

99046037058001, 99046037058001

# Dispute resolution Implementation mandatory

Heruntergeladen am 09.07.2025

<https://fimpportal.de/xzufi-services/121343519/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99046037058001, 99046037058001
Leistungsbezeichnung I	Dispute resolution Implementation mandatory
Leistungsbezeichnung II	Arbitration of disputes prior to legal proceedings
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	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	02.07.2021
Fachlich freigegeben durch	Ministry of Justice of the State of North Rhine-Westphalia
Handlungsgrundlage	<p>§§ 53 ff. Law on the Judiciary in the State of North Rhine-Westphalia (North Rhine-Westphalia Judiciary Act - JustG NRW)</p> <p>§ Section 15a EGZPO</p> <p>Law on the Arbitration Office in the Municipalities of the State of North Rhine-Westphalia (Arbitration Office Act - SchAG NRW)</p> <p><a href="https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000673">https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000673</a></p> <p><a href="http://www.gesetze-im-internet.de/zpoeg/_15a.html">http://www.gesetze-im-internet.de/zpoeg/_15a.html</a></p> <p><a href="https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=2820110406183566928">https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=2820110406183566928</a></p> <p><a href="https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000673">https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000673</a></p> <p><a href="http://www.gesetze-im-internet.de/zpoeg/_15a.html">http://www.gesetze-im-internet.de/zpoeg/_15a.html</a></p> <p><a href="https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=2820110406183566928">https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=2820110406183566928</a></p>
Teaser	In certain civil disputes (civil law), you must attempt mediation before you can take legal action in court (mandatory dispute resolution).
Volltext	<p>In certain civil disputes (civil law), you must attempt mediation before you can take legal action in court.</p> <p>This applies in particular to some claims under neighboring law, e.g. due to</p> <ul style="list-style-type: none"> <li>• immissions, overgrowth (of roots, branches, etc.), encroachment (of fruit, etc.), a boundary tree</li> <li>• Neighbor rights according to the North Rhine-Westphalian Neighbor Rights Act</li> <li>• civil law claims for defamation</li> <li>• violations of the General Equal Treatment Act (AGG).</li> </ul> <p>An attempt at conciliation is mandatory in these cases</p>

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if both parties live in the same district court district or have their registered office or a branch office.

An attempt at conciliation is not necessary if you wish to assert a claim in the dunning procedure. In certain other cases, in particular disputes in family matters and claims asserted in documentary or bill of exchange proceedings, a prior attempt at mediation is also not required.

In cases of compulsory dispute resolution, you should try to find an amicable solution together with you and your opponent through an impartial mediator or arbitrator working at the arbitration office or another recognized conciliation office. One of the advantages of such a solution is that it can usually be implemented more quickly and helps to avoid a lengthy legal dispute over several instances, which ultimately saves time and money. If an agreement is reached in the conciliation hearing, it is recorded in a protocol. You can enforce this record in the same way as a settlement reached in court. If your opponent fails to attend the conciliation hearing without excuse or if an agreement is not reached, this will be noted in a certificate. You can then use this to file an action in court. The aim of a mediation attempt is to strengthen independent conflict resolution and improve legal peace.

Please also note that compulsory mediation is not only provided for certain civil law disputes, but also for certain criminal offenses. If you, as the affected party, wish to pursue an offense yourself in court as a private action, you must first carry out a so-called attempt at reconciliation. This includes minor offenses such as trespassing, insult, violation of the secrecy of correspondence, slight bodily harm, threats and damage to property.

## Erforderliche Unterlagen

You will need the following documents 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.

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- Copies of the application for the other party

You should ask the respective conciliation office which documents you need for proceedings at another recognized conciliation office

## Voraussetzungen

You must carry out compulsory dispute resolution if it concerns one of the following disputes:

- certain neighbor disputes,,
- disputes about claims for violations of personal honor that were not committed in the press or on the radio, or
- civil law claims under the General Equal Treatment Act (AGG).

Note: An attempt at conciliation is not necessary if you wish to assert a claim in the dunning procedure. In certain other cases, in particular disputes in family matters and claims asserted in documentary or bill of exchange proceedings, you do not have to make an attempt at conciliation beforehand. Furthermore, an attempt at conciliation is only required if both parties live in the same district or have their registered office or branch office in the same district.

## 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 determined by a schedule of costs set by the conciliation office.

## 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.

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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](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](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**
**Rechtsbehelf**
**Kurztext**

- Dispute resolution Implementation mandatory
- Dispute resolution by an arbitration office or other recognized conciliation office
- 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**

Streitschlichtung Durchführung obligatorisch, Dispute resolution Implementation mandatory