



# **Federal Constitutional Court**

- Annual Statistics 2010 -

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**for the judicial year 2010**

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## Proceedings brought

since 7 September 1951 until 31 December 2010

**Proceedings brought** (total) **188.810** ; of these,

182.151	(96,47%)	constitutional complaints,
3.641	(1,93%)	proceedings involving the abstract <sup>1</sup> and the concrete <sup>2</sup> review of statutes,
8	(0,01%)	party-ban proceedings,
2.985	(1,58%)	other types of proceedings, e.g. disputes between the Federation and the <i>Länder</i> (states), disputes between supreme federal bodies and other constitutional disputes at the federal and the <i>Länder</i> level,
25	(0,01%)	former types of proceedings conducted until 1960 <sup>3</sup>

**Proceedings terminated** (total) **185.827** ; of these:

179.258	(96,46%)	constitutional complaints; of these, <b>4.205</b> were <b>successful = 2,3%</b>
3.583	(1,93%)	proceedings involving the abstract and the concrete review of statutes,
8	(0,01%)	party-ban proceedings,
2.953	(1,59%)	other types of proceedings,
25	(0,01%)	former types of proceedings conducted until 1960

**Proceedings still pending:** **2.983** ; of these:

2.893	(96,98%)	constitutional complaints,
58	(1,94%)	proceedings involving the abstract and the concrete review of statutes,
32	(1,08%)	other types of proceedings

of these,

1.656	(55,51%)	were dealt with by the First Senate, and
1.327	(44,49%)	were dealt with by the Second Senate

1 Article 93.1 no. 2 of the Basic Law (*Grundgesetz* - GG)

2 Article 100.1 GG

3 File numbers: BvT and PBvV; see page 7

## New proceedings brought since 7 September 1951

Year	First Senate	Second Senate	together
1951	476* (473+3 <sup>1</sup> and 4 <sup>4</sup> )	5	481
1952	1008* (1,005+3 <sup>2</sup> and 4 <sup>4</sup> )	9	1.017
1953	736* (735+1 <sup>2</sup> )	7	743
1954	571* (567+4 <sup>2</sup> )	6	577
1955	587* (585+2 <sup>2</sup> )	7	594
1956	734* (732+2 <sup>2</sup> )	74* (73+1 <sup>1</sup> )	808
1957	807	37* (34+3 <sup>1</sup> )	844
1958	1114* (1,110+4 <sup>2</sup> and 3 <sup>3</sup> )	96* (95+1 <sup>1</sup> )	1.210
1959	1.190	28	1.218
1960	635* (634+1 <sup>2</sup> )	747	1.382
1961	544	512	1.056
1962	728	732	1.460
1963	688	726	1.414
1964	808	830	1.638
1965	767	737	1.504
1966	810	770	1.580
1967	786	812	1.598
1968	814	786	1.600
1969	850	809	1.659
1970	845	832	1.677

\* corrected figure  
proceedings (see p. 7) on:

- <sup>1</sup> Senate jurisdiction
- <sup>2</sup> legal aid
- <sup>3</sup> decisions passed by the Plenum
- <sup>4</sup> legal opinions

## **New proceedings brought since 7 September 1951**

Year	First Senate	Second Senate	together
1971	494	1.048	1.542
1972	655	943	1.598
1973	2.374	947	3.321 <sup>1</sup>
1974	506	1.131	1.637
1975	512	1.076	1.588
1976	1.079	1.389	2.468 <sup>2</sup>
1977	1.263	1.277	2.540
1978	1.701	1.095	2.796
1979	1.499	1.612	3.111
1980	1.588	1.519	3.107
1981	1.527	1.571	3.098
1982	1.741	1.845	3.586
1983	1.829	2.117	3.946
1984	1.765	1.719	3.484
1985	1.547	1.594	3.141
1986	1.587	1.473	3.060
1987	1.690	1.786	3.476
1988	1.803	1.899	3.702
1989	1.669	2.089	3.758
1990	1.609	1.791	3.400
1991	2.016	2.061	4.077
1992	2.049	2.382	4.431
1993	2.319	3.121	5.440
1994	2.551	2.773	5.324
1995	2.776	3.135	5.911

1 1,735 of these were parallel proceedings (concerning the stability supplement)  
2 381 of these were parallel proceedings (concerning § 218 of the Criminal Code (StGB))



Year	First Senate	Second Senate	together
1996	2.599	2.647	5.246
1997	2.636	2.442	5.078
1998	2.419	2.364	4.783
1999	2.303	2.582	4.885
2000	2.402	2.429	4.831
2001	2.328	2.292	4.620
2002	2.496	2.196	4.692
2003	2.738	2.462	5.200
2004	3.006	2.583	5.589
2005	2.786	2.319	5.105
2006	3.288	2.827	6.115
2007	3.367	2.787	6.154
2008	3.677	2.701	6.378 <sup>1</sup>
2009	3.321	3.187	6.508
2010	3.331	3.091	6.422 <sup>2</sup>

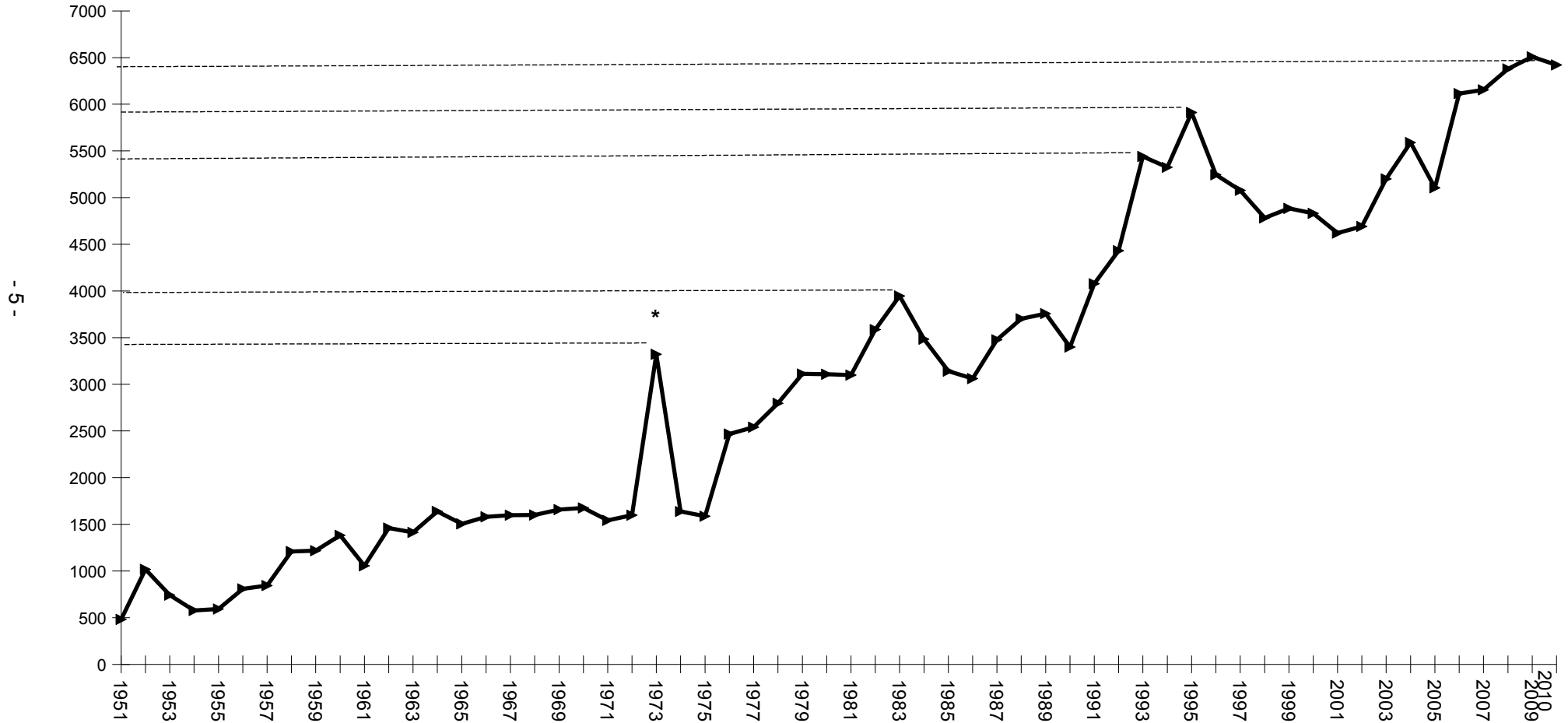
1 163 of these were parallel proceedings (concerning banking law, stock exchange law and law on securities)

2 130 of these were parallel proceedings (concerning banking law, stock exchange law and law on securities)

### New proceedings brought since 7 September 1951

	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961
Senat 1 + Sena	481	1.017	743	577	594	808	844	1.210	1.218	1.382	1.056

# New proceedings brought since 7 September 1951



\* 1,735 of these were parallel proceedings (concerning the stability supplement)

### New proceedings brought since 7 September 1951

1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974
1.460	1.414	1.638	1.504	1.580	1.598	1.600	1.659	1.677	1.542	1.598	3.321*	1.637

**New proceedings brought since 7 September 1951**

### New proceedings brought since 7 September 1951

1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
1.588	2.468*	2.540	2.796	3.111	3.107	3.098	3.586	3.946	3.484	3.141	3.060	3.476

**New proceedings brought since 7 September 1951**

### New proceedings brought since 7 September 1951

1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
3.702	3.758	3.400	4.077	4.431	5.440	5.324	5.911	5.246	5.078	4.783	4.885	4.831



**New proceedings brought since 7 September 1951**

**New proceedings brought since 7 September 1951**

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
4.620	4.692	5.200	5.589	5.105	6.115	6.154	6.378	6.508	6.422

**New proceedings brought since 7 September 1951**

## New proceedings

Type of proceedings	File no.	Until 2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Forfeiture of fundamental rights (Article 18 GG)	BvA	4	-	-	-	-	-	-	-	-	-	-	4
Ruling on the unconstitutionality of political parties (Article 21.2 GG)	BvB	5	3	-	-	-	-	-	-	-	-	-	8
Complaints in proceedings involving the scrutiny of elections (Article 41.2 GG)	BvC	144	-	-	7	12	3	6	11	1	1	16	201
Impeachment of the Federal President (Article 61 GG)	BvD	-	-	-	-	-	-	-	-	-	-	-	-
Constitutional disputes between federal bodies (Article 93.1 no.1 GG)	BvE	130	2	3	1	3	10	5	6	6	2	3	171
Review of statutes upon application by a constitutional body (Article 93.1 no. 2 GG)	BvF	141	4	3	4	1	8	1	1	-	2	-	165
Constitutional disputes between the Federation and the <i>Länder</i> (states) (Article 93.1 no. 3 and Article 84.4 sentence 2 GG)	BvG	35	2	2	-	2	3	-	-	-	-	1	45
Disputes involving public law (Article 93.1 no. 4 GG)	BvH	73	-	-	-	1	-	-	-	-	-	-	74
Impeachment of judges (Article 98.2 and 98.5 GG)	BvJ	-	-	-	-	-	-	-	-	-	-	-	-
Constitutional disputes within a <i>Land</i> (state) decided by virtue of their assignment by <i>Land</i> law (Article 99 GG)	BvK	21	1	1	1	1	-	-	1	-	-	-	26
Review of statutes upon judicial referral (Article 100.1 GG)	BvL	3.147	27	36	15	25	26	74	27	33	47	19	3.476
Status of a provision of public international law as part of federal law (Article 100.2 GG)	BvM	15	-	-	9	-	-	3	1	-	-	-	28
Interpretation of the Basic Law upon application of a <i>Land</i> constitutional court (Article 100.3 GG)	BvN	8	-	-	-	-	-	-	-	-	-	-	8
Disagreements concerning the continued applicability of law as federal law (Article 126 GG)	BvO	151	-	-	-	-	-	-	-	-	-	-	151

