

**Regulation introducing the electronic legal transactions and electronic file management at the Federal Office of Justice in proceedings for the enforcement of pecuniary claims under the German-Swiss Police Treaty
(*)
(Swiss Pecuniary Claims-E-Legal Transactions and Record Management Regulation – CHGeldERAV)
of 24/04/2025
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- ¹ Notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17/9/2015, p. 1).

Preamble

The Federal Ministry of Justice enacts the following on the basis of

- § 1 of the German-Swiss Police Treaty Implementation Act of 14 December 2023 (Federal Law Gazette 2023 I No 365; 2024 I No 165) and
- § 77b(1)(1) to (4), first, second and fourth sentences of Paragraph 3 of the Act on International Mutual Assistance in Criminal Matters in the version promulgated on 27 June 1994 (Federal Law Gazette I p. 1537), as last amended by Article 21 of the Act of 12 July 2024 (Federal Law Gazette 2024 I No 234):

§ 1

Electronic legal transactions with the Federal Office of Justice

(1) Starting 1 May 2025, electronic documents may be submitted to the Federal Office of Justice pursuant to Articles 48 to 51 of the Treaty of 5 April 2022 between the Federal Republic of Germany and the Swiss Confederation on cross-border police and judicial cooperation (German-Swiss Police Treaty) (Federal Law Gazette 2023 II No 339, p. 3; 2024 II No 222) in conjunction with the German-Swiss Police Treaty Implementation Act of 14 December 2023 (Federal Law Gazette 2023 I No 365; 2024 I No 165), including enforcement proceedings, if:

1. the submission of written documents including originals and certified copies is necessary for the provision of legal assistance or
2. explanations, requests or justifications must be expressly drafted or signed in writing.

(2) The Federal Office of Justice shall announce the form necessary for the transmission and processing of electronic documents as per paragraph 1, in particular the technical formats and parameters, as well as the technically feasible means of transmission on its website, www.bundesjustizamt.de.

§ 2
Signature requirements

(1) Electronic documents as per § 1(1) must have a qualified electronic signature.

(2) The qualified electronic signature can also be replaced by a simple electronic signature if the electronic document is submitted via a secure means of transmission. Secure means of transmission include:

1. the transmission route between the special electronic lawyer's mailboxes pursuant to §§ 31a and 31b of the Federal Lawyers' Act (Bundesrechtsanwaltsordnung) or a corresponding electronic mailbox established on a legal basis and the electronic post office of the Federal Office of Justice,
2. the transmission route between a post office box of an authority or a legal person under public law established after an identification procedure has been carried out and the electronic post office of the Federal Office of Justice,
3. the means of transmission between an electronic mailbox of a natural or legal person or other association established after an identification procedure has been carried out and the electronic mail office of the Federal Office of Justice,
4. the transmission route between a mailbox and dispatch service of a user account used after conducting an identification procedure within the meaning of § 2(5) of the Online Access Act (Onlinezugangsgesetz) and the electronic mail department of the Federal Office of Justice.

(3) In addition to the secure means of transmission listed in Paragraph 2(2), there is also a secure means of transmission if:

1. an encrypted means of transmission based on the OSCI protocol standard or comparable standard is used and
2. the Federal Office of Justice has determined for this transmission method that the integrity and authenticity of the data are guaranteed.

§ 3
Form

For outgoing requests for enforcement assistance, the Federal Office of Justice provides an electronic form via its website www.bundesjustizamt.de, which, in addition to information on the decision to be enforced and the person concerned, also enables the declaration required under Article 48(3) Sentence 3, of the German-Swiss Police Treaty.

§ 4
Permission for electronic file management

Starting 1 May 2025, the Federal Office of Justice may manage the files in proceedings under Articles 48 to 51 of the German-Swiss Police Treaty in conjunction with the German-Swiss Police Treaty Implementation Act, including the files in enforcement proceedings in electronic form.

§ 5
Keeping electronic records

(1) It shall be ensured that the principles of proper file management are complied with by means of appropriate technical and organisational measures in accordance with the latest technological standards.

(2) According to the latest technological standards, the transfer of documents and objects of inspection (originals) in paper form into electronic form must ensure that the electronic document to be included in the file is visually and substantively identical to the original document if it is made legible. The transfer of an original to an electronic document may be waived

if the transfer requires disproportionate effort.

(3) Where an electronic file contains both electronic and paper elements, a reference to the other part shall be included when accessing each of the parts.

§ 6

Data protection, data security and accessibility

(1) The Federal Office of Justice documents the state-of-the-art technical and organisational measures it has taken to ensure data security and data protection in accordance with the Federal Data Protection Act (BDSG), in particular, the requirements referred to in § 64 BDSG.

(2) So far as electronic legal transactions and electronic file management are permitted by this Regulation, accessibility in accordance with the Accessible Information Technology Regulation must be ensured.

§ 7

Entry into force

This Regulation shall enter into force on the day following its promulgation.