

Annex to the notification request – Draft Act on the Development and Testing of an Online Procedure in Civil Courts (OVERpG)

Reference to underlying statutory or regulatory provisions

As a consequence of the elimination of the secure transmission channel via the mailbox and dispatch service of a De-Mail account in the Rules of Procedure, the following legal provisions are being amended:

- § 130a Code of Civil Procedure (available at <https://www.gesetze-im-internet.de/zpo/ZPO.pdf>)
- § 23a Act on the Federal Constitutional Court (available at <https://www.gesetze-im-internet.de/bverfgg/BVerfGG.pdf>)
- § 37 Federal Code for the Legal Profession) (available at <https://www.gesetze-im-internet.de/brao/BRAO.pdf>)
- § 2 Ordinance on the Register of Protective Letters [Schutzschriftenregisterverordnung] (available at <https://www.gesetze-im-internet.de/srv/SRV.pdf>)
- § 32a Code of Criminal Procedure (available at <https://www.gesetze-im-internet.de/stpo/StPO.pdf>)
- § 120 Prison Act (available at <https://www.gesetze-im-internet.de/stvollzg/StVollzG.pdf>)
- § 46c and § 46g Labour Courts Act (available at <https://www.gesetze-im-internet.de/arbogg/ArbGG.pdf>)
- § 65a and § 65d Social Courts Act (available at <https://www.gesetze-im-internet.de/sogg/SGG.pdf>)
- § 55a and § 55d Code of Administrative Court Procedure (available at <https://www.gesetze-im-internet.de/vwgo/VwGO.pdf>)
- § 52a and § 52d Code of Procedure of Fiscal Courts (available at <https://www.gesetze-im-internet.de/fgo/FGO.pdf>)
- § 35 Patent Attorneys' Code of Conduct (available at: <https://www.gesetze-im-internet.de/patanwo/BJNR005570966.html>)
- § 2 Ordinance on the Patent Attorneys' Register (available at <https://www.gesetze-im-internet.de/patanwvv/PatAnwVV.pdf>)
- § 110c Code of Administrative Offences (available at https://www.gesetze-im-internet.de/owig_1968/OWiG.pdf)

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- § 86 g Tax Consultancy Act (available at: <https://www.gesetze-im-internet.de/stberg/StBerG.pdf>)
- § 58b Code of Conduct for German Public Auditors (available at: <https://www.gesetze-im-internet.de/wipro/WPO.pdf>)

As a consequence of the addition of modes of transmission for electronic legal communications, the following legal provisions are amended:

- § 2 of the Ordinance on the Register of Protective Letters [Schutzschriftenregisterverordnung] (available at <https://www.gesetze-im-internet.de/srv/SRV.pdf>)
- § 13 of the Ordinance on Electronic legal communications (available at <https://www.gesetze-im-internet.de/ervv/ERVV.pdf>)
- § 2 of the Framework Decision on Financial Penalties and Electronic Legal Communications and Record Management Ordinance (available at: <https://www.gesetze-im-internet.de/rbgelderav/BJNR358200017.html>)

§ 1125(4) Code of Civil Procedure derogates from § 2(1) of the Ordinance on Electronic legal communications (available at <https://www.gesetze-im-internet.de/ervv/ERVV.pdf>) for the transmission of structured datasets.

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Impact assessment

Legal and administrative simplification

The provisions on development and testing lead to legal and administrative simplification, as they create leeway for new procedures and technologies and thus make the existing provisions of the Code of Civil Procedure more flexible. The enhanced possibilities for digital communication help prevent media discontinuities and conserve resources. Furthermore, the nationwide provision of digital input systems and the communication platform will open up uniform digital access throughout Germany. In addition, making procedural arrangements more flexible can contribute to simplifying and speeding up proceedings for legal action.

Sustainability aspects

The draft is in line with the German Sustainability Strategy (DNS), which serves to implement the United Nations 2030 Agenda for Sustainable Development.