## New proceedings (continued)

Type of proceedings	File no.	Until 2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Proceedings in other cases referred to the Federal Constitutional Court by federal law (Article 93.3 GG) - from 1971 onwards -	BvP	6	-	-	-	-	-	-	-	-	-	-	6
Temporary injunctions (§ 32 BVerfGG) and - until 1970 - other proceedings	BvQ	1.157	98	123	108	110	88	108	102	93	148	132	2.267
Constitutional complaints (Article 93.1 nos. 4a and 4b GG)	BvR	126.962	4.483	4.523	5.055	5.434	4.967	5.918	6.005	6.245	6.308	6.251	182.151
1. Examination of which Senate has jurisdiction - now: administrative file no. 1004/4 E - 2. Grant of legal aid - now: BvR - 3. Plenum decisions (§ 16 BVerfGG) - now: PBvU - - until 1960 -	BvT*	22	-	-	-	-	-	-	-	-	-	-	22
Disagreements on whether a law complies with the requirements of Article 72.2 and Article 93.1 no. 2a GG - from 1998 onwards -	BvW	-	-	-	-	-	-	-	-	-	-	-	-
Submissions by the Federal Court of Justice ( <i>Bundesgerichtshof</i> ) pursuant to § 36.2 of the Law Governing the Legal Framework for Committees of Inquiry ( <i>Untersuchungsausschussgesetz</i> ) - from 2001 onwards -	BvX	-	-	-	-	-	-	-	-	-	-	-	-
Submissions pursuant to Article 93.2 GG - from 2006 onwards -	BvY	-	-	-	-	-	-	-	-	-	-	-	-
Retirement of a justice of the Federal Constitutional Court due to disability for service or for other reasons (§ 105 BVerfGG)	PBvS	-	-	-	-	-	-	-	-	-	-	-	-
Plenum decisions (§ 16 BVerfGG)	BvU / PBvU	3	-	1	-	-	-	-	-	-	-	-	4
Legal opinions issued by the Plenum (§ 97 BVerfGG) - until 1952 -	PBvV*	3	-	-	-	-	-	-	-	-	-	-	3
<b>Sum of all proceedings:</b>		<b>132.027</b>	<b>4.620</b>	<b>4.692</b>	<b>5.200</b>	<b>5.589</b>	<b>5.105</b>	<b>6.115</b>	<b>6.154</b>	<b>6.378</b>	<b>6.508</b>	<b>6.422</b>	<b>188.810</b>

\* former types of proceedings which were conducted until 1960

## Decisions passed by the Plenum, the Senate and the Chambers

Type of proceedings	File no.	Until 2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Forfeiture of fundamental rights (Article 18 GG)	BvA	3	-	-	-	-	-	-	-	-	-	-	3
Ruling on the unconstitutionality of political parties (Article 21.2 GG)	BvB	4	-	-	1	-	-	-	-	-	-	-	5
Complaints in proceedings involving the scrutiny of elections (Article 41.2 GG)	BvC	110	10	-	-	1	12	-	5	6	10	4	158
Impeachment of the Federal President (Article 61 GG)	BvD	-	-	-	-	-	-	-	-	-	-	-	-
Constitutional disputes between federal bodies (Article 93.1 no. 1 GG)	BvE	61	7	4	-	4	8	-	3	2	4	2	95
Review of statutes upon application by a constitutional body (Article 93.1 no. 2 GG)	BvF	81	2	6	2	2	3	2	3	3	1	3	108
Constitutional disputes between the Federation and the <i>Länder</i> (Article 93.1 no. 3 and Article 84.4 sentence 2 GG)	BvG	20	1	3	1	-	-	1	-	-	-	-	26
Disputes involving public law (Article 93.1 no. 4 GG)	BvH	37	-	-	-	1	-	-	-	-	-	-	38
Impeachment of judges (Article 98.2 and 98.5 GG)	BvJ	-	-	-	-	-	-	-	-	-	-	-	-
Constitutional disputes within a <i>Land</i> decided by virtue of their assignment by <i>Land</i> law (Article 99 GG)	BvK	14	2	-	1	1	1	-	1	1	-	-	21
Review of statutes upon judicial referral (Article 100.1 GG) - Senates - - Chambers (since 11 August 1993) -	BvL	976 112	4 8	8 11	6 10	6 8	6 8	5 13	5 7	10 8	5 16	11 10	1.042 211
Status of a provision of public international law as part of federal law (Article 100.2 GG)	BvM	7	-	-	-	-	-	1	4	1	-	-	13
Interpretation of the Basic Law upon application of a <i>Land</i> constitutional court (Article 100.3 GG)	BvN	5	-	-	-	-	-	-	-	-	-	-	5
Disagreements concerning the continued applicability of law as federal law (Article 126 GG)	BvO	19	-	-	-	-	-	-	-	-	-	-	19

**Decisions passed by the Plenum, the Senates and the Chambers (continued)**

Type of proceedings	File no.	Until 2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Proceedings in other cases referred to the Federal Constitutional Court by federal law (Article 93.3 GG) - from 1971 onwards -	BvP	5	-	-	-	-	-	-	-	-	-	-	5
Temporary injunctions (§ 32 BVerfGG) and - until 1970 - other proceedings	BvQ	795	90	97	93	101	69	102	79	85	128	113	1.752
Constitutional complaints (Article 93.1 nos. 4a and 4b GG) - Senates - - Judges' Committees or Chambers -	BvR	3.855 104.786	11 4.460	13 4.335	21 4.413	27 5.213	24 4.687	15 5.767	14 5.905	10 5.731	14 5.783	14 5.897	4.018 156.977
1. Examination of which Senate has jurisdiction - now: Administrative file no. 1004/4 E - 2. Grant of legal aid - now: BvR - 3. Plenum decisions (§ 16 BVerfGG) - now: PBvU - - until 1960 -	BvT*	9	-	-	-	-	-	-	-	-	-	-	9
Disagreements on whether a law complies with the requirements of Article 72.2 and Article 93.1 no. 2a GG - from 1998 onwards -	BvW	-	-	-	-	-	-	-	-	-	-	-	-
Submissions by the Federal Court of Justice pursuant to § 36.2 of the Law Governing the Legal Framework for Committees of Inquiry - from 2001 onwards -	BvX	-	-	-	-	-	-	-	-	-	-	-	-
Submissions pursuant to Article 93.2 GG - from 2006 onwards -	BvY	-	-	-	-	-	-	-	-	-	-	-	-
Retirement of a justice of the Federal Constitutional Court due to disability for service or for other reasons (§ 105 BVerfGG)	PBvS	-	-	-	-	-	-	-	-	-	-	-	-
Plenum decisions (§ 16 BVerfGG)	BvU / PBvU	3	-	-	1	-	-	-	-	-	-	-	4
Legal opinions issued by the Plenum (§ 97 BVerfGG) - until 1952 -	PBvV*	3	-	-	-	-	-	-	-	-	-	-	3
<b>Sum of all proceedings:</b>		<b>110.905</b>	<b>4.595</b>	<b>4.477</b>	<b>4.549</b>	<b>5.364</b>	<b>4.818</b>	<b>5.906</b>	<b>6.026</b>	<b>5.857</b>	<b>5.961</b>	<b>6.054</b>	<b>164.512</b>

\* former types of proceedings which were conducted until 1960

**Proceedings terminated in other ways than by a decision, e.g. proceedings consolidated with others for joint adjudication, applications withdrawn, etc.**

Type of proceedings	File no.	Until 2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Forfeiture of fundamental rights (Article 18 GG)	BvA	1	-	-	-	-	-	-	-	-	-	-	1
Ruling on the unconstitutionality of political parties (Article 21.2 GG)	BvB	1	-	-	2	-	-	-	-	-	-	-	3
Complaints in proceedings involving the scrutiny of elections (Article 41.2 GG)	BvC	24	-	-	-	2	-	-	-	-	1	3	30
Impeachment of the Federal President (Article 61 GG)	BvD	-	-	-	-	-	-	-	-	-	-	-	-
Constitutional disputes between federal bodies (Article 93.1 no. 1 GG)	BvE	57	2	-	1	1	2	-	3	1	1	2	70
Review of statutes upon application by a constitutional body (Article 93.1 no. 2 GG)	BvF	50	1	1	-	-	1	-	-	-	-	-	53
Constitutional disputes between the Federation and the <i>Länder</i> (Article 93.1 no. 3 and Article 84.4 sentence 2 GG)	BvG	13	-	-	1	-	-	2	-	-	1	-	17
Disputes involving public law (Article 93.1 no. 4 GG)	BvH	36	-	-	-	-	-	-	-	-	-	-	36
Impeachment of judges (Article 98.2 and 98.5 GG)	BvJ	-	-	-	-	-	-	-	-	-	-	-	-
Constitutional disputes within a <i>Land</i> decided by virtue of their assignment by <i>Land</i> law (Article 99 GG)	BvK	5	-	-	-	-	-	-	-	-	-	-	5
Review of statutes upon judicial referral (Article 100.1 GG)	BvL	1.986	6	19	18	6	14	54	10	20	15	21	2.169
Status of a provision of public international law as part of federal law (Article 100.2 GG)	BvM	8	-	-	-	-	-	-	7	-	-	-	15
Interpretation of the Basic Law upon application of a <i>Land</i> constitutional court (Article 100.3 GG)	BvN	3	-	-	-	-	-	-	-	-	-	-	3
Disagreements concerning the continued applicability of law as federal law (Article 126 GG)	BvO	132	-	-	-	-	-	-	-	-	-	-	132



**Proceedings terminated in other ways (continued)**

Type of proceedings	File no.	Until 2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Proceedings in other cases referred to the Federal Constitutional Court by federal law (Article 93.3 GG) - from 1971 onwards -	BvP	1	-	-	-	-	-	-	-	-	-	-	1
Temporary injunctions (§ 32 BVerfGG) and - until 1970 - other proceedings	BvQ	353	16	17	20	11	16	9	22	7	16	17	504
Constitutional complaints (Article 93.1 nos. 4a and 4b GG)	BvR	15.978	194	201	144	228	209	203	256	349	254	247	18.263
1. Examination of which Senate has jurisdiction - now: administrative file no. 1004/4 E - 2. Grant of legal aid - now: BvR - 3. Plenum decisions (§ 16 BVerfGG) - now: PBvU - - until 1960 -	BvT*	13	-	-	-	-	-	-	-	-	-	-	13
Disagreements on whether a law complies with the requirements of Article 72.2 and Article 93.1 no. 2a GG - from 1998 onwards -	BvW	-	-	-	-	-	-	-	-	-	-	-	-
Submissions by the Federal Court of Justice pursuant to § 36 Abs. 2 of the Law Governing the Legal Framework for Committees of Inquiry - from 2001 onwards -	BvX	-	-	-	-	-	-	-	-	-	-	-	-
Submissions pursuant to Article 93.2 GG - from 2006 onwards -	BvY	-	-	-	-	-	-	-	-	-	-	-	-
Retirement of a justice of the Federal Constitutional Court due to disability for service or for other reasons (§ 105 BVerfGG)	PBvS	-	-	-	-	-	-	-	-	-	-	-	-
Plenum decisions (§ 16 BVerfGG)	BvU / PBvU	-	-	-	-	-	-	-	-	-	-	-	-
Legal opinions issued by the Plenum (§ 97 BVerfGG) - until 1952 -	PBvV	-	-	-	-	-	-	-	-	-	-	-	-
<b>Sum of all proceedings terminated:</b>		<b>18.661</b>	<b>219</b>	<b>238</b>	<b>186</b>	<b>248</b>	<b>242</b>	<b>268</b>	<b>298</b>	<b>377</b>	<b>288</b>	<b>290</b>	<b>21.315</b>

