online Procedure in Civil Proceedings*

Dated ...

The Federal Parliament has adopted the following Act:

Article 1

Amendment to the Code of Civil Procedure

The Code of Civil Procedure, as published on 5 December 2005 (Federal Law Gazette I p. 3202; 2006 I p. 431; 2007 I p. 1781), as last amended by Article 1 of the Act of 24 October 2024 (Federal Law Gazette 2024 I No. 328) is amended as follows:

1. In the Table of Contents, the following is inserted after the reference to Article 1120:

‘Book 12

Testing and evaluation

Section 1

General provisions

§ 1121 Purpose and scope of application

Section 2

Testing of an online procedure

Title 1

Scope of application

§ 1122 Scope of the testing

§ 1123 Powers to issue statutory instruments

Title 2

*Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241 of 17 September 2015, p. 1).

Procedure

§ 1124 Electronic communication; legislative competence

§ 1125 Digital input systems in an online procedure;

§ 1126 Digital structuring

§ 1127 Hearing

§ 1128 Default judgment

§ 1129 Taking of evidence

§ 1130 Communication; Postponement of notice

Title 3

Communication platform

§ 1131 Development and provision; legislative competences

§ 1132 Forms of communication, exchange and transmission

§ 1133 Obligations of use; opportunity of identification

Title 4

Evaluation

§ 1134 Evaluation

Section 3

Testing of additional digital input systems

§ 1135 Scope of the testing

§ 1136 Evaluation".

2. Article 130a is amended as follows:

a) In paragraph 2, sentence 2, the words 'points 4 and 5' are replaced by the words 'points 3 and 4'.

b) Paragraph 4 is amended as follows:

a%6) Sentence 1 is amended as follows:

a%7%7) Point 1 is deleted.

b%7%7) Points 2 to 6 become points 1 to 5.

b%6) In sentence 2, the words 'points 3 to 5' are replaced by: 'points 2 to 4'.

3. in Article 495, the words '(1)' are deleted;

4. Article 794(1), point 8 is replaced by the following point 8:

'8 from titles issued in another Member State of the European Union in accordance with the procedure laid down in Regulation (EC) No 861/2007;'.
'

5. After Article 1120, the following Book 12 is inserted:

'Book 12

Testing and evaluation

Section 1

General provisions

§ 1121

Purpose and scope of application

(1) The provisions of this Book concern the practical testing of new digital technologies and forms of communication and new procedures in civil proceedings and the preparation for their possible permanent regulation.

(2) The testing covers the areas of application regulated in this book. Unless otherwise specified below for the respective testing, the general provisions of this Act shall apply.

Section 2

Testing of an online procedure

Title 1

Scope of application

§ 1122

Scope of the testing

(3) The online procedure shall be tested in accordance with the provisions of this Section. It is available to litigants as an alternative to the other procedures under this Act.

(4) The testing is limited to those legal actions before the local courts in civil disputes where payment of a sum of money is claimed which does not exceed the amount laid down in Article 23, point 1, of the Judicial Organisation Act. It shall not apply to proceedings within the jurisdiction of the local courts pursuant to Article 23a of the Judicial Organisation Act.

(5) If an action filed in an online procedure does not fall within the scope of application referred to in paragraph 2, the procedure shall continue without applying the provisions of this Section. The court shall inform the parties of this continuation of the procedure.

§ 1123

Legislative competences

(6) The state governments shall be empowered to determine the following by statutory instrument:

1. the local courts participating in the testing of the online procedure,
2. the time at which the online procedure involving the digital filing of actions pursuant to Article 1124(1), point 1, letter (a), is introduced at a local court participating in the testing pursuant to point 1, and
3. the time at which a communication platform pursuant to Article 1131 is introduced at a local court participating in the testing pursuant to point 1.

The state governments may transfer the power referred to in sentence 1 to the judicial administrations of the states by means of a statutory instrument.

(7) The state governments are further empowered to determine by statutory instrument the competence of a local court for the districts of several local courts to participate in the testing, including for individual domains, to the extent that this is expedient for an appropriate facilitation or for faster completion of proceedings. The state governments may transfer the power referred to in sentence 1 to the judicial administrations of the states by means of a statutory instrument.

(8) Several states may agree to designate a common local court to participate in the testing, even for individual domains, which shall have jurisdiction beyond the state borders.

Title 2

Procedure

§ 2

Electronic communication; legislative competence

(1) Online proceedings are open provided that the action:

1. is created by means of a digital input system and submitted to the court as follows:
 - a) by a secure mode of transmission pursuant to Article 130a(4), first sentence, point 1, by lawyers or pursuant to Article 130a(4), first sentence, points 3 and 4, by users of a mailbox; or

b) on the communication platform referred to in Article 1131 by entering it in accordance with Article 1132(1); or

2. is submitted to the court via the communication platform pursuant to Article 1131 by transmission pursuant to Article 1132(2).

