

**Order issued by the Plenary of the Federal Constitutional Court on
24 November 2015 pursuant to § 14(4) of the Federal Constitutional Court Act**

Translation by the Federal Constitutional Court

On 24 November 2015, the Plenary of the Federal Constitutional Court, acting under § 14(4) of the Federal Constitutional Court Act (*Bundesverfassungsgerichtsgesetz*) in the version published on 11 August 1993 (Federal Law Gazette, *Bundesgesetzblatt* – BGBl I p. 1473) and most recently amended by Article 8 of the Regulation of 31 August 2015 (BGBl I p. 1474), decided as follows:

The Order of the Plenary of the Federal Constitutional Court of 15 November 1993 (BGBl I p. 2492) and most recently amended by the Order of the Plenary of 19 November 2014, is recast as follows:

A.

Effective 1 January 2016, in deviation from § 14(1) to (3) of the Federal Constitutional Court Act, the Second Senate of the Federal Constitutional Court shall also be competent

I. for abstract or specific judicial review proceedings (§ 13 nos. 6 and 11 of the Federal Constitutional Court Act) and constitutional complaints with the following subject-matters:

1. asylum law;
2. the right of residence and international mutual assistance in criminal matters;
3. nationality law;
4. the law pertaining to the civil service, and the law pertaining to employment by religious societies whose employment law is modelled on that of the civil service, including the disciplinary law for both fields;
5. military service law and alternative civilian service law, including the disciplinary law for both fields;

6. criminal law and the law of criminal procedure, excluding proceedings primarily concerning the interpretation and application of Article 5 or Article 8 of the Basic Law;
7. implementation of pre-trial detention and prison sentences, as well as custodial measures of prevention and correction and orders for and implementation of other measures of deprivation of liberty;
8. administrative fining proceedings;
9. law on income tax including church tax law.

II. for both judicial review proceedings and constitutional complaints that are brought before the Court in the judicial year 2016 and that deal with

1. the law on displaced persons from the territories of the former German Reich;
2. corporate tax law and tax law on corporate transformations;
3. weapons law;
4. the right of petition;
5. the law on execution sales and compulsory enforcement [of judgments and other executory titles] (excluding certain proceedings for a judicial decision on substantive claims);
6. insolvency law (excluding proceedings in which a violation of Article 12 of the Basic Law is asserted);
7. the law on home ownership;
8. the law on contracts for services and contracts for work and labour excluding the law on lawyer-client agreements.

III. For constitutional complaints that are brought before the Court from the judicial year 2016 and thereafter and that deal with civil matters, **with the exception of** the following subject-matters (including all related proceedings with regard to liability for breach of official duty, legal costs, legal aid, legal assistance, and judicial delay):

1. the general right of personality;
2. freedom of faith and freedom to profess a belief (Article 4(1) and (2) of the Basic Law);
3. freedom of expression, information, broadcasting and the press (Article 5 of the Basic Law);

4. family law (including the law related to guardianship, naming, civil status and transsexuals);
5. intellectual property law;
6. data protection law;
7. freedom of the arts and freedom of research and teaching (Article 5(3) of the Basic Law);
8. freedom of assembly (Article 8 of the Basic Law);
9. freedom of association (Article 9 of the Basic Law);
10. the law relating to self-employed and generally individually exercised professions (including the law relating to the pension schemes for such professions);
11. inheritance law;
12. tenancy law;
13. competition law;
14. property matters related to real estate and to corporations in connection with German reunification;
15. construction and land law including the law relating to land development and expropriation;
16. company law including co-operatives law;
17. the law pertaining to the insurance sector;
18. banking, stock exchange and securities law;
19. credit law including collateral security interests;
20. law relating to financial market stabilisation including expropriations;
21. regulatory law;
22. the law on lawyer-client agreements;
23. other matters of tort law;
24. commercial law matters relating to public health insurance.

IV. Furthermore, for judicial review proceedings and constitutional complaints

1. that mainly deal with the interpretation and application of international law or of Articles 23, 24 and 59 of the Basic Law, with the exception of the individual human rights guarantees;
2. that primarily concern issues other than the interpretation and application of Articles 1 to 17, 19, 101 and 103(1) of the Basic Law (also in conjunction with the principle of rule of law).

B. The previous delimitation of competences between the Senates shall continue to apply to cases brought before the Court on or before 31 December 2015.

Karlsruhe, 24 November 2015

The President of the Federal Constitutional Court

Prof. Dr. Andreas Voßkuhle