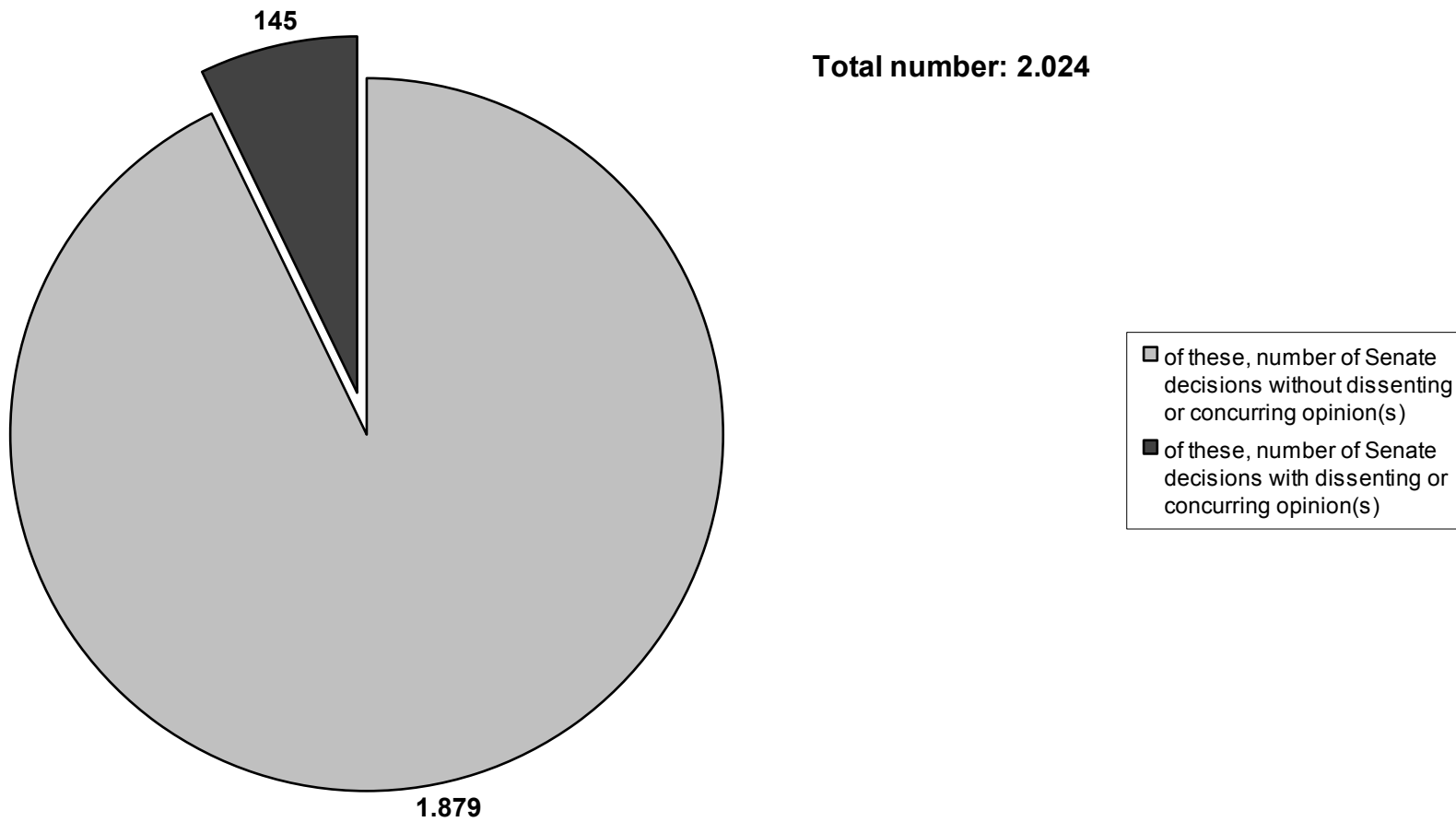
\* former types of proceedings which were conducted until 1960

**Senate decisions with/without dissenting or concurring opinion(s)  
in the Official Collection of Decisions (BVerfGE) - Volumes 30 to 125 (1971 to 2010)**

of these, number of Senate  
decisions without dissenting or  
concurring opinion(s)  
of these, number of Senate  
decisions with dissenting or  
concurring opinion(s)

1.879
145

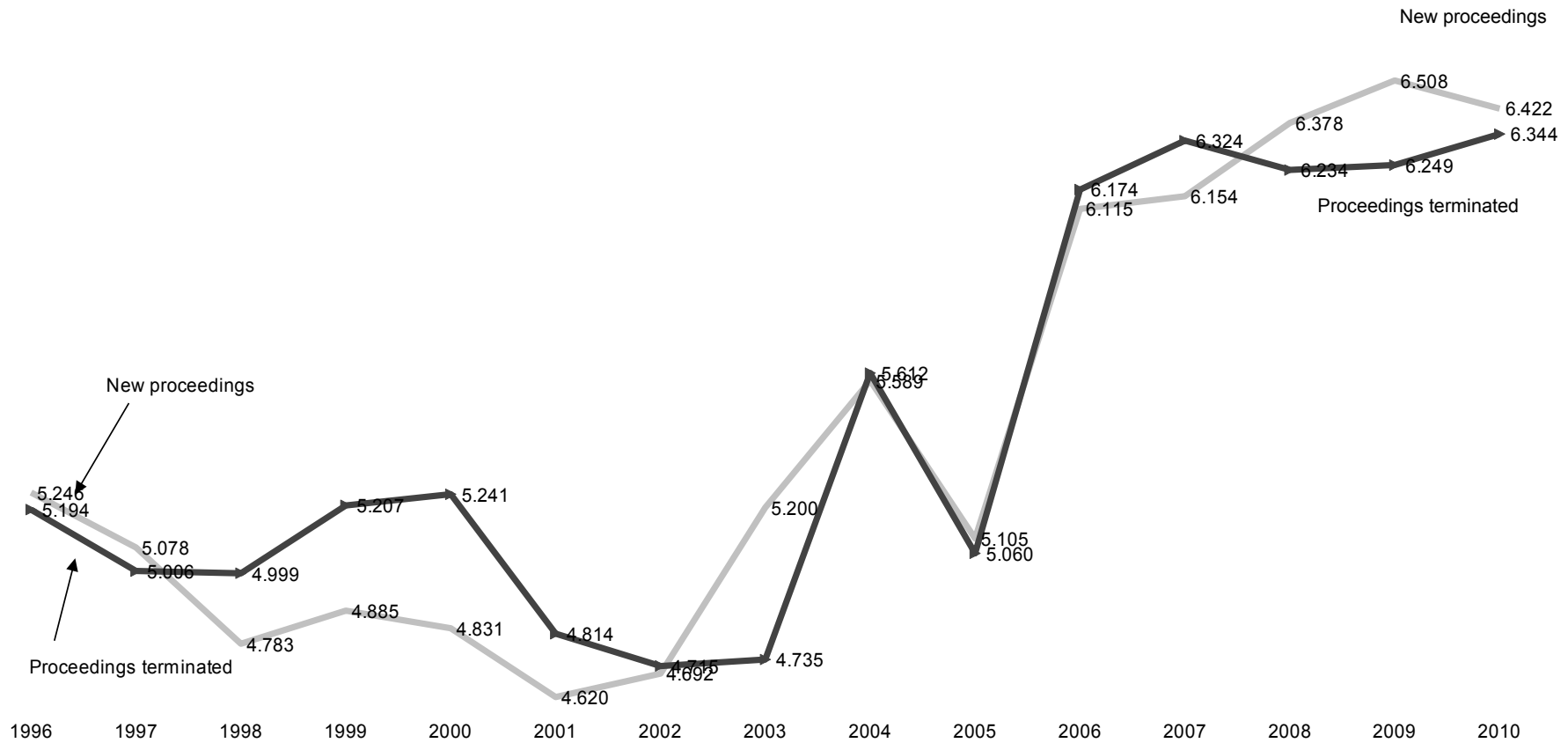
**Senate decisions with/without dissenting or concurring opinion(s)  
in the Official Collection of Decisions (BVerfGE) - Volumes 30 to 125 (1971 to 2010)**



**Senate decisions with/without dissenting or concurring opinion(s)  
in the Official Collection of Decisions (BVerfGE) - Volumes 30 to 125 (1971 to 2010)**

### New proceedings and proceedngs terminated \* since 1996

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
New proceed.	5.246	5.078	4.783	4.885	4.831	4.620	4.692	5.200	5.589	5.105	6.115	6.154	6.378	6.508	6.422
Pr. terminatec	5.194	5.006	4.999	5.207	5.241	4.814	4.715	4.735	5.612	5.060	6.174	6.324	6.234	6.249	6.344



\* Proceedings terminated (decisions and proceedings terminated in other ways), proceedings brought in former years and proceedings brought in the respective year

**Total number of new proceedings  
brought in the last five judicial years**

	2006	2007	2008	2009	2010
<u>First Senate</u>					
Constitutional complaints (BvR)	3.234	3.304	3.612	3.247	3.270
Concrete review of statutes (BvL)	13	14	11	20	14
Abstract review of statutes (BvF)	--	--	--	1	--
Temporary injunctions (BvQ)	41	49	54	53	47
Plenary matters (PBvU)	--	--	--	--	--
	3.288	3.367	3.677	3.321	3.331
<u>Second Senate</u>					
Constitutional complaints (BvR)	2.684	2.701	2.633	3.061	2.981
Concrete review of statutes (BvL)	61	13	22	27	5
Abstract review of statutes (BvF)	1	1	--	1	--
Temporary injunctions (BvQ)	67	53	39	95	85
Unconstitutionality of political parties (BvB)	--	--	--	--	--
Scrutiny of elections and of the status of a member of the <i>Bundestag</i> (BvB)	6	11	1	1	16
<i>Organstreit</i> proceedings (BvE)	5	6	6	2	3
Disputes between the Federation and the <i>Länder</i> (BvG)	--	--	--	--	1
Disputes involving public law (BvH)	--	--	--	--	--
Constitutional disputes within a <i>Land</i> (BvK)	--	1	--	--	--
Review of public international law (BvM)	3	1	--	--	--
	2.827	2.787	2.701	3.187	3.091
<b>Total</b>	6.115	6.154	6.378	6.508	6.422

**Applications forwarded to the opposing party and the other parties  
pursuant to § 23.2 of the Federal Constitutional Court Act  
in the last five judicial years**

	2006	2007	2008	2009	2010
<u>First Senate</u>					
Constitutional complaints (BvR)	95	106	97	101	80
Concrete review of statutes (BvL)	2	6	10	13	11
Abstract review of statutes (BvF)	1	1	--	--	--
Temporary injunctions (BvQ)	1	--	1	--	--
Plenary matters (PBvU)	--	--	--	--	--
	99	113	108	114	91
<u>Second Senate</u>					
Constitutional complaints (BvR)	93	80	101	67	75
Concrete review of statutes (BvL)	6	7	6	4	4
Abstract review of statutes (BvF)	4	--	2	1	--
Temporary injunctions (BvQ)	2	--	--	3	--
Unconstitutionality of political parties (BvB)	--	--	--	--	--
Scrutiny of elections and of the status of a member of the <i>Bundestag</i> (BvB)	--	10	--	--	4
<i>Organstreit</i> proceedings (BvE)	9	4	7	3	2
Disputes between the Federation and the <i>Länder</i> (BvG)	1	--	--	--	1
Disputes involving public law (BvH)	--	--	--	--	--
Constitutional disputes within a <i>Land</i> (BvK)	--	1	--	--	--
Review of public international law (BvM)	1	--	--	--	--
	116	102	116	78	86
<b>Total</b>	215	215	224	192	177

## Caseload and proceedings terminated

### Proceedings from the previous years pending on:

	1.1.2009	#	1.1.2010
First Senate	1.533		1.741
Second Senate	1.113		1.164
	2.646		2.905

### New proceedings:

	2009	#	2010	
First Senate	3.321		3.331	of these, 3.270 CC, <sup>1</sup> 14 RS, <sup>2</sup> 47 TI, <sup>3</sup>
Second Senate	3.187		3.091	of these, 2.981 CC, 5 RS, 85 TI, 4 CSM <sup>4</sup> 16 other <sup>5</sup>
	6.508		6.422	of these, 6.251 CC, 19 RS, 132 TI, 4 CSM 16 other

### Proceedings terminated:

	2009	#	2010	
First Senate	3.113		3.416	of these, 3.343 CC, 25 RS, 48 TI,
Second Senate	3.136		2.928	of these, 2.815 CC, 20 RS, 82 TI, 4 CSM, 7 other
	6.249		6.344	of these, 6.158 CC, 45 RS, 130 TI, 4 CSM, 7 other

### Proceedings pending on:

	31.12.2009	#	31.12.2010	
First Senate	1.741		1.656	of these, 1.627 CC, 29 RS, -- TI,
Second Senate	1.164		1.327	of these, 1.266 CC, 29 RS, 11 TI, 8 CSM, 13 other
	2.905		2.983	of these, 2.893 CC, 58 RS, 11 TI, 8 CSM, 13 other

1 Constitutional complaints

2 Proceedings involving the abstract and concrete review of statutes (Article 93.1 no. 2, Article 100.1 GG)

3 Temporary injunctions (proceedings in their own right)

4 Disputes dealt with by the Court in its function of a court for state matters, i.e. *Organstreit* proceedings (disputes between supreme federal bodies) and disputes between the Federation and the *Länder*