(2) Additional digital input systems may be used for applications and declarations by the parties drawn up following the submission of the action in accordance with paragraph 1. Paragraph 1, point 1, shall apply accordingly to filing with the court.

(3) As far as digital input systems pursuant to paragraph 2 are provided, the parties must use them by order of the court

1. for claims under Regulation (EC) No 261/2004; or

2. for claims that fall under the areas of application determined by a statutory instrument pursuant to paragraph 4 for a large number of similar and standardisable procedures.

Sentence 1 does not apply to parties who are natural persons and are not represented by a lawyer; they are also entitled to submit applications and declarations to the court in accordance with the general provisions.

(4) The Federal Ministry of Justice and Consumer Protection is accorded the competence to determine by means of a statutory instrument, subject to the consent of the Federal Council, areas of application for a large number of similar and standardisable procedures within the meaning of Paragraph 3, sentence 1, point 2.

(5) In the case of an overdue payment procedure, following an objection pursuant to Article 696(1), sentence 1, the pending procedure applied for may be conducted as an online procedure, provided that:

1. the scope of the testing pursuant to Article 1122(2) has been initiated,

2. the court to which the dispute has been referred pursuant to the first sentence of Article 696(1) has jurisdiction to conduct the disputed proceedings and is designated to participate in the trial on the basis of Article 1123;

3. the applicant substantiates his claim pursuant to Article 697(1), sentence 1, irrespective of the indicated deadline, by means of a digital input system pursuant to Article 1, and

4. the court has not taken any measures of organisation of procedure pending receipt of the statement of reasons referred to in point 3.

The same shall apply following an objection to an enforcement order pursuant to Article 700(3). If continuation in an online procedure pursuant to sentence 1, points 1 and 2, is possible, then the applicant shall be informed of this possibility with an invitation to substantiate the claim pursuant to Article 697(1), sentence 1.

§ 3

Digital input systems in an online procedure; legislative competence

(1) The digital input systems pursuant to Article 1124(1) and (2) shall be developed by the Federal Ministry of Justice and Consumer Protection as a reference implemen-

tation and made available nationally to all states for use in the courts determined pursuant to Article 1123. The states may develop additional digital input systems and make them available nationwide for use in the courts determined in accordance with Article 1123. The Federal Ministry of Justice and Consumer Protection is accorded the competence to regulate, subject to the consent of the Federal Council, the technical, organisational and data-protection conditions for the development, operation, maintenance and further development of digital input systems.

(2) The digital input systems developed in accordance with paragraph 1 shall be made available to users via a federal and state e-Justice Portal. They must be designed to be accessible in accordance with the Accessible Information Technology Regulation. Furthermore, the design of the digital input systems must ensure that they are user-friendly and easy and intuitive to use.

(3) The authority providing digital input systems pursuant to paragraph 1 may only process personal data to the extent that this is necessary to facilitate the use of the digital input systems pursuant to Article 1124(1) and (2). The data may be temporarily stored in the digital input systems in order to allow the user to complete, correct or delete them at a later stage. The temporarily stored data shall be automatically deleted no later than 30 days after the last processing of the digital input systems.

(4) By way of derogation from Article 2(1) of the Electronic Legal Transactions Ordinance, electronic documents generated by means of digital input systems may be transmitted as structured data sets provided that automated processing in online procedures has been initiated by the court.

§ 4

Digital structuring

(1) The court may take steps of litigation management to structure the subject-matter of the dispute. For the structuring pursuant to sentence 1, digital input systems pursuant to Article 1124(2) or electronic documents may be used.

(2) In particular, the court may:

1. order the defendant to compare the statement of defence and the parties to their respective further submissions with those of the other party in digital form or to supplement them in a digital procedural document, and
2. instruct the parties to supplement or explain their submissions by assigning input fields to the relevant subject matter; this may be accompanied by a term for declaring certain points requiring clarification.

§ 5

Hearing

(1) In appropriate cases, the court may, by way of derogation from Article 128(1), make a decision without an oral hearing. In particular, the court shall fix a date for the hearing:

1. if it deems it necessary on the basis of the taking of evidence,
2. if it appears necessary to allow for personal oral statements,

3. if it deems it necessary for an amicable settlement of the dispute, or
4. if at least one of the parties requests oral proceedings; the second to fourth sentences of Article 5(1a) of Regulation (EC) No 861/2007 shall apply accordingly.

Sentence 2, point 3, shall apply accordingly to the determination of a date for conducting a conciliation hearing.

