



Federal Administrative Court
Supreme Court

Business situation of the Federal Administrative Court in 2023

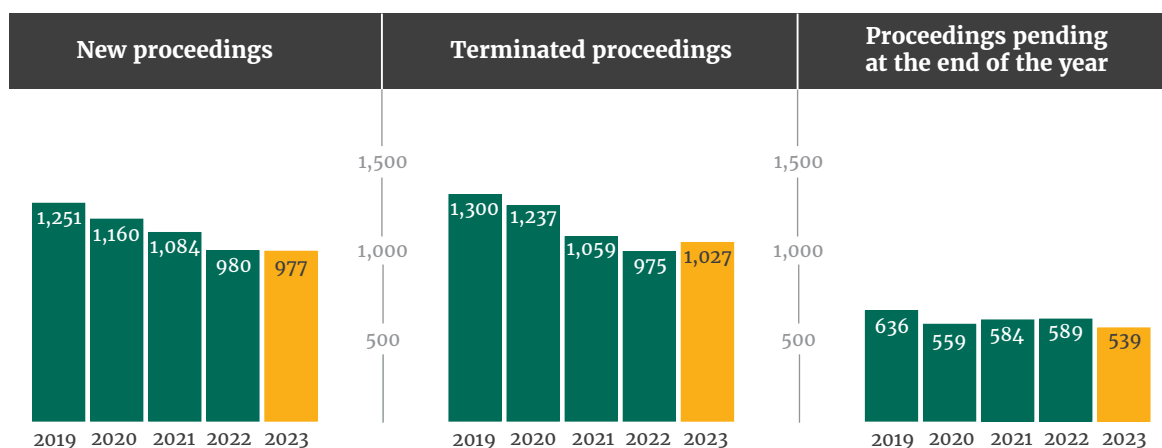
1. General overview

Compared to the previous year, the number of new proceedings before the Federal Administrative Court (BVerwG, *Bundesverwaltungsgericht*) has remained almost the same. Last business year, a total of 977 proceedings were brought before the Court. This means a decrease of only 0.3% compared to 2022. The number of terminated proceedings increased by 5.3% to 1,027 (previous year: 975). In addition to the appeals on points of law and the complaints against the refusal to grant leave to appeal on points of law (*Nichtzulassungsbeschwerden*, hereinafter complaint proceedings), the statistically recorded proceedings also include proceedings at first instance (such as actions against planning and improvement of

important transport routes or against bans on associations), military service proceedings, non-disclosure matters as well as applications for temporary relief and for legal aid.

The number of proceedings still pending at the end of the year was thus significantly below the previous year's number (539 compared to 589 in the previous year).

The caseload and the number of terminated proceedings over the last five years can be read in detail from the following comparative overview:



General overview of the new, terminated and pending proceedings from 2019 to 2023

2. Length of appeal proceedings on points of law and complaint proceedings

On an overall basis, the length of the **appeal proceedings on points of law** – including matters terminated in other ways than by a decision on the merits – has increased: the average length was 14 months and 17 days compared to 12 months and 4 days in 2022. The length of the appeal proceedings on points of law, which were decided by means of a judgment, has increased significantly less compared to the previous year, with 15 months and 6 days.

Compared to the previous year, the length of the **complaint proceedings** has remained almost the same: On average, they were brought to a termination within 4 months and 14 days (2022: 4 months and 13 days). 52.44% of the complaint proceedings were terminated within 3 months and 67.71% were terminated within 6 months, counting from the time when the proceedings were brought before the Federal Administrative Court.

The following overview shows the development of the total average length of these proceedings over the last five years:

Year	Length of proceedings (appeal proceedings on points of law decided by means of a judgment)	
2019	15 months	13 days
2020	15 months	3 days
2021	13 months	11 days
2022	14 months	26 days
2023	15 months	6 days

3. Proceedings at first instance

Pursuant to section 50 (1) of the Code of Administrative Court Procedure (VwGO, *Verwaltungsgerichtsordnung*), the Federal Administrative Court decides on cases specified therein as the court of first and at the same time last instance. In 2023, a total number of

92 actions and 31 applications for the granting of temporary relief were filed, for which the Court has jurisdiction at first instance. The proceedings concern, in particular, infrastructure projects, bans on associations and economic administrative law.

Proceedings concerning infrastructure projects

With regard to proceedings concerning infrastructure projects, for which the Federal Administrative Court has jurisdiction at first and last instance and which usually require a special effort, in 2023, 52 actions, and thus more than twice as many as in the previous year (2022: 23), were brought before the Court. In terms of such infrastructure projects, 18 applications for temporary relief have been filed. That were 5 applications more than in 2022 (13).

The number of new proceedings is distributed as follows: 14 actions in trunk road law, 2 actions in railway law, 25 actions in law on the expansion of power supply lines and 11 actions under the LNG Acceleration Act (LNGG, *LNG-Beschleunigungsgesetz*) were brought before the Court. Compared to the previous years, the average length of proceedings concerning actions on infrastructure projects, which were assigned to the Federal Administrative Court at first instance, has been significantly reduced to 10 months and 17 days.

The development of the average length of these proceedings over the last five years is shown comparatively in the following overview:

Year	Length of proceedings (actions on infrastructure projects assigned to the Federal Administrative Court at first instance)	
2019	10 months	23 days
2020	9 months	16 days
2021	12 months	18 days
2022	12 months	18 days
2023	10 months	17 days

Proceedings on bans on associations

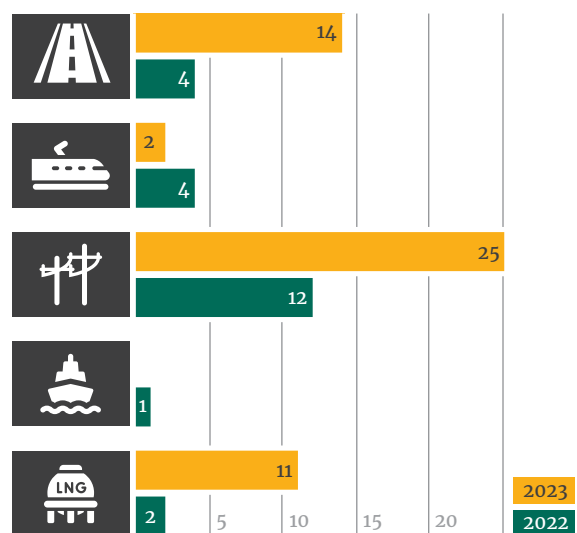
With regard to proceedings on bans on associations, for which the Federal Administrative Court has jurisdiction at first and last instance and which usually require a special effort, in 2023, 15 actions, and thus more than in the previous year (2022: 2), were brought before the Court.

The average length of these proceedings amounted to 23 months and 2 days.

Proceedings in economic administrative law

With regard to proceedings in economic administrative law/under the Energy Security of Supply Act (EnSiG, *Energiesicherungsgesetz*), for which the Federal Administrative Court has jurisdiction at first and last instance, in 2023, 3 actions were brought before the Court.

The average length of these proceedings amounted to 7 months and 24 days.



Comparison of the new proceedings at first instance concerning infrastructure projects, 2022/2023