By promoting access to justice through the use of digital communication technology, the draft will directly contribute to the achievement of Sustainable Development Goal 16 of the 2030 Agenda 'Promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels'. Sustainable Development Goal 16 requires the promotion of the rule of law, access to justice for all (Target 16.3) and the establishment of effective, accountable and transparent institutions (Target 16.6), among other things. Responsive and inclusive decision-making at all levels is also required (Target 16.7). The draft promotes the achievement of these targets, as the online procedure enables citizens to assert small claims in dispute in a user-friendly and digitally supported judicial procedure. At the same time, the enhanced possibilities for digital communication and the more flexible procedures lessen the burden on the judiciary when using online procedures, and thus ensure a modern system of civil justice. Access to the courts for persons with disabilities can be facilitated by designing digital input and communication systems for accessibility.

Compliance costs

a) Compliance costs for citizens

The use of digital input and communication systems in online procedures is free of charge. In addition, the possibilities for electronic communication with the courts will merely be expanded and no obligation for citizens to use the online procedure will be imposed.

If citizens make use of the online procedure, an initial estimate of the annual operational cost savings, taking into account a significant forecasting uncertainty, would be around

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EUR 75 000 to EUR 190 000 on postage and travel expenses as well as time savings due to digital communication and travel time savings of around 18 000 to 47 000 hours. This results in mean values of around EUR 130 000 in savings on material costs and around 33 000 hours in time savings.

Estimated average values for the trial period of around 10 years provided for under this Act are taken as a basis, although – depending on the results of the trial – case numbers are to be expected to increase as the project progresses. Otherwise, the forecast depends on the number of long-term pilot district courts and the results of agile product development, including the product-specific application areas (use cases) offered in the further course of the trial. As such, the actual cost savings will only be determined in the scope of the evaluation.

Target 1: Savings in online procedures: Communication and dispatch (annual)

	Minimum	Mean value	Maximum
Expected total number of new cases before the piloting local courts in civil matters	35 000	62 500	90 000
– Of which by citizens in online procedures (20 percent)	7 000	12 500	18 000
Target 1: Time savings (150 minutes per case)	17 500 hours	31 250 hours	45 000 hours
Target 1: Savings in postage costs (in each case 5 consignments with 2 euros each)	EUR 7 000 * 5 * 2 = EUR 70 000	EUR 12 500 * 5 * 2 = EUR 125 000	EUR 18 000 * 5 * 2 = EUR 180 000

The number of cases is based on a nationwide average for the total number of new civil cases filed with district courts (based on the average number of cases filed since 2010) of around 1 000 000 per year. Since the pilot district courts will have incoming cases numbers significantly above the average value with regard to the potential of the online procedure in mass disputes, these average case numbers per district court must be significantly increased. In particular, the high number of cases filed with the airport courts is taken into account in the estimate. In 2022, there were a total of 716 538 civil cases in civil cases

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before the local courts, of which 55 887 were cases on air passenger rights, which corresponds to a proportion of around 8 percent; in 2023, there were a total of 752 424 cases and of which 108 092 were cases on air passenger rights, which corresponds to a proportion of around 14 percent. At the five district courts that currently see the largest amount nationwide of air passenger rights cases, almost 90 000 air passenger and travel cases in total were filed during the entire year 2023 (Rebehn, DRiZ 2024, 46). In 2024, the number of cases in these courts increased once again to just over 97 000 (Rebehn, DRiZ 2025, 58).

Four of the five district courts with the largest number of air passenger rights cases in Germany have been involved in the project to date. With 11 pilot courts (which is the status of the proposal as of April 2025), it is therefore assumed – assuming a two- to fivefold increase in the average number of cases filed – that the total number of cases filed with the courts will be around 35 000 to 90 000, resulting in an average of 62 500 cases filed. In addition, it is assumed that over the ten-year pilot period, around 20 percent of complaints submitted by citizens will be made via the online procedure. This is based on the current number of plaintiffs before the district courts without legal representation, which is around 10 percent but likely to increase in the long term – as the scope for online litigation is opened up – thanks to the possibility of filing complaints through digital input systems and the associated support through guided dialogues. It is also taken into consideration that consumers continue to make use of assignment models when asserting claims for compensation in the field of air passenger rights. As a further indicator, the behaviour of citizens in making use of information and communication technologies is taken into account. According to surveys by the Federal Statistical Office, in 2023, only about 5 percent of people between the ages of 16 and 74 in Germany have never used the Internet. This high digital affinity of the population will also be reflected in the communication with the courts and in the usage figures of the digital input systems in the future.