(2) In the case of a decision without an oral hearing, the court shall determine as soon as possible the date by which the applications and declarations of the parties may be submitted and the date of the decision.

(3) If the court sets a date for a conciliation hearing or an oral hearing, this shall take place as a video hearing in accordance with Article 128a. Subject to the consent of the parties, the court may, by way of derogation from sentence 1, order that a conciliation hearing or an oral hearing be held by audio transmission or using another suitable digital means of communication.

(4) Subject to paragraphs 1 to 3, the court may, by way of derogation from Articles 275 and 276 in conjunction with Article 495, determine the procedure at its reasonable discretion.

(5) As a preparatory measure pursuant to Article 273 in conjunction with Article 495, the court may retrieve information from generally accessible sources. This also applies to obvious facts pursuant to Article 291 which have not been put forward by the parties.

§ 6

Default judgment

(1) In the cases referred to in Article 1127(4), the court shall, upon service of the action, request the defendant to inform the court within a peremptory term of two weeks after service of the action that he wishes to defend himself against the action. Upon service of the action, the defendant shall be informed of the term referred to in the first sentence and of the consequences of failure to comply with that term. The information referred to in the second sentence shall include a reference to the legal consequences of Articles 91 and 708(2).

(2) If, contrary to paragraph 1, the defendant has not indicated in good time that it intends to defend itself against the action, the court shall, at the request of the applicant, make the decision pursuant to Article 331(3) in conjunction with Article 495 without oral proceedings. Article 276(1), third and fourth sentences, and Article 335(1), point 4, in conjunction with Article 495, shall apply accordingly.

(3) Article 341a shall apply subject to the proviso that the court may, in appropriate cases, make a decision without an oral hearing in accordance with Article 1127(1).

§ 7

Taking of evidence

(1) In appropriate cases, the court may, upon application or ex officio, by way of derogation from Article 284(2), sentence 1, in conjunction with Article 495, also autho-

rise or order the taking of evidence by audio transmission or by other suitable digital means of communication. Article 284(2), sentences 2 to 5, and Article 3 in conjunction with Article 495 shall not be affected.

(2) By way of derogation from Article 357(1) in conjunction with Article 495, the court may also establish facts relevant to the decision by statements of witnesses and information from experts that are transmitted by video and audio, in writing, electronically, by telephone or by other suitable digital means of communication. A decision on the admissibility of evidence pursuant to Articles 358 to 360 in conjunction with Article 495 is not required. The parties shall be given the opportunity to comment on the outcome of the taking of evidence.

(3) Paragraph 2, sentences 1 and 3, shall apply accordingly to the hearing of the parties. A decision on the admissibility of evidence pursuant to Article 450 in conjunction with Article 495 is not required.

§ 8

Communication; Postponement of notice

(1) The user of a mailbox and dispatch service according to Article 130a(4), sentence 1, point 4, shall be notified of the fact that an electronic document can be retrieved in his or her mailbox at the latest on the day on which an electronic document is made available in his or her mailbox, via the address provided by him or her for this purpose.

(2) The delivery of a judgment or order may be substituted by the service of the judgment. The court shall determine the date by which service shall be effected at the latest. Article 310(1), sentence 2 applies accordingly.

Title 3

Communication platform

§ 9

Development and provision; legislative competences

(1) In an online procedure, a communication platform may be used that serves the nationwide testing of digital forms of exchange and transmission between the parties and with the court. The communication platform may also be used to provide electronic documents for inspection or data retrieval or to process them by the parties and the court. The court may, by applying Article 1126 accordingly, take measures of litigation management to structure the subject-matter of the dispute by means of the communication platform.

(2) The communication platform shall be developed by the Federal Ministry of Justice and Consumer Protection as a reference implementation and made available nationally to all states for use in the courts determined pursuant to Article 1123. The states may fully or partially take over the development and the nationwide provision of the communication platform referred to in sentence 1 for use in the courts designated pursuant to Article 1123; the same applies to the provision of additional application modules for the purposes referred to in paragraph 1. The Federal Ministry of Justice

and Consumer Protection is accorded the competence to regulate, subject to the consent of the Federal Council, the technical, organisational and data-protection conditions for the development, operation, maintenance and further development of the communication platform and its application modules.

(3) The communication platform developed in accordance with paragraph 2 shall be made available to users via a federal and state e-Justice Portal. It must be designed to be accessible in accordance with the Accessible Information Technology Regulation. Furthermore, the design of the communication platform must ensure that it is user-friendly and easy and intuitive to use.

