



BO-ECLI Conference

Implementation of the European Case Law Identifier in Germany



*Better
Access to
Case Law*

ECLI:DE:BVerfG:2017:rk20170125.2bvr255716
ECLI:DE:BGH:2017:190117BIZB94.16.0
ECLI:DE:BVerwG:2017:120117B1B115.16.0
ECLI:DE:BFH:2017:U.301116.VR48.15.0
ECLI:DE:BAG:2017:151216.U.6AZR430.15.0
ECLI:DE:BSG:2017:250117UB3P215R0



National ECLI coordinator

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Implementation at Federal Level



court	assignment of ECLI	allocation for the EU crawler
Federal Constitutional Court (BVerfG)	implemented in 2015	yes (2016)
Federal Court of Justice (BGH)	implemented in 2016	to be done
Federal Administrative Court (BVerwG)	implemented in 2013	yes
Federal Fiscal Court (BFH)	implemented in 2016	to be done
Federal Labour Court (BAG)	implemented in 2015	to be done
Federal Social Court (BSG)	implemented in 3/2017	to be done
Federal Patent Court (BPatG)	implementation planned	to be done

ECLI-identifiers at Federal Level



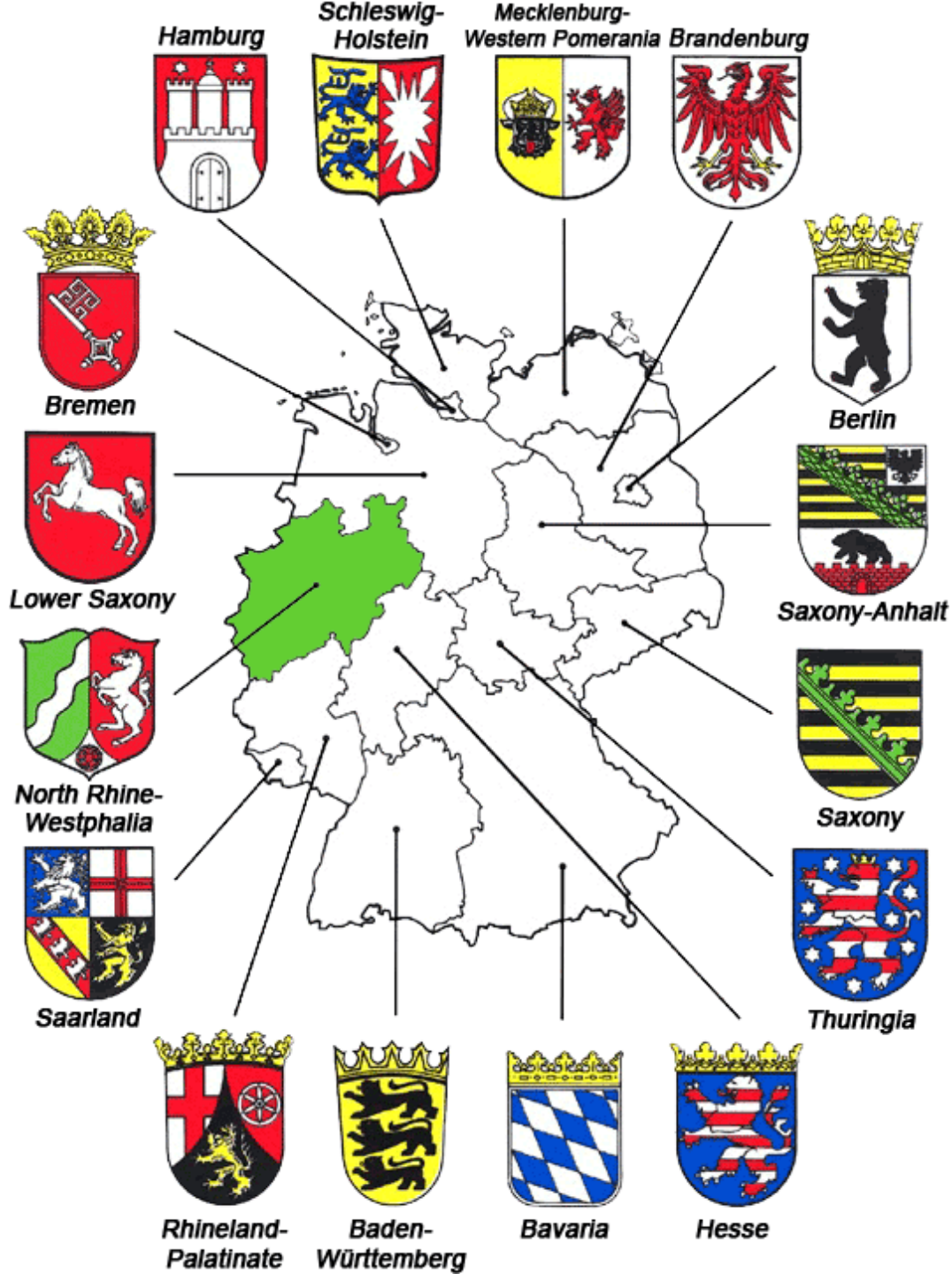
	ECLI		country code		court code		year of the decision		ordinal number
Federal Constitutional Court	ECLI	:	DE	:	BVerfG	:	2017	:	rk20170125.2bvr255716
Federal Court of Justice	ECLI	:	DE	:	BGH	:	2017	:	190117BIZB94.16.0
Federal Administrative Court	ECLI	:	DE	:	BVerwG	:	2017	:	120117B1B115.16.0
Federal Fiscal Court	ECLI	:	DE	:	BFH	:	2017	:	U.301116.VR48.15.0
Federal Labour Court	ECLI	:	DE	:	BAG	:	2017	:	151216.U.6AZR430.15.0
Federal Social Court	ECLI	:	DE	:	BSG	:	2017	:	250117UB3P215R0

