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Dispute resolution Implementation

Heruntergeladen am 08.07.2025

<https://fimportal.de/xzufi-services/121343518/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99046037058000, 99046037058000
Leistungsbezeichnung I	Dispute resolution Implementation
Leistungsbezeichnung II	Arbitration of disputes
Typisierung	4 - Land: Regelung
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Durchführung (058)
SDG-Informationsbereich	
Lagen Portalverbund	Außergerichtliche Verfahren und Streitschlichtung (1150100), Gerichtliche Entscheidungen (2140300)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	02.07.2021

Modul	Sachverhalt
Fachlich freigegeben durch	Ministry of Justice of the State of North Rhine-Westphalia
Handlungsgrundlage	<p>§§ 44 ff. Law on the Judiciary in the State of North Rhine-Westphalia (North Rhine-Westphalia Judiciary Act - JustG NRW)</p> <p>Law on the Arbitration Office in the Municipalities of North Rhine-Westphalia (Arbitration Office Act - SchAG NRW)</p> <p>https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000673</p> <p>https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=2820110406183566928</p> <p>https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000673</p> <p>https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=2820110406183566928</p>
Teaser	Dispute resolution is carried out by arbitration offices and other conciliation boards recognized by the respective higher regional court.
Volltext	<p>You do not necessarily have to go to court for minor legal disputes or in everyday trivial cases. Recognized arbitration boards offer you an inexpensive and simple way of settling disputes. These include the arbitration offices of the municipalities, but also the other arbitration offices recognized by the respective higher regional court.</p> <p>In certain civil disputes, you must even attempt mediation before initiating legal proceedings. You can find more information on this in the text Arbitration is mandatory.</p> <p>Arbitration offices are run by honorary arbitrators. They focus their activities on the negotiation of everyday civil law disputes, e.g. neighborhood and tenancy disputes or disputes over monetary claims, etc.</p> <p>Arbitration offices can also become involved in criminal disputes, such as minor offenses, e.g. trespassing, insults, minor bodily harm or damage to property. If</p>

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you wish to pursue one of these offenses in court yourself, there is even an obligation to first attempt mediation (so-called attempt at conciliation). Only if the attempt at conciliation is unsuccessful can a private action be brought before the competent criminal court.

The honorary arbitrators are formally appointed by the competent district court. They live and reside in the municipality of the arbitration office and often know the human background of a dispute. As a result, they often have better suggestions for settling a dispute than a court could with its procedural means.

The other recognized conciliation boards offer a further possibility for dispute resolution in civil law disputes. These are individuals (e.g. lawyers), but also institutions (e.g. lawyers' association, Chamber of Industry and Commerce, Chamber of Crafts, etc.) that are recognized by the respective Higher Regional Court. The people working there often have special qualifications in the field of mediation.

Erforderliche Unterlagen

The following documents are required to initiate proceedings at an arbitration office:

- signed application with the names and addresses of the parties and their legal representatives a general description of the subject matter of the dispute and signed by the requesting party.
- Copies of the application for the other party

The documents required for proceedings at another recognized conciliation office should be requested from the respective conciliation office.

Voraussetzungen

Kosten

In proceedings before the arbitration offices, the fee for the arbitration hearing is 10.00 euros; if a settlement is reached, the fee is 25.00 euros. This fee can be increased by the arbitrator up to 40.00 euros. In addition, expenses (e.g. postage costs) may be incurred by the arbitrator. In the case of proceedings at another recognized conciliation office, the fees are based on a scale of costs set by the conciliation office

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Verfahrensablauf

You initiate proceedings at an arbitration office by submitting an application to the competent arbitrator. You must either submit the application in writing or make an oral statement for the record.

The arbitrator will then usually set a date for the arbitration hearing and summon the parties, as they must appear in person at the hearing. Under certain circumstances, it is also possible to be represented at the hearing.

If an agreement is reached at the conciliation hearing, it is recorded in minutes. This record can be enforced in the same way as a settlement reached in court.

You should ask the respective conciliation office about the requirements and procedure for proceedings at another recognized conciliation office.

Bearbeitungsdauer

Frist

weiterführende Informationen

Brochure Legal problems at the garden boundary:
https://broschuerenservice.justiz.nrw/justizministerium/shop/Rechtsprobleme_an_der_Gartengrenze. Justice portal of the state of NRW:
https://www.justiz.nrw/Gerichte_Behoerden/anschriften/aussergerichtliche_streitschlichtung_neu/Info/index.php Database of the judiciary of the state of North Rhine-Westphalia:
<https://streitschlichtung.nrw.de/JOLStreit/> Website of the Association of German Arbitrators (Bundes Deutscher Schiedsmänner und Schiedsfrauen e.V.)
<https://www.schiedsamt.de/startseite>

Hinweise

The arbitration office can be called upon in the following cases:

- In civil disputes (civil matters). This is particularly recommended in the case of disputes between neighbors and housemates and in the case of disputes over monetary claims by local parties. Mandatory dispute resolution is provided for some civil law disputes, i.e. a lawsuit would only be admissible in any

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case if an attempt had first been made to settle the dispute by mutual agreement before an arbitration office or other recognized conciliation body. This includes certain disputes under neighboring law, e.g. due to immissions, overgrowth, encroachment, a boundary tree and neighboring rights under the North Rhine-Westphalian Neighboring Rights Act. Also in civil law claims for defamation and violations of the General Equal Treatment Act (AGG)

- In "minor" criminal cases. In the case of many minor criminal offenses, such as trespassing, insults, violation of the secrecy of correspondence, minor bodily harm, threats and damage to property, the public prosecutor's office can deny the public interest in prosecuting the offense. In these cases, the "injured party" or "aggrieved party" must first turn to the arbitration office before a private action can be brought against the "accused" before the criminal court.

The scope of activity of other recognized arbitration boards is determined by their respective arbitration regulations and should be inquired about there in advance.

Rechtsbehelf

Kurztext

- Dispute resolution by an arbitration office or other recognized conciliation body
- Minor civil disputes (civil law), e.g. neighborhood and tenancy disputes, sometimes also criminal disputes such as trespassing, insults, minor bodily injury or damage to property

Ansprechpunkt

Zuständige Stelle

Formulare

Ursprungsportal

Dispute resolution Implementation, Streitschlichtung Durchführung