



Federal Office
of Justice



Germany's Central
Authority and Contact
Point for Matters in
cross-border Civil
Judicial Cooperation

Federal Office of Justice in Bonn



Federal Office of Justice – International Civil Law

The Federal Office of Justice, with its head office in Bonn, is a central service provider for judicial matters in the Federal Republic of Germany. Working within the remit of the Federal Ministry of Justice, it has a diverse range of responsibilities. Key among these is its status as the central contact point and first port of call for legal matters in relations with other EU Member States and the international community at large.

This brochure provides an overview of the most important responsibilities of the Federal Office of Justice with regard to international civil law. As a central authority and contact point for international judicial cooperation, it provides assistance in cross-border civil law cases. For

example, it provides support in cross-border custody conflicts, in cases where maintenance is being claimed in a different country, and in the realm of adoptions involving another country. The Federal Office of Justice is also first port of call and liaison authority in matters relating to the service of judicial documents and the gathering of evidence. As the Federal Contact Point for Germany in the European Judicial Network, it works with its counterparts in other EU Member States to facilitate cross-border court proceedings within the EU.





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Contact Point in International Mutual Legal Assistance in Civil and Commercial Matters

In terms of legal assistance in civil matters, the Federal Office of Justice plays a coordinating role on a national level. It functions as the central contact point and liaison body with its counterparts in other countries in civil and commercial matters in mutual legal assistance matters, on both a treaty and non-treaty basis. The same applies to matters falling within the jurisdiction of the administrative, fiscal and social courts, where legal assistance takes place on a non-treaty basis.

Working closely with Germany's Federal Foreign Office, its Federal Ministry of Justice and the judicial administrations of the Länder (Germany's federal states), the Federal Office of Justice supports the German courts in having judicial documents served across borders, and in gathering evidence abroad. Conversely, it is especially involved in dealing with requests for legal assistance which are received from other countries in cases where diplomatic channels are open for the submission of legal assistance matters from abroad to German courts (legal assistance on a non-treaty basis). If problems arise which affect fundamental issues, the Federal Office of Justice strives to come up with solutions in close collaboration with the competent authorities, be they in Germany or in another country.

The Federal Office of Justice is – alongside the central bodies of the Länder – federal central body under:

- Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (Taking of Evidence Regulation) and
- Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (Service of Documents Regulation)

It also acts – in the same way as the central authorities of Länder do for their respective states – as federal central authority under:

- The Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (Hague Evidence Convention)
- The Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Hague Service Convention).

When carrying out its duties in the field of mutual legal assistance, the Federal Office of Justice works in close cooperation with the Federal Foreign Office, the Federal Ministry of Justice, the judicial administrations of the Länder, and with central authorities in other countries.



Further information:

→ In English: www.bundesjustizamt.de/EN

→ In German: www.bundesjustizamt.de/irzh



Federal Contact Point for the European Judicial Network in Civil and Commercial Matters

Within the European Judicial Network (EJN) for civil and commercial matters, the contact points of the EU Member States cooperate to facilitate cross-border court proceedings within the EU. It is the EJN's responsibility to provide informal assistance to the courts regarding specific individual cases, e.g. as concerns the service of judicial documents and the taking of evidence, providing information on the law of foreign states in cases where this is relatively straightforward, or in identifying the competent authorities for a particular matter. The European e Justice Portal, which can be found at <https://e-justice.europa.eu>, provides information relating to legal systems throughout the EU.

The Federal Office of Justice is Germany's Federal Contact Point in the EJN for Civil and Commercial matters. In addition to this, each of the Länder has its own contact point. Germany's other members of the EJN include the Central Authorities in international family law and four judges from the family courts. The Federal Office of Justice coordinates the way in which the responsibilities of the German EJN members are shared and carried out. Acting in close cooperation with the contact points of the other EU member states, it provides other authorities individual help in dealing with requests for legal assistance, and follows up on difficulties that have arisen during cross-border judicial cooperation.



Further information:

→ In English: www.bundesjustizamt.de/EN

→ In German: www.bundesjustizamt.de/ejnz



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Federal Central Authority for Intercountry Adoption

The Federal Republic of Germany is a Contracting Party to the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention), and has been since 1 March 2002. The Federal Office of Justice is Germany's Federal Central Authority under the terms of the Convention. In this role, it promotes co-operation in the area of intercountry adoption. In addition, in its role as Federal Central Authority for Intercountry Adoption, it acts as a liaison and coordination body between Germany and other nations, be they Contracting or non-Contracting Parties.

