

99046037058001, 99046037058001

Dispute resolution Implementation mandatory

Heruntergeladen am 09.07.2025

<https://fimportal.de/xzufi-services/115538389/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99046037058001, 99046037058001
Leistungsbezeichnung I	Dispute resolution Implementation mandatory
Leistungsbezeichnung II	
Typisierung	4 - Land: Regelung
Quellredaktion	Brandenburg
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	22.11.2023
Fachlich freigegeben durch	Ministry of Justice of the State of Brandenburg
Handlungsgrundlage	<p>§ Section 380 of the Code of Criminal Procedure (StPO)</p> <p>Brandenburg Arbitration and Conciliation Board Act (BbgSchGG)</p> <p>https://www.gesetze-im-internet.de/zpoeg/_15a.html</p> <p>https://www.gesetze-im-internet.de/zpoeg/_15a.html</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 to reach an out-of-court settlement before you can take legal action in court.</p> <p>This applies to claims under neighboring law due to immissions, overhanging roots or branches, overhanging fruit, due to a border tree and the neighboring rights regulated in the Brandenburg Neighboring Rights Act as well as in defamation disputes (outside of press and broadcasting).</p> <p>In these cases, there is no need for a settlement attempt if both parties do not live in the same district or have their registered office or place of business there.</p> <p>An attempt at settlement is not necessary if you wish to assert a claim in dunning proceedings. In certain other cases, in particular disputes in family matters and claims asserted in documentary or bill of exchange proceedings, a prior settlement attempt is also not required.</p> <p>In cases of mandatory dispute resolution, you should try to find an amicable solution together with the opposing party through the impartial assistance of an arbitration board or recognized conciliation office. One of the advantages of such a solution is that it can</p>

Modul

Sachverhalt

usually be implemented more quickly and cost-effectively and avoids a lengthy legal dispute over several instances. The aim of a settlement attempt is to strengthen independent conflict resolution and improve legal peace.

If an agreement is reached, it is recorded in a protocol. You can enforce a settlement reached before an arbitration board or recognized conciliation office in the same way as a settlement reached in court.

If the other party fails to attend the 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. Please also note that mandatory dispute resolution is not only provided for certain civil law disputes, but also for certain criminal offenses. If you, as the person concerned, wish to pursue an offense in court yourself as a private action, you must first carry out a so-called attempt at reconciliation for certain offenses. These include minor offenses such as trespassing, insults, violation of the secrecy of correspondence, minor bodily harm, threats and damage to property. The arbitration boards of the municipalities are responsible for carrying out a conciliation attempt.

Erforderliche Unterlagen

The following documents are required to initiate proceedings before an arbitration board:

- signed application with the names and addresses of the parties and their legal representatives a brief description of the dispute and the objective to be pursued by bringing the matter before the arbitration board
- Copies of the application for the other party

If the arbitrator has opened an account for the receipt of electronic documents for the exercise of his/her office, an e-mail (without copies) is sufficient.

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

Modul

Sachverhalt

Voraussetzungen

You must make an obligatory attempt to reach an agreement if one of the following disputes is involved:

- certain neighbor disputes or
- disputes about claims for violations of personal honor that have not been committed in the press or on the radio.

Notice: An attempt at conciliation is not necessary if you wish to assert a claim in the order for payment 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 necessary if both parties live in the same district or have their registered office or branch there.

Kosten

In proceedings before an arbitration board, the fee for the arbitration hearing is EUR 15.00, or EUR 25.00 if a settlement is reached. This fee may be increased by the arbitration board to a maximum of EUR 75.00, taking into account the scope and difficulty of the case. In addition, expenses (e.g. postage costs) may be incurred by the arbitrator.

In the case of proceedings before a recognized conciliation office, the costs for the conciliation proceedings are determined by the rules of procedure laid down by the conciliation office. The costs for conducting a conciliation attempt in disputes of mandatory dispute resolution before a recognized conciliation office may not exceed EUR 250.

Verfahrensablauf

You initiate proceedings before an arbitration board by submitting an application to the competent arbitrator. The arbitrator will then usually set a date for the arbitration hearing and invite the parties to attend the hearing in person. 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.

Modul	Sachverhalt
	<p>You should ask the respective conciliation office about the requirements and procedure for proceedings at a recognized conciliation office. The settlement concluded before a recognized conciliation office is enforceable in the same way as a settlement concluded before a court.</p>
Bearbeitungsdauer	
Frist	
weiterführende Informationen	<p>Arbitration boards are generally published on the websites of the local courts in whose district they are based and the relevant municipalities.</p> <p>A list of the recognized arbitration boards in the state of Brandenburg is published on the website of the Brandenburg Higher Regional Court. https://ordentliche-gerichtsbarkeit.brandenburg.de/ogb/de/service/aussergerichtliche-streitbeilegung/ https://ordentliche-gerichtsbarkeit.brandenburg.de/ogb/de/service/aussergerichtliche-streitbeilegung/</p>
Hinweise	
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Mandatory out-of-court dispute resolution • Dispute resolution through municipal arbitration boards or recognized conciliation boards • Neighborhood and defamation disputes (civil law) <p>Criminal arbitration proceedings (attempted conciliation) at arbitration boards, e.g. in cases of trespassing, insults, minor bodily harm and damage to property</p>
Ansprechpunkt	Arbitration boards and recognized arbitration bodies
Zuständige Stelle	<p>Arbitration boards of the municipalities</p> <p>recognized arbitration boards within the meaning of Section 794(1)(1) of the Code of Civil Procedure</p>
Formulare	
Ursprungsportal	Dispute resolution Implementation mandatory,

Modul

Sachverhalt

Streitschlichtung Durchführung obligatorisch