5 Complaints in proceedings involving the scrutiny of elections



## Proceedings terminated

	2009		2010	
<b>I. Decisions passed by a <u>Senate</u></b>				
<b>1. Decisions in the main action</b>				
First Senate	10		16; of these,	9 CC, 7 RS, -- TI,
Second Senate	24		18; of these,	5 CC, 7 RS, -- TI, 2 CSM, 4 other
<b>2. Interim/incidental decisions</b>				
First Senate	17		12; of these,	1 temporary injunctions -- exclusion of a justice by virtue of law -- disqualification of a justice 11 other
Second Senate	5		13; of these,	2 temporary injunctions -- exclusion of a justice by virtue of law -- disqualification of a justice 11 other
<b>II. Decisions passed by a <u>Chamber</u></b>				
<b>1. Decisions in the main action</b>				
<b>a) Constitutional complaints and temporary injunctions:</b>				
<b>aa) Non-acceptance for adjudication/rejection of a motion for a temporary injunction</b>				
First Senate	2.891		3.213; of these,	446 with reasoning 1.107 with reasoning in the operative provisions 1.660 without reasoning (52%)
Second Senate	2.918		2.716; of these,	148 with reasoning 364 with reasoning in the operative provisions 2.204 without reasoning (81%)
<b>bb) Grant of the relief sought</b>				
First Senate	63		52	
Second Senate	39		29	
<b>b) Proceedings involving the concrete review of a statute (inadmissible referral):</b>				
First Senate	7		6	
Second Senate	9		4	
<b>2. Interim/incidental decisions</b>				
First Senate	77		75; of these,	19 temporary injunctions -- exclusion of a justice by virtue of law -- disqualification of a justice 56 other
Second Senate	50		64; of these,	46 temporary injunctions -- exclusion of a justice by virtue of law 2 disqualification of a justice 16 other
<b>III. Proceedings terminated in other ways</b>				
<b>1. Withdrawals</b>				
First Senate	54		26	
Second Senate	33		31	
<b>2. Transfer to the other Senate</b>				
First Senate	2		7	
Second Senate	16		30	
<b>3. Proceedings consolidated with other proceedings, etc.</b>				
First Senate	86		96	
Second Senate	97		100	

**Constitutional complaint proceedings**  
**(including proceedings consolidated with others for joint adjudication)**  
**terminated in the last five judicial years**

	2006	2007	2008	2009	2010
<b>New proceedings</b>	5.918	6.005	6.245	6.308	6.251
<b>Proceedings terminated</b>					
1. by a <u>Chamber</u>					
Non-acceptance	5.731	5.884	5.735	5.783	5.910
Grant of relief sought	127	132	100	104	88
2. by a <u>Senate:</u>					
Non-acceptance	--	1	2	--	--
Rejection	9	4	4	17	8
Grant of relief sought	9	16	11	7	15
3. by withdrawal:	62	81	202	84	52
4. in other ways/transfers					
to the other Senate:	47	57	36	56	85

**Share of the constitutional complaints granted  
of the constitutional complaint proceedings decided per year**

**since 1987 \***

Year	Proceedings decided on their own or consolidated	Among these, successful proceedings
1987	2.638	94
1988	2.975	84
1989	3.204	87
1990	3.715	635
1991	3.452	246
1992	3.782	210
1993	4.927	270
1994	4.901	161
1995	4.743	139
1996	4.853	109
1997	4.663	45
1998	4.615	99
1999	4.872	103
2000	4.884	76
2001	4.575	89
2002	4.452	100
2003	4.499	81
2004	5.343	117
2005	4.808	133
2006	5.876	136
2007	6.037	148
2008	5.852	111
2009	5.911	111
2010	6.021	103

**Share of the constitutional complaints granted  
of the constitutional complaint proceedings decided per year  
since 1987 \***

\* It is not possible to provide valid figures for the period before 1987 because no separate survey which terminated several proceedings (consolidated proceedings) was carried out.

**Share of the constitutional complaints granted  
of the constitutional complaint proceedings decided per year**

**since 1987 \***

Share in %
3,56%
2,82%
2,72%
17,09%
7,13%
5,55%
5,48%
3,29%
2,93%
2,25%
0,97%
2,15%
2,11%
1,56%
1,95%
2,25%
1,80%
2,19%
2,77%
2,31%
2,45%
1,90%
1,88%
1,71%

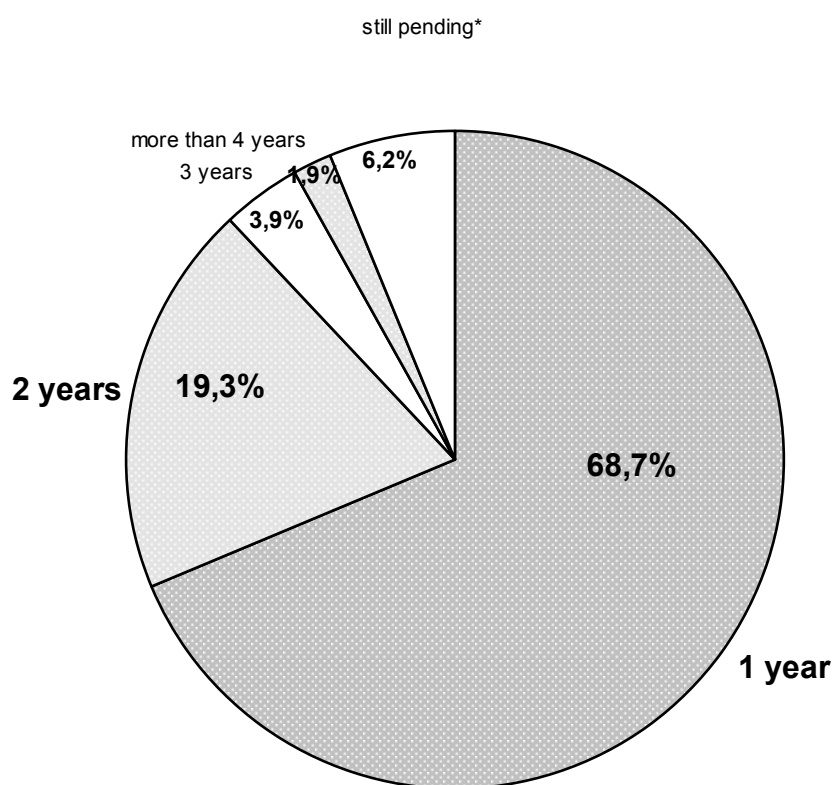
**Share of the constitutional complaints granted  
of the constitutional complaint proceedings decided per year  
since 1987 \***

y of decisions

**Average length of proceedings of constitutional complaints  
lodged in the years 2003 to 2010**

1 year	2 years	3 years	more than 4 years	still pending
68,7%	19,3%	3,9%	1,9%	6,2%

**Average length of proceedings of constitutional complaints  
lodged in the years 2003 to 2010**



\*from the years 2003 to 2010



**Constitutional complaints lodged against judicial decisions  
since 1991**

Jurisdiction	1991 to 2005		2006		2007		2008		2009		2010		Total
	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	
<b>a) Civil courts (incl. non-contentious jurisdiction)</b>	20.813	5.481	1.831	359	1.863	356	2.107	458	1.744	843	1.693	831	38.379
<b>b) Criminal courts</b>	484	16.185	50	1.605	47	1.788	40	1.668	72	1.558	53	1.534	25.084
<b>Administrative courts</b>													
<b>a) general admin. proceedings</b>	6.003	3.319	535	321	438	297	432	288	401	292	563	277	13.166
<b>b) asylum proceedings</b>	--	8.107	--	126	--	89	--	50	--	55	--	69	8.496
<b>Social courts</b>	2.962	14	370	2	354	1	398	3	463	1	440	5	5.013
<b>Labour courts</b>	1.870	54	81	2	139	2	148	--	103	2	115	1	2.517
<b>Finance courts</b>	735	1.319	93	86	95	68	81	80	110	70	95	62	2.894
<b>Patent courts</b>	33	1	--	--	3	1	4	--	3	1	1	--	47
<b>Disciplinary/professional disciplinary courts/courts of honour</b>													
	381	60	16	2	24	5	24	--	23	4	28	4	571
<b>Federal Court of Justice in lawyer and notary matters</b>	357	--	40	--	29	--	25	1	18	1	27	--	498
<b>Land constitutional courts</b>	214	110	8	4	14	--	26	--	6	12	28	6	428
<b>Total</b>	33.852	34.650	3.024	2.507	3.006	2.607	3.285	2.548	2.943	2.839	3.043	2.789	97.093

**Judicial decisions rescinded**<sup>1,2,3</sup>

**since 1991**<sup>4</sup>

1991 to 2005		2006		2007		2008		2009		2010		Total
First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	
857	1.068 (486)	50	83 (6)	75	63 (2)	42	61 (7)	68	63 (4)	55	37 (--)	2.522 (505)

<sup>1</sup> if several judicial decisions from successive stages of appeal were rescinded in a single set of proceedings, only the last stage of appeal was counted

<sup>2</sup> if several judicial decisions from different stages of appeal were rescinded in a single set of proceedings, only the last decision was counted in each stage of appeal

<sup>3</sup> if after consolidating several proceedings, the same judicial decision challenged was rescinded, it was only counted once

<sup>4</sup> also in proceedings lodged in previous years

( ) = of them, asylum proceedings

## Constitutional complaints lodged against decisions by federal courts

since 1991<sup>1</sup>

	1991 to 2005		2006		2007		2008		2009		2010		Total
	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	
<b>Federal Court of Justice</b>	2.705	2.065	336	261	341	254	342	238	257	283	255	278	7.615
<b>Federal Administrative Court</b>	1.243	941	141	21	103	61	122	59	82	44	96	30	2.943
<b>Federal Social Court</b>	2.271	10	184	2	217	1	253	1	217	--	230	2	3.388
<b>Federal Labour Court</b>	1.202	21	69	1	109	2	121	--	91	1	114	2	1.733
<b>Federal Finance Court</b>	642	1.030	75	73	96	60	81	77	122	79	88	68	2.491
<b>Total</b>	8.063	4.067	805	358	866	378	919	375	769	407	783	380	18.170

<sup>1</sup> if several decisions of the respective federal court were challenged in a single set of proceedings, they were counted as separate decisions

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## Decisions by federal courts rescinded

since 1991<sup>2</sup>

	1991 to 2005		2006		2007		2008		2009		2010		Total
	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	
<b>Federal Court of Justice</b>	67	24	2	7	5	4	2	--	1	--	2	2	116
<b>Federal Administrative Court</b>	29	82	2	1	1	1	--	--	1	--	1	--	118
<b>Federal Social Court</b>	28	--	2	--	--	--	--	--	--	--	1	--	31
<b>Federal Labour Court</b>	15	1	--	--	--	--	--	--	--	--	1	--	17
<b>Federal Finance Court</b>	2	20	--	1	--	--	--	--	1	--	3	4	31
<b>Total</b>	141	127	6	9	6	5	2	--	3	--	8	6	313

<sup>2</sup> also in proceedings lodged in previous years

## Constitutional complaints

lodged against judicial decisions/statutes (legal provisions)/sovereign acts of federal/*Land* (state) and European Union authorities in the judicial year 2010

Federation/ <i>Länder</i>		Judicial decisions		Statutes/ legal provisions		Sovereign acts of federal/ <i>Land</i> and European Union authorities		Total (Share of overall number of proceedings (without Federation and EU))	
		Inhabitants (million)	(Share of overall population)	First Senate	Second Senate	First Senate	Second Senate		First Senate
Baden-Württemberg	10,7	13,1%	226	271	2 3*	3 --*	8	17	527 10,5%
Bavaria	12,5	15,3%	348	448	3 2*	1 4*	3	9	812 16,2%
Berlin	3,4	4,2%	292	180	-- --*	-- --*	1	8	481 9,6%
Brandenburg	2,5	3,1%	49	75	2 --*	-- --*	--	--	126 2,5%
Bremen	0,7	0,9%	19	33	1 --*	-- --*	--	1	54 1,1%
Hamburg	1,8	2,2%	90	108	1 1*	-- --*	2	1	202 4,1%
Hesse	6,1	7,4%	178	209	1 --*	1 1*	1	3	393 7,8%
Mecklenb.-W. Pomerania	1,7	2,1%	43	44	-- --*	-- 2*	--	5	92 1,8%
Lower Saxony	7,9	9,6%	249	230	-- --*	-- --*	--	7	486 9,7%
North Rhine-Westphalia	17,9	21,8%	506	470	-- 4*	1 1*	2	10	989 19,8%
Rhineland-Palatinate	4	4,9%	86	106	1 2*	-- --*	--	--	193 3,8%
Saarland	1	1,2%	25	21	-- --*	-- --*	--	1	47 0,9%
Saxony	4,2	5,1%	109	91	-- --*	-- --*	1	--	201 4,0%
Saxony-Anhalt	2,4	2,9%	89	82	-- --*	-- --*	1	--	172 3,4%
Schleswig-Holstein	2,8	3,4%	83	54	-- --*	-- --*	1	--	138 2,7%
Thuringia	2,3	2,8%	42	63	-- --*	1 1*	--	1	107 2,1%
<b>Sum <i>Länder</i></b>			<b>2.434</b>	<b>2.485</b>	<b>11 12*</b>	<b>7 9*</b>	<b>20</b>	<b>63</b>	<b>5.020</b>
<b>Federation</b>	82	mio inhabit.	609	304	48 139*	24 78*	12	18	1.015
<b>EU</b>			--	--	-- --*	8 --*	--	1	9
<b>Overall sum</b>			3.043	2.789	59 151*	39 87*	32	82	6.044

