

14.11.2023

### **Advisory of legal recourse**

Sample advisories of legal recourse are provided below for use for initial decisions against which objections can be filed and for original decisions and decisions on objections that can be appealed.

Reference is made to § 110 of the NRW Justice Act (*Justizgesetz NRW*). Under these provisions, objection proceedings are generally only to be performed in the University of Bonn for administrative acts based on job-related assessments and administrative acts for which state law stipulates performance of preliminary proceedings (objection proceedings).

An appeal is the only permissible form of legal recourse for all other administrative acts of the University. If an administrative act includes an incorrect advisory of legal recourse or fails to include an advisory of legal recourse, the period for legal recourse is one year instead of one month. The advisory of legal recourse therefore has a direct effect on the entry into force of administrative acts.

The following samples are primarily intended for University of Bonn examination offices and examination boards. Please contact the Legal Department for any further questions.

### **I. Objection**

#### **ADVISORY OF LEGAL RECOURSE**

An objection to this decision may be filed within one month's time. The objection must be filed in writing or by oral statement entered into the record at the examination board office (Examination Office) for the degree program (please add) of the (name of the faculty) of the University of Bonn. The mailing address is: (please add; if the street address of the office is different, please also include the office street address and opening hours for the record). The objection may also be filed by sending an electronic document with a qualified electronic signature to the examination board's email address (please add the examination board email address).

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**II. Appeal****ADVISORY OF LEGAL RECOURSE**

An appeal may be filed against this decision with the Cologne Administrative Court (Verwaltungsgericht Köln), Appellhofplatz, 50667 Cologne, Germany, within one month's time in writing, by oral statement entered into the record by a clerk of the court or by sending an electronic document in accordance with § 55a of the Code of Administrative Court Procedure (*Verwaltungsgerichtsordnung, VwGO*) and the Ordinance on Electronic Legal Communications (*Elektronischer-Rechtsverkehr-Verordnung, ERVV*). The electronic document must bear a qualified electronic signature by the responsible individual or be signed by the responsible individual and submitted via a secure transmission channel in accordance with § 55a paragraph 4 VwGO. The document must be suitable for processing by the court. If an appeal is filed by an attorney, an authority or a public-sector legal entity, including any combinations the latter forms to perform its public tasks, the appeal must be submitted in the form of an electronic document in accordance with § 55d sentence 1 VwGO. In accordance with § 55d sentence 2 VwGO, this also applies to other authorized representatives under the VwGO that have access to a secure transmission channel as specified in § 55a paragraph 4 sentence 1 number 2 VwGO. If transmission as an electronic document is temporarily impossible due to technical reasons, the parties specified in § 55d sentences 1 and 2 VwGO may also file an appeal in writing or by oral statement entered into the record by a clerk of the court. If an appeal is filed using these alternative means, credible evidence that transmission was temporarily impossible must be provided at the same time the appeal is filed or without delay after such filing; subsequent submission of an electronic document is required upon request. The appeal must state the claimant, the defendant and the subject matter of the case, and must include a specific motion. The appeal must provide facts or evidence supporting the claim and include the original or a copy of the decision in question. Copies for all parties concerned must be attached to the appeal. No copies are required in case of electronically filed documents.