(4) The authority providing the communication platform pursuant to paragraph 2 may process personal data only to the extent necessary for the purposes pursuant to paragraph 1. The data shall be deleted from the communication platform at the latest after final conclusion or other termination of the procedure. Electronic documents from the procedure conducted via the communication platform shall be included in the electronic trial records pursuant to Article 298a.

(5) The Federal Ministry of Justice and Consumer Protection is accorded the competence to regulate by statutory instrument, subject to the consent of the Federal Council, the standards and file formats applicable to data transmission and processing and the form of data protection when using the communication platform.

§ 10

Forms of communication, exchange and transmission

(1) A written form required under this Act may be substituted by direct submission of applications and declarations by the parties through the communication platform pursuant to Article 1131, provided that digital input systems are available for this purpose and one of the following identification procedures is used:

1. for the identification of lawyers: the procedure for access to the special electronic lawyer's mailbox pursuant to Article 31a(3), sentence 1, in conjunction with Article 31b(5) of the Federal Lawyers Ordinance,
2. for the identification of other parties: a procedure for a user account pursuant to Article 2(5) in conjunction with Article 3(4) of the Online Access Act.

If proof of identity as referred to in sentence 1 was provided, the subsequent authentication of the holder of the identity document may also be carried out through other suitable means of authentication.

(2) A written form required under this Act may also be replaced by a transmission of electronic documents via the communication platform, provided that

1. an identification procedure pursuant to paragraph 1 is used,
2. a secure procedure ensuring the authenticity and integrity of the data is used for the transmission of the data, and
3. an automated procedure has been created on the communication platform for the electronic documents by the court.

Article 130e shall apply accordingly.

(3) Applications and declarations to be submitted in writing by a lawyer to the court pursuant to paragraph 2 shall be transmitted as structured data sets, provided that the standards and file formats applicable to the transmission and processing of data are set out as binding in the statutory ordinance pursuant to Article 1131(5). Article 130a(6) shall apply accordingly.

(4) The courts shall use a secure procedure that ensures the authenticity and integrity of the data when communicating digitally with the parties and when providing electronic documents for retrieval.

(5) Where an electronic document is made available via the communication platform, the recipient shall be notified that the electronic document can be retrieved by means of the mailbox or address provided by the recipient for that purpose, at the latest on the day on which the electronic document is made available. Sentence 1 shall apply accordingly to additional digital communication between the court and the parties via the communication platform. The recipient must authenticate themselves when retrieving the data. The dates of supply and retrieval shall be recorded.

(6) If there is an obligation of use pursuant to Article 1133, an electronic document may be served by making it available for retrieval via the communication platform in the following cases:

1. in the case of service by the court, by way of derogation from Article 173(1) and (3),
2. in the case of service from lawyer to lawyer, by way of derogation from Article 195(1)(5) and (2).

The dates of provision and retrieval shall be automatically confirmed. Article 173(4), sentences 4 and 5, shall apply accordingly.

§ 11

Obligations of use; opportunity of identification

(1) If a communication platform is provided, the parties must use it for digital communication in the proceedings. The first sentence shall not apply to parties who are natural persons who are not represented by a lawyer and who have not identified themselves in accordance with Article 1132(1), first sentence, point 2, which are also open to the submission of applications and declarations to the court in accordance with the general rules.

(2) Article 1, sentence 1, shall not apply if no identification procedure via the communication platform pursuant to Article 1132(1), sentence 1, is available for a party or if no use of the communication platform is initiated for a digital communication process in the proceedings. If digital communication via the communication platform is temporarily not possible for technical reasons, Article 130d, sentences 2 and 3, shall apply accordingly. Where digital communication via the communication platform cannot be expected of a party, the court may allow applications and declarations to be submitted in accordance with the general provisions.

(3) If a party is not obliged to use the communication platform pursuant to paragraph 1, sentence 2, or paragraph 2, the court may order that further communication be conducted by all parties without using the communication platform.

(4) When the application is served, the defendant shall be informed of the scope of the service obligations under paragraphs 1 to 3; it shall be given the opportunity to identify itself on the communication platform within a period of two weeks after service.

Title 4

Evaluation

§ 12

Evaluation

(1) The provisions of this section shall be evaluated, with the participation of the states participating in the testing of the online procedure and on the basis of the technical development as well as experience and insight gained from the testing, four years and eight years after ... [insert: date of entry into force in accordance with Article 26(1) of this Act].

(2) The evaluation will analyse:

1. the extent to which the use of digital input systems was used for filing legal actions and in the further proceedings, including the accessibility, user-friendliness and ease of use thereof,
2. the extent to which areas of application for a large number of similar and standardisable procedures could be covered in terms of content and technology,
3. to what extent and with what experience the courts have made use of the possibilities provided for in Articles 1126 to 1130;
4. the functionalities and application modules provided via the communication platform pursuant to Article 1131(1),
5. the costs and benefits of implementing the provisions of this Section, and
6. the extent to which further developments and consolidation of the legislation on the online procedure are required.