\* indirect subject-matter of the challenge

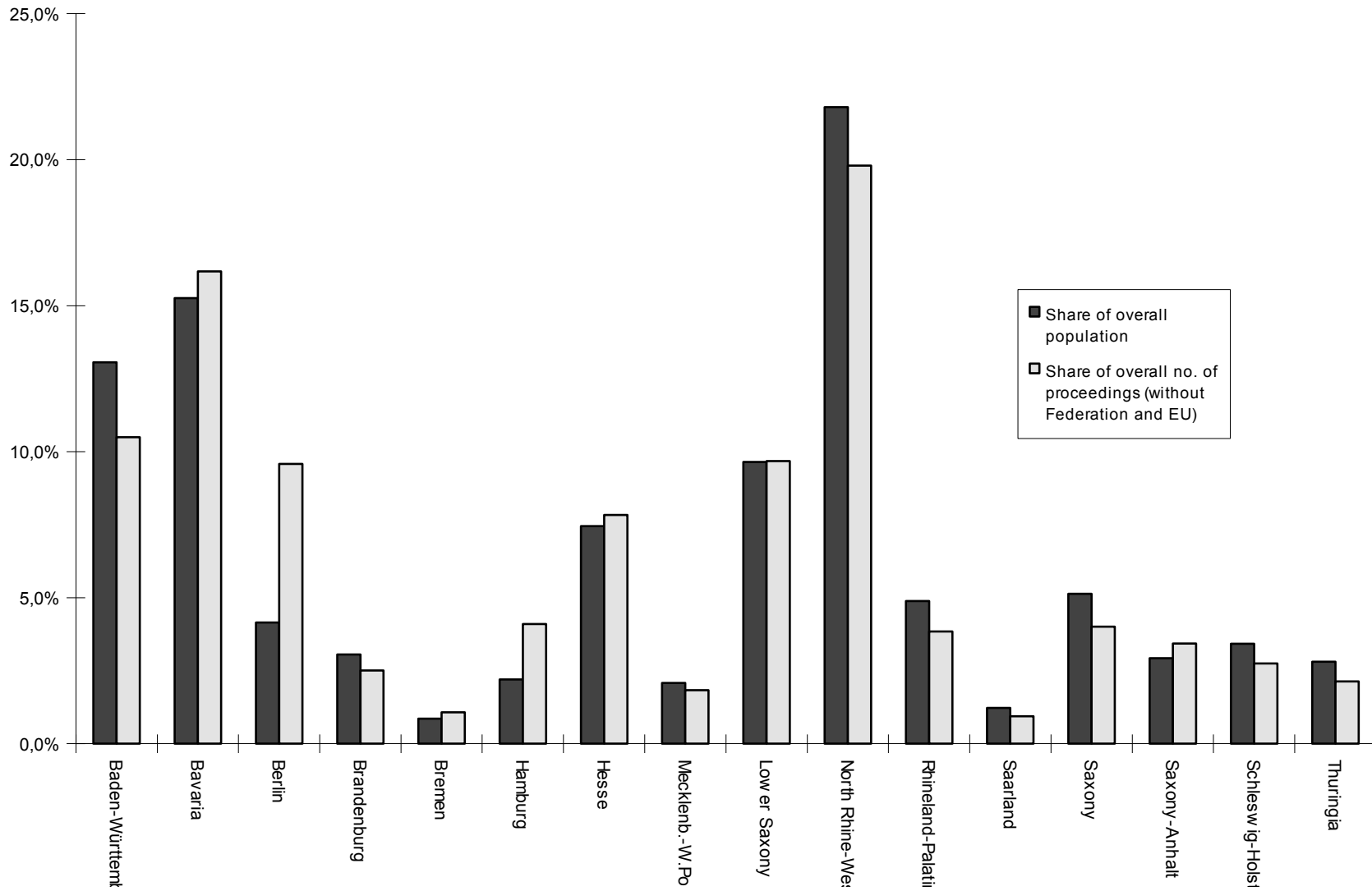
## Verfassungsbeschwerden

gegen

Gerichtsentscheidungen / Gesetze (Rechtsnormen) / Hoheitsakte von Landesbehörden  
im Geschäftsjahr 2010

	Share of overall population	Share of overall no. of proceedings (without Federation and EU)
Baden-Württemberg	13,1%	10,5%
Bavaria	15,3%	16,2%
Berlin	4,2%	9,6%
Brandenburg	3,1%	2,5%
Bremen	0,9%	1,1%
Hamburg	2,2%	4,1%
Hesse	7,4%	7,8%
Mecklenb.-W.Pomerania	2,1%	1,8%
Lower Saxony	9,6%	9,7%
North Rhine-Westphalia	21,8%	19,8%
Rhineland-Palatinate	4,9%	3,8%
Saarland	1,2%	0,9%
Saxony	5,1%	4,0%
Saxony-Anhalt	2,9%	3,4%
Schleswig-Holstein	3,4%	2,7%
Thuringia	2,8%	2,1%

**Verfassungsbeschwerden**  
 gegen  
 Gerichtsentscheidungen / Gesetze (Rechtsnormen) / Hoheitsakte von Landesbehörden  
 im Geschäftsjahr 2010



**Verfassungsbeschwerden**

gegen

Gerichtsentscheidungen / Gesetze (Rechtsnormen) / Hoheitsakte von Landesbehörden  
im Geschäftsjahr 2010

berg

merania

stphalia

nate

lein

**Proceedings involving the concrete review of statutes**

**(Article 100.1 GG)**

**since 1980**

<b>Year</b>	<b>First Senate</b>	<b>Second Senate</b>	<b>Total</b>
1980	59	22	81
1981	55	31	86
1982	33	24	57
1983	55	20	75
1984	29	27	56
1985	26	11	37
1986	85	15	100
1987	60	14	74
1988	35	13	48
1989	20	10	30
1990	22	9	31
1991	21	78 <sup>1</sup>	99
1992	52	85 <sup>2</sup>	137
1993	26	64 <sup>3</sup>	90
1994	35	20	55
1995	40	14	54
1996	29	14	43
1997	33	12	45
1998	22	16	38
1999	22	18	40
2000	17	9	26
2001	15	12	27
2002	17	19	36
2003	9	6	15
2004	12	13	25
2005	12	14	26
2006	13	61	74
2007	14	13	27
2008	11	22	33
2009	20	27	47
2010	14	5	19

of these, parallel proceedings:

1 a) Schöneberg Local Court (*Amtsgericht*): 10

b) Judicial Service Court of Saxony (*Sächsisches Richterdienstgericht*): 51

2 a) Schöneberg Local Court: 18

b) Judicial Service Court of Saxony: 35

3 Schöneberg Local Court: 35



**Submitting jurisdictions of the proceedings involving the concrete review of statutes  
(Article 100.1 GG)  
since 1991**

Submitting jurisdiction	1991 to 2005		2006		2007		2008		2009		2010		Total
	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	First Senate	Second Senate	
<b>Civil courts</b>	125	93	3	--	1	--	1	--	2	--	4	--	229
<b>Criminal courts</b>	7	83	--	49	--	2	--	6	5	2	--	--	154
<b>Administrative courts</b>	46	90	--	5	2	6	2	9	9	19	3	3	194
<b>Social courts</b>	139	1	7	--	7	--	3	5	4	--	5	--	171
<b>Labour courts</b>	30	2	--	--	--	--	2	--	--	--	1	--	35
<b>Finance courts</b>	15	35	1	7	4	5	3	2	--	5	1	2	80
<b>other courts</b>	--	90	2	--	--	--	--	--	--	1	--	--	93
<b>Total</b>	362	394	13	61	14	13	11	22	20	27	14	5	956

**Statutes** objected to by the Federal Constitutional Court as being unconstitutional  
in the period between **1951 and 31 December 2010**  
(void, incompatible with the constitution and void, only incompatible - without declaration of nullity)

Period		Law/Ordinance entirely or in part		Provision* entirely   in part		Total	First Senate	Second Senate
1951 to 1991	Federation	23	15	89	164	291	188	103
	<i>Länder</i>	12	1	52	63	128	53	75
1992 to 2004	Federation	4	2	60	51	117	75	42
	<i>Länder</i>	5	1	22	3	31	17	14
2005	Federation	1	-	-	8	9	3	6
	<i>Länder</i>	-	-	1	4	5	5	-
2006	Federation	1	-	1	4	6	6	-
	<i>Länder</i>	1	-	-	-	1	1	-
2007	Federation	-	-	4	1	5	3	2
	<i>Länder</i>	-	-	3	-	3	2	1
2008	Federation	-	-	-	8	8	2	6
	<i>Länder</i>	-	-	1	6	7	5	2
2009	Federation	-	2	3	-	5	-	5
	<i>Länder</i>	-	-	3	-	3	2	1
2010	Federation	-	-	1	10	11	5	6
	<i>Länder</i>	-	-	-	2	2	2	-
<b>Total</b>	<b>Federation</b>	<b>29</b>	<b>19</b>	<b>158</b>	<b>246</b>	<b>452</b>	<b>282</b>	<b>170</b>
	<b><i>Länder</i></b>	<b>18</b>	<b>2</b>	<b>82</b>	<b>78</b>	<b>180</b>	<b>87</b>	<b>93</b>

\* if a decision affected several provisions of a law (or ordinance), it was only counted once

**Legal provisions examined in proceedings involving the review of statutes  
and in constitutional complaint proceedings  
(judicial year 2010)**

Provision (field of law)	Senate		Proceedings/File no. Publication	Number <sup>1</sup> of provisions examined	Com- patible	Incom- patible	Void
	I	II					
Second Book of the Code of Social Law (SGB II), § 20.2 1st clause and § 20.3 sentence 1, § 28.1 sentence 3 no. 1 1st alternative, in each case in conjunction with § 20.1 SGB II in the version of the Fourth Act for Modern Services on the Labour Market of 24 December 2003 - Federal Law Gazette (BGBl) I p. 2954 -, § 20.2 sentence 1 and § 20.3 SGB II in the version of the Act Amending the Second Book of the Code of Social Law and other Statutes of 24 March 2006 - BGBl I p. 558 -, § 28.1 sentence 3 no. 1 1st alternative in conjunction with § 74 SGB II in the version of the Act to Ensure Employment and Stability in Germany of 2 March 2009 - BGBl I p. 416 -, in each case in conjunction with § 20.1 SGB II in the version of the Act on Development of the Basic Provision for Job-Seekers of 20 July 2006 - BGBl I p. 1706 -, as well as the announcements of the amount of the standard benefit according to § 20.2 and § 20.2 sentence 1 SGB II of 1 September 2005 - BGBl p. 2718 -, of 20 July 2006 - BGBl I p. 1702 -, of 18 June 2007 - BGBl I p. 1139 -, of 26 June 2008 - BGBl I p. 1102 - and of 17 June 2009 - BGBl I p. 1342 - (standard benefit paid to secure the livelihood of adults and children until completing the age of 14)	X		1 BvL 1/09 1 BvL 3/09 1 BvL 4/09 BVerfGE 125, 175	1		X	
Telecommunications Act (TKG) §§ 113a and 113b as amended by the Act for the Amendment of Telecommunications Surveillance and Other Measures of Undercover Investigation and for the Implementation of Directive 2006/24/EC of 21 December 2007 - BGBl I 2007, p. 3198 - § 100g.1 sentence 1 of the Code of Criminal Procedure (StPO) as amended by Article 1 number 11 of the Act for the Amendment of Telecommunications Surveillance and Other Measures of Undercover Investigation and for the Implementation of Directive 2006/24/EC of 21 December 2007 - BGBl I p. 3198 (data retention)	X		1 BvR 256/08 1 BvR 263/08 1 BvR 586/08 BVerfGE 125, 260	2			X
Law on the Hamburg Pension Fund (HVFG) § 17 sentence 1 of 21 November 2006 - Hamburg Law and Ordinance Gazette (HmbGVBl) I p. 557 - (equal treatment of employee groups upon the privatisation of clinics)	X		1 BvL 8/08	1		X	
Aviation Security Act (LuftSiG) § 7.1 no. 4 of 11 January 2005 - BGBl I p. 78 - in conjunction with § 4.1 sentence 2 no. 3 LuftVG in the version of Article 2 no. 1 of the Act on the Reform of Aviation Security Duties of 11 January 2005 - BGBl I p. 78 - (provisions on the examination of the reliability of aviators)		X	2 BvL 8/07 2 BvL 9/07	2	X		
Transfer of Titles and Expectancies Act (AAÜG) § 6.2 no. 4 in the version of the First Act Amending the Transfer of Titles and Expectancies Act of 21 June 2005 - BGBl I p. 1672 - (statutory limitation of the remuneration in the calculation of pensions)	X		1 BvL 9/06 1 BvL 2/08	1	X		
Income Tax Act (EStG) § 4.5 sentence 1 no. 6b in the version applicable since the entry into force of the Tax Amendment Act 2007 of 19 July 2006 - BGBl I p. 1652 - (consideration of home office expenses)		X	2 BvL 13/09	1		X <sup>2</sup>	

