Senatsverwaltung
für Justiz und Verbraucherschutz

be Berlin

Settling disputes without going to court - the arbitration service

It can happen to anyone. A problem arises and a legal dispute seems inevitable. But going to court is not always necessary. Every borough of Berlin has its own team of arbitrators. These are men and women elected by the borough council to act as arbitrators. In certain situations, arbitration is an inexpensive and time-saving alternative to the courts.

I. Arbitration - an alternative to court proceedings

Arbitration is a mechanism that aims to resolve certain legal disputes instead of, or before, going to court. For example, before certain criminal offences can be prosecuted, the parties must go to arbitration. The arbitration service is also available to resolve disputes concerning economic interests e.g. claims for money or compensation.

II. Disputes in which an arbitrator can help

1. Criminal law
Criminal offences are usually prosecuted by the public prosecutor's office. However, in cases involving insult, trespass, assault, threat to commit a crime, criminal damage and violation of the privacy of the written word, there is often no public interest in bringing the case. As a result, the public prosecutor's office decides not to prosecute. The victims of these crimes then have the option of bringing a private prosecution. But before a private prosecution can be brought, the victim is required by law, first, to seek arbitration. With the arbitrator's help, they must attempt to reach a settlement.

2. Civil law
Arbitration can also help in disputes concerning economic claims. It can be worth using the services of arbitrator to try to reach an agreement especially in disputes about money, or things that can be valued in money. This could be, for example, the amount of a builder's invoice or the compensation payable for something that has been broken or damaged. Arbitration can also be an effective way of resolving disputes between neighbours.

III. Advantages of the arbitration procedure

1. A binding agreement, reached in a friendly atmosphere
The arbitrator's job is to mediate between the parties. The arbitration takes place in a private setting, usually the arbitrator's home, and not in some impersonal official building. In many cases, disputes can easily be solved by talking the matter through with the independent arbitrator, who has the necessary powers to bring about a settlement that is legally binding. The arbitrator is required to keep the matter entirely confidential.

2. A quick and inexpensive procedure
The arbitrator is not part of a large administrative system, meaning that the arbitrator has more time to deal with problem. The arbitration procedure is quick and not as expensive as going to court. An arbitration hearing usually costs between 17 and 30 euro. Some policies for legal expenses insurance may also cover part of the costs.

IV. Jurisdiction

Which arbitrator is responsible for hearing a dispute? Usually, the arbitrator whose official district includes the place where the opposing party lives.

For further information and the address of the arbitrator responsible for hearing your case, please contact any office of the local court or borough council, any police station or the Berlin branch of the Association of German Arbitrators (Bund Deutscher Schiedsmänner und Schiedsfrauen, Bezirksvereinigung Berlin), current chairman Heinz Winkler. E-mail: BDSBerlin@gmx.de. Website: www.bds-berlin.com. This website includes details of the information to be included in an application for arbitration.

For information on the requirements for an arbitration, on the arbitration process itself, details of the costs and deposit payable and on the jurisdiction of arbitrators in terms of subject-matter and local area covered, please visit the national website of the Association of German Arbitrators: www.schiedsamt de. Also if you are interested in becoming an arbitrator, please contact the Association of German Arbitrators (Bund Deutscher Schiedsmänner und Schiedsfrauen).