Section 3

Testing of additional digital input systems

§ 13

Scope of the testing

(1) The Federal Ministry of Justice and Consumer Protection may develop digital input systems as a reference implementation and make them available for nationwide testing, to the extent that they serve the electronic preparation of applications or dec-

larations pursuant to Article 129a(1). Sentence 1 does not apply within the scope of the online procedure pursuant to Section 2 of this Book.

(2) Article 1125(2) to (4) shall apply accordingly.

§ 14

Evaluation

(1) Article 1135 shall be evaluated, with the participation of the states participating in the testing of the digital input systems and on the basis of technical development as well as the experience and insight gained from the testing, four years and eight years after ... [insert: date of entry into force in accordance with Article 26(1) of this Act].

(2) The evaluation will analyse:

1. the extent to which digital input systems pursuant to Article 1135 were used,
2. which areas of application could be covered in terms of content and technology,
3. the costs and benefits of developing and using digital input systems, and
4. the extent to which further developments and consolidation of the legislation on digital input systems are required.”

Article 2

Forurther amendment of the Code of Civil Procedure

The Code of Civil Procedure, last amended by Article 1 of this Act, is amended as follows:

6. The table of contents is changed as follows:
 - a) The reference to Book 12, Section 1 is deleted.
 - b) The reference to Book 12 Section 2, Book 12 Section 2 Title 1, Articles 1122 and 1123, Book 12 Section 2 Title 2, Articles 1124 to 1130, Book 12 Section 2 Title 3, Articles 1131 to 1133, Book 12 Section 2 Title 4, Article 1134, Book 12 Section 3, and Articles 1135 and 1136 is deleted.
7. Before Article 1121, the heading of Section 1 is deleted.
8. Sections 2 and 3 of Book 12 are deleted.

Article 3

Amendment to the Federal Constitutional Court Act.

The Federal Constitutional Court Act in the version published on 11 August 1993 (Federal Law Gazette I p. 1473), as last amended by Article 1 of the Act of 20 December 2024 (Federal Law Gazette 2024 I No. 440), is amended as follows:

Article 23a(4) is amended as follows:

9. Sentence 1 is amended as follows:

- a) Point 1 is deleted.
- b) Points 2 to 6 become points 1 to 5.

10. In sentence 2, the words 'points 3 to 5' are replaced by the words 'points 2 to 4'.

Article 4

Amendment to the Federal Code for the Legal Profession

The Bundesrechtsanwaltsordnung (Federal Lawyers' Code) in the corrected version published in the Federal Law Gazette, Part III, No 303-8, as last amended by Article 13 of the Act of 23 October 2024 (Federal Law Gazette 2024 I No. 323) is amended as follows:

In Article 37(3), the words "points 2 to 5" are replaced by the words "points 1 to 4".

Article 5

Amendment of the Precautionary Measures Register Ordinance

The Precautionary Measures Register Ordinance of 24 November 2015 (Federal Law Gazette I p. 2135), as amended by Article 14 of the Act of 7 July 2021 (Federal Law Gazette I p. 2363) is amended as follows:

Article 2(5) is replaced by the following Article 5:

„(5) Secure modes of transmission are:

1. the mode of transmission between the special electronic lawyers' mailboxes in accordance with Articles 31a and 31b of the Federal Lawyers' Code and the Register,
2. the mode of transmission between an electronic mailbox established on a legal basis, which corresponds to the lawyer's mailbox referred to in subparagraph 1, and the register,
3. the mode of transmission between the mailbox of an authority or a legal person under public law established after an identification procedure, and the register,

4. "4. the mode of transmission between an electronic mailbox of a natural or legal person or other association set up after an identification procedure has been carried out and the electronic mailroom of the court,
5. the mode of transmission between a mailbox and dispatch service of a user account within the meaning of Article 2(5) of the Online Access Act used after an identification procedure has been carried out and the electronic mailroom of the court,'.
6. other federally uniform mode of transmission laid down by statutory ordinance pursuant to Article 130a(4), first sentence, point 5, of the Code of Civil Procedure.'

Article 6

Amendment of the Electronic Legal Transactions Ordinance

The Electronic Legal Transactions Ordinance of 24 November 2017 (Federal Law Gazette I p. 3803), last amended by Article 43 of the Act of 12 July 2024 (Federal Law Gazette 2024 I No. 234) is amended as follows:

Article 13(1), point 2, is replaced by the following point 2:

- '2 the identity of the user of the mailbox and dispatch service has been established by means of an identification means pursuant to Article 11(2), second sentence, points 1 or 2, or by a secure procedure used in the tax administration in accordance with Article 87a(6) of the Tax Code,'.