Implementation at State Level

North Rhine-Westphalia:
ECLI-assignment
implemented in 12/2016
via its own database
NRWE (www.nrwe.de)

remaining states:
ECLI-assignment planned
for the end of June 2017

allocation for EU-Crawler:
still an open question



availability of versions in different languages on the EU ECLI search

court	ECLI provider	authorative language (German)	translations	
			decision	abstract/ summary
Federal Constitutional Court (BVerfG)	BVerfG	yes	EN, FR, ES	no
Federal Administrative Court (BVerwG)	BVerwG	yes	no	no
Federal Administrative Court (BVerwG)	ACA-Europe	yes	no	EN, FR

Issuing country or institution:	Germany
Issuing court:	Bundesverfassungsgericht
Decision/judgment type:	Judicial decision
Date of decision/judgment:	30/06/2009
Wording of decision/judgment:	http://www.bverfg.de/entscheidungen/es20090630_2bve000208en.html  html
Publisher:	<i>This metadata is available in the following language(s) only:</i> DE
Authentic language(s):	DE
Creator:	<i>This metadata is available in the following language(s) only:</i> DE
Coverage:	<i>This metadata is available in the following language(s) only:</i> DE
Access type:	Public (decisions/judgments published in the public domain)

ECLI search portal:
entry for a decision of the Federal
Constitutional Court with multiple
languages available

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corresponding XML source code

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homepage of the Federal Court of Administration: translated decisions on Asylum, Immigration Law and Citizenship

https://www.bverwg.de/informationen/english/decisions/asylum_immigration_law.php

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Decisions in Asylum, Immigration Law and Citizenship



Important decisions of the Federal Administrative Court concerning the law of asylum and citizenship related to European Union Law are presented on the website in English translation.


Translator's Note: The Federal Administrative Court, or Bundesverwaltungsgericht, is the Federal Republic of Germany's supreme administrative court. This unofficial translation is provided for the reader's convenience and has not been officially authorized by the Bundesverwaltungsgericht. Page numbers in citations of international texts have been retained from the original and may not match the pagination in the parallel English versions.

When citing a decision, it is recommended to indicate the court, the date of the decision, the case number and the paragraph: BVerwG, Judgment/Decision of ... - BVerwG ... - para. ... for example: BVerwG, Judgment of 31 January 2013 - BVerwG 10 C 15.12 - para. 12

Translated versions:

[BVerwG 1 C 24.15](#)

released on 2016/04/27

 [Download PDF-file](#)

Asylum application; inadmissibility; responsibility; transfer of responsibility; taking back; willingness to take charge; transfer; transfer time limit; legal appeal; suspensive effect; deportation order; need for legal protection; complaint for lack of investigation; assessment of evidence.