Overall, and subject to all remaining uncertainties, this results in a nationwide count of around 7 000 to 18 000 online procedures per year. The number of cases is likely to be higher in the long term, as the number of pilot district courts and their specialisation in mass procedures will increase in the future.

It can be assumed that the use of the digital input and communication systems provided for in this Act will save time, although this will depend on the agile development of the query systems and the content and scope of the queried areas of application. In the field of digital administrative services, it is assumed that applications submitted by post require a median time expenditure of 6 minutes, while electronic communications take 3.5 minutes per case (see Federal Parliament document 20/8093, p. 28). In view of the complexity of legal matters and their presentation by natural parties, these times should be significantly increased, also

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taking into account the support of digital input systems. With a time expenditure per procedure of between 2 and 10 hours, the average may be assumed to be 6 hours, representing a time saving in online procedures of around 150 minutes (42 percent of 6 hours).

In addition, there are operational cost savings, which can be expected based on the fact that transmissions by citizens are made through the free digital communication formats of the online procedure instead of in paper form. With around 7 000 to 18 000 online procedures and an estimated average number of 5 messages sent to the court per procedure for non-professional litigants (see Federal Parliament document 19/28399, p. 27), it can be assumed that postage costs will be eliminated in approximately 35 000 to 90 000 cases in the long term. If postage costs of around EUR 2 per message are eliminated, these legal changes will save citizens a total of around EUR 70 000 to EUR 180 000.

Target 2: Savings in online procedures: Elimination of travel time and travel expenses (annually)

	Minimum	Mean value	Maximum
Expected total number of new cases before the piloting local courts in civil matters	35 000	62 500	90 000
Of which by citizens in online procedures (20 percent)	7 000	12 500	18 000
Cases of face-to-face appointments (25 percent) saved from this	1 750	3 125	4 500
Target 2: Travel time savings (30 minutes per case)	1 750 * 30 minutes = 875 hours	3 125 * 30 minutes = 1 563 hours	4 500 * 30 minutes = 2 250 hours
Target 2: Travel expense savings (EUR 2.20 per case)	EUR 1 750 * 2.20 = EUR 3 850	EUR 3 125 * 2.20 = EUR 6 875	EUR 4 500 * 2.20 = EUR 9 900

In addition, travel times and operational costs for citizens thanks to the avoidance of face-to-face appointments for verbal hearings and taking of evidence must be taken into account.

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For each appointment, travel times of 30 minutes and travel expenses of EUR 2.20 are to be assumed. Moreover, it is difficult to predict how many procedures will take place in future on the basis of this Act without an oral hearing, how many appointments will take place using videoconferencing technology, telephone conferences or other suitable digital means of communication, how many appointments for taking evidence will become unnecessary due to the facilitation of the evidence proceedings and how many appointments will become unnecessary by replacing the pronouncement of a decision with its service. If, for example, it is assumed that due to the procedural requirements and simplifications and standardisation of similar cases, and in light of the digital specialisation of pilot district courts, only 5 percent of cases will have a physical court date - such as for the gathering of evidence in exceptional cases - then, based on the current levels of cases without a court date in civil proceedings before the district court, which are around 70 percent, there will be savings in travel time and operational costs in around 1,750 to 4,500 cases. As a result, citizens face a reduced burden in travel time and operational costs by an estimated 875 to 2,250 hours and around EUR 3,850 to EUR 9,900.

On the basis of an initial estimate and taking into account a significant forecast uncertainty for citizens, the digital legal application office is expected to save around EUR 60,000 per year in postage and travel expenses, as well as time savings due to digital communication and travel time savings of around 65,000 hours.