**Legal provisions examined in proceedings involving the review of statutes  
and in constitutional complaint proceedings  
(judicial year 2010)**

Provision (field of law)	Senate		Proceedings/File no. Publication	Number <sup>1</sup> of provisions examined	Com- patible	Incom- patible	Void
	I	II					
Income Tax Act (EStG) § 17.1 sentence 4 in conjunction with § 52.1 sentence 1 in the version of the Tax Relief Act for 1999/2000/2002 of 24 March 1999 - BGBl I p. 402 - (lowering of the participation quota in the taxation of the private sale of shares in capital)		X	2 BvR 748/05 2 BvR 753/05 2 BvR 1738/05	1			X
EStG § 23.1 sentence 1 no. 1 in conjunction with § 52.39 sentence 1 in the version of the Tax Relief Act for 1999/2000/2002 of 24 March 1999 - BGBl I p. 402 - (taxation of profits from private real property sales transactions)		X	2 BvL 14/02 2 BvL 2/04 2 BvL 13/05	1			X
EStG § 34.1 in conjunction with § 52.47 and § 39b.3 sentence 9 in conjunction with § 52.1 sentence 2 in the version of the Tax Relief Act for 1999/2000/2002 of 24 March 1999 - BGBl I p. 402 - (limitation on the tax relief on indemnizations)		X	2 BvL 1/03 2 BvL 57/06 2 BvL 58/06	1			X
Hamburg Higher Education Act (HmbHG) § 90.1 sentence 3, 90.4 sentences 2 and 3 and 90.5 no. 1, no. 2 1st alternative and no. 7, § 91.2 of 18 July 2001 - Hamburg Law and Ordinance Gazette (HmbGVBl) p. 171, most recently amended by the Act to Improve Access to Higher Education for Persons with a Vocational Qualification and to Improve the Bachelor and Master System of Studies of 6 July 2010 - HmbGVBl p. 473 - (relation <i>inter se</i> of the university bodies at faculty level)	X		1 BvR 748/06	1		X <sup>2</sup>	
Civil Code (BGB) § 1626a.1 no. 1 and § 1672.1 in the version of the Act Reforming the Law of Parent and Child of 16 December 1997 - BGBl I p. 2942 (transfer of parental custody also, or solely, to the father even against the mother's will)	X		1 BvR 420/09	1		X	
Inheritance Tax Act (ErbStG) § 15.1, § 16.1, § 17 and § 19 in the version promulgated on 27 February 1997 - BGBl I p. 378 - (unequal treatment of registered civil partners and spouses according to the ErbStG)	X		1 BvR 611/07 1 BvR 2464/07	1		X <sup>2</sup>	
Pension Insurance Sustainability Act (RVNG) Article 15.3 of 21 July 2004 - BGBl I p. 1791 - (Reduction of pension entitlements of expelled persons and refugees )	X		1 BvR 2530/05 1 BvL 11/06 1 BvL 12/06 1 BvL 13/06	1	X		
Compensation Act (EntschG) § 10.1 sentence 1 no. 7 sentence 2 in the version promulgated on 13 July 2004 - BGBl I p. 1658 - (transfer of property rights of untraceable co-heirs to the Compensation Fund)	X		1 BvL 8/07	1	X		
Future Investments Act (ZulInvG) § 6a sentences 1 and 4, adopted as Article 7 of the Act to Safeguard Employment and Stability in Germany of 2 March 2009 - BGBl I p. 416 -, most recently amended by Article 3b of the Act Abolishing the Financial Planning Council and Transferring the Continuing Duties to the Stability Council and Amending other Acts of 27 May 2010 - BGBl I p. 671 - (information gathering of the Federation in connection with the granting of financial aid)		X	2 BvF 1/09	1		X <sup>2</sup>	X

**Legal provisions examined in proceedings involving the review of statutes  
and in constitutional complaint proceedings  
(judicial year 2010)**

**Legal provisions examined in proceedings involving the review of statutes  
and in constitutional complaint proceedings  
(judicial year 2010)**

Provision (field of law)	Senate		Proceedings/File no. Publication	Number <sup>1</sup> of provisions examined	Com- patible	Incom- patible	Void
	I	II					
Corporation Tax Act (KStG) § 8b.3 sentence 1 and 8b.5 sentence 1 in the version of the Act Implementing the Federal Government's Statement to the Minutes on the Mediation Recommendation Concerning the Act to Reduce Tax Subsidies of 22 December 2003 - BGBl I p. 2840 - (flat-rate ban on the deduction of operating expenses)	X		1 BvL 12/07	1	X		
Tenth Book of the Code of Social Law (SGB X) § 116.6 sentence 1 in the version of the SGB X promulgated on 18 January 2001 - BGBl I p. 130 - (liability exclusion privilege of a parent not living in the same household as the child)	X		1 BvL 14/09	1	X		
Animal Welfare Livestock Husbandry Ordinance (TierSchNutztV) § 13b und § 33.3 and 33.4 in the version of the Third Ordinance to Amend the TierSchNutztV of 30 November 2006 - BGBl I p. 2759 - and § 13b and § 38.3 and 38.4 TierSchNutztV in the version of the Fourth Ordinance to Amend the TierSchNutztV of 1 October 2009 - BGBl I p. 3223 - (keeping of laying hens)		X	2 BvF 1/07	1		X	
Genetic Engineering Act (GenTG) § 3 nos. 3 and 6, § 16a.1 to 16a.5, § 16b.1 to 16b.4 and § 36a in the version of Article 1 of the Act to Amend the Genetic Engineering Act, to Amend the Genetic Engineering Implementation Act and to Amend the Novel Foods and Novel Food Ingredients Ordinance of 1 April 2008 - BGBl I p. 499 - (Genetic Engineering Act)	X		1 BvF 2/05	1	X		
<b>Total</b>	<b>12</b>	<b>7</b>		<b>21</b>	<b>7</b>	<b>4</b> <b>4<sup>2</sup></b>	<b>5</b>

<sup>1</sup> if a decision concerned several provisions of a law or ordinance, it was only counted once

<sup>2</sup> partial incompatibility

**Legal provisions examined in proceedings involving the review of statutes  
and in constitutional complaint proceedings  
(judicial year 2010)**

## Abuse fees levied

since 1962

Year	First Senate		Second Senate		Total	
	Sum	Number of abuse fees levied	Sum	Number of abuse fees levied	Sum	Number of abuse fees levied
<b>1962 to 2001 in German marks (DM)</b>						
1962	3.510	34	7.040	87	10.550	121
1963	3.610	34	4.580	39	8.190	73
1964	2.965	32	4.400	20	7.365	52
1965	6.230	53	2.000	14	8.230	67
1966	5.720	35	300	3	6.020	38
1967	2.320	19	600	8	2.920	27
1968	2.480	13	3.200	36	5.680	49
1969	3.600	29	2.050	17	5.650	46
1970	6.200	29	4.530	32	10.730	61
1971	780	5	7.340	36	8.120	41
1972	570	7	5.110	30	5.680	37
1973	1.790	12	6.800	31	8.590	43
1974	2.020	15	7.190	29	9.210	44
1975	3.100	15	10.330	43	13.430	58
1976	3.350	19	9.200	32	12.550	51
1977	4.600	28	17.770	64	22.370	92
1978	5.730	34	27.310	115	33.040	149
1979	3.650	22	15.900	69	19.550	91
1980	28.550	114	31.450	216	60.000	330
1981	46.200	121	18.450	73	64.650	194
1982	23.500	59	18.880	97	42.380	156
1983	10.800	33	8.120	98	18.920	131
1984	12.200	22	26.250	119	38.450	141
1985	5.550	12	21.180	82	26.730	94



Year	First Senate		Second Senate		Total	
	Sum	Number of abuse fees levied	Sum	Number of abuse fees levied	Sum	Number of abuse fees levied
1986	21.100	24	20.470	41	41.570	65
1987	12.200	6	20.750	34	32.950	40
1988	18.900	10	19.400	21	38.300	31
1989	54.740	24	7.750	10	62.490	34
1990	3.000	2	8.550	12	11.550	14
1991	6.700	4	5.900	7	12.600	11
1992	2.500	1	12.530	11	15.030	12
1993	--	--	19.310	13	19.310	13
1994	4.000	2	26.100	31	30.100	33
1995	3.800	3	15.200	18	19.000	21
1996	8.700	11	18.200	20	26.900	31
1997	200	1	14.000	20	14.200	21
1998	4.500	5	10.100	12	14.600	17
1999	5.750	5	46.700	61	52.450	66
2000	3.000	3	27.000	28	30.000	31
2001	9.300	5	7.500	16	16.800	21
<b>Total DM = €</b>	<b>347.415 177.630</b>	<b>902</b>	<b>539.440 275.811</b>	<b>1.745</b>	<b>886.855 453.441</b>	<b>2.647</b>
<b>from 2002 in euros</b>						
2002	2.500	8	5.950	18	8.450	26
2003	1.650	6	2.400	10	4.050	16
2004	2.970	7	4.400	10	7.370	17
2005	3.500	7	2.950	6	6.450	13
2006	8.000	8	9.490	23	17.490	31
2007	700	2	7.175	13	7.875	15
2008	2.000	3	9.400	9	11.400	12
2009	3.700	7	13.300	30	17.000	37
2010	5.700	13	9.350	22	15.050	35
<b>Total</b>	<b>208.350</b>	<b>963</b>	<b>340.226</b>	<b>1.886</b>	<b>548.576</b>	<b>2.849</b>

### Abuse fees levied pursuant to § 34.2 BVerfGG

New proceedings

a) constitutional complaints

	2009	2010
First Senate	3.247	3.270
Second Senate	3.061	2.981
<b>Total</b>	<b>6.308</b>	<b>6.251</b>

b) motions for a temporary injunction

	2009	2010
First Senate	53	47
Second Senate	95	85
<b>Total</b>	<b>148</b>	<b>132</b>

		Number and share of the total of constitutional complaints/motions for a temporary injunction		Total amount in €		Smallest amount in €		Highest amount in €	
		2009	2010	2009	2010	2009	2010	2009	2010
First Senate	Constitutional complaints	7 (0,22%)	13 (0,40%)	3.700	5.700	200	200	1.000	500
Second Senate	Constitutional complaints	29 (0,95%)	22 (0,74%)	11.800	9.350	100	100	1.500	2.200
	Motions for a temporary injunction	1 (1,05%)	--(--)	1.500	--				
<b>Total</b>		<b>37 (0,57%)</b>	<b>35 (0,55%)</b>	<b>17.000</b>	<b>15.050</b>				

### Amounts broken down

2009				2010						
First Senate		Second Senate		First Senate		Second Senate				
1	x	200 €	1	x	100 €	1	x	100 €		
5	x	500 €	1	x	150 €	2	x	200 €		
1	x	1.000 €	7	x	200 €	1	x	300 €		
			5	x	250 €	9	x	500 €		
			3	x	300 €			1	x	600 €
			9	x	500 €			1	x	750 €
			2	x	1.000 €			1	x	800 €
			2	x	1.500 €			1	x	2.200 €

