

Legal Remedies in the German Code of Administrative Court Procedure

Need for admission - reasons for admission

Federal Administrative Court (= Bundesverwaltungsgericht)

Revision (= Review only on points of *federal law*),

- if the Higher Administrative court grants leave to appeal ex officio or
- if the Federal Administrative Court grants leave to appeal on a legitimate complaint.

Criteria:

Section 132 Para 2:

- (2) The **revision** shall only be admitted if,
1. the legal case is of fundamental significance,
 2. the judgment deviates from a ruling of the Federal Administrative Court, of the Joint Panel of the supreme courts of the Federation or of the Federal Constitutional Court and is based on this deviation, or
 3. a procedural shortcoming is asserted and applies on which the ruling can be based.

Judgment of a Higher Administrative Court (= Oberverwaltungsgericht bzw. Verwaltungsgerichtshof)

Berufung (= Appeal on points of fact and law),

- if the Administrative court grants leave to appeal ex officio or
- if the Higher Administrative Court grants leave to appeal on a legitimate application.

Criteria:

Section 124 Para 2:

- (2) The **appeal** shall only be admitted,
1. if serious doubts exist as to the correctness of the judgment,
 2. if the case has special factual or legal difficulties,
 3. if the case is of fundamental significance,
 4. if the judgment derogates from a ruling of the Higher Administrative Court, of the Federal Administrative Court, of the Joint Panel of the supreme courts of the Federation or of the Federal Constitutional Court, and is based on this derogation, or
 5. if a procedural flaw subject to the judgment of the court of appeal on points of fact and law is claimed and applies on which the ruling can be based.

Judgment of an Administrative Court (= Verwaltungsgericht)