This is based on the assumption that, with regard to the first use case, requests for guidance, the ongoing decrease in the number of applications since 2011 will stabilise at 2023 levels. Of the 306 834 applications received and approved in 2023, 163 239 were submitted by the litigants themselves. It may be assumed that about 20 percent of these applications will in future be submitted via the online service, i.e. a total of 32,648 applications per year. It may also be assumed that approximately 30 percent of users would otherwise have submitted the application by post or in person (9,794), so that – assuming an incidence of interim orders of 50 percent (4,897) with additional postage – and assuming average postage and operational costs of EUR 2 per application, operational costs of EUR 26 932 per year will be saved in postage and operational costs. Furthermore, it is assumed that an interim order or a visit to the district court will no longer be necessary in 50 percent of the applications submitted via the online service (16 324). The average time expenditure for a district court visit is estimated to be 2 hours, which results in a time savings for applicants of 32 648 hours.

Number of applications received and approved in 2023	306 834
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Number of applications submitted by those seeking justice themselves	163 239
Number of applications received via the online service in future	32 648
Number of applications otherwise submitted by post or in person	9 794
Target 1: Travel time saved (2 hours per case)	50% of the applications submitted by the applicants themselves (= 16 324) * 2 hours = 32 648 hours
Target 2: Reduction in material travel costs (EUR 2.00 per case)	150% of the number of applications otherwise submitted by post or in person (= 14 691) * EUR 2.00 = EUR 29 382

For the other use cases that are still to be implemented in the coming years, it is assumed that these will lead to similar average reductions in the annual burden on citizens over the duration of the pilot period, so that a simple doubling of the assumed levels for guidance requests seems justified. This corresponds to a reduction by an additional 32 648 hours of travel time and EUR 29 382 in material travel costs.

b) Compliance costs for businesses

Savings are expected for businesses. In principle, the online procedure is also only available to parties from business as an additional option in addition to a conventional filing of the action under the Code of Civil Procedure.

The lawyers involved in the proceedings will not initially incur any IT-related compliance costs when using the online procedure, because the necessary infrastructure for the special electronic lawyer's mailbox is already present. Both digital claim filing in online procedures and the communication platform are based on electronic communication using the special electronic lawyer's mailbox. Moreover, possible costs due to the technical connection to the IT infrastructure of the legal profession depend on the scope and further development of the testing.

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Since, apart from the communication partners of the judiciary specified in § 173(2) Code of Civil Procedure, there are no usage obligations for organisations for electronic legal communications and the technical connection of the organisation accounts under the OZG [Online Access Act] to electronic legal communications and the digital input systems in online procedures is still at an early stage, no figures on usage are available and the foreseeable future use can only be estimated. Due to the widespread use of the ELSTER certificate, increased use of the new electronic communication channel and – if technically connected to the digital input systems under this Act – also in online procedures can be expected.

Against this background, it is assumed that the use of digital communication technology in online procedures will lessen the burden on business, including in cases of legal representation. On the basis of the data and assumptions set out in 4.1 above for the compliance costs to citizens (savings on travel expenses in around 1 800 to 4 500 cases), an estimated amount per eliminated visit (travel expenses, daily allowance and absence allowance) of EUR 50, and assumption of equal allotment of costs, the burden is expected to be lessened by around EUR 45 000 to EUR 110 000. With regard to the Federal Government's 'one in, one out' rule, this means an 'out' of the abovementioned amount.

Bureaucracy costs arising from information obligations do not arise for businesses.

c) Compliance costs for the authorities

The further digitisation of communication and exchange formats will less the burden on the courts by saving transmission costs. In the online procedure, the relief is to be estimated as follows, mirroring the savings in operational costs made by citizens: With 7,000 to 18,000 online procedures per year, assumed average costs for messages sent by post from the courts of around EUR 3.50 (see Federal Parliament document 19/28399, p. 31) and an estimated average number of messages per procedure from courts to parties in traditional civil proceedings (seven per procedure), savings on postage costs are estimated to be EUR 170 000 to EUR 440 000. In addition to this, the digital application office will, based on the above-mentioned figures, saved an estimated postage cost of around EUR 100 000.

