



INTERNSHIP REPORT AND SUMMARY

Identification of the participant

Name: Dr. Julcher

First name: Angela

Nationality: Austrian

Country of exchange: Austria

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Hosting jurisdiction/institution: Bundessozialgericht (Federal Social Court)

City: Kassel

Country: Germany

Dates of the exchange: Nov 3rd to Nov 14th 2025

SUMMARY

Visiting the Social Federal Court of Germany was a highly enriching experience. After pledging secrecy according to the German Court Constitution Act, I was given the possibility to be part of one of the court's panels with access to all of its files and deliberations. Thus, I made the experience of being more or less like a regular member of my hosting court. I was introduced to some of the cases currently pending at the court and could attend an oral procedure held by "my" panel.

In addition, I got to know other institutions of legal interest residing in Kassel: Hessischer Verwaltungsgerichtshof (Higher Administrative Court of Hessen), Sozialgericht Kassel (Social Court of Kassel) and the Kassel office of the Bundesagentur für Arbeit (Federal Employment Agency).

All of this occurred in an atmosphere of utmost cordiality. It made me proud of being part of European Administrative Jurisdiction.



I. Programme of the exchange

During my stay, I was assigned to the 12th panel of the Federal Social Court, tasked with the law of contributions and insurance affiliation. I had the possibility to take part in the consultations of the panel, which brought deep insights in the way the members of the Court work on the decisions. I also attended oral procedures of the Court.

Apart from the work with the panel, I got to know the library, the document office (tasked with preparing judgements, literature and administrative regulations for internal and external research purposes) and the press office. I also had discussions with judges of the court on various questions of social security law, but also on matters such as the use of AI in jurisdiction and Court administration.

In addition, I was able to visit other institutions of legal interest residing in Kassel: Hessischer Verwaltungsgerichtshof (Higher Administrative Court of Hessen), where I had a discussion with the president and members of a panel tasked with asylum law; Sozialgericht Kassel (Social Court of Kassel), where I attended an oral hearing; and the Kassel office of the Bundesagentur für Arbeit (Federal Employment Agency), where I got to know the head of placement services and the court representative of the Agency, who provided valuable insights in the work of the Agency.

In an evening event with judges and scientific co-workers of the Court, I gave a talk on the selection and appointment of judges in Austria, which led to an interesting discussion about the systems of our two countries. For this occasion, Clemens Mayr, also judge of the Austrian Supreme Administrative Court, joined me and gave a lecture on the use of AI in labour market administration.

II. The hosting institution

In Germany, social jurisdiction represents an independent court branch (the others being ordinary jurisdiction, administrative jurisdiction, financial jurisdiction and labour jurisdiction). Courts with social jurisdiction in the Länder are Social Courts and Higher Social Courts. The highest court of justice with social jurisdiction in Germany is the Federal Social Court.

The Federal Social Court rules as the final resort on appeals against judgements pronounced by a higher social court. Under certain circumstances, Social Court judgements can be appealed directly in the Federal Social Court (so-called “leap-frog appeals”). As a matter of principle, the Federal Social Court only decides on points of law, so contrary to the Social and Higher Social Courts, the Federal Social Court does not grant temporary legal protection. The Federal Social Court also has no competence in proceedings of temporary legal protection.

It consists of currently twelve expert panels that are established to ensure that the judicial tasks at the Federal Social Court are performed. These decide on the appeals with in principle five members including the chairman, three of which are professional judges. In addition, two lay judges are always included. Lay judges are generally appointed for five years by the Federal Ministry for Labour and Social Affairs on the

basis of nomination lists from trade unions, independent associations of employees with socio-political and occupational objectives, employer associations, associations of state health service doctors and dentists as well as the health insurance groupings.

The expert panels are each tasked with certain matters of social security through the distribution-of-business plan and allocated to the judges as well as the lay judges. The distribution-of-business plan is always drawn up by an executive committee selected from the panel of judges at the start of each calendar year for its duration.

The Federal Social Court is led by a President (currently Christine Fuchsloch) who holds a special legal position. On the one hand, she is the supervisor of the judges, civil servants and salaried employees at the Federal Social Court. In this function she exercises among other things administrative supervision of judges, but of course only within the limits arising from judicial independence. On the other hand, she is a judge, who holds the chair on an expert panel and in addition by law that of the Great Panel, Executive Committee and Presidential Council.