Article 7

Amendment to the Criminal Procedure Code

the Criminal Procedure Regulation in the version as published on 7 April 1987 (Federal Law Gazette I p. 1074, 1319), last amended by Article 2(1) of the Act of 7 November 2024 (Federal Law Gazette. 2024 I No. 351), is amended as follows:

Article 32a is amended as follows:

11. In paragraph 2, sentence 2, the words 'points 4 and 5' are replaced by the words 'points 3 and 4'.
12. Paragraph 4 is amended as follows:
 - a) Sentence 1 is amended as follows:
 - a%6) Point 1 is deleted.
 - b%6) Points 2 to 6 become points 1 to 5.
 - b) In sentence 2, the words 'points 3 to 5' are replaced by the words 'points 2 to 4'.

Article 8

Amendment of the Imprisonment Act

The Penitentiary Act of 16 March 1976 (Federal Law Gazette I p. 581, 2088; 1977 I p. 436), as last amended by Article 7 of the Act of 12 July 2024 (Federal Law Gazette 2024 I No. 234) is amended as follows:

In Article 120(1), sentence 2, the reference 'Article 4(1), point 6' is replaced by the reference 'Article 4, sentence 1, point 5'.

Article 9

Amendment of the Act on International Legal Assistance in Criminal Matters

The Gesetz über die internationale Rechtshilfe in Strafsachen (Law on international legal assistance in criminal matters), in the version published on 27 June 1994 (Federal Law Gazette I p. 1537), as last amended by Article 21 of the Act of 12 July 2024 (Federal Law Gazette 2024 I No. 234) is amended as follows:

Article 77b is amended as follows:

13. In paragraph 1, in the indication before point 1 and in the second paragraph in the indication before point 1, the words 'and for consumer protection' shall be inserted after the words 'Federal Ministry of Justice'.
14. Paragraph 3 is replaced by the following paragraph 3:

'(3) The Ordinance of the Federal Ministry of Justice and Consumer Protection does not require the consent of the Federal Council. The state governments may delegate this competence to the state judicial administrations by executive order. The authorisation of electronic transmission pursuant to Article 77a(1) may be limited to individual courts and authorities and to individual proceedings or stages of proceedings. The electronic keeping of files pursuant to Article 77a(4) and the authorisation of continuation in electronic or paper form may be limited in each case to individual courts or authorities or to generally defined proceedings or stages of proceedings; if use is made of this possibility, the statutory ordinance may stipulate that, by administrative provision to be made public, in which proceedings or stages of proceedings the files are or may be kept electronically and in which proceedings or stages of proceedings the files will be continued in electronic or paper form.'

Article 10

Amendment of the Framework Decision on Financial Sanctions and Electronic Legal Transactions and Record-Keeping Ordinance

The Framework Decision on Financial Sanctions and Electronic Legal Transactions and Record-Keeping Ordinance of 18 October 2017 (Federal Law Gazette I p. 3582), as

amended by Article 17 of the Act of 7 July 2021 (Federal Law Gazette I p. 2363) is amended as follows:

Article 2(3), sentence 2 is replaced by the following sentence:

Secure modes of transmission include:

1. the mode of transmission between the special electronic lawyer's mailboxes pursuant to Articles 31a and 31b of the Federal Lawyers Ordinance (Bundesrechtsanwaltsordnung) or a corresponding electronic mailbox established on a legal basis and the electronic post office of the Federal Office of Justice,
2. the mode of transmission between a mailbox of an authority or a legal person under public law established after an identification procedure has been carried out and the electronic post office of the Federal Office of Justice,
3. the mode of transmission between an electronic mailbox of a natural or legal person or other association established after an identification procedure has been carried out and the electronic mail office of the Federal Office of Justice,
4. the mode of transmission between a mailbox and dispatch service of a user account used after conducting an identification procedure within the meaning of Article 2(5) of the Online Access Act (Onlinezugangsgesetz) and the electronic mail department of the Federal Office of Justice.

Article 11

Amendment of the Labour Courts Act

The Labour Courts Act in the version published on 2 July 1979 (Federal Law Gazette I p. 853, 1036), as last amended by Article 70 of the Act of 23 October 2024 (Federal Law Gazette 2024 I No. 286) is amended as follows:

15. Article 46c is amended as follows:

a) In paragraph 2, sentence 2, the words 'points 4 and 5' are replaced by the words 'points 3 and 4'.

b) Paragraph 4 is amended as follows:

a%6) Sentence 1 is amended as follows:

a%7%7) Point 1 is deleted.

b%7%7) Points 2 to 6 become points 1 to 5.

b%6) In sentence 2, the words 'point 3 to 5' are replaced by: 'point 2 to 4'.