However, the Federal Office of Justice does not itself carry out any individual intercountry adoptions. In Germany, it is the Regional Central Authorities at the Youth Welfare Offices of the Länder, as well as the independently-owned adoption accredited bodies, which are authorised to act in this capacity. The Federal Office of Justice, as Federal Central Authority for Intercountry Adoption, is involved in court cases for the recognition of adoption decisions issued abroad which take place before the family courts in Germany. Furthermore, it issues certificates of legal capacity for adoptions abroad when requested by German nationals living abroad who wish to adopt a child in their country of residence or wish to adopt a child from a third country.



Further information:

→ In English: www.bundesjustizamt.de/EN

→ In German: www.bundesjustizamt.de/auslandsadoption



Central Authority for International Custody Conflicts

The Federal Office of Justice is Germany's Central Authority in cross-border custody matters. In this area, the following pieces of legislation form the key legal bases for its operations:

- Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (Brussels II b Regulation).
- Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Hague Child Abduction Convention).
- Hague Convention of 19 October 1996 on Jurisdiction, Applicable law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (Hague Child Protection Convention).

The Federal Office of Justice provides support for measures aiming at the immediate return of children who have been abducted or wrongfully retained, as well as those which are seeking the exercising of access rights to children across borders. In the case of outgoing requests being sent abroad, the Federal Office of Justice forwards applications to the central authorities of other countries and supports the individuals making the application as proceedings progress. In the case of incoming requests from other countries, the German central authority is authorised under the

law to act in or outside of court on behalf of the applicant, or, by providing a sub-authorisation, via third party legal representatives, for the purposes of having the child returned in accordance with the Hague Child Abduction Convention. In doing so, it also advocates for amicable settlements between the individuals with parental responsibility. It works together with MiKK e.V., the international mediation centre for family conflicts and child abduction, to organise and carry out mediation.

As the central authority, the Federal Office of Justice also has responsibilities related to cross-border administrative and legal assistance under the Brussels II b Regulation and the Hague Child Protection Convention. This includes the collection of reports across borders on the child's social environment, providing assistance in implementing protective measures, and the cross-border placement of children who have to be accommodated in care homes or with foster families.

Further provisions of German national law can be found in the Act to Implement Certain Legal Instruments in the Field of International Family Law (Gesetz zur Aus- und Durchführung bestimmter Rechtsinstrumente auf dem Gebiet des internationalen Familienrechts (Internationales Familienrechtsverfahrensgesetz – IntFamRVG)). In Germany, there are 22 specialised family courts, each located at the seat of the Higher Regional Courts, which have jurisdiction for proceedings concerning return, access, recognition and enforcement under the aforementioned legislation.



Further information:

→ In English: www.bundesjustizamt.de/custody-conflicts

→ In German: www.bundesjustizamt.de/sorgerecht



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Central Authority for International Matters concerning the Protection of Adults

The Federal Office of Justice is the Central Authority under the Hague Convention of 13 January 2000 on the International Protection of Adults (Hague Protection of Adults Convention). In this role, it offers support to citizens, courts and public authorities in cross-border cases where adults are in need of care.

As the Central Authority under the terms of the Hague Protection of Adults Convention, the Federal Office of Justice works together with the central authorities of the other contracting states. Further to this, it assists the authorities responsible for matters pertaining to the protection of adults in Germany in working together, both with each other and with their counterparts in other Contracting States. The Federal Office of Justice forwards requests and communications (for example pertaining to

the setting up of care or its recognition in another contracting State) to the relevant institution, be it in Germany or abroad. Where necessary, it can help in ascertaining the whereabouts of an adult in need of protection.

The German provisions implementing the Convention can be found in the Act Implementing the Hague Convention of 13 January 2000 on the International Protection of Adults (Hague Protection of Adults Convention) (Gesetz zur Umsetzung des Haager Übereinkommens vom 13. Januar 2000 über den internationalen Schutz von Erwachsenen (Erwachsenenschutzübereinkommens-Ausführungsgesetz)).



Further information:

→ In English: www.bundesjustizamt.de/EN

→ In German: www.bundesjustizamt.de/erwachsenenschutz



Central Authority for the cross-border recovery of maintenance

The Federal Office of Justice, as Germany's Central Authority for the cross-border recovery of maintenance, assists maintenance creditors and debtors in asserting their rights in cross border cases, both judicial and extrajudicial. Specifically, it supports individuals entitled to maintenance who live in Germany to claim what they are due from debtors living abroad, and, on the other side of the coin, collects maintenance within Germany for creditors who live outside the country's borders. In the case of incoming applications, the Federal Office of Justice is authorised to take extrajudicial action or to initiate court action on behalf of the applicant. Such support is offered free of charge so that those entitled to maintenance receive all of the maintenance recovered; this ensures that the living costs of a great number of children and single parents are met.