## **B. Overview**

**of the matters dealt with by the First Senate**

**in the judicial year 2010**

### General overview

	Proceedings from previous years pending on 31 December 2009		New proceedings 2010		Together		Terminated		Still pending	
Proceedings involving the abstract review of statutes - BvF -	2	(2)	--	(1)	2	(3)	1	(1)	1	
Proceedings involving the concrete review of statutes - BvL -	38	(29)	14	(20)	52	(49)	24	(11)	28	
Motions for a temporary injunction - BvQ -	1	(1)	47*	(53*)	48	(54)	48	(53)	--	
Constitutional complaints - BvR -	1.700	(1.501)	3.270*	(3.247*)	4.970	(4.748)	3.343	(3.048)	1.627	
	<b>1.741</b>	<b>(1.533)</b>	<b>3.331</b>	<b>(3.321)</b>	<b>5.072</b>	<b>(4.854)</b>	<b>3.416</b>	<b>(3.113)</b>	<b>1.656</b>	

\* of these, transfers from the General Register  
(§ 61.2 and 61.3 of the Federal Constitutional Court's Rules of Procedure - GOBVerfG):

BvQ            20        -(9)  
BvR            1.295

( ) = figures from the previous year

## New proceedings

### 1. Proceedings involving the concrete review of statutes:

a) from the courts of ordinary jurisdiction

Local Courts:	1 (6)	Reg.. Courts:	2 (1)	Higher Regional Courts:	1 (--)	Federal Court of Justice:	-- (--) =	4 (7)
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b) from the administrative courts

Admin. Courts:	3 (--)	Higher Admin. Courts:	-- (--)	Federal Admin. Court:	-- (9)	=	3 (9)
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c) from the social courts

Social Courts:	-- (--)	Higher Social Courts:	2 (2)	Federal Social Court:	3 (2)	=	5 (4)
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d) from the labour courts

Labour Courts:	-- (--)	Higher Labour Courts:	1 (--)	Federal Labour Court:	-- (--)	=	1 (--)
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e) from the finance courts

Fin. Courts:	1 (--)	Federal Fin. C.:	-- (--)	=	1 (--)
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f) from the disciplinary courts and the disciplinary courts for the professions = -- (--)

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= 14 (20)

( ) = figures from the previous year

## 2. Constitutional complaints lodged against

		2009	2010
2.1.	Decisions of the		
	a) courts of ordinary jurisdiction	1.816	1.746
	of these,	<b>2009</b>	<b>2010</b>
	1. decisions in civil matters (including matters of non-contentious jurisdiction)	1.744	1.693
	2. decisions in criminal matters	72	53
	b) administrative courts	401	563
	c) social courts	463	440
	d) labour courts	103	115
	e) finance courts	110	95
	f) patent courts	3	1
	g) lawyers' disciplinary courts	23	28
	h) disciplinary courts, disciplinary courts for the professions	18	27
	i) Federal Court of Justice in lawyer and notary matters	6	28
2.2.	a) laws and ordinances (directly)	135	59
	b) legislative omission	23	18
2.3.	other sovereign acts by:		
	a) European authorities	--	--
	b) supreme federal authorities	6	12
	c) <i>Land</i> authorities	31	20
	d) local government authorities	9	9
2.4.	other general matters of challenge	100	109
		<u>3.247</u>	<u>3.270</u>
	of these:		
	with counsel	1.607	1.721
	without counsel	1.640	1.549

## Proceedings terminated

### 1. Final decisions

#### a) Senate:

aa) judgment .....	3	(3)	
decided jointly in consolidated proceedings* .....	4	(5)	
bb) order .....	13	(7)	
<u>of these</u> , pursuant to § 24 BVerfGG .....	--	(--)	
p. to § 93b sent. 2 BVerfGG .....	--	(--)	
decided jointly in consolidated proceedings* .....	6	(1)	
			16 (10)

#### b) Chambers:

aa) order pursuant to § 81a BVerfGG .....	6	(7)	
decided jointly in consolidated proceedings* .....	3	(--)	
bb) non-acceptance/denial of temporary injunction .....	3.213	(2.891)	
decided jointly in consolidated proceedings* .....	53	(64)	
cc) grant of relief sought .....	52	(63)	
decided jointly in consolidated proceedings* .....	4	(5)	
			3.271 (2.961)

### 2. Proceedings terminated in other ways:

* a) decided jointly in consolidated proceedings (see above) .....	70	(75)	
b) withdrawal of constitutional complaints .....	26	(54)	
c) transfer to the Second Senate .....	7	(2)	
d) rescission of submission orders by the submitting court .....	3	(2)	
e) withdrawal of an application .....	--	(--)	
f) proceedings having lost their subject-matter .....	23	(9)	
(e.g. by the complainant's death, an amendment of the law, the complainant's being deprived of a cause of action, etc.)			
g) § 7.3 of the Records Ordinance .....	--	(--)	
(AktO; non-pursuance of the proceedings)			129 (142)
			Total
			<u>3.416 (3.113)</u>

( ) = figures from the previous year

**3.1. Interim/incidental decisions of the Senate and the Chambers within proceedings in the main action**

	<b>2009</b>	<b>2010</b>
<b>concerning</b>		
a) a temporary injunction	22	20
issuance	8 (7)	
repetition	4 (8)	
rejection	8 (7)	
termination	-- (--)	
b) exclusion of a justice	--	--
c) disqualification of a justice (also self-disqualification)	1	--
d) grant of legal aid and assignment of counsel to the assisted party	8	3
e) setting of a date for an oral hearing	6	5
f) service by public notice	--	--
g) partial non-acceptance of a constitutional complaint for decision (§ 25.3 of the Federal Constitutional Court Act - BVerfGG)	--	1
h) reimbursement of expenses	5	19
i) determination of the amount involved	46	35
j) remonstrance	--	--
k) restitutio in integrum	1	--
l) correction, amendment, completion, etc. of decisions	3	3
m) legal remedies against orders of the judicial officer fixing lawyer's fees/other costs	2	1
	<b>94</b>	<b>87</b>

**3.2. Fixing of costs/of remuneration by the judicial officer**

a) pursuant to § 34a.2 and 34a.3 BVerfGG, § 104 of the Code of Civil Procedure (ZPO)	8	12
b) pursuant to § 19 of the Federal Fee Schedule for Lawyers (BRAGO), § 11 of the Lawyers' Remuneration Act (RVG)	7	7
c) in the context of legal aid	--	3
d) legal remedies against orders fixing lawyer's fees/other costs	2	1
e) compensation to witnesses and experts	--	--
f) service by public notice	--	--
	<b>17</b>	<b>23</b>

( ) = figures from the previous year



**Total numbers of constitutional complaint proceedings terminated**

Proceedings pending from previous years and new proceedings 2010	Decisions passed by the Senate					Decisions passed <sup>1</sup> by the Chambers						Withdrawals <sup>1</sup>	Transfer to the Second Senate <sup>1</sup>	Proceedings terminated in other ways <sup>1</sup>	Proceedings pending from the years				
	successful	unsuccessful	inadmissible	§ 93b sentence 2, § 24 BVerfGG	thereby decided jointly	Non-acceptance			thereby decided jointly	Grant	thereby decided jointly								
						reasoned	reasoning in the operat. provisions	not reasoned											
2003 3																3	2003		
2004 12																5	2004		
2005 33	1	1														6	2005		
2006 49	1					409	1.098	1.660	52	52	4 (4)	26	7	22	12	2006			
2007 116	1	3			2 (1)										38	2007			
2008 451	1				2 (2)										140	2008			
2009 1.036	1														332	2009			
2010 3.270															1.091	2010			
<b>Total: 4.970</b>	<b>9 (5<sup>2</sup>)</b>				<b>4 (3<sup>2</sup>)</b>	<b>3.167</b>			<b>52</b>	<b>52<sup>3</sup></b>	<b>4 (4<sup>3</sup>)</b>	<b>26<sup>4</sup></b>	<b>7</b>	<b>22</b>	<b>1.627</b>	<b>Total</b>			
Figures from the previous year 4.748	8 (3 <sup>2</sup> )				6 (1 <sup>3</sup> )	2.844			60	62 <sup>3</sup>	5 (5 <sup>3</sup> )	54 <sup>4</sup>	1	8	1.700	Figures from the previous year			

<sup>1</sup> from all years of entry

<sup>2</sup> of these, with counsel: 7 [previous year: 4], without counsel: 1 [previous year: --]

<sup>3</sup> of these, with counsel: 45 [previous year: 57], without counsel: 11 [previous year: 10]

<sup>4</sup> of these, after a letter from the rapporteur recommending the complainant to withdraw the constitutional complaint: 5 [previous year: 1]

( ) = successful constitutional complaints: Senate decisions and grants by the Chambers (including proceedings decided jointly), together: 64 [previous year: 71]

**Total numbers of proceedings terminated (without constitutional complaints)**

Proceedings pursuant to § 13 BVerfGG	Proceedings pending from previous years and new proceedings 2010	Decisions passed by the Senate					Decisions passed by the Chambers						Withdrawals	Transfer to the Second Senate	Proceedings terminated in other ways (rescission of the submission order, proceedings having lost their subject-matter, etc.)	Proceedings pending from the years		
		successful	unsuccessful	inadmissible	pursuant to § 24 BVerfGG	thereby decided jointly	Rejection	thereby decided jointly	Grant	thereby decided jointly	Order pursuant to § 81a BVerfGG	thereby decided jointly						
No. 6 (BvF)	2005	1		1													--	2005
	2009	1															1	2009
	2010	--															--	2010
	Total:	2	--	1	--	--	--	--	--	--	--	--	--	--	--	--	1	Total
No. 11 (BvL)	2006	5		1			3									1	--	2006
	2007	8		2							2						4	2007
	2008	6	1				1									1	3	2008
	2009	19	1	1			2				1	3					11	2009
	2010	14									3					1	10	2010
	Total:	52	2	4	--	--	6	--	--	--	--	6	3	--	--	3	28	Total
§ 32 (BvQ)	2009	1						1									--	2009
	2010	47						45	1							1	--	2010
	Total:	48	--	--	--	--	--	46	1	--	--	--	--	--	--	1	--	Total

## **C. Overview**

**of the matters dealt with by the Second Senate**

**in the judicial year 2010**

## General overview

	Proceedings from previous years pending on 31 December 2009		New proceedings 2010		Together		Terminated		Still pending
Scrutiny of elections and of the status as a member of the <i>Bundestag</i> - BvC -	4	(14)	16	(1)	20	(15)	7	(11)	13
<i>Organstreit</i> proceedings - BvE -	7	(10)	3	(2)	10	(12)	4	(5)	6
Abstract review of statutes - BvF -	5	(4)	--	(1)	5	(5)	2	(--)	3
Disputes between the Federation and the <i>Länder</i> - BvG -	1	(2)	1	(--)	2	(2)	--	(1)	2
Other disputes involving public law - BvH -	--	(--)	--	(--)	--	(--)	--	(--)	--
Constitutional disputes within a <i>Land</i> - BvK -	--	(--)	--	(--)	--	(--)	--	(--)	--
Concrete review of statutes - BvL -	39	(37)	5	(27)	44	(64)	18	(25)	26
Review of international law - BvM -	--	(--)	--	(--)	--	(--)	--	(--)	--
Temporary injunctions - BvQ -	8	(4)	85* -davon 9 Asyl-	(95*) -davon 10 Asyl-	93	(99)	82	(91)	11
Constitutional complaints - BvR -	1.100	(1.042)	2.981*	(3.061*)	4.081	(4.103)	2.815	(3.003)	1.266
	<b>1.164</b>	<b>(1.113)</b>	<b>3.091</b>	<b>(3.187)</b>	<b>4.255</b>	<b>(4.300)</b>	<b>2.928</b>	<b>(3.136)</b>	<b>1.327</b>

\* of these, transfers from the General Register (§ 61.2 and 61.3 GOBVerfG):

BvC	5	(--)
BvQ	12	(8)
BvR	998	(1.050)

( ) = figures from the previous year

## New proceedings

### 1. Proceedings involving the concrete review of statutes:

a) from the courts of ordinary jurisdiction

Local Courts:	-- (1)	Reg. Courts:	-- (1)	Higher Regional Courts:	-- (--)	Fed. Court of Justice:	-- (--)	=	-- (2)
------------------	--------	-----------------	--------	-------------------------------	---------	------------------------------	---------	---	--------

b) from the administrative courts

Admin. Courts:	1 (13)	Higher Admin. Courts:	1 (5)	Federal Admin. Court:	1 (1)		=	3 (19)
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c) der Sozialgerichte