Publishing date: 2016/08/09

[Full text](#) with headnote

homepage of the Federal Court of Administration: translated decisions on Asylum, Immigration Law and Citizenship

BVerwG 1 C 1.14 [ECLI:DE:BVerwG:2014:190814B1C1.14.0]

19 August 2014



[PDF-Download](#)

Translator's note: The Federal Administrative Court, or Bundesverwaltungsgericht, is the Federal Republic of Germany's supreme administrative court. This unofficial translation is provided for reader's convenience and has not been officially authorized by the Bundesverwaltungsgericht. Page numbers in citations of international texts have been retained from the original and may not match the pagination in the parallel English versions.

EN

[DE](#)

Sources in Law:

TFEU Articles 20, 45, 78, 267

Residence Act Section 5 (1) No. 1 and (3), Section 12 (2), Section 25 (2) and (3), Section 51 (6), Section 60 (2)

Geneva Convention Articles 23, 26

Charter of Fundamental Rights Article 18

ICCPR Article 12

Protocol No. 4 to ECHR Article 2

Directive 2011/95/EU Article 2 (d) and (g), Article 18, 20 (1) and (2), Articles 29, 33

Federal Court of Administration:
decision with translated abstracts

Issuing country or institution: Germany

Issuing court: Bundesverwaltungsgericht

Decision/judgment type: Judgment

Date of decision/judgment: 19/08/2014

Wording of decision/judgment: <http://www.aca-europe.eu/index.php/en/jurifast-en?ID=2554> htmlhttp://www.aca-europe.eu/WWJURIFAST_WEB/DOCS/DE01/DE01000933.pdf pdf

Field of law: Administrative law

Publisher: ACA-Europe

Title: Compatibility of domicile requirements under the Foreigner Law with the qualification directive

Abstract:

Germany – Bundesverwaltungsgericht (Federal Administrative Court) – File no: 1 C 1,3,7.14 Date of decision: 2014-08-19

Compatibility of domicile requirements under the Foreigner Law with the qualification directive The plaintiffs of the original case come from Syria and have entered Germany in 1998 and 2001. The status of persons with subsidiary protection has been awarded to them. On the basis of the social services contributions as per the Social Security Code II (SGB II), their residence permit is associated with the condition that their domicile must be in a specific city or in a specific administrative district. The defendants have based these domicile requirements on the General Administrative Directives of the Federal Ministry of The Interior, according to which an excessive financial burden on individual countries and communes should be prevented with the help of regional ties. The Higher Administrative Court of North Rhine-Westphalia considers these kinds of domicile conditions to be inconsistent with the European Union Law. These conditions conflict with the regulations of the qualification directive (Directive 2011/95/EU), which refer to the freedom of movement in the state territory (Article 33) and to the grants of social benefits. (Article 29). For persons with subsidiary protection status, nothing other than what is applicable for recognised refugees, for whom such conditions were prohibited by the Geneva Convention on Refugees according to the case law of the Federal Administrative Court, was applicable. On the other hand, the Higher Administrative Court of Lower Saxony considers such domicile conditions to be compatible with the European Union Law. The contents of the decisive regulations in the Qualitative Directive differ from the Geneva Convention on Refugees and fall short by one protection level. Therefore, domicile conditions must be directed towards the persons with subsidiary protection. The compatibility of domicile conditions, for persons with subsidiary protection, with the Directive 2011/95/EU raises doubts as regards the EU Law. Therefore, the 1st Review Senate has presented a case in the European Court of Justice, which puts forth the following questions (Case C-445/14): "Does the condition requiring residence to be taken up in a geographically limited area (municipality, district, region) of a Member State constitute a restriction of freedom of movement within the meaning of Article 33 of Directive 2011/95/EU, where the foreign national can otherwise move and reside freely in the territory of that Member State? Is a place of residence condition imposed on beneficiaries of subsidiary protection status compatible with Article 33 and/or Article 29 of Directive 2011/95/EU, where it is based on the objective of achieving a reasonable distribution of social assistance burdens among the relevant institutions within the territory of the State? Is a place of residence condition imposed on beneficiaries of subsidiary protection status compatible with Article 33 and/or Article 29 of Directive 2011/95/EU, where it is based on grounds of migration or integration policy, for instance to prevent points of social tension as a result of the accumulated settlement of foreign nationals in certain municipalities or districts? Are abstract migration or integration policy grounds sufficient in this regard or must such grounds be specifically ascertained?"

Authentic language(s): DE

Creator: *This metadata is available in the following language(s) only:* DE

Coverage: Germany

Access type: Public (decisions/judgments published in the public domain)

Reference: CELEX [32011L0095](#)

ECLI Search Engine



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