This is governed by the following international legal instruments:

- 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 (EC Maintenance Regulation).
- Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (Hague Maintenance Convention).
- United Nations Convention on the Recovery Abroad of Maintenance of 20 June 1956.

Alongside this, the Federal Office of Justice can offer support in cases with States with which reciprocity is guaranteed.

Additional implementing rules of national law can be found in the Act on the Recovery of Maintenance in Relations with Foreign States (Auslandsunterhaltsgesetz – AUG).

The assistance offered by the Federal Office of Justice as Central Authority includes help locating individuals who owe maintenance, and, subject to certain limits, obtaining relevant information concerning their financial situation, enforcing an existing maintenance order from abroad in Germany, or establishing a maintenance order for the first time including, where necessary, the establishment of parentage. Where possible, amicable solutions between the maintenance creditor and debtor are encouraged. In the event that payments due are not made, enforcement measures can be initiated.



Further information:

- In English: www.bundesjustizamt.de/maintenance
- In German: www.bundesjustizamt.de/auslandsunterhalt



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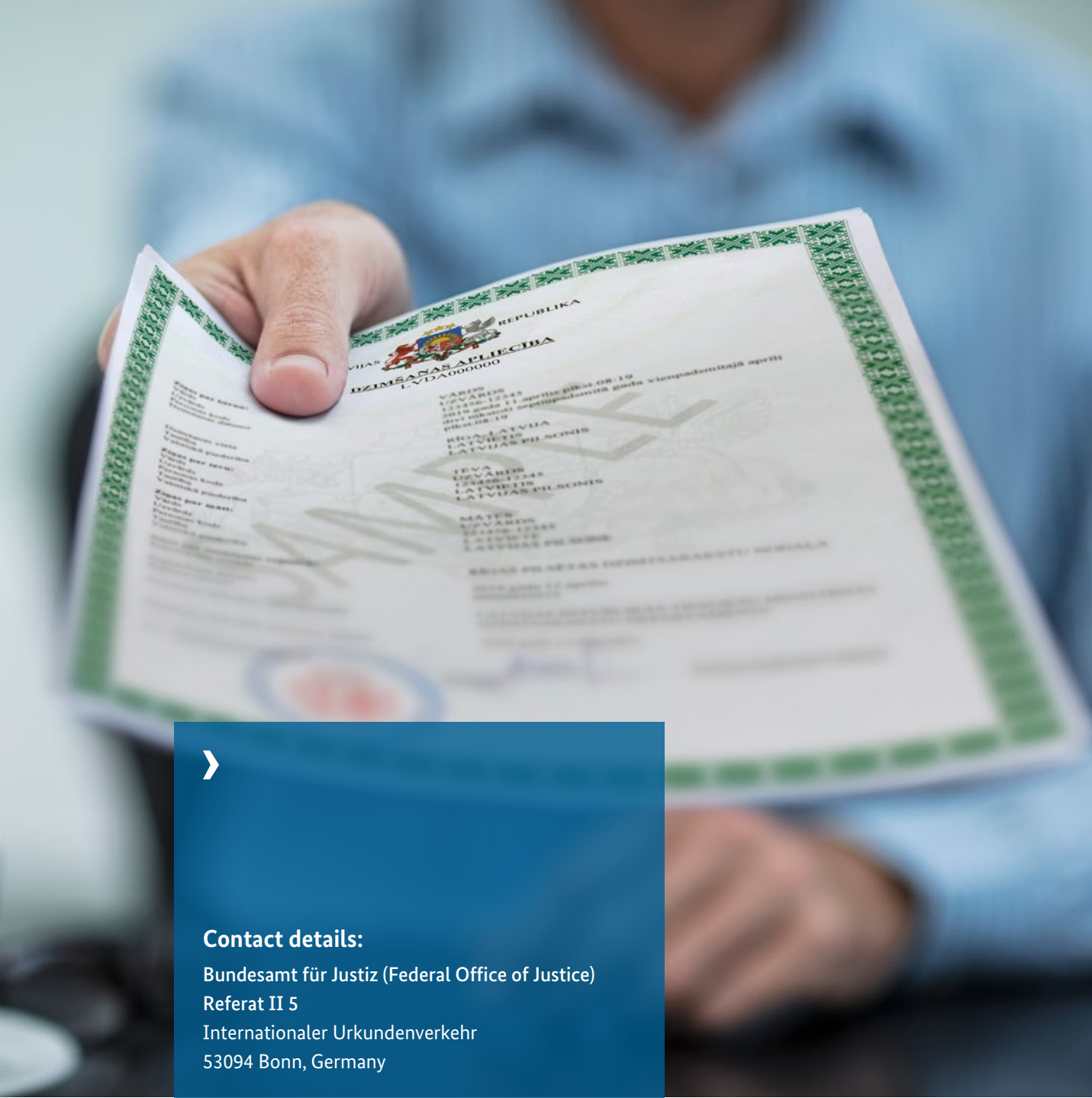
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Use of Public Documents in an International Setting