16. In Article 46g, sentence 2, the reference 'point 2' is replaced by the reference 'point 1'.

Article 12

Additional amendment of the Labour Courts Act

The Labour Courts Act, which was last amended by Article 11 of this Act, is amended as follows:

In Article 46g, sentence 2, the reference 'point 2 or point 4' is replaced by the reference 'point 1 or 3'.

Article 13

Amendment of the Social Courts Act

The Social Courts Act in the version published on 23 September 1975 (Federal Law Gazette I p. 2535, 919), as last amended by Article 4 of the Act of 24 October 2024 (Federal Law Gazette 2024 I No. 328) is amended as follows:

17. Article 65a is amended as follows:

a) In paragraph 2, sentence 2, the words 'points 4 and 5' are replaced by the words 'points 3 and 4'.

b) Paragraph 4 is amended as follows:

a) Sentence 1 is amended as follows:

a) Point 1 is deleted.

b) Points 2 to 6 become points 1 to 5.

b) In sentence 2, the words 'point 3 to 5' are replaced by: 'point 2 to 4'.

18. In Article 65d, sentence 2, the reference 'point 2' is replaced by the reference 'point 1'.

Article 14

Additional amendment to the Social Courts Act

The Social Courts Act, which was last amended by Article 13 of this Act, is amended as follows:

In Article 65d, sentence 2, the reference 'point 2 or point 4' is replaced by the reference 'point 1 or 3'.

Article 15

Amendment of the Code of Administrative Procedure

The Code of Administrative Procedure, in the version published on 19 March 1991 (Federal Law Gazette I p. 686), last amended by Article 5 of the Act of 24 October 2024 (Federal Law Gazette 2024 I No. 328), is amended as follows:

19. Article 55a is amended as follows:

a) In paragraph 2, sentence 2, the words 'points 4 and 5' are replaced by the words 'points 3 and 4'.

b) Paragraph 4 is amended as follows:

a%6) Sentence 1 is amended as follows:

a%7%7) Point 1 is deleted.

b%7%7) Points 2 to 6 become points 1 to 5.

b%6) In sentence 2, the words 'points 3 to 5' are replaced by: 'points 2 to 4'.

20. In Article 55d, sentence 2, the reference 'point 2' is replaced by the reference 'point 1'.

Section 16.

Additional amendments of the Constitutional Court Ordinance

The Constitutional Court Ordinance, which was last amended by Article 15 of this Act, is amended as follows:

In Article 52d, sentence 2, the reference 'point 2 or 4' is replaced by the reference 'point 1 or 3'.

Article 17

Amendment of the Fiscal Courts Ordinance

The Fiscal Courts Ordinance in the version published on 28 March 2001 (Federal Law Gazette I p. 442, 2262; 2002 I p. 679), as last amended by Article 6 of the Act of 24 October 2024 (Federal Law Gazette 2024 I No. 328), is amended as follows:

21. Article 52a is amended as follows:

a) In paragraph 2, sentence 2, the words 'points 4 and 5' are replaced by the words 'points 3 and 4'.

b) Paragraph 4 is amended as follows:

a%6) Sentence 1 is amended as follows:

a%7%7) Point 1 is deleted.

b%7%7) Points 2 to 6 become points 1 to 5.

b%6) In sentence 2, the words 'points 3 to 5' are replaced by: 'points 2 to 4'.

22. In Article 52d, sentence 2, the reference 'point 2' is replaced by the reference 'point 1'.

Article 18

Additional amendment to the Fiscal Courts Ordinance

The Fiscal Courts Ordinance, last amended by Article 17 of this Act, is amended as follows:

In Article 52d, sentence 2, the reference 'point 2 or 4' is replaced by the reference 'point 1 or 3'.

Article 19

Amendment of the Patent Lawyers Act

The Patent Lawyers Act of 7 September 1966 (Federal Law Gazette I p. 557), last amended by Article 27 of the Act of 23 October 2024 (Federal Law Gazette 2024 I No. 323) is amended as follows:

In Article 35, sentence 3, the words 'points 2, 3 and 5' are replaced by 'points 1, 2 and 4'.

Article 20

Amendment of the Patent Lawyers Register Ordinance

The Patent Lawyers Register Ordinance of 17 December 2021 (Federal Law Gazette I p. 5219, 5227), last amended by Article 1 of the Ordinance of 25 November 2024 (Federal Law Gazette 2024 I No. 340), is amended as follows:

In Article 2(5), sentence 2, the words 'points 2 and 5' are replaced by the words 'points 1 and 4'.