Social Courts:	-- (--)	Higher Social Courts:	-- (--)	Federal Social Court:	-- (--)		=	-- (--)
-------------------	---------	-----------------------------	---------	-----------------------------	---------	--	---	---------

d) from the labour courts

Labour Courts:	-- (--)	Higher Labour Courts:	-- (--)	Federal Labour Court:	-- (--)		=	-- (--)
-------------------	---------	-----------------------------	---------	-----------------------------	---------	--	---	---------

e) from the finance courts

Fin. Courts:	2 (3)	Federal Fin. C.:	-- (2)				=	2 (5)
-----------------	-------	---------------------	--------	--	--	--	---	-------

f) from the disciplinary courts and the disciplinary courts for the professions

= -- (1)

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= 5 (27)

( ) = figures from the previous year

## 2. Constitutional complaints lodged against:

2.1. Decisions of the		2009	2010
a) courts of ordinary jurisdiction		2.401	2.365
of these,	<b>2009</b>   <b>2010</b>		
1. decisions in civil matters (including matters of non-contentious jurisdiction)	843   831		
2. decisions in criminal matters	1.558   1.534		
b) administrative courts		347	346
- of these, asylum proceedings: 69 (55) -			
c) social courts		1	5
d) labour courts		2	1
e) finance courts		70	62
f) patent courts		1	--
g) disciplinary courts, disciplinary courts for the professions		4	4
h) Federal Court of Justice in Lawyer and Notary Matters		1	--
i) <i>Land</i> constitutional courts		12	6
2.2. a) laws and ordinances (directly)		30	39
b) legislative omission		18	2
2.3. other sovereign acts by:			
a) European authorities		3	1
b) supreme federal authorities		17	18
c) <i>Land</i> authorities		71	63
d) local government authorities		4	2
2.4. other general matters of challenge		79	67
		<u>3.061</u>	<u>2.981</u>
of these:			
with counsel		1.449	1.453
without counsel		1.612	1.528

## Proceedings terminated

### 1. Final decisions

#### a) Senate:

aa) judgment -----	--	(3)
decided jointly in consolidated proceedings* -----	--	(6)
bb) order -----	18	(21)
<u>of these</u> , pursuant to § 24 BVerfGG ----	4	(3)
p. to § 93b sent. 2 BVerfGG --	--	(--)
decided jointly in consolidated proceedings* -----	10	(--)
		<hr/>
		18 (24)

#### b) Chambers:

aa) order pursuant to § 81a BVerfGG -----	4	(9)
decided jointly in consolidated proceedings* -----	--	(11)
bb) non-acceptance/denial of temporary injunction -----	2.716	(2.918)
decided jointly in consolidated proceedings* -----	43	(36)
cc) grant of relief sought -----	29	(39)
decided jointly in consolidated proceedings* -----	3	(4)
		<hr/>
		2.749 (2.966)

### 2. Proceedings terminated in other ways:

* a) decided jointly in consolidated proceedings (see above) -----	56	(57)
b) withdrawal of constitutional complaints -----	26	(30)
c) transfer to the First Senate -----	30	(16)
d) rescission of submission orders		
by the submitting court -----	4	(--)
e) withdrawal of an application -----	5	(3)
f) proceedings having lost their subject-matter -----	34	(37)
(e.g. by the complainant's death, an amendment of the law, the complainant's being deprived of a cause of action, etc.)		
g) § 7.3 of the Records Ordinance -----	6	(3)
(AktO; non-pursuance of the proceedings)		
		<hr/>
		161 (146)
		<hr/>
		<u>2.928 (3.136)</u>

( ) = figures from the previous year

### 3.1. Interim/incidental decisions of the Senate and the Chambers within proceedings in the main action

	2009	2010
<b>concerning</b>		
a) a temporary injunction	17	48
issuance	11 (11)	
repetition	14 (1)	
rejection	23 (5)	
termination	-- (--)	
b) exclusion of a justice	--	--
c) disqualification of a justice (also self-disqualification)	1	2
d) grant of legal aid and assignment of counsel to the assisted party	--	1
e) setting of a date for the oral hearing	4	6
f) service by public notice	3	--
g) partial non-acceptance of a constitutional complaint for decision (§ 25.3 of the Federal Constitutional Court Act - BVerfGG)	--	--
h) reimbursement of expenses	5	3
i) determination of the amount involved	24	16
j) remonstrance	1	--
k) restitutio in integrum	--	--
l) correction, amendment, completion, etc. of decisions	--	1
m) legal remedies against orders of the judicial officer fixing lawyer's fees/other costs	--	--
	<b>55</b>	<b>77</b>

### 3.2. Fixing of costs/of remuneration by the judicial officer \*

a) pursuant to § 34a.2 and 34a.3 BVerfGG, § 104 of the Code of Civil Procedure (ZPO)	34	3
b) pursuant to § 19 of the Federal Fee Schedule for Lawyers (BRAGO), § 11 of the Lawyers' Remuneration Act (RVG)	9	5
c) in the context of legal aid	--	1
d) legal remedies against orders fixing lawyer's fees/other costs	--	--
e) compensation to witnesses and experts	1	--
f) service by public notice	--	2
	<b>44</b>	<b>11</b>

( ) = figures from the previous year

\* in 2009, the number of proceedings was counted, in 2010, the number of decisions was counted

\* from 2010 onwards

Number of decisions: 11  
Number of proceedings: 16



**Total numbers of constitutional complaint proceedings terminated**

Proceedings pending from previous years and new proceedings 2010	Decisions passed by the Senate					Decisions passed <sup>1</sup> by the Chambers						Withdrawals <sup>1</sup>	Transfer to the First Senate <sup>1</sup>	Proceedings terminated in other ways <sup>1</sup>	Proceedings pending from the years		
	successful	unsuccessful	inadmissible	§ 93b sentence 2, § 24 BVerfGG	thereby decided jointly	Non-acceptance			thereby decided jointly	Grant	thereby decided jointly						
						reasoned	reasoning in the operative provisions	not reasoned									
2004 5		1			1											--	2004
2005 3	1				2 (2)											--	2005
2006 12		1														5	2006
2007 29	1					95	350	2.204	42	29	3 (3)	26	29	27	4	2007	
2008 114	1				2 (2)										25	2008	
2009 937															174	2009	
2010 2.981															1.058	2010	
<b>Total: 4.081</b>	<b>5 (3<sup>2</sup>)</b>				<b>5 (4<sup>2</sup>)</b>	<b>2.649</b>			<b>42</b>	<b>29<sup>3</sup></b>	<b>3 (3<sup>3</sup>)</b>	<b>26<sup>4</sup></b>	<b>29</b>	<b>27</b>	<b>1.266</b>	<b>Total</b>	
Figures from the previous year 4.103	6 (3 <sup>2</sup> )				4 (-- <sup>2</sup> )	2.842			35	35 <sup>3</sup>	4 (2 <sup>3</sup> )	30 <sup>4</sup>	16	31	1.100	Figures from the previous year	

<sup>1</sup> from all years of entry

<sup>2</sup> of these, with counsel: 7 [previous year: 3], without counsel: -- [previous year: --]

<sup>3</sup> of these, with counsel: 26 [previous year: 35], without counsel: 6 [previous year: 2]

<sup>4</sup> of these after a letter from the rapporteur recommending the complainant to withdraw the constitutional complaint: -- [previous year: 2]

( ) = successful constitutional complaints: Senate decisions and grants by the Chambers (including proceedings decided jointly), together: 39 [previous year: 40]

**Total number of proceedings terminated (without constitutional complaints)**

Proceedings pursuant to § 13 BVerfGG	Proceedings pending from previous years and new proceedings 2010	Decisions passed by the Senate					Decisions passed by the Chambers						Withdrawals	Transfer to the First Senate	Proceedings terminated in other ways (rescission of the referral order, proceedings having lost their subject-matter, etc.)	Proceedings pending from the years		
		successful	unsuccessful	inadmissible	pursuant to § 24 BVerfGG	thereby decided jointly	Rejection	thereby decided jointly	Grant	thereby decided jointly	Order pursuant to § 81a BVerfGG	thereby decided jointly						
No. 2 (BvG)	2005	1															1	2005
	2010	1															1	2010
	Total	2	--	--	--	--	--	--	--	--	--	--	--	--	--	--	2	Total
No. 3 (BvC)	2007	3		1										2			--	2007
	2009	1				1											--	2009
	2010	16				2								1			13	2010
	Total	20	--	1	--	3	--	--	--	--	--	--	--	3	--	--	13	Total
No. 5 (BvE)	2005	1		1													--	2005
	2007	1				1											--	2007
	2008	3												1			2	2008
	2009	2														1	1	2009
	2010	3															3	2010
	Total	10	--	1	--	1	--	--	--	--	--	--	--	1	--	1	6	Total
No. 6 (BvF)	2005	2															2	2005
	2006	1															1	2006
	2007	1	1														--	2007
	2009	1	1														--	2009
	2010	--															--	2010
	Total	5	2	--	--	--	--	--	--	--	--	--	--	--	--	--	3	Total
No. 11 (BvL)	2002	1	1														--	2002
	2003	1	1														--	2003
	2004	1					1										--	2004
	2005	1					1										--	2005
	2006	5			1		2										2	2006
	2007	3		1			1					1					--	2007
	2008	9										1				1	7	2008
	2009	18	1									1				2	14	2009
	2010	5										1				1	3	2010
	Total	44	3	1	1	--	5	--	--	--	--	4	--	--	--	4	26	Total
§ 32 (BvQ)	2009	8						3	1							1	3	2009
	2010	85						64						1	1	11	8	2010
	Total	93	--	--	--	--	--	67	1	--	--	--	--	1	1	12	11	Total

## **D. Overview**

**of the matters dealt with in the General Register (GR)**

**in the judicial years 2000 to 2010**

**Matters dealt with in the General Register (GR)  
since 2000**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
<b>Total number of entries</b>	<b>8.060</b>	<b>8.536</b>	<b>8.650</b>	<b>7.783</b>	<b>7.945</b>	<b>9.014</b>	<b>8.536</b>	<b>8.450</b>	<b>8.547</b>	<b>9.187</b>	<b>9.240</b>
of these,											
1. inquiries (§ 60.1a GOBVerfG)	1.861	1.513	1.487	1.486	1.319	1.334	1.296	1.139	1.208	1.198	1.208
2. general letters/expressions of opinion	2.195	3.059 <sup>1</sup>	3.263 <sup>1</sup>	1.982	1.898	2.173	1.877	1.678	2.077	2.435	2.715
3. anonymous letters (§ 60.1b GOBVerfG)	32	19	17	17	17	15	29	23	21	17	31
<b>4. submissions and constitutional complaints (§ 60.2a and 60.2b GOBVerfG)</b>	<b>3.972</b>	<b>3.945</b>	<b>3.883</b>	<b>4.298</b>	<b>4.711</b>	<b>5.492<sup>2</sup></b>	<b>5.334</b>	<b>5.610<sup>2</sup></b>	<b>5.241</b>	<b>5.537</b>	<b>5.286</b>
of these,											
a) transferred to the register of proceedings (§ 61.2 GOBVerfG) after previous instruction of the complainant											
First Senate	583	703	838	1.014	839	879	1.086	1.065	955	900	760
Second Senate	394	462	487	621	533	503	575	591	574	685	653
Sum	977	1.165	1.325	1.635	1.372	1.382	1.661	1.656	1.529	1.585	1.413
Percentage:		30%	34%	38%	29%	25%	31%	30%	29%	29%	27%
b) transferred to the register of proceedings (§ 61.2 GOBVerfG) without previous instruction <sup>4</sup>											
First Senate	165	214	94	102	264	410	521	659	544	487	555
Second Senate	113	144	46	49	156	190	277	305	262	373	362
Sum	278	358	140	151	420	600	798	964	806	860	917
Total:	1.255	1.523	1.465	1.786	1.792	1.982	2.459	2.620	2.335	2.445	2.330
c) after instruction by the General Register (GR) <b>terminated:</b>	<b>2.717</b>	<b>3.798<sup>3</sup></b>	<b>3.648<sup>3</sup></b>	<b>2.630<sup>3</sup></b>	<b>2.888<sup>3</sup></b>	<b>3.155<sup>3</sup></b>	<b>3.332<sup>3</sup></b>	<b>3.164<sup>3</sup></b>	<b>2.945<sup>3</sup></b>	<b>3.555<sup>3</sup></b>	<b>4.847<sup>3</sup></b>

1 of these, in 2001: 238; in 2002: 780 concerning the same proceedings (permit for ritual slaughter for Muslim butchers)

2 of these, in 2005: 183; in 2007: 102 constitutional complaints concerning the same proceedings (EU Constitution)

3 also matters from previous years

4 e.g. because the complainant requested the matter to be entered into the GR  
or because further legal remedies were pending