Since 16 February 2019, Regulation EU 2016/1191 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union (EU Regulation on Public Documents) has been applicable in the Member States of the European Union. Since then, certain public documents have generally been recognised by authorities in the EU Member States without requiring further proof of their authenticity from other authorities; this applies in particular to civil status documents and criminal records background checks. One specific effect of this is that the need for an apostille has been dispensed with.

The Federal Office of Justice is the Central Authority for Germany under the EU Public Documents Regulation and can be contacted by authorities in other EU Member States. Authorities can contact the Federal Office of Justice via the Internal Market Information System (IMI) if they have reason to doubt the authenticity of a document. In addition, the Federal Office of Justice hands out, when requested, multilingual forms for use with Germany's certificates of conduct, which serve as a translation aid for submitting them in EU countries where German is not the official language.



Further information:

→ In English: www.bundesjustizamt.de/EN

→ In German: www.bundesjustizamt.de/urkundenverkehr



Central Information Authority for the Obtaining of Account Information

The Federal Office of Justice is the central information authority in Germany for the obtaining of account information under EU Regulation No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters (European Account Preservation Order Regulation).

The Regulation aims to make it easier for citizens and businesses to pursue debts owed to them in cross-border cases, and, in civil and commercial matters involving more than one country, to help have court decisions enforced across international borders. Creditors are able to obtain – and have enforced – orders for the provisional preservation of accounts (also referred to as “freezing orders”) under standardised conditions in other EU Member States (with the exception of Denmark).

If, when making an application for the issuance of a freezing order, the creditor is unable to state which financial institution the debtor banks with, they can apply to the competent court to obtain the account information. If all the conditions for this are met, the court seized asks the central authority responsible to obtain the account information. It is the Federal Office of Justice to which courts in participating Member States turn with their requests for information relating to accounts held at German financial institutions. The Federal Office of Justice then enquires with the Federal Central Tax Office to find out whether the debtor has a bank account or accounts in Germany, and if so, which financial institution(s) they are held at. This information is then forwarded by the Federal Office of Justice to the court making the request.



Further information:

→ In English: www.bundesjustizamt.de/EN

→ In German: www.bundesjustizamt.de/eu-kontoinfo



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Judicial training

The Federal Office of Justice performs central tasks in terms of training provided to members of the judiciary, both on a national and a European level.

On a European level, the European Judicial Training Network (EJTN) in Brussels is responsible for training and exchange programmes for judges and public prosecutors, as well as for other members of court staff. The Federal Office of Justice is Germany's National Contact Point within the EJTN. Its responsibilities in this regard include involvement in planning and carrying out EJTN training events. The Federal Office of Justice participates in the "Working Group Programmes", and takes on operational tasks in relation to the hosting of EJTN events and the THEMIS competition.

The Federal Office of Justice is also involved in the training programmes offered by other providers of European judicial training, such as the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA).

The German Judicial Academy (Deutsche Richterakademie) offers judicial training throughout Germany. The Federal Office of Justice contributes to the implementation of the Federal Ministry of Justice's training programmes by organising and supporting its conferences. A large number of these conferences are made available to participants from other EU Member States via the EJTN.



Further information:

→ In English: www.bundesjustizamt.de/EN

→ In German: www.bundesjustizamt.de/justizfortbildung



European Day of Justice

The European Day of Justice was established by the European Commission and the Council of Europe, with the aim of giving the public an insight into the justice systems of Europe, and into cross-border legal matters. Since it was established in 2007, the Federal Office of Justice has taken on the task of organising the national German event in celebration of the European Day of Justice. Information events for the public and for legal specialists are regularly arranged in collaboration with one of the German Länder and another EU Member State – to provide the latter with information about the most recent developments in cross-border co-operation

between EU member states. A further important aspect of the European Day of Justice is the involvement of local schools and universities. As an authority with a number of responsibilities of an international nature in its remit, it is important to the Federal Office of Justice to promote close ties on a basis of mutual trust and cooperation with its counterparts in other European countries, and to offer a forum for sharing experiences across borders.



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