Furthermore, due to the digital communication formats in online procedure, the courts save work on the conversion of media breaks (scanning effort). Assuming an average time expenditure of two minutes per case and an average hourly wage of EUR 29.70, the reduction in burden at a case count from 7 000 to 18 000 and an estimate of five messages received per procedure is around EUR 35 000 to EUR 90 000. In the case of the digital legal application office, savings can be assumed from the elimination of interim orders and

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personal consultations through the structured consultation of the application and declaration data, which cannot be specifically quantified. In addition, the XJustice datasets for complaint content and application data developed or to be developed as part of the project are expected to reduce the burden on both the online procedure and the digital legal application office.

On the other hand, at the beginning of the testing at the pilot courts, additional burdens are also to be expected to a small extent. One-off personnel costs of around EUR 137 000 are estimated for training, support and adaptation to the new workflows. This is based on the fact that each online procedure (12 500 on average) requires 15 minutes of additional time from court employees.

The development of digital input systems and the communication platform leads to compliance costs for the Federal Government, with an estimated requirement of around EUR 4 600 000 in 2025 and of around EUR 3 400 000 in 2026 (see A VII 3). This requirement is based on personnel costs, including product management, design, engineering and communication, as well as material and services, including hosting, IT security and user testing costs.

In addition, the extent of the costs and relief resulting from the online procedure, including the communication platform, depends on the scope and further development of the trial. This also applies to the personnel and operational costs of the federal states for the possible adaptation and integration of IT applications and the creation of permanent operating structures for online procedures. At present, it is also not possible to quantify possible savings due to the consolidation of legislation following the pilot period, in particular in the event of a possible universal introduction of online procedures and a possible (partial) extension to other areas of application.

The development of the digital input systems in the digital legal applications centre will result in compliance costs for the Federal Government, with a forecasted requirement of around EUR 3 200 000 for both 2025 and 2026 (see A VII 3). This requirement is based on personnel costs, including product management, design, engineering and communication, as well as material and services, including hosting, IT security and user testing costs. In the case of the digital legal application centre, no additional personnel and operational costs on the part of the administration can be assumed.

Detailed technical and organisational specifications are expressly avoided to leave federal and state governments wide scope for implementation. The concrete design will depend on the scope and timeframe of the implementation of optional provisions, including the number of pilot courts and the specified use cases for the digital input systems, as well as price

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developments for IT products (software and hardware) and IT services. The creation of new IT infrastructure on the part of the courts is not necessary.

The uncertainties in estimating the cost and reduction effects of this Act particularly affect the development, provision and maintenance of the communication platform. In this case, the law follows a modular principle due to the test character, i.e. depending on the iterative progress of the project and the technical feasibility, various IT and process modules are made possible, without the communication platform having to use all the test freedom from a legal point of view at the same time. From a project perspective, this is a long-term project in which central preliminary questions have to be clarified in cooperation with the States as part of a design phase, for example with regard to the permanent operating model and related financing issues. The implementation raises complex technical and organisational questions, in particular regarding the connection of the communication platform to the existing IT infrastructure of the justice systems of the States. The further conception of a nationwide justice cloud must also be included in the implementation. Thus it is not yet possible to quantify the expenses.

The elimination of De-Mail as a secure mode of transmission in the procedural system will result in marginal one-off conversion costs to the courts for electronic legal communications. Depending on current message volumes, these are offset by average annual savings around the trivial threshold of EUR 100 000.

Other legal consequences

The draft strengthens the digital and accessible infrastructures of the judiciary. This may be of particular benefit to people who have difficulties using analogue access to justice due to local infrastructure or personal impairments. In addition, access to justice may be improved for citizens who would hitherto consider civil litigation for amounts around the threshold to be unjustified in light of the expected burden and costs. Thus, the draft contributes to the promotion of equivalent living conditions.

Moreover, the draft does not have any impact on equality policy. The provisions are gender-neutral in content and affect women and men in the same way. Digital input and communication systems will be accessible on a non-discriminatory basis. No demographic effects are expected.