Article 21

Amendment of the Administrative Offences Act

The Administrative Offences Act in the version published on 19 February 1987 (Federal Law Gazette I p. 602), as last amended by Article 10 of the Act of 12 July 2024 (Federal Law Gazette 2024 I No. 234) is amended as follows:

In the first sentence of Article 110c, the words 'paragraph 4, first sentence, point 6' are replaced by the words 'paragraph 4, first sentence, point 5'.

Article 22

Amendment of the Tax Advice Act

The Tax Advice Act, in the version published on 4 November 1975 (Federal Law Gazette I p. 2735), as last amended by Article 32 of the Act of 23 October 2024 (Federal Law Gazette 2024 I No. 323) is amended as follows:

In Article 86g sentence 3, the words 'points 2 to 5' are replaced by the words 'points 1 to 4'.

Article 23

Amendment of the Auditors Ordinance

The Auditors Ordinance, in the version published on 5 November 1975 (Federal Law Gazette I p. 2803), last amended by Article 35 of the Act of 23 October 2024 (Federal Law Gazette 2024 I No. 323) is amended as follows:

In Article 58b, the words 'point 2, 4 or 5' are replaced by the words 'point 1, 3 or 4'.

Article 24

Amendment of the Court Costs Act

The Court Costs Act in the version published on 27 February 2014 (Federal Law Gazette I p. 154), most recently by Article 5 of the Act of 7 April 2025 (Federal Law Gazette 2024 I No. 109) is amended as follows:

23. In the first sentence of Article 69b, the words ', 1217' are inserted after the words '1211'.

24. Annex 1 (List of costs) is amended as follows:

- a) In the enumeration, after the entry relating to Part 1, Chapter 2, Section 1, Subsection 3 the following entry is inserted:

"Subparagraph 4 Online procedure in accordance with Book 12 Section 2 of the Code of Civil Procedure"

b) The following subparagraph 4 is inserted after point 1215:

No.	Charge event	Fee or rate of the fee according to Article 34 of the Court Costs Act (GKG)
<i>'Subsection 4</i> <i>Online procedure in accordance with Book 12 Section 2 of the Code of Civil Procedure</i>		
1216	The procedure in general Paragraph 1 of the Note to point 1210 shall apply accordingly.	2.0
1217	Termination of the entire procedure by 1. withdrawal of the action a) before the end of the oral hearing, b) in the cases referred to in the first sentence of Article 1127(1) and (2) of the ZPO, before the date corresponding to the conclusion of the oral proceedings, or c) in the case of Article 1128(2) of the Code of Civil Procedure before the end of the day on which the judgment is transmitted to the court registry, if no decision is made on the costs pursuant to Article 269(3), sentence 3, of the Code of Civil Procedure or the decision follows a previously notified agreement by the parties on the cost allocation or the declaration of one party to bear the costs, 2. judgment by consent, judgment of waiver or judgment that does not contain the facts and grounds for judgement pursuant to Article 313a(2) of the Code of Civil Procedure, or only contains facts and grounds because the judgment is expected to be enforced abroad (Article 313a(4), point 5, Code of Civil Procedure), 3. court settlement, or 4. declarations of settlement pursuant to Article 91a of the Code of Civil Procedure, if no decision is taken on the costs or if the decision follows a previously notified agreement between the parties on the cost allocation or the declaration of one party to bear the costs, unless a judgment other than those referred to in point 2 has already preceded it: The fee 1216 is reduced to The note to point 1211 shall apply accordingly.	1,0."

Article 25

Additional amendment of the Court Costs Act

The Court Costs Act, last amended by Article 24 of this Act, is amended as follows:

25. In Article 69b, sentence 1, the reference '1217' is deleted.
26. Annex 1 (List of costs) is amended as follows:
 - a) In the enumeration, the entry relating to Part 1, Chapter 2, Section 1, Subsection 4 is deleted.
 - b) Part 1, Chapter 2, Section 1, Subsection 4 is repealed.

Article 26

Entry into force

(2) This Act, subject to paragraphs (2) and (3), shall enter into force on the day after its promulgation.

(3) Articles 12, 14, 16 and 18 shall enter into force on 1 January 2026.

(4) Articles 2 and 25 shall enter into force on 1 January 2036.

EU legal acts:

1. Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delays of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1; L 119 of 7.5.2019, p. 202)
2. Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (OJ L 199, 31.7.2007, p. 1; L 141, 5.6.2015, p. 118), as last amended by Regulation (EU) 2023/2844 of 13 December 2023 (OJ L, 2023/2844, 27.12.2023).