III. The law of the host country

There is one striking difference between Austrian and German social security law: While in Austria - since 1998 - more or less all the working population (except the liberal professions such as medical doctors and attorneys of law) are subject to compulsory social insurance, there are more exceptions in Germany. But in Germany as in Austria, social insurance is widely considered to be (too) expensive, so there are certain attempts to avoid it. One example relates to teachers for leisure activities such as sports and music. In order to make lessons affordable for as many people as possible, there is pressure to keep costs low - and to avoid social insurance or at least (as is the case in Austria) to provide for social insurance in a less expensive branch of the social insurance system.

In Germany, parliament reacted to a recent ruling by the Federal Social Court (the "Herrenberg Urteil") stating that a certain music teacher was not working as a self-employed person, but as an employee subject to social security contributions. In reaction, the legislator created a transitional regulation until the end of 2026. Therefore, the social security obligation for employed teachers does not apply until the end of 2026 if the employer and teacher have assumed that the teacher is self-employed. In addition, the teacher must expressly agree that there is or will be no obligation to pay insurance and contributions due to employment until the end of 2026. During my stay, the court applied this regulation - for the first time - in the case of a flight instructor who would otherwise have been subject to social insurance as an employee. The court stated that the regulation is in accordance with the constitution because of its only transitional character - otherwise the fact that just a certain group of employees is exempted from the branch of social insurance actually applicable might infringe the principle of equality. The legislative efforts to "protect" people and institutions from social insurance systems are interesting, and they exist in Austria as well (for example for certain activities in the

field of sports). Courts, of course, can only apply the law, while dealing with possible impacts on society is the legislator's part.

IV. The comparative law aspect in your exchange

An important difference consists in the fact that social jurisdiction represents an own independent court branch in Germany. In Austria, the tasks of the Social Federal Court are mainly performed by only one panel of the Supreme Administrative Court and one panel of the Supreme Court of Justice. The German system means high specialisation of the judges dealing with social security law.

Another difference is the importance of oral procedure in Germany even in the highest courts (the federal courts, including the Federal Social Court) that act - being appeal courts - only on points of law, whereas in Austria, the Supreme Administrative Court hardly ever holds oral hearings, because it is thought sufficient that this task is fulfilled by the lower courts, being charged with finding the facts. During my stay, I had the opportunity to attend oral hearings held by "my" panel of the Federal Social Court and was highly impressed by the fruitful discussions on mere points of law that also seem to contribute to the acceptance of the decisions finally made.

As to substantial law in the field of social security, there are certainly more similarities than differences, which makes it all the more interesting to compare the ways of applying the law and resolving certain problems of facts that are as well similar in our two countries.

V. The European aspect of your exchange

During my stay, there was no opportunity to specifically observe the implementation or references to the instruments of law of the EU or/and of the European Convention on Human Rights in the jurisdiction of the court, but there were discussions about the requirements of the General Data Protection Regulation in various legal matters and also in the context of court administration.

VI. "Good Practice" within the host jurisdiction

In Germany - unlike in Austria - acknowledgements and settlements between the parties are possible also when public authorities are involved and also about claims under public law. This can happen during an oral hearing before the court or even beforehand. There are also specific mediation procedures that can be pursued. In the Austrian legal tradition, this possibility is viewed rather critically because it seems difficult to reconcile with the rule of law. But it is certainly an idea worth discussing, as it might contribute to legal peace and shorten court procedures as well as alleviate the work load of courts.



I already mentioned that I could witness the high esteem of oral hearings in the court procedures - in my opinion an important aspect of all jurisdiction. I was also told that since the pandemic, oral hearings by video conference are possible and rather common, which can be convenient in order to avoid long journeys to the court, but does not provide the same immediacy as a hearing in presence of all the parties.

VII. The benefits of the exchange

Getting to know a different culture of jurisdiction was interesting and enriching. It showed me that there are various solutions to the many challenges jurisdiction faces in our times - there is not just the one correct approach. I will certainly report about it to my colleagues and discuss new ideas, for example in the context of using AI as a court and contributing to the use of AI by legal publishers.

I am convinced that the exchange between judges from different countries can contribute to identifying best practices in order to integrate them in the respective systems. I hope to continue maintaining the contacts between our two courts and to strengthen our professional dialogue with regard to legal as well as administrative matters.

VIII. Suggestions

Everything was perfectly organized by ACA as well as by my hosting Court.

