



Updated on: 10 November 2015

The Judicial Officer in the World

GERMANY

Name (singular and plural): **Gerichtsvollzieher - Gerichtsvollzieher**

Presentation

Generalities

Approx. 4 620 judicial officer are appointed within approx. 4 620 offices. They work together with approx. 49 trainees or assistants.
All are civil servants (State employed).
Each Gerichtsvollzieher has an administrative district.

Training

Initial and ongoing training of judicial officers

To become a judicial officer, no legal studies level is required.
There is an initial training for the future judicial officers.
This training is normally compulsory. Duration: 20 months.
An ongoing training is available for the judicial officers. This training is not compulsory.

Ongoing training for the staff of judicial officers

Ongoing training courses are not available for the staff of judicial officers.

The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer.
The judicial officers are appointed by the Ministry of Justice of the Land.
There is a limited number of judicial officers.
A judicial officer cannot exert his activities within a structure including another or several other judicial officers.

The profession is represented at National level by:

- Deutscher Gerichtsvollzieher Bund (DGVB) with 3.400 members. (only for Gerichtsvollzieher)
- Deutsche Justizgewerkschaft with approx. 200 members of Gerichtsvollzieher
- ver.di (DGB) with approx. 300 members of Gerichtsvollzieher



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Obligations of the judicial officer and ethical rules

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer.
No disciplinary rules are applicable to the profession of judicial officer.
The judicial officer is submitted to a control of his activities.

Activities

Enforcement of court decisions

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Arrest of persons according to a court decision.
- Handing of children according to a court decision.
- Bringing physically a party to a court hearing.
- Provisional measures on tangible movable goods of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Internet forced auction sale of tangible movable goods attached by the judicial officer.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.

When in charge of enforcement, the judicial officer has access to some information on the assets of the debtor.

Service of judicial or extrajudicial documents

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters.



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Forced public auction sales

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Internet auction sale of tangible movable goods attached by the judicial officer.

Voluntary Public Action Sale

The judicial officer can carry out the voluntary public auction sale of the following goods :

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.

Debt collection

The judicial officer cannot exert the activity of debt collecting.

Statements of facts

The judicial officer cannot carry out statements of facts when required by a natural or a legal person and/or on request of a Judge.

Sequestration of goods

The judicial officer can exert the activity of sequestration of goods.

Legal advice

The judicial officer cannot give legal advice.

Bankruptcy proceedings

The judicial officer cannot exert a professional activity in the field of bankruptcy procedures.

Missions entrusted to the judicial officer by a judge

A judge cannot appoint a judicial officer to carry out a specific mission.

Mediation

The judicial officer cannot exert the activity of mediation.

Representation of parties in the court

The judicial officer cannot represent parties in the court.



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Drawing up of private deeds and documents

The judicial officer cannot draw up private deeds and documents for natural and legal persons.

Court service

The judicial officer is not in charge of the court service.

Real estate management

The judicial officer cannot exert the activity of real estate agent.