



Update: May 2023

## The Judicial Officer in the World

### GERMANY

Name (singular and plural):

- **Gerichtsvollzieher – Gerichtsvollzieher (male)**
- **Gerichtsvollzieherin – Gerichtsvollzieherinnen (female)**

### Presentation

#### Generalities

Approx. 3690 judicial officers are appointed, working in own offices with own staff. All are civil servants (State employed in a Federal German State). Each Gerichtsvollzieher has an administrative district in a local court district.

#### Training

##### Initial and ongoing training of judicial officers

To become a judicial officer, no legal studies level is required in 15 of the 16 German Lands. Only in Baden-Württemberg the judicial officers have an education on a special college for judicature (36 months). In the other lands 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

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 in relation to the number of administrative districts. Each judicial officer is responsible in his profession, and he 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 about 3.100 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 by a special court for enforcement.

## Activities exerted by the judicial officers

### Enforcement of court decisions

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

- Clearing up the assets of the debtor.
- Payment agreements with the debtor.
- 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.
- 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. The judicial officer has no responsibilities for the attachment of real property or seizable requests of the debtor. This is in the responsibility of special enforcement courts within the district courts.

### Service of judicial or extrajudicial documents

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

### 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.



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### Voluntary public auction sales

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 by order of the holder of a lien.

<b>Other activities (X = yes)</b>	
Debt collection	
Statements of facts	
Sequestration of goods	X
Legal advice	
Bankruptcy proceedings	
Missions entrusted by a judge	
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	