



Federal Administrative Court  
Supreme Court

## Business situation of the Federal Administrative Court in 2018

### 1. General overview

Compared to the previous year, the number of new proceedings brought to the Federal Administrative Court (BVerwG, *Bundesverwaltungsgericht*) has decreased in 2018. Last business year, a total of 1,344 proceedings were brought before the Court. This means a decrease of 7.9% compared with 2017. At the same time, the number of terminated proceedings could be increased by 2.4% to 1,441 (previous year: 1,407). 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 could be significantly reduced (685 compared to 782 in the previous year) and reaches approximately the value of the year 2014 (688 pending proceedings). 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 2014 to 2018

## 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 remained stable: the average length was 11 months and 12 days compared to 11 months and 7 days in 2017. The length of appeal proceedings on points of law which were decided by means of a judgment has slightly increased compared to the previous year.

Over the past five years, the total average length of appeal proceedings on points of law which were decided by means of a judgment amounted to:

| Year | Length of proceedings |         |
|------|-----------------------|---------|
| 2014 | 13 months             | 25 days |
| 2015 | 13 months             | 23 days |
| 2016 | 11 months             | 27 days |
| 2017 | 12 months             | 9 days  |
| 2018 | 14 months             | 16 days |

Compared to the previous year, the length of the **complaint proceedings** has decreased: On average, they were brought to a termination within 3 months and 29 days. 56.23% of the complaint proceedings were terminated within 3 months and 70.77% were terminated within 6 months, counting from the time when the proceedings were brought before the Federal Administrative Court.

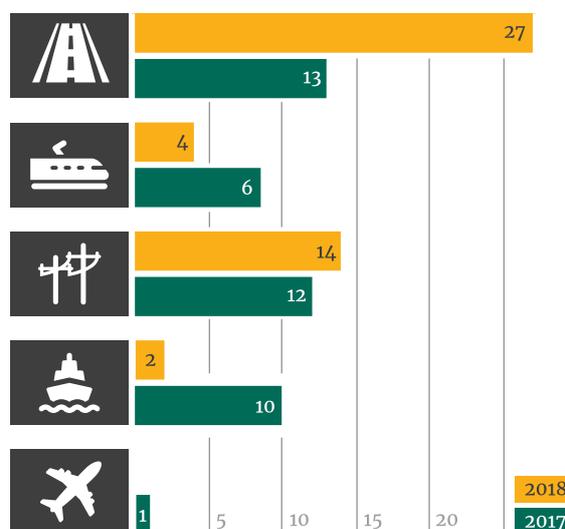
## 3. Proceedings at first instance concerning infrastructure projects and brought under section 58a of the Residence Act

### 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 2018, 47 actions, and thus more than in the previous year (2017: 42), were brought before the Court. In terms of such infrastructure projects, 7 applications for temporary relief have been filed. That was a little less than in 2017 (11).

The number of new proceedings is distributed as follows: 27 actions in trunk road law (2017: 13), 4 actions in railway law (2017: 6), 14 actions in law on the expansion of power supply lines (2017: 12), 2 actions in waterways law (2017: 10) and no action in law on aerodrome construction (2017: 1).

The table shows a comparison of the average length of proceedings concerning actions on infrastructure projects which were assigned to the Federal Administrative Court at first instance:



Comparison of the new proceedings at first instance concerning infrastructure projects, 2017/2018

| Year | Length of proceedings |         |
|------|-----------------------|---------|
| 2014 | 11 months             | 18 days |
| 2015 | 8 months              | 16 days |
| 2016 | 11 months             | 6 days  |
| 2017 | 11 months             | 10 days |
| 2018 | 12 months             | 23 days |

The shorter duration of proceedings in 2015, when compared to the other years, was due to a higher number of matters terminated in other ways than by a decision on the merits.

### Proceedings brought under section 58a of the Residence Act

For the first time in 2017, the Federal Administrative Court had to decide at first and last instance on deportation orders averting a particular threat to the security of the Federal Republic of Germany or a terrorist threat pursuant to section 58a of the Residence Act (*AufenthG, Aufenthaltsgesetz*). In 2018, the number of new proceedings of this type has decreased significantly. In addition to 3 actions (2017: 11), 5 applications for temporary relief (2017: 13) were brought before the Court. Whereas the average length of proceedings concerning actions which were decided by means of a judgment has increased compared to the previous year, the length of proceedings concerning applications for temporary relief was reduced to 1 month and 22 days.

